

**ORDINANCE NO. 181**

As amended by Ordinances No. 229, 237\*, 255\*, 273, 274\*\*, 301, 309, 310\*  
(\*updates zoning map, \*\*Validates 273)

**ZONING ORDINANCE**

BE IT ORDAINED by the Village Board of the Village of Elsau:

ARTICLE I

This Ordinance classifying, regulating and restricting the location of trades and industries and the location of buildings designed for specific uses; to prohibit uses, buildings, or structures incompatible with the character of the different districts; and to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder: and to provide penalties for violation thereof.

Section 1. Title

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

Section 2. Intent and Purpose

This Ordinance is adopted for the following purposes:

To promote and protect the public peace, health safety, morals, and general welfare of the people;

To divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, business and other specified uses;  
*(Amended by Ordinance 229 dated June 9, 1987)*

To protect the character and the stability of the residential and business areas within the Village and to promote the orderly and beneficial development of such areas;  
*(Amended by Ordinance 229 dated June 9, 1987)*

To protect the areas of the village that have historical, architectural, aesthetic interest and value;

To provide adequate light, air, privacy and convenience of access to property;

To regulate the density of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and to protect the public health;

To fix reasonable standards to which buildings or structures shall conform therein;

To prohibit uses, buildings or structures incompatible with the intended uses and/or the character of development within specified zoning districts;

To prevent additions to, or alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations impose herein;  
To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for off-street parking of motor vehicles and the loading of commercial vehicles;

To protect against fire, explosion, nauseous fumes and other hazards in the interest of public health, safety, comfort and general welfare;

To prevent overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

To conserve the taxable value of land and buildings throughout the village;

To provide for the orderly development and protection of the contiguous area within one and one-half miles beyond the corporate limits of the Village of Elsah, Illinois, and not included within any other municipality.

To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

Section 3. *(Section Amended by Ordinance 309 dated September 14, 2010)*

Nothing in this Ordinance shall be construed to prevent the continuance of any existing use of land or buildings. No junk yards or places for the storage of discarded machinery, vehicles, or other scrap materials shall be maintained in any district. The use of land for the accommodation of trailers and/or mobile homes is prohibited, provided, that any property owner or lessee may accommodate one trailer of a nonpaying guest for a period not exceeding thirty (30) days in any one year, and, provided, further, that property owners and lessees may store or park trailers and/or mobile homes intended for off premises usage on the premises of the owner or lessee during a period of nonuse.

The above applies only to trailers and/or mobile homes utilized for residential purposes, and is not intended to cover single trailers and/or mobile homes owned by residents and stored or parked during periods of nonuse on the premises of the owner. In the R-2 residential district, the Zoning Board, after public hearing, may permit the use of land for trailer park sites and temporary use of a trailer or mobile home (the size of the lot per trailer to be determined by the Board) provided that such use will conform with the sanitary protection requirements of the Village.

No owner or occupant of land in any district shall permit fire or other ruins to be left within 100 feet of any street or highway, but within six months shall remove or refill the same to clear ground level, or shall repair, rebuild or replace said structure.

Any use that may be obnoxious or injurious by reason of production, emission of odor, dust, smoke, refuse matter, fumes, noise, vibration, or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or tending to its disturbance or annoyance, is prohibited.

Any business in any district must comply with any applicable local, county, state, or federal requirements.

## **ARTICLE II**

### **DEFINITIONS**

#### **Section 1. Accessory Buildings.**

A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

#### **Section 2. Alley.**

A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

#### **Section 3. Antique Shop.**

A retail store specializing in the selling of antiques. For an item to be considered an antique it must be collectible and at least 75 years old or more and must be collected and considered to be desirable because of age, beauty, rarity, condition, utility, and/or other unique features. Flea markets and establishments selling used goods are not included within the definition of antique shop.

#### **Section 4. Art Gallery.**

An establishment consisting of a room, series of rooms, building or space for the exhibition of art, usually visual art. Paintings are the most commonly displayed art objects; however, sculpture, decorative arts, furniture, textiles, costumes, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation art may be exhibited. Although primarily concerned with providing a space to show and sell works of visual art, art galleries may also provide a venue for other activities, such as performance art, music concerts, or poetry or book readings.

#### **Section 5. Bakery.**

A retail establishment where baked goods (such as breads and cakes and pastries) are produced and/or sold. Retail bakeries may also be **cafés**, serving coffee, tea, and similar beverages to customers for consumption on or off the bakery's premises.

#### **Section 6. Barber Shop/Salon.**

A barber shop is an establishment which offers haircuts as its primary service. A salon is an establishment providing hair styling and cosmetic treatments for men and women, including spas.

#### **Section 7. Bed and Breakfast Facility.**

A building primarily used as a one-family dwelling occupied by the owner in which lodging in no more than three (3) spare bedrooms is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house. Breakfast, and/or snacks may be prepared and/or served to lodging guests staying on the premises only and not to general restaurant customers.

#### **Section 8. Bike/Bicycle Shop.**

An establishment specializing in **bicycle** sales, maintenance and parts as well as clothing and other accessories, spare and replacement parts, tools, and services associated with bicycling.

#### **Section 9. Book Store.**

A retail establishment specializing in the sale of new or used books. Book stores may sell other printed matter besides books, such as newspapers, magazines, maps, greeting cards, postcards, bookmarks, reading glasses, calendars and similar printed items, and may also sell electronic media.

#### Section 10. Building.

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. When a structure is divided into separate parts by unpierced wall extending from the ground up, each part is deemed a separate building.

#### Section 11. Building Height.

The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the mean height level between eaves and ridge, for gable, hip and gambrel roofs.

#### Section 12. Certificate of Compliance.

A certificate issued by the Chairman of the Zoning Board pursuant to the provisions of this Ordinance which certifies that the use and/or occupancy, or any change in the use and/or occupancy, of land, an existing building, or a new building or structure is in compliance with this Ordinance.

#### Section 13. Church.

A nonresidential building or structure with the primary purpose of holding or conducting religious services and where off-site parking is provided.

#### Section 14. Computer Sales/ Repair/Service.

An establishment specializing in the sale, on-site repair, and/or servicing of computers and other related electronic equipment.

#### Section 15. Contiguous Territory.

That land situated at the corporate limits of the Village of Elsah, Illinois, and extending outward for one and one-half miles, which is not included within any municipality.

#### Section 16. Daycare/Child Care Facility (Licensed).

A state licensed establishment providing care for children during the day by a person other than the child's parent or legal guardian, usually performed by someone outside the child's immediate family. Daycare is typically an ongoing service during specific periods of the day, such as a parent's time at work.

#### Section 17. Dress Maker/Tailor/Alteration and Sales.

A retail and/or service establishment specializing in the making, tailoring, or altering of clothing such as dresses, blouses and gowns for women; and slacks, shirts and jackets for men.

#### Section 18. District.

A section or sections of the Village for which the regulations governing the use of buildings and premises, the height of buildings, and density of use are uniform.

Section 19. Dwelling.

Any building or portion thereof, but not a trailer, which is designed and used exclusively for residential purposes.

Section 20. Dwelling--One-family.

A building designed for or occupied exclusively by one family or household.

Section 21. Dwelling--Two-family.

A building designed for or occupied exclusively by not more than two families or households.

Section 22. Family / Household.

A) One (1) or more persons related by blood, adoption, or marriage and not more than two (2) additional persons all residing together as a single housekeeping unit.  
B) A number of persons, but not exceeding three (3), residing together as a single housekeeping unit where such persons are not related to one another by blood, adoption, or marriage.

Section 23. Farm.

An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals for the use or consumption of the person or persons operating the farm. The term "farming" includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

Section 24. Filling Station.

Any building or premises used for the dispensing, sale, and/or offering for sale at wholesale, discount, and/or retail any automobile fuels or oils, and/or lubricants.

Section 25. Florist/Floral Shop.

A retail establishment where flowers, ornamental plants and floral accessories are sold and services provided including flower care and handling, floral design or flower arranging, merchandising and display, and flower delivery.

Section 26. Garage or Yard Sale.

An event in which household items or other miscellaneous items are displayed and offered for sale, without vendor permit, on a residential premises, occurring no more than 4 times per year on any lot within the Village. Each garage or yard sale held on any lot must be registered with the Village prior to being conducted.

Section 27. Gift Shop/Card Shop.

An establishment that primarily sells greeting cards and/or gift or souvenir items often relating to a particular topic or theme.

Section 28. Greenhouse.

A permanent structure with glass or plexiglass walls and/or roofing designed and used for the cultivation and exhibition of plants under controlled growing conditions, but not including temporary structures for this purpose.

Section 29. Grocery/Produce/Food Store.

An establishment that primarily sells food products, fruits and vegetables.

Section 30. Hardware Store.

An establishment that sells hardware, supplies and products to end users for use in homes or businesses.

Section 31. Historic District.

The area of the Village of Elsayh designated as a historic district by Ordinance No. 190 and known as "Historic Elsayh".

Section 32. Home Occupation.

1. Any occupation or profession carried on by a member of the immediate family or household residing in the dwelling, in connection with which:
2. There is no sign used other than a single name plate not more than 1 foot square in area;
3. There is no display, appearance or indication, other than the permitted sign, which will indicate in any fashion from the exterior of the building that the building is being utilized in whole or in part for any purpose other than a dwelling;
4. There is no commodity sold (articles sold or offered for sale) upon the premises;
5. There is no person employed in the home occupation other than a member of the immediate family or household residing on the premises;
6. There is no mechanical or other equipment utilized in connection with the home occupation which is visible from the exterior of the building or indicates that a home occupation is occurring within the building and/or which in use creates any excessive noise, odor, dust, fumes, vibration, smoke, electrical interference or other adverse effect or indication that such home occupation is occurring on the premises,
7. The use involved in the home occupation is incidental to the residential use of the building
8. The use is conducted within a portion of the main building, and does not exceed twenty percent (20%) of the building's square footage and does not involve outside storage;
9. The use will not cause increased vehicular or pedestrian traffic or require additional parking space for the home occupation, and the home occupation will not obstruct any existing parking space; and
10. There are no motor vehicle repairs performed or personal services provided on the premises in connection with the home occupation, except personal services which are consistent with the historic character of the district and have been approved by the Zoning Board.
11. There is no routine attendance of students, patients, clients, subcontractors, or customers associated with any home occupation at the premises where the home occupation is carried on with the exception that the attendance of up to 3 persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means a regular and/or ongoing attendance as part of the conduct of the home occupation persons not domiciled in the premises without regard to the number, frequency, or duration of such visits.

Section 33. Ice Cream Shop.

An establishment that sells ice cream and/or frozen yogurt products such as gelato, ice cream cakes, ice cream bars, including various toppings, beverages, and other similar dessert items to consumers.

Section 34. Inn.

A building or group of buildings either constructed new or rehabilitated to be in keeping with the historic character of the community in which no more than six (6) lodging rooms are provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house. When permitted as a special use, meals may be prepared and/or served to lodging guests staying on the premises only and not to general restaurant customers.

#### Section 35. Jewelry/Watch Shop.

A retail establishment specializing in the sale, repair and/or service of jewelry, watches, and clocks.

#### Section 36. Junk Yard.

The use of more than two hundred square feet of any lot where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

#### Section 37. Landscaping.

The planting of flowers, shrubs, trees; outlining of garden beds with brick, natural stone or natural wood; minor grade changes which do not impact adjacent property or drainage; natural stone walls, either dry stack or mortared, up to 24 inches tall; and garden walkways. Landscaping which is within the foregoing definition shall not constitute a "structure" under the terms of this ordinance and a Certificate of Appropriateness under Ordinance No. 190 of the Village of Elsau is not required for landscaping within the foregoing definition.

#### Section 38. Lot.

A parcel of land occupied or intended for occupancy or a use permitted in this Ordinance, including one main building together with its accessory buildings, and having its principal frontage upon a street or upon an officially approved place.

#### Section 40. Non-conforming Use.

Any building or land lawfully occupied by a use at the time of passage of the original Zoning Ordinance or any amendment thereto, which does not conform, after the passage of the Zoning Ordinance or any amendment thereto, with the use regulation of the district in which it is situated.

#### Section 41. Nursery.

An establishment where plants such as groundcovers, shade plants, fruit trees or rock garden plants are propagated and grown to usable size,. Retail nurseries sell to the general public, wholesale nurseries sell only to other businesses (such as other nurseries and commercial gardeners), and private nurseries supply the needs of institutions or private estates. Retail and wholesale nurseries may also sell by means of mail or other off premises delivery.

#### Section 42. Orchard.

An orchard is an intentional planting of fruit or nut producing trees or shrubs maintained for food production.

#### Section 43. Photography Shop.

An establishment where a photographer is paid for photographic images rather than works of art. Some shops also sell cameras and related photographic equipment and supplies, including film processing and printing.

#### Section 44. Professional Office.

An office where an expert with specialized knowledge in a field, profession, or service provides services to clients or patients and conducts business.

#### Section 45. Restaurant.

A business establishment serving meals prepared either on or off the premises for consumption on the premises. Specifically not included are such establishments serving meals or selling snacks solely for consumption off the premises, or for consumption in automobiles. No restaurant shall be permitted to provide drive thru or curbside service.

#### Section 47. Shoe Sales & Repair.

A service and retail business specializing the sale and repairing of shoes, boots and other foot apparel. May also include the sale of related items.

#### Section 48. Signs and Name Plates.

A permanent or semi-permanent notice relating to services, articles, events and products offered within the building or on the premises to which the notice pertains. The lighting on signs cannot be neon or fluorescent. Signs and name plates in the historic district must also comply with provisions of Ordinance No. 190.

#### Section 49. Story.

That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

#### Section 50. StoryHalf.

A space under a sloping roof which has the line of intersection of roof decking and wall space not more than three feet above the top floor level, and in which space not more than sixty percent of the floor area is finished for use.

#### Section 51. Street.

All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to easements therefor.

#### Section 52. Structure.

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, garages, tool sheds, fences, advertising signs, billboards, radio and television antennae, or satellite receiving dishes. Landscaping, as defined in Section 37 hereof, does not constitute a structure.

#### Section 53. Structural Alterations.

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

#### Section 54. Tearoom.

A small restaurant where tea and other non-alcoholic beverages and light meals or pastries are served.

#### Section 55. Trailers and Mobile Homes.



Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been or reasonably can be, equipped with wheels or placed upon devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp cars, house cars, and mobile homes.

Section 56. Truck and Flower Garden.

A truck or flower garden is an establishment where small-scale production of fruits, vegetables and flowers occurs and the products produced on-site are sold directly to consumers, restaurants, florists, or other similar businesses. Produce is grown on small areas of land or in greenhouses on site to provide a wide range and steady supply of fresh produce through the local growing season.

Section 57. Village.

The term "Village" as used in this Ordinance means the Village of Elsah, Illinois.

Section 58. Wearing Apparel Shop.

An establishment selling new or used clothing and accessories at retail

Section 59. Wildlife Reservation.

A protected area of importance for wildlife, flora, fauna or features of geological or other special interest, which is reserved and managed for conservation and to provide special opportunities for study or research.

Section 60. Zoning Lot.

Any legally platted lot or group of adjacent lots under common ownership at the effective date of this amendatory Ordinance No. 229.

**ARTICLE III**  
**USE DISTRICTS**

Section 1. (Section amended to read as follows by Amending Ordinance 229 dated June 9, 1987)

In order to carry out the purposes and provisions of this Ordinance, the Village of Elsah is hereby divided into the following districts:

R-1 One-family dwelling district

R-2 One-family dwelling district

R-3 Two-family dwelling district

B-1 Historic Business district

B-2 Historic Business district

PC Public and cultural district

Section 2.

The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which map is designated as the "District Map." The District Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or derived herein, the original of which District Map is properly attested and is on file with the Clerk of the Village of Elsah. *(Map amended by Amending Ordinance 237 dated July 14, 1998, Amending Ordinance 255 dated August 8, 1995 & was subsumed by Amending Ordinance 310 dated September 14, 2010. Revised maps from Amending Ordinance 310 dated September 14, 2010 are attached to the end of this document.)*

Section 3.

All property hereafter annexed to the Village shall be classified as an R-2 district until this classification is changed by amendment to this Ordinance. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such a vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 4.

All streets, alleys, public-ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways and railroad rights-of-way. Where the center line of a street, alley, public-way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 5.

Where uncertainty exists with respect to the boundaries of the various districts, as shown in the accompanying District Map and made a part of this Ordinance, the following rules apply:

The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

Where the district boundaries are not otherwise indicated, and where the property has been or may be hereafter divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundaries of the districts unless the boundaries are otherwise indicated on the map.

Section 6.

In the unsubdivided property, the district boundary lines on the map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the map.

Section 7.

No building or structure shall be erected converted, enlarged, reconstructed, destroyed or structurally altered, nor shall any building or land be used for any purpose other than is permissible under the limitations set forth herein for the district in which such building is located.

Section 8. Building Height and Lot Coverage

No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height, a higher ratio of lot coverage, or smaller open space about it than permissible under the limitations set forth herein for the district in which such building is located.

Section 9.

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one year from the date of the passage and publication of this Ordinance.

Section 10.

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a zoning lot as herein defined and in no case shall there be more than one such building on one zoning lot.

Section 11. *(Amended by Amending Ordinance 229 Dated June 9, 1987)*

An area indicated on the District Map as a public park, public school site, cemetery, or other similar open space shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the Village Board within three months after the date of application filed for rezoning.

Section 12. *(Amended by Amending Ordinance 229 Dated June 9, 1987)*

The lawful use of land for storage purposes (where such use is not an adjunct of any structure) and for advertising signs and billboards which does not conform to the provisions of this Ordinance shall be discontinued within five years from the date of the approval of this Ordinance, and the same uses of land which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within five years from the date of the change.

Section 13. Continuation of Nonconforming Uses. *(Amended by Amending Ordinance 229 Dated June 9, 1987)*

Any use of a building or property which is lawful at the time of the adoption of amending Ordinance No. 229 but which is rendered a nonconforming use solely by reason of the amending Ordinance, may be continued indefinitely, even after sale of the building or property to a new owner or to a series of new owners, subject to the provisions of this Ordinance, although such use does not conform with the provisions hereof, and the Zoning Board shall prepare a list of such nonconforming uses within ninety (90) days following the adoption of amendatory Ordinance No. 229 and notify the owners of such property of their status as legal nonconforming uses. If no structural alterations are made, nonconforming use of the building or property may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Wherever a nonconforming use of a building or property has been changed to a more restricted use or to a conforming use, such building or property shall not thereafter be changed to a less restricted use.

**Section 14. Discontinuation of Nonconforming Uses. *(Amended by Amending Ordinance 229 Dated June 9, 1987)***

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of two years, the use of the same shall thereafter conform to the regulations of the district in which it is located

**Section 15. Maintenance of Nonconforming Uses. *(Amended by Amending Ordinance 229 Dated June 9, 1987)***

Normal maintenance of a building or other structure containing non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use

**Section 16. Enlargement or Extension of Nonconforming Uses. *(Amended by Amending Ordinance 229 Dated June 9, 1987)***

A nonconforming usage of a building or property may be enlarged or extended only if the entire building or property is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located. No building or property partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use. No nonconforming building in any residential district shall be so altered as to increase the number of dwelling units therein. No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this Ordinance No. 229, or to displace any conforming use in the same building on the same parcel.

## **ARTICLE IV**

### **RESIDENTIAL DISTRICT R-1--ONE-FAMILY DWELLING DISTRICT**

#### **Section 1. Permitted Uses.**

Single-family or household dwellings  
Churches, but only when off-street parking is provided  
Public schools  
Public park  
Home occupations (as defined and limited in Article II)  
Garage or yard sale (as defined and limited in Article II)

#### **Section 2. Special Uses.**

The following special uses may be allowed in specific situations in accordance with the procedures and criteria of Article X and XII of this Ordinance:

Art galleries  
Bookstores  
Card shop/gift shops  
Bed & Breakfast Establishments (breakfast and/or snacks only provided)  
Wearing apparel shops (new or resale)  
Dress making/tailoring shops  
Computer sales & repair shops  
Shoe sales & repair shops  
Antique shops  
Jewelry/watch shops  
Hair salon/barber shops (single chair)

#### **Section 3. Accessory Buildings and Uses.**

Accessory buildings and accessory uses customarily incident to a permitted use or an approved special use, not involving the conduct of a business, except as otherwise allowed as a special use.

#### **Section 4. Height and Size Restrictions.**

No building hereafter erected or altered shall exceed two and one-half stories, nor shall it exceed forty feet in height and no building so erected or altered shall have a length, width or mass which is disproportionate to the size of the lot upon which such building is erected or altered.

#### **Section 5. Signs.**

Signs pertaining to the lease, hire, or sale of the building or to the sale of products or services permitted on the premises shall be permitted, subject to the procedures and criteria in Section Five of the Historical and Preservation Ordinance of the Village of Elsau, except that permanent ground signs, illuminated signs, and window signs are prohibited.

#### **Section 6. Specific Conditions/Provisions.**

All special uses within an R-1 District shall comply with the following conditions:

a. Shared Usage.

Dwellings and business uses may be allowed on the same floor, provided that the public access to the business is separated from the entrance to the residential use.

b. Intent.

All business establishments shall be retail, service, or professional offices dealing

directly with consumers or clients. All finished goods or merchandise produced on the premises shall be sold at retail primarily on the premises where produced, and not for assembly or sale off-site.

c. Business Conduct.

All business shall be conducted within completely enclosed buildings. The Village Board may waive this provision by designating specific days on which business establishments may conduct their businesses outside the building or structure, or store goods outside the building or structure.

d. Compatible with Existing Development.

The nature and intensity of the activities involved and the size, placement and design of any buildings and structures proposed for business usage will be so planned that the special use will be compatible with the surrounding and nearby development and will not impede the normal and orderly development and improvement of surrounding and nearby property.

e. Lot of Sufficient Size.

The size of the lot will be sufficient for the use proposed.

f. Traffic.

The location of the special use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the Special Use.

g. Access.

Entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances and in the historic district must be in keeping with the historic character of the district.

h. Off-site Parking.

Available parking in the area of the Village where the special use is proposed must be adequate to accommodate vehicular traffic and parking needs generated by the proposed use.

i. On-site Parking.

On-site parking in the historic district must be minimized, and any on-site parking provided in the historic district must be designed and located so as to minimize impact on the historic character and pre-existing green space of the district.

j. Effect on Neighborhood.

In all respects, including, but not limited to, noise and intensity of exterior illumination, the special use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.

k. Adequate Facilities.

Adequate utilities, access roads, drainage facilities and/or other necessary facilities must be provided.

l. Adequate Buffering.

Adequate fencing and/or screening and/or landscaping shall be provided to ensure the enjoyment of surrounding properties, to provide for the public's safety or to screen parking areas and other visually incompatible uses, provided, however, must be in keeping with historic character in the historic district.

m. Compatible with Historic Character.

Special uses proposed within the historic district must not adversely affect the historic character of the district, and that the design dimensions, heights, lot coverage, setbacks, and bulk of any proposed building or structure, or addition or alteration thereto, must be as nearly compatible as practicable with any previous historic building or historic structure on the site.

n. Usage Area.

A special use shall not exceed 50% of the total square footage of the residence on the lot or 100% of the square footage of an outbuilding on a lot, provided that a special use shall be limited to one structure only per lot.

o. Density.

Consideration will be given to the number and types of pre-existing and/or contiguous business/home occupations to ensure that existing neighborhoods do not have an excessive concentration of such activities.

p. Special uses in the R-1 District shall be limited to no more than one special use on each zoning lot, as defined herein.

**ARTICLE V**

**RESIDENTIAL DISTRICT R-2--ONE-FAMILY DWELLING DISTRICT**

**Section 1. Permitted Uses.**

Any building or lot within the R-2 district may be used only for the following purposes:

- Single-family/household dwellings
- Residences for college faculty, staff and other college facilities
- Farms, excluding the raising of livestock except on adequately fenced tracts containing not less than ten acres and having an average width of not less than three hundred, and excluding the raising of poultry except when on a tract which is adequately fenced and which livestock or poultry be housed or confined within two hundred feet of a tract of one acre or less containing a single-family residence. Livestock and poultry may be raised only in quantities reasonably sufficient for the immediate use of and consumption by the occupants of the lot(s), providing the property is adequately fenced and that the public health, safety and welfare are not adversely affected.
- Truck and flower gardens, nurseries, orchards, and greenhouses.
- Public and private forests and wildlife reservations or similar conservation projects
- Home occupations (as defined and limited in Article II)
- Garage or yard sale (as defined and limited in Article II)

**Section 2. Special Uses.**

The following special uses may be allowed in specific situations in accordance with the procedures and criteria of Article X and XII of this Ordinance:

- Art galleries
- Bookstores
- Card shop/gift shops
- Bed & Breakfast Establishments (breakfast and/or snacks only provided)
- Wearing apparel shops
- Dress making/tailoring shops
- Computer sales & repair shops
- Shoe sales & repair shops
- Antique shops
- Jewelry/watch shops
- Hair salon/barber shops (single chair)

**Section 3. Signs.**

Signs pertaining to the lease, hire, or sale of the building or to the sale of products or services permitted on the premises shall be permitted, subject to the procedures and criteria in Section Five of the Historical and Preservation Ordinance of the Village of Elmhurst, Ordinance No. 190, as amended, except that permanent ground signs, illuminated signs, and window signs are prohibited.

**Section 4. Accessory Buildings and Uses.**

Accessory buildings and accessory uses customarily incident to a permitted use or an approved special use, not involving the conduct of a business, except as otherwise allowed as a special use.

**Section 5. Height and Size Restrictions.**

No building hereafter erected or altered shall exceed two and one-half stories, nor



shall it exceed forty feet in height and no building so erected or altered shall have a length, width or mass which is disproportionate to the size of the lot upon which such building is erected or altered.

#### Section 6.

No building shall be erected within twenty-five (25) feet of any property or street line, unless for demonstrated reasons shown to the Zoning Board, compliance with this requirement would be impractical or would impose an undue hardship on the owner of the property. Approval of the Zoning Board shall be required for a building to be erected closer than twenty-five (25) feet to any property or street line.

#### Section 7. Specific Conditions/Provisions.

All special uses within an R-2 District shall comply with the following conditions:

##### a. Shared Usage.

Dwellings and business uses may be allowed on the same floor, provided that the public access to the business is separated from the entrance to the residential use.

##### b. Intent.

All business establishments shall be retail, service, or professional offices dealing directly with consumers or clients. All finished goods or merchandise produced on the premises shall be sold at retail primarily on the premises where produced, and not for assembly or sale off-site.

##### c. Business Conduct.

All business shall be conducted within completely enclosed buildings. The Village Board may waive this provision by designating specific days on which business establishments may conduct their businesses outside the building or structure, or store goods outside the building or structure.

##### d. Compatible with Existing Development.

The nature and intensity of the activities involved and the size, placement and design of any buildings and structures proposed for business usage will be so planned that the special use will be compatible with the surrounding and nearby development and will not impede the normal and orderly development and improvement of surrounding and nearby property.

##### e. Lot of Sufficient Size.

The size of the lot will be sufficient for the use proposed.

##### f. Traffic.

The location of the special use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the Special Use.

##### g. Access.

Entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances and in the historic district must be in keeping with the historic character of the district.

##### h. Off-site Parking.

Available parking in the area of the Village where the special use is proposed must be adequate to accommodate vehicular traffic and parking needs generated by the proposed use.

##### i. On-site Parking.

On-site parking in the historic district must be minimized, and any on-site parking provided in the historic district must be designed and located so as to minimize impact on the historic character and pre-existing green space of the district.

j. Effect on Neighborhood.

In all respects, including, but not limited to, noise and intensity of exterior illumination, the special use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.

k. Adequate Facilities.

Adequate utilities, access roads, drainage facilities, and/or other necessary facilities must be provided.

l. Adequate Buffering.

Adequate fencing and/or screening and/or landscaping shall be provided to ensure the enjoyment of surrounding properties, to provide for the public's safety or to screen parking areas and other visually incompatible uses, provided, however, that such buffering must be in keeping with historic character in the historic district.

m. Compatible with Historic Character.

Special uses proposed within the historic district must not adversely affect the historic character of the district, and the design dimensions, heights, lot coverage, setbacks, and bulk of any proposed building or structure, or addition or alteration thereto, must be as nearly compatible as practicable with any previous historic building or historic structure on the site.

n. Usage Area.

A special use shall not exceed 50% of the total square footage of the residence on the lot or 100% of the square footage of an outbuilding on a lot, provided that a special use shall be limited to one structure only per lot.

o. Density.

Consideration will be given to the number and types of pre-existing and/or contiguous business/home occupations to ensure that existing neighborhoods do not have an excessive concentration of such activities.

p. Special uses in the R-2 District shall be limited to no more than one special use on each zoning lot, as defined herein.

**ARTICLE VI**

**RESIDENTIAL DISTRICT R-3 -- TWO-FAMILY DWELLING DISTRICT**

Section 1.

A building or premises shall be used only for the following purposes:

- Two-family or two household dwellings
- Home occupations (as defined and limited in Article II)
- Garage or yard sale (as defined and limited in Article II)

Section 2.

Livestock and poultry may be raised only in quantities reasonably sufficient for the immediate use of and consumption by the occupants of the lot(s), provided the property is adequately fenced and that the public health, safety, and welfare are not adversely affected. Accessory buildings and accessory uses customarily incident to the foregoing uses, not involving the conduct of business are allowed in the R-3 District.

Section 3. Special Uses.

The following special uses may be allowed in specific situations in accordance with the procedures and criteria of Article X and XII of this Ordinance:

- Art galleries
- Bookstores
- Card shop/gift shops
- Bed & Breakfast Establishments (breakfast and/or snacks only provided)
- Wearing apparel shops (new or resale)
- Dress making/tailoring shops
- Computer sales & repair shops
- Shoe sales & repair shops
- Antique shops
- Jewelry/watch shops
- Hair salon/barber shops (1 chair)

Section 4. Accessory Buildings and Uses.

Accessory buildings and accessory uses customarily incident to a permitted use or an approved special use, not involving the conduct of a business, except as otherwise allowed as a special use.

Section 5. Height and Size Restrictions.

No building hereafter erected or altered shall exceed two and one-half stories, nor shall it exceed forty feet in height and no building so erected or altered shall have a length, width or mass which is disproportionate to the size of the lot upon which such building is erected or altered.

Section 6. Signs.

Signs pertaining to the lease, hire, or sale of the building or to the sale of products or services permitted on the premises shall be permitted, subject to the procedures and criteria in Section Five of the Historical and Preservation Ordinance of the Village of Elsau, Ordinance No. 190, as amended, except that permanent ground signs, illuminated signs, and window signs are prohibited.

## Section 7. Specific Conditions/Provisions.

All special uses within an R-3 District shall comply with the following conditions:

a. Shared Usage.

Dwellings and business uses may be allowed on the same floor, provided that the public access to the business is separated from the entrance to the residential use.

b. Intent

All business establishments shall be retail, service, or professional offices dealing directly with consumers or clients. All finished goods or merchandise produced on the premises shall be sold at retail primarily on the premises where produced, and not for assembly or sale off-site.

c. Business Conduct.

All business shall be conducted within completely enclosed buildings. The Village Board may waive this provision by designating specific days on which business establishments may conduct their businesses outside the building or structure, or store goods outside the building or structure.

d. Compatible with Existing Development.

The nature and intensity of the activities involved and the size, placement and design of any buildings and structures proposed for business usage will be so planned that the special use will be compatible with the surrounding and nearby development and will not impede the normal and orderly development and improvement of surrounding and nearby property.

e. Lot of Sufficient Size.

The size of the lot will be sufficient for the use proposed.

f. Traffic.

The location of the special use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the special use.

g. Access.

Entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances and in the historic district must be in keeping with the historic character of the district.

h. Off-site Parking.

Available parking in the area of the Village where the special use is proposed must be adequate to accommodate vehicular traffic and parking needs generated by the proposed use.

i. On-site Parking.

On-site parking in the historic district must be minimized, and any on-site parking provided in the historic district must be designed and located so as to minimize impact on the historic character and pre-existing green space of the district.

j. Effect on Neighborhood.

In all respects, including, but not limited to, noise and intensity of exterior illumination, the special use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.

k. Adequate Facilities.

Adequate utilities, access roads, drainage facilities and/or other necessary facilities must be provided.

l. Adequate Buffering.

Adequate fencing and/or screening and/or landscaping shall be provided to ensure the enjoyment of surrounding properties, to provide for the public's safety or to screen parking areas and other visually incompatible uses, provided, however, must be in keeping with historic character in the historic district.

m. Compatible with Historic Character.

Special uses proposed within the historic district must not adversely affect the historic character of the district, and the design dimensions, heights, lot coverage, setbacks, and bulk of any proposed building or structure, or addition or alteration thereto, must be as nearly compatible as practicable with any previous historic building or historic structure on the site.

n. Usage Area.

A special use shall not exceed 50% of the total square footage of the residence on the lot or 100% of the square footage of an outbuilding on a lot, provided that a special use shall be limited to one structure only per lot.

o. Density.

Consideration will be given to the number and types of pre-existing and/or contiguous business/home occupations to ensure that existing neighborhoods do not have an excessive concentration of such activities.

p. Special uses in an R-3 District shall be limited to no more than one special use on each zoning lot, as defined herein.

**ARTICLE VII**

**HISTORIC BUSINESS DISTRICT B-1**

**Section 1. Intent.**

The B-1 Historic Business District is intended to provide commercial services including overnight accommodations in keeping with the historic character of the Village for persons visiting Elsay and to provide retail shopping and commercial services for persons residing in the Village.

**Section 2. Permitted Uses.**

- Art galleries
- Bed and breakfast facilities (breakfast and/or snacks only provided)
- Book Stores
- Card shops
- Dwellings
- Inns (no meals or snacks served)
- Wearing apparel shops (new or resale)
- Antique shops
- Gift shops
- Dress making and tailoring shops
- Computer sales & repair shops
- Jewelry/watch shops
- Shoe sales & repair shops
- Home occupations (as defined and limited in Article II)
- Garage or yard sale (as defined and limited in Article II)

Other similar commercial uses not specifically listed herein which have economic compatibility with the established uses in this district, are in keeping with the historic character of the district, and which do not adversely affect the volume of traffic in or about the district or the intensity of use of the property.

Permitted uses shall be limited to zoning lots, as defined herein, within the B-1 Historic Business District. In the event that any proposed permitted use would exceed a zoning lot, such proposed usage shall be treated as a special use subject to the provisions of Section 3 hereof.

**Section 3. Special Uses.**

The following special uses may be allowed in specific situations in accordance with the procedures and criteria of Articles X and XII of this Ordinance:

- Bakeries
- Bed and breakfast establishments (meals other than breakfast, and/or snacks served to lodgers only)
- Inns (meals or snacks served to lodgers only)
- Professional Offices
- Restaurants
- Tearooms
- On-site parking for customers and/or employees
- Barber/beauty shops
- Photography shops
- Ice cream shops
- Bike rental shops
- Florist/Floral shops
- Grocery/Produce/Food Stores
- Daycare/Child Care Facilities (Licensed)
- Hardware Stores

#### Section 4. Accessory Buildings and Uses.

Accessory buildings and uses customarily incident to a permitted use or an approved special use shall be allowed.

#### Section 5. Signs.

Only signs relating to the services, articles and products offered within the building or on the premises shall be allowed, provided that the requirements, procedures, and criteria in Section Five of the Elsay Historical and Preservation Ordinance shall be applicable to all signs in the B-1 district.

#### Section 6. Height and Size Restrictions.

No building hereafter erected or altered shall exceed two and one-half stories, nor shall it exceed forty feet in height and no building so erected or altered shall have a length, width or mass which is disproportionate to the size of the lot upon which such building is erected or altered.

#### Section 7. Required Conditions.

All uses (permitted and special) in this district shall comply with the following conditions:

a. Shared Usage.

Dwellings and business uses allowed on the same floor, must have the public access to the business separated from the entrance to the residential use.

b. Intent.

All business establishments shall be retail, service, or professional offices dealing directly with consumers or clients. All finished goods or merchandise produced on the premises shall be sold at retail primarily on the premises where produced, and not for assembly or sale off-site.

c. Business Conduct.

All business shall be conducted within completely enclosed buildings. The Village Board may waive this provision by designating specific days on which business establishments may conduct their businesses outside the building or structure, or store goods outside the building or structure.

d. Compatible with Existing Development.

The nature and intensity of the activities involved and the size, placement and design of any buildings and structures proposed will be so planned that the use will be compatible with the surrounding and nearby development and will not impede the normal and orderly development and improvement of surrounding and nearby property.

e. Lot of Sufficient Size.

The size of the lot will be sufficient for the use proposed.

f. Traffic.

The location of the use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the use.

g. Access.

Entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances and in the historic district must be in keeping with the historic character of the district.

**h. Off-site Parking.**

Available parking in the area of the Village where the use is conducted must be adequate to accommodate vehicular traffic and parking needs generated by the proposed use.

**i. On-site Parking.**

On-site parking in the historic district must be minimized, and any on-site parking provided in the historic district must be designed and located so as to minimize impact on the historic character and pre-existing green space of the district.

**j. Effect on Neighborhood.**

In all respects, including, but not limited to, noise and intensity of exterior illumination, the special use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.

**k. Adequate Facilities.**

Adequate utilities, access roads, drainage facilities and/or other necessary facilities must be provided.

**l. Adequate Buffering.**

Adequate fencing and/or screening and/or landscaping shall be provided to ensure the enjoyment of surrounding properties, to provide for the public's safety or to screen parking areas and other visually incompatible uses, provided, however, that such buffering must be in keeping with historic character in the historic district.

**m. Compatible with Historic Character.**

Uses within the historic business district must not adversely affect the historic character of the district, and the design dimensions, heights, lot coverage, setbacks, and bulk of any proposed building or structure, or addition or alteration thereto, must be as nearly compatible as practicable with any previous historic building or historic structure on the site

**n. Special uses in the B-1 District shall be limited to no more than one special use on each zoning lot, as defined herein.**



**ARTICLE VIII**

**HISTORIC BUSINESS DISTRICT B-2**

Section 1. Intent.

The B-2 Historic Business District is intended to provide commercial services at the traditional and historical commercial center of the Village to persons residing in the Village and to persons visiting the historic district.

Section 2. Permitted Uses.

Bakeries  
Book Stores  
Barber or beauty shops  
Card shops  
Dressmaking and tailoring shops  
Dwellings  
Grocery/Produce/Food stores  
Gift shops  
Professional offices  
Restaurants (no catering)  
Tearooms (no catering)  
Wearing apparel shops (new or resale)  
Antique shops  
Dress making and tailoring shops  
Computer sales & repair shops  
Jewelry/watch shops  
Shoe sales & repair shops  
Home occupations (as defined and limited in Article II)  
Garage or yard sale (as defined and limited in Article II)

Other similar commercial uses not specifically listed herein which have economic compatibility with the established uses in this district, are in keeping with the historic character of the district, and which do not adversely affect the volume of traffic in or about the district or the intensity of use of the property.

Permitted uses shall be limited to zoning lots, as defined herein, within the B-2 Historic Business District. In the event that any proposed permitted use would exceed a zoning lot, such proposed use shall be treated as a special use subject to the provisions of Section 3 hereof.

Section 3. Special Uses.

The following special uses may be allowed in specific situations in accordance with the procedures and criteria of Articles X and XII of this Ordinance:

Art galleries  
On-site parking for customers and/or employees  
Restaurants (catering meals off the premises)  
Tearooms (catering meals off the premises)  
Florist/Floral shops  
Photography shops  
Bike Rental shops  
Hardware stores

Section 4. Accessory Buildings and Uses.

Accessory buildings and uses customarily incident to a permitted use or an approved special use shall be allowed.

## Section 5. Signs.

Only signs relating to the services, articles and products offered within the building or on the premises shall be allowed, provided that the requirements, procedures, and criteria in Section Five of the Elsay Historical and Preservation Ordinance shall be applicable to all signs in the B-2 district.

## Section 6. Height and Size Restrictions.

No building hereafter erected or altered shall exceed two and one-half stories, nor shall it exceed forty feet in height and no building so erected or altered shall have a length, width or mass which is disproportionate to the size of the lot upon which such building is erected or altered.

## Section 7. Required Conditions

All uses (permitted and special) in this district shall comply with the following conditions:

### a. Shared Usage.

Dwellings and business uses allowed on the same floor must have the public access to the business separated from the entrance to the residential use.

### b. Intent.

All business establishments shall be retail, service, or professional offices dealing directly with consumers or clients. All finished goods or merchandise produced on the premises shall be sold at retail primarily on the premises where produced, and not for assembly or sale off-site.

### c. Business Conduct.

All business shall be conducted within completely enclosed buildings. The Village Board may waive this provision by designating specific days on which business establishments may conduct their businesses outside the building or structure, or store goods outside the building or structure.

### d. Compatible with Existing Development.

The nature and intensity of the activities involved and the size, placement and design of any buildings and structures proposed will be so planned that the use will be compatible with the surrounding and nearby development and will not impede the normal and orderly development and improvement of surrounding and nearby property.

### e. Lot of Sufficient Size.

The size of the lot will be sufficient for the use proposed.

### f. Traffic.

The location of the use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the use.

### g. Access.

Entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances and in the historic district must be in keeping with the historic character of the district.

### h. Off-site Parking.

Available parking in the area of the Village where the use is conducted must be adequate to accommodate vehicular traffic and parking needs generated by the proposed use.

### i. On-site Parking.

On-site parking in the historic district must be minimized, and any on-site parking provided in the historic district must be designed and located so as to minimize impact on the historic character and pre-existing green space of the district.

j. Effect on Neighborhood.

In all respects, including, but not limited to, noise and intensity of exterior illumination, the special use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.

k. Adequate Facilities.

Adequate utilities, access roads, drainage facilities, and/or other necessary facilities must be provided.

l. Adequate Buffering.

Adequate fencing and/or screening and/or landscaping shall be provided to ensure the enjoyment of surrounding properties, to provide for the public's safety or to screen parking areas and other visually incompatible uses, provided, however, that such buffering must be in keeping with historic character in the historic district.

m. Compatible with Historic Character.

Uses within the historic business district must not adversely affect the historic character of the district, and the design dimensions, heights, lot coverage, setbacks, and bulk of any proposed building or structure, or addition or alteration thereto, must be as nearly compatible as practicable with any previous historic building or historic structure on the site.

n. Special uses in the B-2 District shall be limited to no more than one special use on each zoning lot, as defined herein.

**ARTICLE IX**

*New Article added by Amending Ordinance 229 dated June 9, 1987*

**PUBLIC AND CULTURAL DISTRICT PC**

Section 1. Intent.

The PC Public and Cultural District is intended to reserve an area in the Village for government functions and buildings, religious, educational, and cultural activities, public parking and open space for active and passive recreation

Section 2. Permitted Uses.

Churches, but only when off-street parking is provided.

Civic buildings

Concert halls

Public museums

Offices for civic, cultural or religious organizations.

Post offices or postal substations

Public parks

Schools

Storage of educational materials

Section 3. Special Uses.

The following special uses may be permitted in specific situations in accordance with the procedures and criteria in ARTICLES X and XII of this Ordinance:

Clubs, lodges and meeting places for organizations, but not uses customarily conducted as a gainful business

Public parking

Section 4. Accessory Buildings and Uses.

Accessory buildings and uses customarily incident to a permitted use or an approved special use shall be allowed.

Section 5. Signs.

Only signs relating to the organization, activity, or use of the building or premises shall be allowed, subject to the procedures and criteria in Section Five of the Elsay Historical and Preservation Ordinance.

Section 6. Height and Size Restrictions.

No building hereafter erected or altered shall exceed two and one-half stories, nor shall it exceed forty feet in height and no building so erected or altered shall have a length, width or mass which is disproportionate to the size of the lot upon which such building is erected or altered.

## **ARTICLE X**

### **SPECIAL USES: STANDARDS FOR APPROVAL (ALL DISTRICTS)**

#### **Section 1. Purpose.**

In order to accomplish the general purpose and intent of this Ordinance, certain uses in some zoning districts are classified as Special Uses. Because of their unique characteristics and potential impact upon neighboring development, public facilities, and the character of the Village, such uses cannot be allowed as permitted uses and need specific regulations to achieve compatibility with existing development and the character of the Village. In each case, the impact of the proposed use upon neighboring land and uses, and the public need for the particular use at the particular location must be considered.

#### **Section 2. Standards for Review.**

A Special Use shall be recommended by the Zoning Board only if the Zoning Board finds that the proposed use meets all of the following standards:

**a. Compatible with Existing Development.**

The nature and intensity of the activities involved and the size, placement and design of any buildings and structures proposed will be so planned that the Special Use will be compatible with the surrounding and nearby development and will not impede the normal and orderly development and improvement of surrounding and nearby property.

**b. Lot of Sufficient Size.**

The size of the lot will be sufficient for the use proposed.

**c. Traffic.**

The location of the Special Use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the Special Use.

**d. Access.**

Entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances and in the historic district be in keeping with the historic character of the district.

**e. Off-site Parking.**

Available parking in the area of the Village where the special use is proposed is adequate to accommodate cars generated by the proposed use.

**f. On-site Parking.**

On-site parking in the historic district will be minimized, and any on-site parking provided in the historic district will be designed and located so as to minimize impact on the historic character and pre-existing green space of the district.

**g. Effect on Neighborhood.**

In all respects, including but not limited to noise and intensity of exterior illumination, the special use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.

**h. Adequate Facilities.**

That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

**i. Adequate Buffering.**

Adequate fencing and/or screening and/or landscaping shall be provided to ensure the enjoyment of surrounding properties, to provide for the public's safety or to screen parking areas and other visually incompatible uses, but must be in keeping with historic character in the historic district.

j. **Compatible with Historic Character.**

That Special Uses proposed within the historic district will not adversely affect the historic character of the district, and that the design dimensions, heights, lot coverage, setbacks, and bulk of any proposed building or structure, or addition or alteration thereto, is as compatible as possible with any previous historic building or historic structure on the site.

k. In addition to the foregoing conditions and requirements which are applicable to all special uses, a special use must meet the specific conditions and requirements set out above for each particular zoning district.

## ARTICLE XI

*(New Article added by Amending Ordinance 229 dated June 9, 1987)*

### VARIATIONS: STANDARDS FOR APPROVAL

#### Section 1. Purpose.

The purpose of this Article is to provide for exceptions to the application of this Ordinance in order to overcome some exceptional physical condition which poses practical difficulty or unnecessary hardship in such a way as to prevent an owner from using a property as intended by Ordinance.

#### Section 2. Standards for Variation.

The Zoning Board may grant a Variation when, and only when, it shall have determined from evidence presented to it, recorded in writing and placed in its records, that all of the following conditions have been met:

(a) Not a Use Variation

That the Variation does not permit a use otherwise excluded from the particular district in which requested.

(b) Unique to the Property

That special circumstances or conditions, such as exceptional narrowness, topography, or siting of the lot, or such as column spacing, floor size, or ceiling height of an existing building, exist for the property for which a Variation is sought and that these conditions do not apply generally in the district.

(c) Not Self-Imposed

That the special circumstances or conditions have not resulted from any act of the applicant, whether or not in violation of the provisions of this Ordinance or other Village ordinances.

(d) Not Exclusively Monetary

That, for reasons fully set forth in the report of the Zoning Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of all reasonable use of the property. Mere loss in value shall not justify a variation; there must be a deprivation of all reasonable beneficial use of or return from the property.

(e) Minimum Adjustment Necessary

That the variation granted is the minimum adjustment necessary for a reasonable use of the land or building.

(f) Not Detrimental to Public Welfare or Neighborhood Character

That the granting of a Variation is in harmony with the general purposes and intent of this Ordinance, and will not be detrimental to the public peace, health, safety, morals and public welfare or to other property or improvements in the neighborhood, and will not alter the essential character of the neighborhood, including the historic character and historic development pattern of the historic district.

(g) Not Detrimental to Neighborhood

That the proposed Variation will not impair an adequate supply of light and air to adjacent property, substantially increase traffic or congestion in the streets, increase the potential damage of fire or endanger the public safety.

## **ARTICLE XII**

*(New Article added by Amending Ordinance 229 dated June 9, 1987)*

### **SPECIAL USES AND VARIATIONS: PROCEDURES**

#### **Section 1. Application for Special Use or Variation.**

Any owner of, or person having a propriety interest in, the property proposed for the Special Use or Variation may file an application for the Special Use or Variation.

#### **Section 2. Application and Filing.** *(Amended by Amending Ordinance 309 dated September 14, 2010)*

An application for a Special Use or Variation shall be filed with the Chairman of the Zoning Board and shall be accompanied by such plans, documents and information prescribed by the Zoning Board as necessary for it to adequately review the application. Included shall be a written statement by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in this Ordinance for Special Uses and Variations and any additional standards prescribed in the provisions of this Ordinance establishing the Special Uses in a particular district, and any applicable local, state, county, or federal requirements. An application submitted by an applicant other than the owner of the property shall contain the written consent of the owner to the filing of the application and the proposed special use or variance.

#### **Section 3. Filing Fee**

The Zoning Board may require a reasonable filing fee to accompany the application.

#### **Section 4. Hearing.** *(Amended by Amending Ordinance 273 dated December 12, 2000)*

Upon receipt in proper form least one public hearing on the proposed special use or variation. Notice of the date, time and place of the public hearing and a brief statement of the proposed special use or variation including the address or location of the property shall be posted on the property and published not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village. A similar notice shall also be sent by mail to all owners of property within 250 feet of the property for which the special use or variation is proposed. Supplemental or additional notices may be published or distributed as the Zoning Board may prescribe.

#### **Section 5. Decision.**

Within thirty (30) days after the close of the hearing on a proposed Special Use or Variation the Zoning Board shall enter forward written findings of fact and make a determination approving or disapproving the application, and refer to any exhibits containing plans and specifications for the proposed special use or variation.

#### **Section 6. Conditions.**

The Zoning Board shall require such conditions or restrictions upon the location, construction, design and operation of a Special Use or Variation as it shall find necessary and appropriate to assure compliance with the requirements set forth in Articles X and XI and the Objectives and Intent of this Ordinance. These conditions may include, but are not limited to, regulations regarding design and materials, area of building devoted to such use, number of employees, hours of operation, parking, landscaping and screening, signage, adequate drainage of storm water, exterior lighting, fence height and the duration of the Special Use or Variation.

#### **Section 7. Guarantees and Reconsideration.**



The Zoning Board may require such evidence and guarantees as it may deem necessary to insure compliance with the stipulated conditions. All such conditions and restrictions may be modified or revised from time to time by the Zoning Board following notice and hearing.

Section 8. Effect of Denial of a Special Use or Variation.

No application for a Special Use or Variation which has been denied wholly or in part by the Zoning Board shall be resubmitted for a period of one (1) year from the date of the decision, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board.

Section 9. Time Limits.

A Special Use or Variation shall become null and void if not established or actively pursued within one (1) year following the date of approval.

Section 10. Appeal to Village Board.

- a. Upon receipt of a final denial of a Special Use or Variation by the Zoning Board after a public hearing, the applicant may, within fifteen (15) days, appeal the Zoning Board's decision to the Village Board. The Village Board shall affirm, modify, or reverse the decision within sixty (60) days after receiving notice of the appeal, after due consideration of the facts contained in the record of the public hearing and any report submitted to the Village Board by the Zoning Board. The Village Board may receive comments on the contents of the record, but no new matter may be considered by the Board. The Village Board shall make its decision based upon the standards for review contained in Article X and Article XI.
- b. Upon a decision by the Village Board that a Special Use or a Variation shall or shall not be issued, the Village Clerk shall notify the Zoning Board, the applicant, and the Building Commissioner within ten (10) days following the decision.
- c. Any proposed Variation or Special Use that fails to receive the approval of the Zoning Board shall not be passed except by favorable vote of two-thirds of all trustees of the Village.
- d. Failure of the Village Board to vote to affirm, modify, or reverse the decision of the Zoning Board within sixty (60) days shall be considered a denial of the appeal, and the Village Clerk shall so notify the Zoning Board, the applicant, and the Building Commissioner.

**ARTICLE XIII**

*(Article renumbered by Amending Ordinance 229 dated June 9, 1987)*

**CONTIGUOUS TERRITORY**

Contiguous Territory is restricted to the same uses and purposes as set forth herein in Article V, "Residential District R-2--One-Family Dwelling District" and all other provisions contained in this Zoning Ordinance which pertain to R-2 residential districts.

## ARTICLE XIV

*(Article renumbered by Amending Ordinance 229 dated June 9, 1987)*

### ZONING BOARD

#### Section 1. *(Section replaced by Amending Ordinance 229 dated June 9, 1987)*

A Zoning Board of seven (7) persons shall be chosen by the President of the Village Board with the consent of the Village Board. The term shall be five years provided that the members of the first Zoning Board shall serve respectively for the following terms (or until their respective successors are appointed and qualified): One for one year, one for two years, one for three years, one for four years, one for six years and one for seven years. One of the members of the Zoning Board shall be designated by the Village President, with the consent of the Village Board, as Chairman of the Zoning Board, and shall hold that office until a successor is appointed. In addition to the seven regular members of the Zoning Board, there shall also be appointed, in the same manner as Zoning Board members, an Alternate Member who shall serve on the Board in the absence or incapacity of any regular Zoning Board member. Meetings of the Zoning Board shall be held at the call of the Chairman, any four (4) Zoning Board members, or at such times as the Zoning Board may determine. All hearings conducted by the Zoning Board shall be open to the public. The Board 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 also keep records of its hearings and other official actions. The Village Clerk shall act as clerk for the Zoning Board and shall make and keep a record of all its meetings and official acts. Findings of fact shall be included in the minutes of each case of a requested variation or special use, and the reasons for granting or denying such application shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board shall be filed immediately in the office of the Board and shall be a public record.

The Zoning Board shall adopt its own rules of procedure not in conflict with this Ordinance or the Illinois Statutes in such cases made and provided, and may select or appoint such officers as it deems necessary.

#### Section 2.

The Enforcing Officer shall be the Chairman of the Zoning Board.

#### Section 3.

An appeal may be taken to the Zoning Board by any person, firm, or corporation, or by any officer, department, Board, or Bureau affected by a decision of the Chairman of the Zoning Board. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board by general rule, by filing with the Chairman and the Zoning Board a notice of appeal, specifying the grounds thereof. The Chairman shall forthwith transmit to the Board all of the papers constituting the record upon which the action appeal was taken.

#### Section 4. *(Section replaced by Amending Ordinance 229 dated June 9, 1987)*

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Chairman certifies to the Zoning Board after the notice of appeal has been filed with him that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board or by a court of record on application, on notice of the Chairman and on due cause shown. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and

testify at the hearing, either in person or by duly authorized agent or attorney.

#### Section 5.

The Zoning Board may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision or determination appealed from, to the extent and in the manner that the Board may decide to be fitting and proper to the premises.

#### Section 6.

The Zoning Board may grant variations from the terms of this Ordinance as are in accord with the general purpose and interest of this Ordinance. When a property owner has shown that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures, or to the use of land, imposed upon him particular difficulties or particular hardship, then the Board may make such variations. Such variations from the terms of this Ordinance shall only be granted when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation, provided that no variation shall be granted if it would result in the depreciation of the value of the neighboring property.

The concurring vote of five (5) members of the Zoning Board shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer. A concurring vote of four (4) members of the Zoning Board shall be necessary to decide in favor of an applicant on any matter upon which the Zoning Board is authorized to render a decision. *(Paragraph added by Amending Ordinance 229 dated June 9, 1987)*

#### Section 7.

In considering all appeals and all proposed variations to this Ordinance, the Board shall, before making any variation from this Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village. The concurring vote of five members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer, or to decide in favor of the applicant any matter upon which the Board is authorized by this Ordinance to render a decision.

#### Section 8.

The Zoning Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the Village at least fifteen days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Zoning Board is sought, as well as a brief description of the nature of the appeal.

**ARTICLE XV**

*(Article renumbered by Amending Ordinance 229 dated June 9, 1987)*

**CERTIFICATE OF COMPLIANCE**

*(Title changed by Amending Ordinance 273 dated December 12, 2000)*

Section 1.

Subsequent to the effective date of this Ordinance, no change in the use and/or occupancy of land, nor any change of use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose until a certificate of compliance has been issued by the Chairman of the Zoning Board. Every certificate of compliance shall state that the new use and/or occupancy complies with all the provisions of this Ordinance.

Section 2. *(Section amended by Amending Ordinance 229 dated June 9, 1987)*

No permit for excavation for, or the erection, construction or alteration of any building shall be issued before the application for a permit has been made to the Chairman of the Zoning Board and a Certificate of Compliance has been issued stating that the proposed change complies with all of the provisions of this Ordinance and all the Ordinances of the Village of Elsau

Section 3.

Certificates for the continued occupancy of non-conforming uses existing at the time of the passage of this Ordinance shall be issued by the Chairman of the Zoning Board and the certificate shall state that the use is a non-conforming one and does not conform with the provisions of this Ordinance.

Section 4.

It shall be the duty of the Chairman of the Zoning Board to enforce this Ordinance. Appeal from the decision of the Chairman may be made to the Zoning Board, as provided by this Ordinance.

(a) Whenever the Chairman of the Zoning Board has determined from inspection or other means that reasonable grounds exist to believe that there has been a violation of any provision of this Ordinance, the Chairman will give notice of the violation to the person alleged to be in violation.

(b) The notice will:

(1) Be in writing;

(2) Include a statement of the reasonable time for performance of any act required to remedy the violation;

(3) Be served on the owner of the property where the violation is alleged to have occurred, the owner's agent or representative, or the occupant of the property, in one of the following ways:

(A) By sending a copy of the notice by United States First Class Certified Mail to the owner's last known mailing address or the address shown on the property tax records for the property.

(B) By serving a copy of the notice personally on the owner or the occupant of the property.

(C) By posting a copy of the notice on the property.

(D) By serving a copy of the notice by any other means authorized by the laws of the State of Illinois.

(4) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

(c) At the end of the specified notice period, the Chairman of the Zoning Board will reinspect the property and if the conditions giving rise to the violation have not been corrected, the Chairman of the Zoning Board will submit the matter to the Zoning Board for determination of any further action to be taken.

(d) Whenever any building, construction, or grading work is being done or uses established, conducted, altered, or otherwise changed in a manner contrary to the provisions of this Ordinance or an approved permit, the Chairman of the Zoning Board may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done and any such person shall forthwith stop such work until authorized by the Chairman of the Zoning Board to proceed. If an appeal of the Chairman's issuance of the stop order is made to the Zoning Board, the stop order will be stayed pending the resolution of the appeal unless the Chairman certifies that by reason of facts stated in the certification, a stay would cause imminent peril to life or property. Where a stop order is not stayed, it shall remain in effect unless rescinded by the Zoning Board upon application.

(e) Whenever the Chairman of the Zoning Board finds that an emergency exists which requires immediate action to protect the public health or safety, the Chairman may, without notice or hearing, issue an order requiring that such action as may be necessary be taken as the Chairman may deem necessary to meet the emergency, including the suspension of any permit or approval previously issued.

(f) Whenever a violation of this Ordinance occurs, any person, including the Chairman of the Zoning Board, or any other duly authorized Village official, in addition to, and not by way of limitation of other remedies available, may file a complaint in the Circuit Court of Jersey County, Illinois or any other court of competent jurisdiction to enforce the provisions of this Ordinance.

(g) Such enforcement may include, but is not limited to, equitable relief by way of temporary restraining order, preliminary injunction or permanent injunction to:

- (1) prevent an unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- (2) prevent an occupancy of building, structure or land;
- (3) prevent an illegal act, conduct, business, or use in or about the property in question;
- (4) restrain, correct, or abate the violation.

(h) Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor.

(i) Any such person, firm, or corporation found guilty of such violation shall be fined not less than Ten Dollars (\$10.00) and not more than Seven Hundred Fifty Dollars (\$750.00) for any one offense and, in addition, may be required to perform public or community service.

(j) Each day that a violation or failure to comply occurs after notification thereof shall constitute a separate offense. (Amended by amending ordinance 273 dated December 12, 2000)

## **ARTICLE XVI**

### **AMENDMENTS**

Two types of amendments may be proposed for this Ordinance. The first is to change a tract, or lot, or group of lots from the district in which they are zoned into another type of district. The second is an amendment to change the kinds of businesses permitted in a particular district. The Village Board can make these amendments after publication of a public notice and a public hearing by the Zoning Board in accordance with the ordinances of the Village of Elsah and the laws of the State of Illinois. The Zoning Board shall report to the Board of Trustees of the Village of Elsah on the results of its deliberations at the next regularly scheduled meeting of the Board of Trustees.

## ARTICLE XVII

### VALIDITY

Should any section, provision, part or clause of this Ordinance be declared by a court of competent jurisdiction to be 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 void.

## ARTICLE XVIII

### DECLARATION OF NECESSITY

This Ordinance is hereby declared to be urgent and necessary for the immediate preservation of public peace, health, safety, morals, welfare, aesthetic interest, and the historical character of the Village, and shall be in full force and effect from and after its due passage by the Board of Trustees of the Village of Elsah and recording and publication.

## ARTICLE XIX

### ILLINOIS STATE LAW

Section 1. *(Section Amended by amending ordinance 273 dated December 12, 2000)*

The provisions of this Zoning Ordinance of the Village of Elsah, Illinois are declared to be in conformity with the provisions of Sections 11-13-1 through 11-13- 20 of the Illinois Municipal Code (65 ILCS 5/11-13-1 through 11-13-20) and to the extent that any provision of this Ordinance shall not be in such conformity, the provision shall not be effective, however, that will not affect the remainder of this Ordinance, the provisions of which are severable pursuant to Article XVII hereof.

Section 2.

The provisions of this Zoning Ordinance are hereby declared to be automatically amended to conform to the aforementioned statutes.

Section 3.

The aforementioned statutes are hereby declared to be incorporated within this Zoning Ordinance and be a part hereof.

Section 4.

Any changes made, or that may in the future be made, to the aforementioned statutes which pertain to zoning by any authorized authority are automatically included in this Zoning Ordinance and made a part hereof.

Section 5. *(Section Amended by amending ordinance 273 dated December 12, 2000)*

This Ordinance shall be in full force and effect from and after its passage and approval according to law. This Ordinance shall be published in pamphlet form pursuant to the authority of Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4) and not less than three (3) copies of this Ordinance shall be filed in the office of the Village Clerk of the Village of Elsah, Illinois for the use and examination of the public.

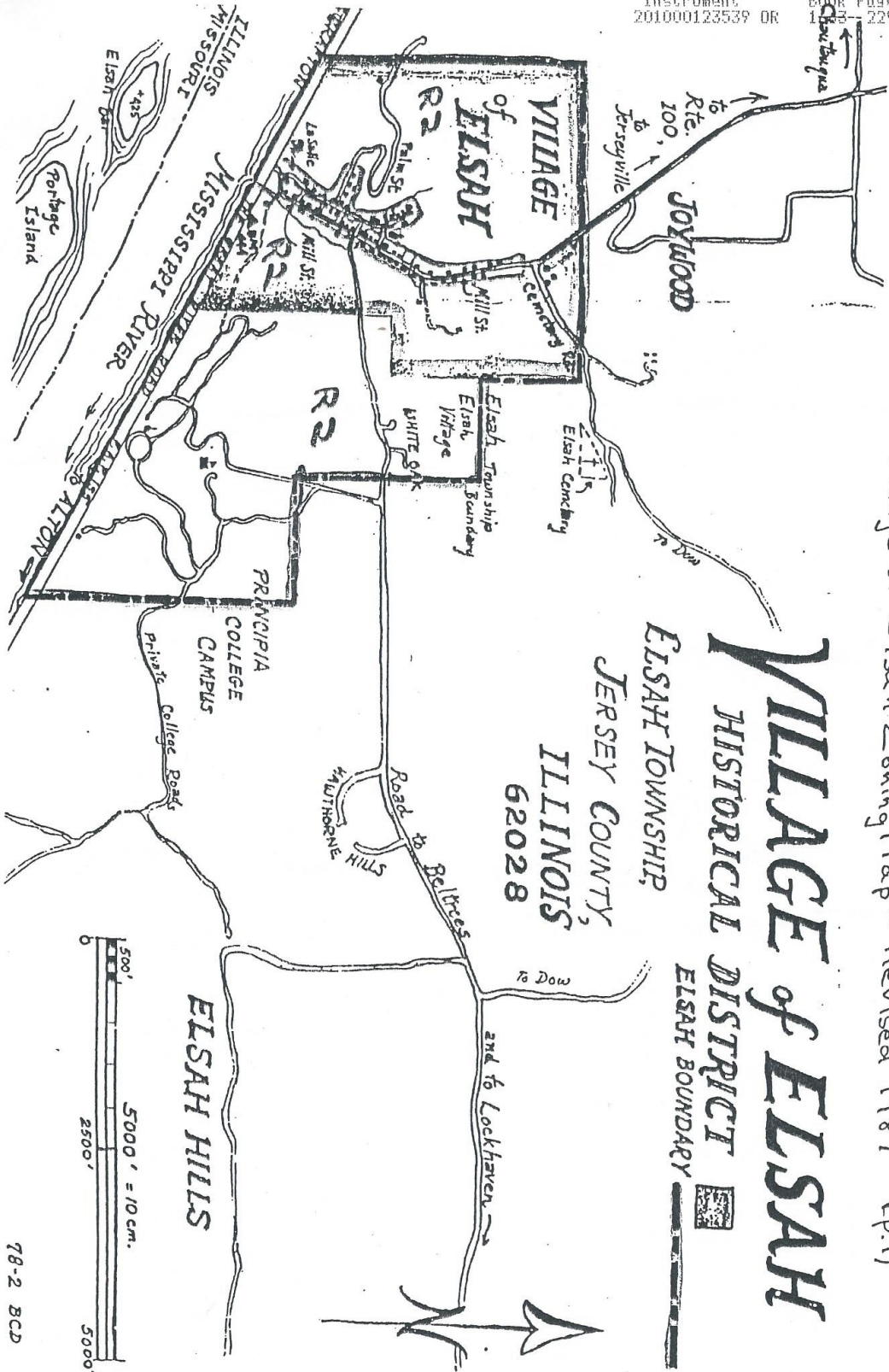


## Appendi

**Other land use Reference documents include:** Weed & Brush Control Ordinance # 197 & Amending Ordinance # 201  
Authorization for Village Directory Sign Ordinance # 256  
Flood Control Ordinances numbers: 249  
Elsah Building Code - (enforcement/permits administered through Jersey County)

Note: You will need to contact the Village Clerk of the Village of Elsay to see a hard copy **with greater definition** of the following maps which are from Ordinance 310 referenced in Section 2 of Article III “**USE DISTRICTS**” of this document.

Village of Elsay Zoning Map - Revised 1987 (P.1)

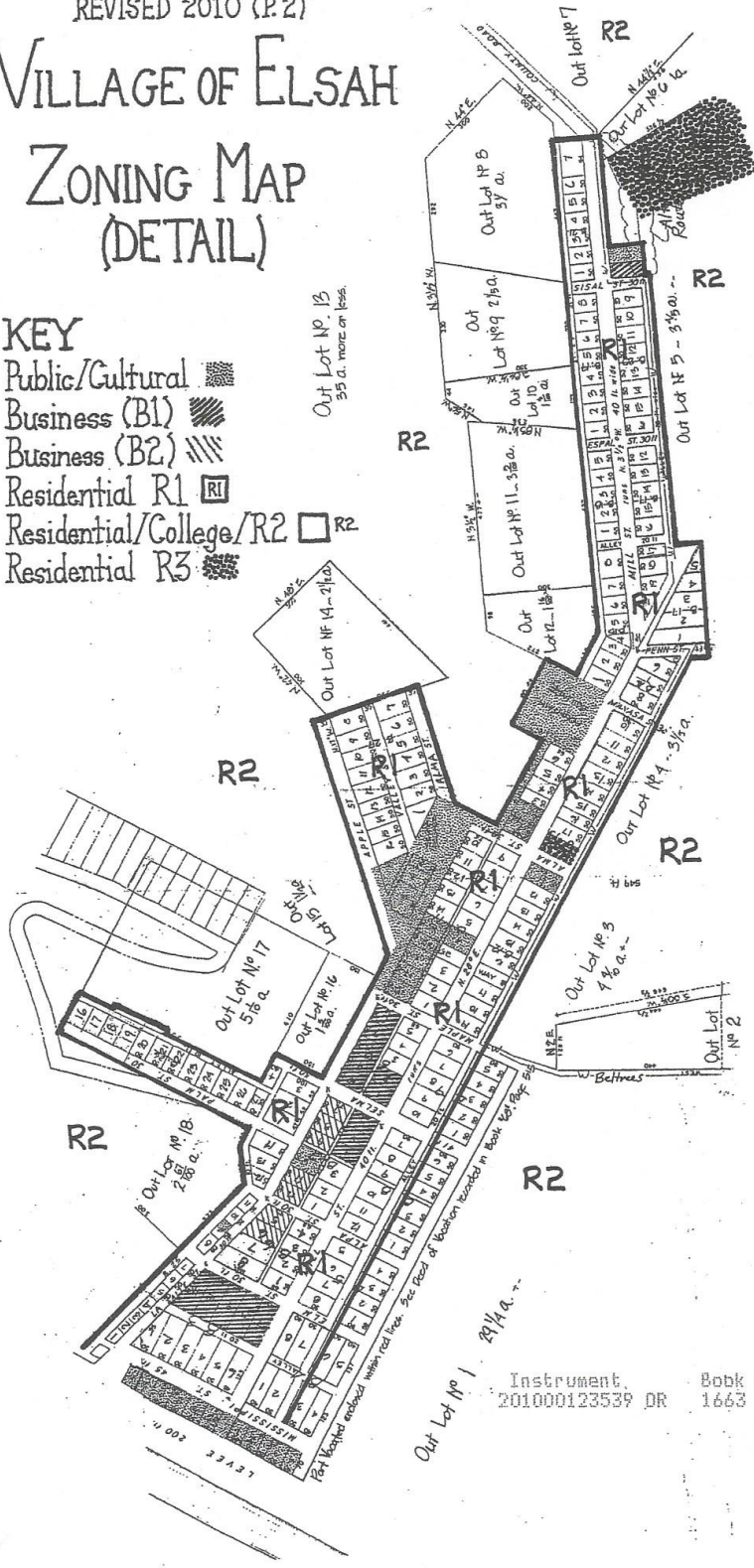


78-2 BCD

REVISED 2010 (P.2)

# VILLAGE OF ELSAH ZONING MAP (DETAIL)

- KEY**
- Public/Cultural [Stippled Pattern]
  - Business (B1) [Diagonal Lines /]
  - Business (B2) [Diagonal Lines \]
  - Residential R1 [R in Box]
  - Residential/College/R2 [R2 in Box]
  - Residential R3 [Cross-hatched Pattern]



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