

**CHAPTER 22**  
**VILLAGE ZONING CODES**

**ARTICLE I: GENERAL**

Sec. 22-0 GENERAL - APPLICABILITY.

The provisions of this Chapter shall apply to all persons residing in or visiting the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the zoning articles of this Chapter.

Sec. 22-1. GENERAL - PURPOSE.

A. The purpose of this Chapter is to establish reasonable, comprehensive, and functional zoning Codes and policies for the Village regarding an oversight committee, districts, off-street parking, signage, supplemental policies, nonconforming and special uses, variances, flood control and enforcement.

B. It is intended that these regulations shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

Sec. 22-2. GENERAL - TERMS AND DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply to the terminologies indicated whenever they are used in this Chapter and its articles, unless the context clearly indicates or requires a different meaning:

**ACCESSORY BUILDING.** The term "Accessory Building," when used in conjunction with zoning issues, shall mean any of the following:

- (A) A building that is subordinate to and serves a principal building or principal use;
- (B) A building that is subordinate in area, extent or purpose to the principal building or principal use served;
- (C) A building that contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; or
- (D) A building that is located on the same zoning lot as the principal building or principal use served.

**ADVERTISING SIGN.** The term “Advertising Sign,” when used in conjunction with zoning issues, shall mean a structure upon which a sign is located which directs attention to a business, commodity, service or entertainment, which is located or provided elsewhere than upon the premises where such structure is located.

**ALLEY:** The term “Alley,” when used in conjunction with zoning issues, shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

**APARTMENT.** The term “Apartment,” when used in conjunction with zoning issues, shall mean a room or rooms in a multiple family or multiple use building which is intended to be used as a single housekeeping unit.

**AUTOMOTIVE SERVICE STATION.** The term “Automotive Service Station,” when used in conjunction with zoning issues, shall mean a place where gasoline and diesel, stored only in underground tanks, lubricating oil, grease or kerosene, for operation of automobiles and/or trucks, are offered for sale to the public, on the premises, and including minor accessories and the servicing of automotive vehicles. Automotive service stations shall not include sales or storage of automotive vehicles.

**BASE FLOOD.** The term “Base Flood,” when used in conjunction with zoning issues, shall mean the flood having a one (1) percent probability of being equaled or exceeded in any given year. The base flood is also known as the one-hundred (100) year flood. The base flood elevation at any location is as defined in Section 22-171 of this Code.

**BASE FLOOD ELEVATION.** The term “Base Flood Elevation,” when used in conjunction with zoning issues, shall mean the elevation in relation to mean sea level of the crest of the base flood.

**BASEMENT.** The term “Basement,” when used in conjunction with zoning issues, shall mean a portion of a building with the floor located below grade level. A basement shall be counted as a story for the purpose of height regulations, if one-half ( $\frac{1}{2}$ ) or more of its height is above grade level.

**BOARDING HOUSE.** The term “Boarding House,” when used in conjunction with zoning issues, shall mean a building containing a single dwelling unit and lodging rooms accommodating, for compensation, three (3) or more persons, but not exceeding twelve (12), who are not of the keeper’s family. Lodging may be provided with or without meals.

**BUILDING.** The term “Building,” when used in conjunction with zoning issues, shall mean any structure, constructed, manufactured or prefabricated, that is principally above ground and is enclosed with a roof support by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind. The term shall

also include recreational vehicles and travel trailers installed on a site for more than 180 days.

**BUILDING DIMENSIONS, EXTERNAL.** The term “Building Dimensions, External,” when used in conjunction with zoning issues, shall mean those horizontal dimensions as determined by measurements taken from the outer edge of any and all overhangs, protrusions, additions, and extensions attached to or a part of the building in question when calculating said building’s length and width for the purpose of determining its external dimensions .

**BUILDING HEIGHT.** The term “Building Height,” when used in conjunction with zoning issues, shall mean the vertical distance measured from the mean grade level to the highest point of a flat surface roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

**BUILDING PRINCIPAL.** The term “Building Principal,” when used in conjunction with zoning issues, shall mean a building which is constructed and maintained as the primary use of the zoning lot on which it is situated.

**BUSINESS SIGN.** The term “Business Sign,” when used in conjunction with zoning issues, shall mean a sign which directs attention to a business or profession conducted, or a commodity, service, entertainment or other activity sold or offered upon the premises where such sign is located or to which it is affixed.

**CELLAR:** The term “Cellar,” when used in conjunction with zoning issues, shall mean a story having more than one-half ( $\frac{1}{2}$ ) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height determination.

**CLINIC.** The term “Clinic,” when used in conjunction with zoning issues, shall mean an establishment of physicians or dentists, or both, who have their offices in a common building.

**DAY CARE CENTER.** The term “Day Care Center,” when used in conjunction with zoning issues, shall mean any licensed child care facility receiving more than eight (8) children for daytime care during all or part of a day.

**DAY CARE HOME.** The term “Day Care Home,” when used in conjunction with zoning issues, shall mean a licensed family home which receives not more than eight (8) children for care during the day. The maximum of eight (8) children includes the family’s natural or adopted children under age sixteen (16) and those children who are in the home under full-time care.

**DEVELOPMENT.** The term “Development,” when used in conjunction with zoning issues, shall mean any man-made change to real estate including, but not necessarily limited to: **(1)** construction, reconstruction, or placement of a building, or any addition to a building exceeding seventy-feet (70') square in floor area; **(2)** substantial improvement of an existing

building; **(3)** installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one-hundred-eighty (180) days; **(4)** installation of utilities, construction of roads, bridges, culverts, or similar projects; **(5)** construction or erection of levees, dams, walls, or fences; **(6)** drilling, mining, filling, dredging, excavating, paving, or other alterations of the ground surface; **(7)** storage of materials including the placement of gas and liquid storage tanks; and **(8)** channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

**DISTRICT.** The term “District,” when used in conjunction with zoning issues, shall mean a section of the Village in which the regulations governing the use of building and premises, the size of the yards and the intensity of use are uniform.

**DWELLING.** The term “Dwelling,” when used in conjunction with zoning issues, shall mean a building or portion thereof, but not including a mobile home or camping trailer, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwellings units, but not including motels, hotels or boarding houses.

**DWELLING, SINGLE-FAMILY.** The term “Dwelling, Single-Family,” when used in conjunction with zoning issues, shall mean a building having accommodations for not more than one family.

**DWELLING, TWO-FAMILY.** The term “Dwelling, Two-Family,” when used in conjunction with zoning issues, shall mean a building having accommodations for and occupied exclusively by two (2) families living independently of each other with separate and complete kitchen and bathroom facilities.

**DWELLING, MULTIPLE-FAMILY.** The term “Dwelling, Multiple-Family,” when used in conjunction with zoning issues, shall mean a building having accommodations for and occupied exclusively by more than two (2) families living independently of each other with separate and complete kitchen and bathroom facilities

**FAMILY.** The term “Family,” when used in conjunction with zoning issues, shall mean an individual or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit, or a group of not more than five (5) persons who need not be related by blood, marriage or adoption, living as a single housekeeping unit in a dwelling unit; in either case, exclusive of usual servants.

**FEMA.** The term “FEMA,” when used in conjunction with zoning issues, shall mean the Federal Emergency Management Agency.

**FILLING STATION.** The term “Filling Station,” when used in conjunction with zoning issues, shall mean any building or premises used primarily for the dispensing, sale, or offering for sale

at retail of any automotive fuels and/or oils. When dispensing, selling, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

**FLOOD:** The term “Flood,” when used in conjunction with zoning issues, shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**FLOOR AREA.** The term “Floor Area,” when used in conjunction with zoning issues, shall mean the total usable floor area in a building, measured from the outside walls or from the center line of party walls, and including interior balconies and mezzanines, elevator shafts, stairwells, and utility rooms, but excluding basements, garages, breeze ways, and unenclosed porches.

**FLOOD FRINGE.** The term “Flood Fringe,” when used in conjunction with zoning issues, shall mean that portion of the flood plain outside of the regulatory flood-way.

**FLOOD HAZARD BOUNDARY MAP.** The term “Flood Hazard Boundary Map,” when used in conjunction with zoning issues, shall mean a map prepared by the Federal Emergency Management Agency that depicts the flood plain or special flood hazard area within a community.

**FLOOD PLAIN.** The term “Flood Plain,” when used in conjunction with zoning issues, shall mean those lands within the jurisdiction of the Village that are subject to inundation by a base flood. The flood plains of the Village are generally identified as such on the Flood Hazard Boundary Map of the Village prepared by the Federal Emergency Management Agency, dated 03/26/76. The flood plains of those parts of unincorporated Stephenson County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate Map prepared for Stephenson County by the Federal Emergency Management Agency, dated 06/30/82.

**FLOOD PROOFING.** The term “Flood Proofing,” when used in conjunction with zoning issues, shall mean any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**FLOOD PROOFING CERTIFICATE.** The term “Flood Proofing Certificate,” when used in conjunction with zoning issues, shall mean a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood-proofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION.** The term “Flood Protection Elevation,” when used in conjunction with zoning issues, shall mean the elevation of the base flood plus one-foot (1') of freeboard at any given location in the flood plain.

**FLOOD-WAY.** The term “Flood-way,” when used in conjunction with zoning issues, shall mean that portion of the flood plain required to store and convey the base flood. The flood-ways for each of the flood plains of the Village shall be according to the best data available from Federal, State, or other resources.

**FRONTAGE:** The term “Frontage,” when used in conjunction with zoning issues, shall mean all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**GARAGE, PRIVATE.** The term “Garage, Private,” when used in conjunction with zoning issues, shall mean an accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger and utility vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, provided that no more than one-half ( $\frac{1}{2}$ ) of the space may be retained for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.

**GARAGE, PUBLIC.** The term “Garage, Public,” when used in conjunction with zoning issues, shall mean any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

**GARAGE, STORAGE.** The term “Garage, Storage,” when used in conjunction with zoning issues, shall mean any building or premises used for housing only automotive vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which automotive fuels and oils are not sold and automotive vehicles are not equipped, repaired, hired or sold.

**HOME OCCUPATION.** The term “Home Occupation,” when used in conjunction with zoning issues, shall mean any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence.

**HOSPITAL.** The term “Hospital,” when used in conjunction with zoning issues, shall mean an institute devoted primarily to the operation of facilities for the treatment, diagnosis or cure of disease, illness, injury or other abnormal physical and/or mental conditions.

**HOTEL:** The term “Hotel,” when used in conjunction with zoning issues, shall mean a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.

IDNR/OWR. The term "IDNR/OWR," when used in conjunction with zoning issues, shall mean the Illinois Department of Natural Resources/Office of Water Resources.

INSTITUTION: The term "Institution," when used in conjunction with zoning issues, shall mean a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

KENNEL. The term "Kennel," when used in conjunction with zoning issues, shall mean any place for keeping four (4) or more dogs over one year old which are boarded, bred and/or offered for sale.

LODGING HOUSE: The term "Lodging House," when used in conjunction with zoning issues, shall mean a building or place where lodging is provided (or which is equipped regularly to provide lodging) by prearrangement for a definite period and for compensation, for more than three (3) persons in contradistinction to hotels open to transients.

LOT. The term "Lot," when used in conjunction with zoning issues, shall mean a track of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block, which is to be used, developed or built upon as a unit under single ownership or control, and having its principal frontage upon a street.

LOT, CORNER. The term "Lot, Corner," when used in conjunction with zoning issues, shall mean a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one-hundred, thirty-five (135) degrees.

LOT, DEPTH OF: The term "Lot, Depth," when used in conjunction with zoning issues, shall mean the horizontal distance between the front and rear lot lines.

LOT, THROUGH. The term "Lot, Through," when used in conjunction with zoning issues, shall mean a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two (2) streets may be referred to as frontage lots.

LOT LINE. The term "Lot Line" when used in conjunction with zoning issues, shall mean a property boundary line of any lot held in single ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

LOT MEASUREMENTS. The term "Lot Measurements," when used in conjunction with zoning issues, shall include any or all of the following: **(1)** Lot Area - The area of a horizontal plane bounded by the front, side and rear lot line, but not including an area occupied by the waters of a duly recorded lake or river; **(2)** Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries; or **(3)** Lot

Width - The horizontal distance between the side lot lines of a lot measured at the narrowest width within the first thirty-feet (30') of lot depth immediately in back of the front yard setback line.

LOT OF RECORD. The term "Lot of Record," when used in conjunction with zoning issues, shall mean a lot which is part of a subdivision, the plat of which has been duly recorded; or a parcel of land, the deed of which was recorded prior to the adoption of this Code.

MANUFACTURED HOME. The term "Manufactured Home," when used in conjunction with zoning issues, shall mean a structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURING. The term "Manufacturing," when used in conjunction with zoning issues, shall mean the making of anything by agency or process.

MOBILE HOME. The term "Mobile Home," when used in conjunction with zoning issues, shall mean a single family living unit designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a living unit complete and ready for occupancy except for incidental assembly operations.

MOBILE HOME PARK. The term "Mobile Home Park," when used in conjunction with zoning issues, shall mean an area of land used or intended to be used for the placement of mobile homes and which is improved, designed and utilized in accordance with Section 22-103 of this Code.

MOTEL OR HOTEL. The term "Motel or Hotel," when used in conjunction with zoning issues, shall mean an establishment containing lodging accommodations designed for use by transient travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and desk services.

NFIP. The term "NFIP," when used in conjunction with zoning issues, shall mean National Flood Insurance Program.

NONCONFORMING LOT. The term "Nonconforming Lot," when used in conjunction with zoning issues, shall mean a lot of record existing at the date of the adoption of this Code, which does not have the minimum width or contain the minimum area for the zone in which it is located.

NONCONFORMING STRUCTURE. The term "Nonconforming Structure," when used in conjunction with zoning issues, shall mean a lawful structure which exists upon the adoption of this Code that could not be built under the terms of this Code by reason of restriction on area, lot coverage, height, yards or other characteristics of the structure, or its location on the lot.



**NONCONFORMING USE.** The term “Nonconforming Use,” when used in conjunction with zoning issues, shall mean a lawful use of land which exists upon the adoption of this Code that would not be lawful under the terms of this Code by reason of lot coverage, yards or other characteristics of the use, or its location on the lot.

**NURSERY SCHOOL.** The term “Nursery School,” when used in conjunction with zoning issues, shall mean licensed day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.

**NURSING HOME.** The term “Nursing Home,” when used in conjunction with zoning issues, shall mean a licensed place which undertakes through its ownership or management to provide maintenance, personnel or nursing for three (3) or more persons who by reason of contract, illness, physical deformity or old age are unable to properly care for themselves.

**OPEN SALES LOT.** The term “Open Sales Lot,” when used in conjunction with zoning issues, shall mean any lot used or occupied for the purpose of buying and selling passenger automobiles, trucks, motor scooters, motorcycles, boats, trailers, mobile homes, recreation vehicles, aircraft or any other product.

**PARKING AREA.** The term “Parking Area,” when used in conjunction with zoning issues, shall mean a suitably surfaced and maintained area exclusive of any street, alley or other access way, designed or used for the parking of motor vehicles.

**PARKING SPACE, OFF-STREET.** The term “Parking Space, Off-Street,” when used in conjunction with zoning issues, shall mean a space containing one-hundred, eighty-feet (180') square; within a parking area or enclosed building, but not in a public right of-way, street or alley; permanently reserved and available for the storage of one automotive vehicle and has satisfactory ingress or egress to a public street or alley.

**PERFORMANCE STANDARDS.** The term “Performance Standards,” when used in conjunction with zoning issues, shall mean criteria established to regulate uses according to the effect of their existence. Such criteria are noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat.

**PLACE:** The term “Place,” when used in conjunction with zoning issues, shall mean an open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

**PLAT.** The term “Plat,” when used in conjunction with zoning issues, shall mean a map or document that depicts a division of land and is intended to be filed for record and which conforms to the Plat Act of the State of Illinois and the Subdivision Control Code of the Village.

**RECREATIONAL VEHICLE.** The term “Recreational Vehicle,” when used in conjunction with zoning issues, shall mean a vehicular, portable structure, built on a chassis, or a camper shell, with or without complete kitchen, toilet, bath and/or shower facilities, designed to be used for temporary human habitation for travel or recreation.

**SCHOOL.** The term “School,” when used in conjunction with zoning issues, shall mean a building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Illinois. Schools include grades kindergarten through twelve (12) but not trade schools that do not teach the State required courses for high school graduation in addition to vocation instruction.

**SETBACK.** The term “Setback,” when used in conjunction with zoning issues, shall mean the minimum horizontal distance between the building or structure or use and a property line.

**STORY.** The term “Story,” when used in conjunction with zoning issues, shall mean that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if more than one-half ( $\frac{1}{2}$ ) of its height is above the average grade level.

**STORY, HALF:** The term “Story, Half,” when used in conjunction with zoning issues, shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three-feet (3') above the top floor level, and in which space not more than sixty-percent (60%) of the floor area is finished off for use. A half-story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

**STREET.** The term “Street,” when used in conjunction with zoning issues, shall mean a right of way established by a recorded plat to provide the primary means of access to abutting property.

**STREET LINE:** The term “Street Line,” when used in conjunction with zoning issues, shall mean a dividing line between a lot, tract or parcel of land and a contiguous street.

**STRUCTURAL ALTERATION:** The term “Structural Alteration,” when used in conjunction with zoning issues, shall mean any changes in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

**STRUCTURAL CHANGE.** The term “Structural Change,” when used in conjunction with zoning issues, shall mean any change or repair, other than incidental repairs, in the supporting members of a building or structure, or the roof or exterior walls, which would expand the building or structure in height, width or bulk, or would prolong the life of the building or structure.

**STRUCTURE.** The term “Structure,” when used in conjunction with zoning issues, shall mean anything constructed or erected that requires location on the ground or attachment to

something having location on the ground, including but not limited to, buildings, mobile homes, walls fences, signs, and television or radio towers.

**STRUCTURE ACCESSORY.** The term "Structure Accessory," when used in conjunction with zoning issues, shall mean a subordinate structure which is clearly and customarily incidental to the principal use of a building or premises and which is located in the same lot as the principal building or use.

**SUBSTANTIAL IMPROVEMENT.** The term "Substantial Improvement," when used in conjunction with zoning issues, shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty-percent (50%) of the market value of the structure either **(a)** before the improvement or repair is started, or **(b)** if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is also considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences, whether or not that alteration affects the external dimensions of the structure.

**TRAILER.** The term "Trailer," when used in conjunction with zoning issues, shall mean any structure used for living, sleeping, business or storage purposes, whether on permanent foundation, wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place-to-place, whether by automotive power or other means. The term trailer includes campers and motor homes.

**TRAVEL TRAILER.** The term "Travel Trailer," when used in conjunction with zoning issues, shall mean a vehicle which is: built on a single chassis; four-hundred-feet (400") square or less in size; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but rather as a temporary living quarters for recreation, camping, travel, or seasonal use.

**USE.** The term "Use," when used in conjunction with zoning issues, shall mean the purpose or activity for which the land, or buildings thereon, is designed, arranged or intended or for which it is occupied or maintained.

**USE, ACCESSORY.** The term "Use, Accessory," when used in conjunction with zoning issues, shall mean a subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use.

**USE, PERMITTED.** The term "Use, Permitted," when used in conjunction with zoning issues, shall mean a use of structures or land allowed in a particular district or districts as a matter of right, provided it conforms with all other requirements, regulations and standards of such district.

USE, PRINCIPAL. The term "Use, Principal," when used in conjunction with zoning issues, shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

USE, SPECIAL. The term "Use, Special," when used in conjunction with zoning issues, shall mean a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for particular use at the particular location, such use may or may not be granted, subject to the terms of this Code.

VARIANCE. The term "Variance," when used in conjunction with zoning issues, shall mean a relaxation of the terms of this Code where such variance will have no adverse effect on the public, no adverse effect on the neighborhood, and the property has characteristics due to the property itself and not the result of actions by the application which make it eligible for a variance. A variance may be only granted for height and area of structure or dimensions of yards where literal enforcement of this Code would result in unnecessary and undue hardship on the property owner. Establishment or expansion of a use otherwise prohibited in the zoning district shall not be allowed by variance.

YARD. The term "Yard," when used in conjunction with zoning issues, shall mean an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise authorized by this Code.

YARD, FRONT. The term "Yard, Front," when used in conjunction with zoning issues, shall mean a yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the property line and the front setback line.

YARD, REAR. The term "Yard, Rear," when used in conjunction with zoning issues, shall mean a yard extending across the rear of a lot between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear setback line.

YARD, SIDE. The term "Yard, Side," when used in conjunction with zoning issues, shall mean a yard between the side lot line and the side setback line, between the front setback line and the rear setback line.

#### Sec. 22-3. GENERAL - SEVERABILITY.

The articles, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Chapter.

Sec. 22-4 through Sec. 22-10. RESERVED.

## ARTICLE II: SPECIFIC PROVISIONS (SP)

Sec. 22-11. SP - ZONING OBJECTIVES.

The objectives of the Village's Zoning Codes shall be: **(A)** Those purposes listed in Section 22-1 (B); **(B)** To provide a framework for orderly developments, conserving the value of land and buildings throughout the Village and preventing the development of incompatible uses; **(C)** To prevent harm to persons or property from fire, toxic fumes and other hazards; and **(D)** To lessen traffic and pedestrian conflicts and traffic congestion.

Sec. 22-12. SP - SCOPE OF REGULATIONS.

The scope of the Village's Zoning Codes shall include but not be limited to the following rules:

(A) The regulations provided by this Code within each district shall be considered to be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(B) No building, structure or land shall hereafter be used or occupied and no building or structure or any part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which located.

(C) No building or other structure shall hereafter be erected or altered: in excess of the height; with lot area, ground floor area or total floor area less than the minimum; to accommodate or house a number of families in excess of that; to occupy a percentage of lot area in excess of the minimum; or to provide for rear, side or front yards, or other open space with less than the minimum dimensions herein required, or in any other manner contrary to the provisions of this Code.

(D) No yard or lot existing at the time of adoption hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Required yards or lots created after the effective date hereof shall meet at least the minimum requirements established in this Code.

(E) Whenever the requirements of this Code are at variance with the requirements of any lawfully adopted rule, regulation, ordinance or resolution, the most restrictive, or that imposing higher standards, shall govern.

Sec. 22-13. SP - EXEMPTED USES (*OF THE ZONING CODE*).

The following exemptions to the Zoning Codes shall be permitted. They are: **(A)** All plats of

subdivisions which have received preliminary approval and lots of record on the effective date hereof must be developed in accordance with the use district in which they are located under this Code, but may be developed in accordance to the lot area, lot width, and yard setback requirements of the Village zoning Codes; **(B)** Where a building line has been established by existing buildings, new buildings may conform to their average setback; **(C)** The following may exceed the maximum height regulations when erected in accordance with all other Codes of the Village: chimneys, cooling towers, wind turbines, elevator bulkheads, fire towers, gas tanks, steeples, stacks, tanks, water towers, ornamental towers and spires, television or radio towers, and necessary mechanical appurtenances; and **(D)** Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty-feet (60') and churches and temples may be erected to a height not exceeding seventy-five-feet (75') when the required side and rear yards are increased by one-foot (1') for each foot of additional building height above the height regulations for the district in which the building is located.

Sec. 22-14. SP - ANNEXATION OF TERRITORY.

All territory which may be annexed to the Village shall be considered as being in the D-1, Family Resident District, until otherwise properly changed by Code.

Sec. 22-15. SP - INTERPRETATION OF USE.

Unless otherwise prohibited or restricted, a permitted use also allows use, buildings and structures customarily incidental thereto, if located on the same site or building plat. However, such incidental uses shall not be established prior to the establishment of the principal use, and shall be compatible with the principal use.

Sec. 22-16 through Sec. 22-25. RESERVED.

**ARTICLE III: ZONING DISTRICTS AND MAPS (ZDM)**

Sec. 22-26. ZDM - ESTABLISHMENT OF DISTRICTS.

In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such building, all land within the corporate limits of the Village is hereby divided into the following zoning districts: D-1, Family Resident District; C-1, Commercial District; and I-1, Industrial District.

Sec. 22-27. ZDM - OFFICIAL ZONING MAP.

(A) The Village zoning map, adopted in 1990, with all explanatory matter thereon, and with all changes applied since adoption, is the official zoning map of the Village.

(B) The official zoning map shall be identified by the signature of the Village President, attested by the Village Clerk and shall bear the official seal of the Village under the following words: "This is to certify that this is the official zoning map referred to in the Village Book of Codes," together with the date of the adoption of said Code. The official zoning map shall be filed in the Village Hall.

Sec. 22-28. ZDM - AMENDMENTS TO ZONING MAP.

If, through the action of the Village Board, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the Village Board. No amendment to this Code which involves matters portrayed on this official zoning map shall become effective until after such change and entry has been made on said map.

Sec. 22-29. ZDM - REPLACEMENT OF OFFICIAL ZONING MAP.

In the event that the original zoning map becomes damaged, destroyed, lost or difficult to interpret because of the number of changes or age, the Village Board may, by ordinance, adopt a new official zoning map, which shall supersede the previous map. The new official zoning map may correct drafting or other errors or omissions in the previous official zoning map, but no such correction shall have the effect of amending thereof. The new official zoning map shall be identified by the signature of the Village President, attested by the Village Clerk, and bearing the Village seal under the following words, "This is to certify that this is the official zoning map, adopted \_\_ (date) \_\_, as part of the Village of Orangeville Zoning Codes."

Sec. 22-30. ZDM - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts, as shown on the official zoning map, the following rules shall apply: **(A)** boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such center lines; **(B)** boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines; **(C)** boundaries indicated as approximately following Village limits shall be construed as following Village limits; **(D)** boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks; **(E)** boundaries indicated as parallel to or an extension of features indicated in Subsections A through D previously mentioned, shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and **(F)** where physical or

cultural features existing on the ground are at variance with those shown on the official zoning map, and in situations not covered by Subsections A through E previously mentioned, the Board of Appeals shall interpret the district boundaries.

Sec. 22-31. ZDM - VACATIONS.

Whenever any street, alley, or public way is vacated by official action of the Village Board, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

Sec. 22-32 through Sec. 22-40. RESERVED.

**ARTICLE IV: D-1 FAMILY RESIDENT DISTRICT (FRD)**

Sec. 22-41. FRD - PURPOSE.

The purpose of the Family Resident Districts are hereby established to provide locations for and to maintain values of residential developments. Except as hereinafter provided: **(A)** No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for purposes permitted in said district in which the building or land is located. **(B)** No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located. **(C)** No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located. **(D)** The minimum yards and other open spaces, including lot area per family required by this Chapter, for each and every building existing on the date of passage of this Chapter or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Chapter. **(E)** Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided for in this Chapter.

Sec. 22-42. FRD - PERMITTED USES.

The permitted uses of Family Resident Districts shall include: single-family dwellings, apartment houses, two-family dwellings, parks and playgrounds with customary improvements and facilities, day care homes, customary home occupations, utility facilities necessary for local service to the adjacent residential area, professional offices, boarding houses, public libraries, public and private schools, churches, and accessory buildings.



Sec. 22-43. FRD - MINIMUM REQUIREMENTS.

(A) No building shall be erected or enlarged unless the following minimum requirements are met:

	Single-Family Dwelling	Two-Family Dwelling	Multi-Family Dwelling (per unit)
Lot Area	Seven-Thousand (7,000) Sq Feet	Eight-Thousand (8,000) Sq Feet	Three-Thousand (3,000) Sq Feet
Front Yards	Thirty (30) Feet	Thirty (30) Feet	Thirty (30) Feet
Side Yards	Ten (10) Feet	Ten (10) Feet	Ten (10) Feet
Rear Yards	Twenty (20) Feet	Twenty (20) Feet	Thirty (30) Feet
Side Yards On Corner Lots	Thirty (30) Feet	Thirty (30) Feet	Thirty (30) Feet
Lot Width	Sixty-Five (65) Feet	Seventy (70) Feet	Seventy (70) Feet
Floor Area	One-Thousand (1,000) Sq Feet	One-Thousand Eight-Hundred (1,800) Sq Feet	Nine-Hundred (900) Sq Feet

(B) No building shall be erected or enlarged to exceed three (3) stories or thirty-five (35) feet in height.

Sec. 22-44. FRD - CONVERSION REQUIREMENTS.

An existing dwelling may be converted into three (3) , but not more than four (4) dwelling units after approval by the Village Board as a special use as follows:

**(A)** The lot upon which the conversion is requested shall not be less than twelve-thousand-feet (12,000') square for three (3) units, and fourteen-thousand-feet (14,000') square for four (4) units; **(B)** The building shall be structurally sound; **(C)** Each dwelling unit shall have at least nine-hundred-feet (900') square of livable area without expanding the building except for outside stairs or fire escapes; **(D)** The conversion shall meet all the requirements of the Building Code, existing or hereinafter for each unit; **(E)** A toilet and bath shall be provided for each unit; **(F)** The front, side and rear yard requirements of the district shall be met; and **(G)** One off-street parking space shall be provided for each unit.

Sec. 22-45. FRD - ACCESSORY BUILDINGS AND USES.

Accessory buildings and their uses are permitted in Family Resident Districts. The types of

buildings shall include, but are not limited to: **(A)** Home occupations, as defined in Section 22-2; **(B)** Detached private garages, provided that garages accessory to single-family dwellings shall be limited in width to three (3) parking stalls, and garages accessory to two (2) family dwellings shall be limited in width to four (4) parking stalls. Garage dimensions shall not exceed thirty-feet (30') square; **(C)** Swimming pools, provided that they are located only in the buildable portion of the lot or in a required rear yard and are not closer than ten-feet (10') to any lot line and meet other applicable Village Codes. A permit must be obtained from the Village for any swimming pool with a water depth of eighteen-inches (18") or more and/or a diameter of twelve-feet (12') or more. All swimming pools must be fenced in; **(D)** Private playhouses and greenhouses; and **(E)** Sheds and utility buildings.

Sec. 22-46. FRD - ACCESSORY BUILDING LOCATIONS AND REQUIREMENTS.

No accessory building may be located in a required front or side yard. Accessory buildings may be located in a required rear yard, provided: **(A)** They do not exceed twenty-feet (20') in height; **(B)** They do not occupy more than thirty-percent (30%) of the rear yard area; **(C)** They are not located closer than six-feet (6') to side or rear lot line, nor shall the eaves of any accessory building be located closer than four-feet (4') to a lot line; and **(D)** Because they are detached, they are no closer than five-feet (5') to the principal building.

Sec. 22-47. FRD - FENCES.

The following shall apply in all residential districts excluding agricultural fences: **(A)** Fences may not exceed four-feet (4') in height in the required front yard; **(B)** Fences may not exceed six-feet (6') in height in the required side and back yard; **(C)** Fences constructed on a given lot shall be installed or erected in such a manner so as not to encroach on a neighboring lot, nor to obscure the lot line separating the two (2) lots; and **(D)** In any residential district, no fence, structure or planting shall be maintained in such a manner that visibility is obstructed from intersecting streets within eighty-feet (80') in each direction from the intersection of the street center lines.

Sec. 22-48 through Sec. 22-56. RESERVED.

**ARTICLE V: C-1 COMMERCIAL DISTRICT (CD)**

Sec. 22-57. CD - PURPOSE.

The purpose of a C-1 Commercial District is hereby established to meet the daily needs of the community. A variety of business, institutional and public uses are encouraged. Marginal strip development is prohibited.

Sec. 22-58. CD - PERMITTED USES.

The permitted uses in a Commercial District shall include, but are not limited to:

**(A)** Stores or shops for the conduct of any legitimate retail business such as theaters, billiard or pool parlors, bowling alleys, arcade games and other places of entertainment; **(B)** Professional and business services such as banks, lawyers, studios, doctors, hospitals, clinics, funeral homes and veterinary service facilities; **(C)** Restaurants, coffee or tea houses, cafes, bars, and other places for the serving of food; **(D)** Personal service shops such as barber shops and beauty salons; **(E)** Telephone (both cellular and landline); television, radio, Internet and computer services; **(F)** Rooming or boarding houses, nursing homes, apartment houses, hotels and motels, dwellings above the first floor; **(G)** Bakeries and confectioneries, dressmakers and tailors, laundries and dry cleaners, printers and office supply facilities, furniture repair and sales facilities, and other establishments and businesses of similar character; **(H)** Malls, shopping centers, chain or box stores, supermarkets and grocery stores; **(I)** Clubs, lodges and fraternal organizations; **(J)** Manufacturing facilities for the processing of goods to be sold at retail or wholesale on the premises; **(K)** Automotive vehicle parking lots, garages, depots, service and fuel stations; **(L)** Public utility distribution and service centers and facilities; and **(M)** Open sales lots.

Sec. 22-59. CD - MINIMUM SPACE REQUIREMENTS.

The following table contains the minimum space requirements for the permitted uses within an area zoned as a Commercial District. These requirements are:

Specific Space	Space Requirement
Lot Area	Seven-thousand (7,000) square feet
Lot Width	Sixty-five (65) feet
*Front Yard	Not Required
Rear Yard	Shall not be less than twenty (20) feet, larger if necessary to permit space for required off-street parking and servicing.
*Side Yard	Not Required

Where C-1 Districts adjoin D-1 Districts, the D-1 yard dimensions shall prevail.

Sec. 22-60 through Sec. 22-70. RESERVED.

**ARTICLE VI: I-1 INDUSTRIAL DISTRICT (ID)**

Sec. 22-71. ID - PURPOSE.

The I-1 Industrial District, AKA Industrial Park, is established to provide for industrial uses that will have a minimal detrimental effect on surrounding properties.

Sec. 22-72. ID - PERMITTED USES.

All uses listed below are permitted in the I-1 District provided that the performance standards listed in Section 22-75 are complied with: **(A)** Any production, including but not limited to assembly, fabrication, manufacturing, cleaning, servicing, testing, repair, painting, repair or storage of materials, goods or products; **(B)**Wholesaling and warehousing, local cartage, express facilities, lumber yards and contractors' material and equipment storage yards; and **(C)** Public and community service uses such as: radio and TV transmission towers, water filtration and treatment plants, municipal or privately owned recreation buildings or community centers; and electrical substations.

Sec. 22-73. ID - MINIMUM REQUIREMENTS.

No building shall be erected or enlarged unless the following minimum requirements are met:

Specific Space	Minimum Size Requirements
Lot Area	Ten-thousand (10,000) Square Feet
Lot Width	Sixty-five (65) Feet
*Front Yard	Not Required
*Side Yard	Not Required
Rear Yard	Shall not be less than twenty (20) feet, larger if necessary to permit space for required off-street parking and servicing

\*Where I-1 Districts adjoin D-1 Districts, D-1 yard dimensions shall prevail.

Sec. 22-74. ID - MAXIMUM HEIGHT.

No building shall be erected or enlarged to exceed forty-five-feet (45') in height.

Sec. 22-75. ID - PERFORMANCE STANDARDS.

All uses in the I-1 District shall comply with the following performance standards: **(A)** All production, assembly, fabrication, manufacturing, cleaning, servicing, testing or repair shall take place within completely enclosed buildings; **(B)** Outdoor storage shall be done in the rear yard only. When outdoor storage is adjacent to D-1 or C-1 Districts or fronts on a street or highway, the storage shall be screened by a site-obscuring fence or landscaped hedge; **(C)** No activity in the district shall emit odor, fumes or gases, dust, smoke, heat, glare, or vibration, beyond the property line of the zoning lot; and **(D)** All uses shall comply with the performance standards as cited in the Environmental Protection Act, effective July 1, 1970, as amended, State of Illinois.

Sec. 22-76 through Sec. 22-86. RESERVED.

**ARTICLE VII: OFF-STREET PARKING (OSP)**

Sec. 22-87. OSP - PURPOSE.

Off-street parking requirements are established in order to alleviate or prevent congestion of the public streets and so promote the safety and convenience of the public.

Sec. 22-88. OSP - IMPROVEMENTS REQUIRED FOR PARKING SPACES.

All off-street parking, as defined in Section 22-2, shall be constructed and maintained in accordance with the following standards: **(A)** All off-street parking spaces shall be hard surfaced, or shall be surfaced with gravel, crushed stone, or similar materials in such a manner so as to provide adequate dust treatment and/or control; **(B)** All parking spaces described herein shall be located on the same lot or parcel with the building or use to be served; **(C)** Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin any residential property by wall, fence or planting screen; and **(D)** All areas designated, designed and constructed as public parking areas, shall be done so in compliance with the Americans Disability Act.

Sec. 22-89. OSP - SCHEDULE OF PARKING REQUIREMENTS.

In all districts, off-street parking spaces shall be provided at the time any building is erected, relocated or rebuilt, according to the following schedule:

Type of Use	Requirements
Single and multiple dwellings	One (1) space per dwelling unit
Board or lodging house	One (1) space for three (3) borders or lodgers
Movie theater	One (1) space for each seven seats therein
Church	One (1) space for each ten (10) seats therein
Commercial or business building in C-1 District	One space per three-hundred-feet (300') square of floor space
Medical center, doctor's or dentist's office	Three (3) spaces per each principal professional
Club or lodge	One (1) space for every four (4) seats in the principal meeting room
Funeral home	Twenty (20) spaces per chapel, plus one (1) per funeral vehicle on the premises
Manufacturing or industrial establishments, warehouses, and similar uses	One (1) space per employee on the maximum shift
Grade schools, nursery, day care	One (1) space per each ten (10) seats in the auditorium or one (1) per classroom, whichever is greater
High school, technical school	One (1) per six (6) auditorium seats or three (3) per classroom, whichever is greater
Community center, library, museum, government building	Ten (10) spaces plus one (1) for each three-hundred-feet (300') square in excess of two-thousand-feet (2,000) square
Restaurant, night club, bar or café	One (1) space per one-hundred, twenty-five-feet (125') square

(A) All uses in the C-1 District shall provide off-street loading and unloading space for building service.

(B) The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(C) The parking of a vehicle without current plates within a residential or commercial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in a garage or other accessory building.

Sec. 22-90 through Sec. 22-100. RESERVED.

### **ARTICLE VIII: SUPPLEMENTARY REGULATIONS (SR)**

Sec. 22-101. SR - MOBILE HOMES, TRAILERS AND RECREATIONAL VEHICLES.

The off-street parking of the vehicles named herein shall be regulated as follows:

(A) Recreational vehicles not designed for permanent residency, boats, snowmobiles, campers and trailers may be parked on lots in D-1 Residential Districts, provided that they are kept behind the building setback line or in permitted accessory structures. On corner lots, such vehicles must be parked behind the building setback line on both intersecting roads or in permitted accessory structures. Such vehicles may be parked in front yards for a period of time not to exceed forty-eight (48) hours only for the purpose of maintenance, packing or unpacking of the vehicles.

(B) Recreational vehicles and mobile homes designated for permanent occupancy are permitted in mobile home parks.

(C) A trailer may be used as a temporary office or shelter incidental to construction or development of the premises on which the trailer is located only during the time of said construction or development.

Sec. 22-102. SR - HOME OCCUPATIONS.

Home occupations, as defined in Section 22-2, shall be subject to the following limitations: **(A)** No person shall be employed other than residents of said dwelling; **(B)** No commodity shall be sold on the premises other than that produced on the premises; **(C)** The occupation shall be conducted wholly within the dwelling or its accessory building; **(D)** No more than fifteen-percent (15%) of the floor area may be devoted to occupational use; **(E)** There shall be no signage indicating that the dwelling is used for anything other than residential purposes; and **(F)** Not more than three (3) clients or customers shall be provided with services at one time.

Sec. 22-103. SR - MOBILE HOME PARK.

No person, agency, firm, corporation or any other type or form of business shall create, establish or operate a mobile home park within the corporate village limits without first applying for and receiving a permit from the Village, and second, applying for and receiving a license from the State of Illinois. The Village permit application, fees and requirements shall be the same as those defined in Illinois' statute 210 ILCS 115, Mobile Home Park Act.

Sec. 22-104 through Sec. 22-113. RESERVED.

## ARTICLE IX: NONCONFORMITIES PROCEDURES (NP)

### Sec. 22-114. NP - INTENT FOR USE OF NONCONFORMITIES.

(A) Within the districts established herein or amendments that may later be adopted, there exist structures and uses of land and structures which were lawful before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code. These structures and uses of land and structures are declared legal nonconformities.

(B) It is the intent of this Code to permit these nonconformities until they are removed, but not to encourage their existence. Such uses are declared by this Code to be incompatible with permitted uses in the districts involved.

### Sec. 22-115. NP - CONTINUANCE OF USE OF NONCONFORITIES.

Nonconformities may continue to operate/be operated at the level of operation on the effective date hereof subject to the following: **(A)** A nonconforming use, building or structure shall not be added to or enlarged; **(B)** No nonconforming use, building or structure shall not be changed except to a use permitted in the district in which it is located; **(C)** Repairs shall be made in order to keep the building or structure in safe condition; however, no alterations shall be made which increase the bulk of the building or structure unless otherwise required by State or Federal laws. Requirements such as use, area and fixtures must be specified, in writing, to the Zoning Board of Appeals by the governmental agency requiring the addition; and **(D)** No building or structure shall be moved in whole or in part to any other location unless the building or structure and its use conforms to all of the regulations or the district in which it is to be relocated.

### Sec. 22-116. NP - DISCONTINUANCE OF USE OF NONCONFORITIES.

If a nonconforming structure or use is voluntarily abandoned for a continuous period of twelve (12) months, it shall not be used for anything but a conforming use in the future, and any structure must conform to all regulations.

### Sec. 22-117 through Sec. 22-127. RESERVED.

## ARTICLE X: VARIANCE PROCEDURES (VP)

### Sec. 22-128. VP - VARIANCE APPLICATIONS.

Applications for a variance, as defined in Section 22-2, shall be submitted through the Village Clerk in writing to the Village Zoning Board of Appeals (ZBA). The applicant shall be required to show where the variance will not be contrary to public interest, and where owing to special



conditions, a literal enforcement of the provisions of the Code or a zoning regulation would result in unnecessary and/or undue hardship. A fee of ten-dollars (\$10.00) shall be submitted with the application.

#### Sec. 22-129. VP - VARIANCE HEARINGS.

A variance from the terms of zoning regulations shall not be granted by the Village Board unless the required public hearing is held. Notice of the time and place of such hearing shall be published at least once not more than thirty (30) nor less than fifteen (15) days before the hearing in an official newspaper or a newspaper of general circulation in the Village. Said notice shall contain the particular location for which the variance is requested, as well as a brief statement of what the requested variance consists of.

#### Sec. 22-130. VP - VARIANCE CATEGORIES AND FINDINGS.

The Village Board and the ZBA shall accept applications for two categories of variances; non-flood control and flood control. The Village Board, with the recommendation of the ZBA, shall be authorized to grant variances for both categories to the zoning regulations only after the ZBA makes all of the following findings by category:

(A) Non-Flood Control: **(1)** that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures of buildings in the same district; **(2)** that literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; **(3)** that the special conditions or circumstances do not result from the actions of this applicant; and **(4)** that granting of the variance requested will not confer on the applicant any special privileges that are denied by this Code to other lands, structures or buildings in the same district.

(B) Flood Control: **(1)** the development cannot be located outside the flood plain; **(2)** an exceptional hardship would result if the variance were not granted; **(3)** the relief requested is the minimum necessary; **(4)** there will be no additional threat to public health or safety, or creation of a nuisance; **(5)** there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities; **(6)** the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and **(7)** all other required State and Federal permits have been obtained.

(C) Every variance granted shall be done so in writing, stating the finding of facts specifying the reason for granting the variance. Additionally, the Village Board shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 22-174 that would lessen the degree of protection to a building will: **(1)** result in increased premium rates for flood insurance up to twenty-five-dollars (\$25.00) for every one-hundred-dollars (\$100.00) of coverage; **(2)** increase the risks to life and property; and **(3)**

require that the applicant proceed with the knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(D) Variances to the building protection requirements of Section 22-174 of this Code requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Section 22-130 (C).

Sec. 22-131 through Sec. 22-141. RESERVED.

## ARTICLE XI: SPECIAL USE PROCEDURES (SUP)

Sec. 22-142. SUP - SPECIAL USE OF LAND AND STRUCTURES.

Most types of land use covered by this Code are grouped according to compatibility and function, and each group is permitted outright in one or more of the various districts established in this Code. In addition to those permitted uses, there are other uses which it may be necessary or desirable to allow in certain districts, but because of their potential impact on adjacent land or public facilities, need particular and individual consideration prior to location in the community. Such uses are classified in this Code as "special uses" and fall into two (2) general categories. They are: **(A)** Those municipally operated or operated by publicly regulated utilities and uses traditionally affected by public interest; and/or **(B)** Uses entirely private in character which, because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a district in which they cannot be allowed as a permitted use under these zoning regulations.

Sec. 22-143. SUP - LIST OF SPECIAL USE LANDS AND STRUCTURES.

The Village Board, with the recommendation of the ZBA, shall have the authority to permit the following uses of land or structures in any district, except as herein qualified and subject to the conditions and procedures herein set forth; **(A)** Churches, cemeteries and mausoleums; **(B)** Nursing homes, day care centers and nurseries; **(C)** Hospitals, medical clinics, veterinary clinics in D-1 Districts and kennels for boarding or breeding; **(D)** Mobile home parks, lodges and recreations clubs or organizations; **(E)** Public, parochial or private schools; and public and government buildings; **(F)** Three (3) or four (4) apartments, converted from an existing dwelling and building heights in excess of district regulations; and **(G)** Illuminated signs.

Sec. 22-144. SUP - SPECIAL USE APPLICATIONS.

A written application for a special use, as defined in Section 22-2, shall be submitted through the Village Clerk to the ZBA. The applicant shall be required to show in writing where the conditions and safeguards of granting a special use status are in harmony with the purpose and intent of this Code. A filing fee of ten-dollars (\$10.00) shall be submitted with the application.

Sec. 22-145. SUP - SPECIAL USE HEARINGS.

A special use status shall not be granted by the Village Board unless a required public hearing is held. The Village Clerk shall ensure that proper notice of the hearing is published fifteen (15) days in advance of the public hearing in an official newspaper or a newspaper of general circulation in the Village. Said notice shall contain the particular location for which the special use is requested, as well as a brief statement of what the requested special use consists of. Any party may appear in person or by agent or attorney. The ZBA shall conduct the public hearing at the Village Hall.

Sec. 22-146. SUP - SPECIAL USE FINDINGS.

Before any special use status can be issued by the Village Board, with the recommendation of the ZBA, the Board shall make written findings certifying compliance with specific rules governing special uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable: **(A)** Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire and catastrophe; **(B)** Off-street parking and loading areas where required with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the special use on adjoining properties and properties generally in the district; **(C)** Utilities, with reference to locations, availability and compatibility; **(D)** Screening and buffering with reference to type, dimensions and character; **(E)** Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; **(F)** Required yards and other open spaces; and **(G)** General compatibility with adjacent properties and other properties in the district.

Sec. 22-147 through Sec. 22-157. RESERVED.

**ARTICLE XII: ENFORCEMENT AND ADMINISTRATION (EA)**

Sec. 22-158. EA - ENFORCING OFFICER.

It shall be the duty of the Maintenance Superintendent to enforce the provisions of this Zoning Code.

Sec. 22-159. EA - CERTIFICATES OF OCCUPANCY.

(A) No land shall be occupied or used except for agricultural or free recreation purposes, and no building hereafter erected or structured shall be occupied or used until a Certificate of Occupancy has been issued by the Maintenance Superintendent on behalf of the Village.

(B) A certificate of occupancy for a new building or the structural alteration of an existing building shall be applied for coincident with the application for a building permit, and such

certificate shall be issued within five (5) days after a request for the same shall have been made in writing to the Maintenance Superintendent after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of this Code.

(C) A Certificate of Occupancy for a change in the character of the use of a building shall be applied for before any such building shall be occupied or within five (5) days after the application has been made, provided such use is in conformity with the provisions of this Code.

(D) A Certificate of Occupancy for a change in the character of the use of land shall be applied for before any such land shall be occupied or used, and the Certificate of Occupancy shall be issued within five (5) days after the application has been made, provided such use is in conformity with the provisions of this Code.

(E) The application for a Certificate of Occupancy shall state facts showing that the building or proposed use of a building or land complies with all the building and health laws and Codes and with the provisions of this Code. The Certificate of Occupancy shall state these facts. A record of all applications and certificates shall be kept on file in the office of the Maintenance Superintendent, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property. A fee of one-dollar (\$1.00) dollar shall be charged for each copy of certificate or page of document.

Sec. 22-160. EA - CHANGES AND AMENDMENTS.

(A) The Village Board may, on its own motion or on petition of one or more persons, amend this Code from time-to-time by ordinance, but no such amendments shall be made without a public hearing first being conducted by the ZBA. The Village Clerk shall have published with at least fifteen (15) days' notice of the time and date of such hearing, in an official newspaper or in some newspaper of general circulation within the Village. Said hearing shall be held in the Village Hall.

(B) Said petition shall be accomplished by the filing fee of ten-dollars (\$10.00) dollars and plats or drawings indicating clearly the proposed use of the property under said zoning change.

Sec. 22-161 through Sec. 22-169. RESERVED.

**ARTICLE XIII: FLOOD CONTROL (FC)**

Sec. 22-170. FC - PURPOSE.

(A) This Code is enacted pursuant to the powers granted to the Village by the Illinois Municipal Code 85 (65 IL. Compiled Statutes 5/1-2-1, 5/11-30-2, 5/11-30-8, and 5/11/31-2)

and the Village of Orangeville Ordinance 9-3-96 in order to accomplish the following purposes: **(1)** to prevent unwise developments from increasing flood or drainage hazards to others; **(2)** to protect new buildings and major improvements to buildings from flood damage; **(3)** to promote and protect the public health, safety, and general welfare of the Village residents from the hazards of flooding; **(4)** to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations; **(5)** to maintain property values and a stable tax base by minimizing the potential for creating blight areas: and to make federally subsidized insurance available.

(B) The appropriate terms and their respective definitions relative to the topic of this Article can be found in Section 22-2.

Sec. 22-171. FC - BASE FLOOD ELEVATION.

(A) This Code's protection standard is the Village's base flood data. The best available base flood data source is listed in 22-171 (B). Whenever a party disagrees with the best available data, said party may finance the detailed engineering study needed to replace the existing data with better data and submit them to the Federal Emergency Management Agency for approval.

(B) The base flood elevation for each flood plain delineated as an "A Zone" on the Flood Hazard Boundary Map of the Village shall be according to the best data available from Federal, State or other sources. Should no other data exist, an engineering study shall be financed to determine the Village's base flood elevations.

Sec. 22-172. FC - DEVELOPMENT PERMIT.

(A) No person, firm corporation, or government body not exempted by State law shall commence any development in a Village flood plain without first obtaining a development permit from the Village Clerk. Upon receipt of an application packet for a development permit, the Village Clerk shall review the contents of the application packet to insure it contains: **(1)** a request for a permit; **(2)** scaled drawings of the site depicting: **(a)** property line dimensions; **(b)** existing grade elevations and all changes in grade resulting from excavation or filling; **(c)** the location and dimensions of all buildings and additions to buildings; **(d)** the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of this Code; **(3)** a filing fee equal to that of the cost of review; and (4) a copy of the approved variance issued by the Village Board.

(B) After verifying the completeness of the application for development packet, the Village Clerk shall forward the packet to either an engineer firm contracted by the Village, or to the Village Engineer appointed by the Village Board. Said firm or person shall review the application for compliance with the requirements of Section 22-172 (A) and verify that the site elevations are above the base flood elevation. The firm or person conducting the review shall also maintain documentation of the existing ground elevation at the development site and

certify that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map.

(C) Upon completing the requested review, the reviewing agency/person shall return the packet to the Village Clerk along with a written finding of either compliance or noncompliance. Noncompliant findings shall be based and cited exclusively upon a failure of the applicant to comply with one or more of the requirements in Section 22-172, Subsections (A) and (B).

(D) The Village Clerk, upon receipt of an application for development packet with a compliant finding, shall issue the requested permit. If the packet is returned with a finding of noncompliance, the Clerk shall return it to the applicant for correction and re-submission. A filing fee shall be paid for each submission and review. A copy of the complete packet, to include all review findings, shall be kept on file at the Village Hall.

Sec. 22-173. FC - INCREASED FLOOD HEIGHT PREVENTION.

(A) Within the Village's flood-plains, except as provided in Section 22-173 (B), no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement: **(1)** aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4; **(2)** minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5; **(3)** minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6; **(4)** outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No, 7; **(5)** underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8; **(6)** bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No, 9; **(7)** accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10; **(8)** minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and **(9)** any development determined by IDNR/OWR to be located entirely in a flood fringe area.

(B) Other development activities not listed in 22-173 (A) may be permitted only if: **(1)** a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required; and **(2)** sufficient data have been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

Sec. 22-174. FC - PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of Section 22-173, all buildings to be located in a flood plain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations: **(1)** construction or placement of a new building valued at more than one-thousand-dollars

(\$1,000.00); **(2)** substantial improvements made to an existing building; **(3)** structural alterations made to an existing building that increase the floor area by more than twenty-percent (20%); **B** installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and **(5)** installing a travel trailer on a site for more than eighty (80) days.

**(B)** Residential or non-residential buildings can meet the building protection requirements by applying one of the following two (2) methods: **(1)** The building may be constructed on permanent landfill in accordance with the following: **(a)** the lowest floor (including the basement) shall be at or above the flood protection elevation; **(b)** the fill shall be placed in layers no greater than one-foot (1') before compaction and should extend at least ten-feet (10') beyond the foundation before sloping below the flood protection elevation; **(c)** the fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure; **(d)** the fill shall be composed of rock or soil and not incorporate debris or refuse materials; and **(e)** the fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, storm-water management techniques such as swales or basins shall be incorporated; or **(2)** The building may be elevated in accordance with the following: **(a)** the building or improvements shall be elevated on stilts, piles, walls or other foundation that is permanently open to flood waters; **(b)** the lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation; **(c)** if walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one-foot (1') above grade. The openings shall provide a total net area of not less than one-inch (1") square for every one-foot (1') square of enclosed area subject to flooding below the base flood elevation; **(d)** the foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris; **(e)** the finished interior grade shall not be less than the finished exterior grade; **(f)** all structural components below the flood protection elevation shall be constructed of materials resistant to flood damage; **(g)** water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are water-proofed; and **(h)** the area below the flood protection elevation shall be used solely for parking or building access and not as habitable space.

**(C)** Manufactured homes or travel trailers that are to be installed on site for more than one-hundred-eighty (180) days shall be: **(1)** elevated to or above the flood protection elevation; and **(2)** shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

(D) Nonresidential buildings may be structurally dry flood-proofed (in lieu of elevation) provided a registered professional engineer or architect certifies that: **(1)** if they are below the flood protection elevation, the structure and attendant facilities are watertight and capable of resisting the effects of the base flood; **(2)** the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and **(3)** flood-proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity. Levees, berms, flood-walls and similar works are not considered flood-proofing for the purpose of this Subsection.

Sec. 22-175. FC - SUBDIVISION DEVELOPMENT REQUIREMENTS.

(A) The Village Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development. (B) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 22-173 and 22-174 of this Code. Any proposal for such development shall include the following data: **(1)** the base flood elevation and the boundary of the flood-plain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation); **(2)** the boundary of the flood-way when applicable; and **(3)** a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

(C) Public health standards must be met for all flood plain development. In addition to the requirements of Section 22-173 and 22-174, the following standards shall apply: **(1)** no development in a flood-plain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a storage tank or flood-proofed building constructed in accordance with the requirements of Section 22-174 of this Code; **(2)** public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage; **(3)** public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and **(4)** new and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

(D) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.



Sec. 22-176. FC - DUTIES AND RESPONSIBILITIES.

The duties and responsibilities for the general administration and management of this Chapter of the Village's Book of Codes shall be shared by three (3) offices; the Village Board, the Village Clerk, and the appointed/contracted engineer(s).

(A) The Village Board shall have overall responsibility for ensuring that all aspects of the rules and regulations (requirements) cited herein are upheld and complied with, and that the other two (2) offices understand the scope of their duties and responsibilities and are capable and prepared to carry them out.

(B) The Village Clerk shall specifically be responsible for maintaining **(1)** all the appropriate information, forms and instructions regarding the application for a flood control variance and a flood control development permit; **(2)** public information for the Village's flood control program; and **(3)** the Village's files, correspondence, and records on all matters, variances, and permits issued concerning flood control in the Village's flood-plains.

(C) The appointed/contracted engineer(s) shall be responsible for: **(1)** reviewing all applications for a flood control variance and a flood control development permit for compliance and providing a finding on each to the Village Board; **(2)** ensuring that all developments in a flood-way (or a flood-plain with no delineated flood-way) meet the damage prevention requirements of Section 22-173; **(3)** ensuring that the building protection requirements for all buildings subject to Section 22-174 are met and maintain a record of the "as-built" elevation of the lowest floor (including the basement) or flood-proof certificate; **(4)** assure that all subdivisions and annexations meet the requirements of Section 22-175; **(5)** inspect all development projects and report any violations of this Chapter to the Village Board; **(6)** notify IDNR/OWR and any neighboring communities prior to any approved alteration or relocation of a watercourse; and **(7)** cooperate with State and Federal flood-plain management agencies to coordinate base flood data and to improve the administration of this Code; and maintain for Village use base flood data, flood-plain maps, copies of State and Federal permits, and documents or compliance for development activities subject to this Code.

Sec. 22-177. FC - DISCLAIMER OF LIABILITY.

The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the Village's flood-plains will be free from flooding or damage. This Code does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from proper reliance on this Code or any administrative decision made lawfully thereunder.

Sec. 22-177 through 22-179. RESERVED

#### **ARTICLE XIV: ZONING BOARD OF APPEALS (ZBA)**

Sec. 22-180. ZBA - PURPOSE.

Individuals, organizations, firms, and companies seeking, desiring or needing relief, remedy or exception from any of the rules, conditions or requirements contained herein may apply or petition through the Village Board to the Zoning Board of Appeals for said relief or remedy. Petitioners should read carefully the conditions and requirements of Article IX, Article X, and Article XII of this Chapter before submitting the required paperwork through the Village Clerk.

Sec. 22-181. ZBA - ORGANIZATION.

The Zoning Board of Appeals, also known as the ZBA, shall be a five (5) member organization. Membership shall be through appointment by the Village President and confirmation by the Village Board. The term of office for two (2) of the positions shall be three (3) years, and for the other three (3) positions, two (2) years. One (1) member shall be appointed as Chairman by the Village President. The provisions contained in Sections and Subsections of Chapter 2, Article III, shall apply to the appointment of all members of the ZBA.

Sec. 22-182. ZBA - DUTIES.

The ZBA shall serve as the investigative branch of the Building and Construction Committee. Its duties are to conduct public hearings for the purpose of reviewing applications and/or petitions for variances, special uses, re-zoning, zoning Code amendments, appeals, flood-plain development permits, and mobile home park permits. Federal, State, County and Village statutes, Codes and guidelines shall be deemed to be applicable and appropriate sources and resources of information and guidance for the conduct of the ZBA's duties.

Sec. 22-183. ZBA - HEARINGS.

All hearings conducted by the ZBA shall be open to the public and conducted in accordance with the requirements of the Illinois Open Meetings Act. Hearing dates shall be established and set by the Board Chairman, and published by the Village Clerk. Locations shall be discretionary based on the Board's needs and the reason for the convening of the Board and the conduct of the hearing. Hearing minutes and findings shall be provided to the Village Clerk for appropriate distribution and action.

Sec. 22-184. ZBA - FINDINGS.

All findings produced by the Village ZBA shall be done so in written format and addressed to the Village President through the Chairman of the Village Board's Building and Construction

Committee. All findings shall have a recommendation for the Board to consider, discuss and vote on. ZBA findings may or may not result in an amendment to this Code.

Sec. 22-185 through Sec. 22-189. RESERVED.

#### **ARTICLE XV: PENALTIES**

Sec. 22-190. PENALTY - BY ARTICLE AS INDICATED.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication. The following penalties are applicable by article as indicated:

B. Any person who violates any provision of Article XII shall have ten (10) calendar days from the date of citation to correct the violation. Failure to comply within the time allotted will result in the conditions cited in "C" below being applied.

C. Whenever in this Chapter or in any Section of this Chapter an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Chapter, or whenever in such statute the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor, the violation of any such provision of this Chapter or any statute herein shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of any provision of the Chapter or any statute of the Chapter continues, consecutive or not, shall constitute a separate offense. Regardless of the number of total days of violation, any fine shall not exceed three-thousand-dollars (\$3,000.00).