

CHAPTER 151: DEVELOPMENT CODE

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GENERAL PROVISIONS

§ 151.001 TITLE.

This chapter shall be known and may be properly cited as the "Development Code for the Village of Shiloh, Illinois", or, more simply, the "Development Code".

§ 151.002 INTENT.

In the Development Code, a wide spectrum of land use and development controls commonly imposed in separate ordinances are incorporated into a single legal instrument. This format is intended to increase the code user's convenience and, more importantly, to clarify the interrelationship of the regulations included.

§ 151.003 PURPOSE.

(A) The overriding purpose of the Development Code is the protection and promotion of the public health, safety, comfort, morals and welfare.

(B) More specifically, the various provisions of this Code will enable the village to insure that:

- (1) Land uses and structures within the community are properly situated in relation to one another;
- (2) All structures are constructed, plumbed and wired in accordance with recognized national or state standards;
- (3) Consideration is given to the special problems associated with mobile homes, signs and parking/loading spaces;
- (4) Land development projects within the community are properly designed, platted and improved;

(5) The reduction and elimination, where feasible, of the special problems associated with adult uses which include lowering of adjacent property values, increased criminal acts and the cumulative negative impact to the community associated with concentrations of adult and related uses to include, cabarets with topless type entertainment, pawn shops, adult book stores, adult theaters and similar uses;

- (6) Regulations set forth in this Code are efficiently administered and fairly enforced; and
- (7) Public recourse to the provisions of this Code is clearly and concisely explained.

§ 151.004 INTERPRETATION.

Provisions of the Development Code shall be construed liberally in favor of the village and requirements imposed in this Code shall be deemed the minimum requirement for the promotion of public health, safety and welfare. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction or covenant, the more stringent requirements shall prevail.

§ 151.005 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no person elected, appointed or employed by the village

shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under the Development Code. Any suit brought against the persons as a result of the actions shall be defended by village staff until the final determination of the legal proceedings.

(B) (1) The village does not accept responsibility for the project design and/or construction of a development nor any other design consideration or standard utilized in the project. The developer and any design professionals are reminded that they are responsible for meeting or exceeding all pertinent federal, state or local codes or standards both on and off the site. The village's codes and regulations establish only a minimum. The developer should therefore rely upon the advice of a design professional as to whether a more stringent standard should be used for this project.

(2) Review of plans by the village does not constitute approval of method, approach or sufficiency of the design.

§ 151.006 SEPARABILITY.

If any provision of the Development Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

§ 151.007 REPEALER.

All ordinances or parts thereof that conflict with the provisions of the Development Code are hereby repealed.

§ 151.008 EFFECTIVE DATE.

The Development Code shall take effect immediately after its legal adoption.

§ 151.009 CONSTRUCTION OF TERMS.

In constructing the intended meaning of terminology used in the Development Code, the following rules shall be observed.

(A) Words and phrases shall have the meaning ascribed to them in § 151.010 unless the context clearly indicates otherwise; terms not defined in § 151.010 shall have their standard English meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) The term "village" shall mean the Village of Shiloh, Illinois; the term "community" shall mean Shiloh and the surrounding territory within the jurisdictional boundaries of the village.

(G) Captions (i.e., titles of articles, sections and the like) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(H) Reference to sections shall be deemed to include all items within that section; but a reference to a particular division designates only that division.

(I) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly stated.

§ 151.010 SELECTED DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ABUTTING. Having a common lot line, district line or boundary line; synonymous terms shall include **ADJOINING**,

CONTIGUOUS and **DIRECTLY ADJACENT**.

ACCESS. A way or means of vehicular movement to and from property.

ACCESSORY USE. Any structure or use that is:

- (1) Substantially subordinate in size and purpose to the principal structure or use which it serves. "Substantially subordinate in size" means that the accessory use is no larger than 35% of the footprint of the principal structure;
- (2) Necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

ADMINISTRATOR. The official appointed by the President of Shiloh with the advice and consent of the Village Board of Trustees to administer this Development Code, or his or her representative.

ADULT BOOK STORE. Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, videos, devices, slides or other electronic, photographic or written reproductions, is conducted as a principal use of the premises; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

ADULT CABARET. Any premises from which minors are excluded which features dancers, strippers, male or female impersonators or similar entertainers on a regular basis or as an adjunct to some other business activity conducted on the premises, but which constitutes a primary attraction to the premises.

ADULT MINI-MOTION PICTURE THEATER. Any premises from which minors are excluded with a capacity of less than 50 persons used for presenting movies, videos or similar photographic or electronic reproductions on a regular basis or as an adjunct to some other business activity conducted on the premises, but which constitutes the primary and a major attraction to the premises.

ADULT MOTION PICTURE THEATERS. Any premises from which minors are excluded with a capacity of 50 or more persons used for presenting movies, videos or similar photographic or electronic reproductions on a regular basis or as an adjunct to some other business activity conducted on the premises, but which constitutes the primary or a major attraction to the premises.

ADULT USES. Characterized by the exclusion of minors from the use activity and includes adult book stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets and similar uses.

AGRICULTURE. The production and care of plants and animals for one's livelihood; the term shall encompass structures and uses customarily incidental to such activities.

AIRCRAFT NOISE ZONE. Any one of the zones identified on the maps attached hereto, made a part hereof.

AISLE. A vehicular traffic way within an off-street parking area, used as a means of access from parking spaces that are not used to access dwelling units. (See **LOCAL STREET** and **LOCAL COLLECTOR STREET**.)

ALLEY. A minor way used primarily for vehicular service access to the rear or the side of properties or otherwise abutting on a street.

ALTER. To change the size, shape or use of a structure.

AMENDMENT. A legal change in the provisions of the Development Code (including those portions incorporated by reference) to include the text, schedules and maps; amendments may be made to the zoning and subdivision regulations alike.

ANCHOR. Any approved device used to keep a mobile home firmly attached to the stand on which it is placed.

ANIMAL, DOMESTIC. Any of various animals including farm animals domesticated by humans so as to live and breed in a tame condition.

ANIMAL, FARM. The species of fowl, ovine, caprine, bovine, porcine and equine, that have been domesticated for agricultural purposes.

ANIMAL, HOUSEHOLD PET. Domestic animals which have extensively and historically been kept for personal pleasure, companionship and protection.

ANIMAL, WILD. Any of the various animals that have not been domesticated to live and breed in a tame condition.

ANIMAL SHELTER/CARE FACILITY. Any building or portion thereof designed or used for the care, observation or treatment of animals.

ANIMATED SIGN. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

APPEAL. A legal request of a person aggrieved by a decision or order to change the interpretation or enforcement of the provisions of the Development Code; **APPEALS** may be made in regard to the zoning and subdivision regulations alike.

ARTERIAL STREET. A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade and on which traffic control devices are used to expedite the safe movement of through traffic.

ASSISTED LIVING. An assisted living center is a non-residential structure with certain care services allowed by the appropriate state regulatory agencies that distinguish it from a nursing home.

ATTACHED. As applied to buildings, the term means having a common wall and/or a common roof.

BANNER. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered **BANNERS**.

BEACON. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BERM. A smaller dike-like earth or paved embankment to divert the flow of runoff water, provide screening or create a landscape feature.

BIKEWAY/TRAIL. A paved travelway for bicycles that allows linkages to other bikeway/trails, provides an alternate mode of transportation, connects residential housing developments and/or creates a linkage to other transportation systems and services.

BLOCK. An area of land entirely bounded by streets, highways or barriers (except alleys, pedestrian ways or exterior boundaries of a subdivision unless such boundary is a street or highway) or a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines or waterways or corporate boundary lines.

BUILDING. Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

BUILDING HEIGHT. The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections (other than signs) shall not be included in calculating building height.

BUILDING LINE. The line nearest the front of and across a lot, delineating the minimum yard space required between the front of a structure and the street right-of-way. (Corner lots have two front building lines.)

BUILDING MARKER. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN. Any sign attached to any part of a building, as contrasted to a free-standing sign.

BULK. Any one or any combination of the following structural or site design characteristics:

- (1) Size or height of structure;
- (2) Location of exterior walls at all levels in relation to lot lines, streets or other structures;
- (3) Lot area; and
- (4) Yards or setbacks.

CANOPY SIGN. Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A "marquee" is not a **CANOPY**.

CATCH BASIN. A receptacle, located where a street gutter opens into a sewer, and designed to retain matter that would not readily pass through the sewer.

CENTERLINE.

- (1) The centerline of any right-of-way having a uniform width;
- (2) The original centerline, where a right-of-way has been widened irregularly; and
- (3) The new centerline, whenever a road has been relocated.

CHANGEABLE COPY SIGN. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a **CHANGEABLE COPY SIGN** for purposes of this Code. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a **CHANGEABLE COPY SIGN** for purposes of this Code.

COLLECTOR STREET. A street which carries or is expected to have an average daily traffic of more than 3,200 vehicles. It may carry some non-local traffic.

COMMERCIAL MESSAGE. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

COMMERCIAL USE/ESTABLISHMENT. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

COMMON OPEN SPACE. A parcel or parcels of land in a planned development designed and intended for the use of all residents or occupants thereof. **COMMON OPEN SPACE** unoccupied by principal or accessory buildings, however, may contain complementary recreational structures and improvements designed and intended for the benefit and enjoyment of residents of the planned development.

CORNER LOT. A lot having at least two adjacent sides that abut for their full length upon streets; both the lot lines shall be deemed front lot lines. (See § 151.167 for fence provisions.)

CORRECTIVE ACTION ORDER. A legal order issued in accordance with the procedures set forth herein to effect compliance with the Development Code.

CROSS SLOPE. The degree of inclination measured across a right-of-way rather than in the direction that traffic moves on the right-of-way.

CUL-DE-SAC. A short local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to the turn-around.

CURB AND GUTTER, INTEGRAL. The rim forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.

DAY CARE CENTER, CHILDREN. An establishment for profit of the part-time care and/or instruction at any time of day of four or more children not permanently residing at the establishment.

DAY CARE CENTER, ADULT. An establishment providing care and supervision to two or less frail adults for a portion of the day.

DECIBEL (dBA). A unit of sound pressure level weighted by use of the A-metering characteristics and weighing as specified in American National Standards Institute Specification for Sound Level Meters (ANSI S1.4 - 1983), which is hereby incorporated by reference. **dBA** is also referred to as an **A-WEIGHTED DECIBEL**.

DEDICATION. The transfer of ownership and/or maintenance responsibility for a street or other facility to the village or other public entity by the landowner on whose property the facility is located.

DEVELOP. To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading or clearing) in preparation therefor.

DEVELOPMENT. Any human-made change to improved or unimproved real estate including, but not limited to, construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations.

DIMENSIONS. Measurements of depth, length, width and height.

DISTRICT, ZONING. A portion of the territory of the village wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

DRIVEWAY. A minor way commonly providing vehicular access to a garage or an off-street parking space in the zoning districts of NU, R-1, R-2 and R-3.

DUPLEX. A multi-family dwelling containing two dwelling units.

DWELLING. A building or portion thereof designed, or used primarily as living quarters for one or more families, but not including commercial facilities designed to accommodate the transient public with lodging.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof containing two or more dwelling units.

DWELLING, SINGLE-FAMILY. A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

DWELLING UNIT. A unit designed or used as living quarters by one family; such a unit shall include complete kitchen and sanitary facilities.

EASEMENT. A right to use another person's real property for certain limited purposes.

ENLARGE. To increase the size (floor area, height and the like) of an existing principal structure or accessory use, or to devote more land to an existing use.

ERECT. To build or construct.

ESCROW DEPOSIT. A deposit in cash or other approved securities by a developer to assure the completion of subdivision improvements required by the Development Code.

ESTABLISHMENT. Either of the following:

- (1) An institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings or premises on a zone lot; or
- (2) An institutional, business, commercial or industrial activity that occupies a portion of a building or premises on a zone lot such that:
 - (a) The activity is a logical and separate entity from the other activities within the building or premises and not a department of the whole; and
 - (b) The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

EXISTING. Actually constructed or in operation on the effective date of this Code.

FACTORY BUILT HOUSING.

- (1) There are two categories of factory built housing distinguished primarily by the building code that regulates their construction. One category is built to local or state building codes and includes, but is not limited to, modular, panelized and structural insulated panels. The second category is manufactured housing (mobile homes).
- (2) The U.S. Department of Housing and Urban Development regulates the construction of this housing type under the *Manufactured Home Construction and Safety Standards* (the HUD Code).
- (3) The HUD Code preempts local or state codes that may exclude manufactured homes solely on the basis that the housing is not built to local codes.

FACTORY BUILT HOUSING, MOBILE HOMES and DOUBLEWIDES (MANUFACTURED HOUSING).

(1) **FACTORY BUILT HOUSING, MODULAR.**

- (a) Panelized, structural insulated panels and similar systems; a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the

building site, for installation, or assembly and installation, on the building site, with a permanent foundation.

1. **CLOSED CONSTRUCTION.** Any building, component, assembly or system manufactured in such a manner that all portions cannot readily be inspected at the installation site without disassembly, damage to or destruction thereof.

2. **OPEN CONSTRUCTION.** Any building, component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to or destruction thereof.

(b) **FACTORY BUILT HOUSING** meeting the requirements of this definition in the state will contain a yellow seal in the shape of the state on the electrical panel of each unit.

(2) **MOBILE HOME.**

(a) A movable or portable unit, which is not less than 900 square feet in size, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of Chapter 15 of the Illinois Vehicle Code, and designed to be connected to utilities for year round occupancy with or without a permanent foundation. The term shall include:

1. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity; and

2. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles.

(b) A red label must be located on the exterior end of the mobile home near floor level at the end opposite the towing hitch, containing the following statement: "As evidenced by this Label No. _____, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the federal manufactured home construction and safety standards in effect on the date of manufacture. See data plate."

(c) Where (doublewides) units of two or more separately towable components are designed to be joined in one integral unit the integrated unit must have a minimum living area of not less than 900 square feet, minimum three-twelfthths roof pitch, 12-inch minimum roof overhang and residential style roofing and siding.

FAMILY. Two or more persons related by blood, marriage, legal adoption, guardianship and not more than one unrelated person, maintaining a common household in a dwelling unit.

FINAL CERTIFICATE OF COMPLIANCE (OCCUPANCY PERMIT). A permit issued indicating that the completed structural or other work required to develop land, establish or erect a new use or structure, or enlarge, extend, alter, relocate or reconstruct an existing use or structure, appears to comply with all pertinent requirements of the Development Code and the structure or use may, therefore, be occupied or used. Note: This is not intended to take the place of a whole house inspector.

FINAL PLAT. The final engineering survey maps, drawings and supporting material indicating the subdivision plan which, if accepted, shall be filed with the St. Clair County Recorder of Deeds. Note: For required submittal information, see other sections of this Code.

FLAG. Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

FLOOD ELEVATION, REGULATORY. See § 151.476.

FLOOR AREA, GROSS (FOR THE PURPOSE OF DETERMINING FLOOR AREA RATIO). The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, NET. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO (F.A.R). The gross floor area, in square feet, of all buildings on a lot divided by the total lot area, also in square feet.

FREE-STANDING SIGN. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that

are independent from any building or other structure.

FRONT LOT LINE. The lot boundary abutting the street. Corner lots have two front lot lines. (See § 151.167 for fence provisions.)

FRONT YARD. The side of a lot that abuts a street. Corner lots have two front yards. (See § 151.167 for fence provisions.)

FRONTAGE. The lineal extent of a lot fronting a street.

FRONTAGE ROAD. A street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

GRADE. The degree of inclination of the site or right-of-way slope.

GRANDFATHERING. A process whereby a nonconforming lot, structure or use that exists immediately prior to the effective date of this Code may be allowed to continue subject to review and approval of the Village Board of Trustees.

GREENHOUSE. See *NURSERY*.

GROUP HOME FOR THE DISABLED. A dwelling shared by four or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

HARDSHIP. As used in the provisions of this Code pertaining to variances, unreasonable difficulty in complying with Code requirements due to the condition or topography of the land, location of the structure or similar factors. **HARDSHIP** does not mean personal, family problems, financial problems, size of fenced yard for dogs or similar matters.

HOME OCCUPATION. Any business conducted for monetary gain within a dwelling or on the immediate premises which is in conformity with the applicable provisions of the Development Code. May include service or sales on or off site.

INCIDENTAL SIGN. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone" and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

IMPROVEMENTS. Any street, curb and gutter, sidewalk, drainage ditch, sewer, catch basins, tree, off-street parking area or other facility necessary for the general use of property owners in a development.

IMPROVEMENTS PLANS. The engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a development.

INITIAL CERTIFICATE OF COMPLIANCE. A permit issued indicating that the proposed structural or other work required to develop land, establish or erect a new use or structure, or enlarge, extend, alter, relocate or reconstruct an existing use or structure, appears to comply with all pertinent requirements of the Development Code and may, therefore, proceed.

INTERSECTION. The point at which two or more public rights-of-way (usually streets) meet.

JUNK YARD. A tract of land, including any accessory structures thereon, used for handling and storage of waste or scrap materials. The term **JUNK YARD** shall include any lot on which two or more inoperable vehicles are parked for longer than seven days in a 30-day period.

JURISDICTIONAL BOUNDARIES. The territorial limits of the village in enforcing the Development Code as defined by state statute relating to zoning and subdivision regulations.

KENNEL. Any structure or premises or portion thereof on which more than three dogs, cats or other household domestic pets over four months of age are bred, trained or boarded for commercial purposes (other than medical services).

LDN. The day/night average level, or the 24-hour equivalent continuous sound level (time averaged A-weighted sound level) from midnight to midnight, obtained after the addition of ten dBA to sound levels measured from 10:00 p.m. to 7:00 a.m.

LEQ. The equivalent continuous sound level which over the period of one hour has the same A-weighted sound energy as the time varying sound.

LOADING SPACE. An off-street space used for the temporary parking of a commercial motor vehicle while loading or

unloading merchandise or materials.

LOCAL COLLECTOR STREET.

(1) A street, public or private, which carries or is expected to carry intermediate volumes of traffic from local residential or marginal access streets to major collector or arterial streets which would serve more than 25 dwelling units.

(2) A ***LOCAL COLLECTOR STREET*** may also be commercial or industrial in character and on which parking may be permitted as determined by the Village Board.

LOCAL STREET. A street, public or private, giving access to individual dwelling units or multiple dwelling units and serves less than 25 dwelling units.

LOGO TYPE BUILDING. A structure of a type and with architectural features making it readily recognizable as a franchise or a chain building style.

LOT. A tract or parcel of land intended as a unit for the purpose (whether immediate or future) of ownership transfer or development; the term is not synonymous with "lot of record".

LOT, CORNER. A lot having at least two adjacent sides that abut for their full length upon streets. Both side lines shall be deemed front lot lines. (See § 151.167 for fence provisions.)

LOT, THROUGH. A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both lot lines shall be deemed front lot lines. (See § 151.167 for fence provisions.)

LOT AREA. Lot area of a horizontal plane bounded by the front, side and rear lines of a lot.

LOT DEPTH. The mean horizontal distance between the front line and rear line of a lot.

LOT LINE, FRONT. The lot boundary abutting the street (corner lots have two front lot lines). (See § 151.167 for fence provisions.)

LOT LINE, REAR. An interior lot line which is most distant from and most nearly parallel to the front lot line (corner lots have two rear lot lines.)

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

LOT WIDTH. The mean horizontal distance between the side lines of a lot.

MANUFACTURED HOUSING. See ***FACTORY BUILT HOUSING.***

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

MATERIALLY. Significantly, substantially.

MINOR SUBDIVISION. A division of land into at least two, but not more than four, lots, all of which front upon an existing street, and not involving any new streets or other rights-of-way, easements, improvements or other provisions for public areas and facilities.

MOBILE HOME. See ***FACTORY BUILT HOUSING.***

MOBILE HOME PARK. A parcel of land developed for the purpose of providing a location and accommodations for mobile homes in accordance with the Development Code and applicable state statutes.

MODULAR HOUSING. See ***FACTORY BUILT HOUSING.***

NOISE LEVEL REDUCTION (NLR). The difference between the exterior and interior sound level, expressed in dBA, which is achieved by the intervening structure.

NONCONFORMING. A lot, structure or use legally existing on the adoption date of the Development Code, but not in compliance with the applicable provisions thereof.

NONCONFORMING SIGN. Any sign that does not conform to the requirements of this Code.

NURSERY. A tract of land on which trees, shrubs and other plants are raised for transplanting and sale, and including any structure in which the activities are conducted.

NURSING HOME.

(1) A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

(2) An establishment serving three or more frail adults for a portion of the day falls under the **NURSING HOME** definition.

OCCUPANCY PERMIT. See **FINAL CERTIFICATE OF COMPLIANCE**.

OFFICIAL ZONING MAP. The map and any amendments thereto designating zoning districts, and incorporated into the Development Code by reference.

PARKING AREA/LOT, OFF-STREET.

(1) Land that is improved in accordance with this Code and used for the storage of passenger motor vehicles, free of charge or for compensation.

(2) An **OFF-STREET PARKING AREA**, depending on the circumstances of its use, may be either a principal use or an accessory use.

PARKING SPACE, OFF-STREET.

(1) An off-street space used for the temporary parking of a passenger motor vehicle.

(2) The area to be at least 20 feet long and ten feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle. (See §§ 151.130 through 151.148 for further information.)

PAVEMENT WIDTH. The mean horizontal distance between the edges of a street; in the case of a curbed and guttered street, the curb-rise shall be considered as the edge of the street.

PERMANENT FOUNDATION. A closed perimeter formation consisting of materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line, excluding the use of piers.

PERMITTED USE. Any structure or use which is or may be lawfully erected or established in a particular zoning district, provided it conforms with the requirements of the Development Code.

PENNANT. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

PERSON. Any individual, partnership, firm, association, organization or corporate body.

PLANNED UNIT DEVELOPMENT (PUD). An area of minimum contiguous size, as specified by this Code to be planned, developed, operated and maintained as a unified development and containing one or more residential clusters or planned unit residential developments or one or more public, quasi-public, commercial or industrial areas in such ranges or ratios of differing uses as specified in this Code.

PLANNING COMMISSION. The Planning Commission of the village.

PLANTING STRIP BUFFER. A landscaped area of land used to protect a structure or use from the harmful effects of an adjacent structure or use (also see **BERM**.)

POLE BARN. A structure with timber posts for a foundation and a system of wooden posts and girts that comprise the wall framing system.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs, balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

PRELIMINARY PLAT. The preliminary engineering survey maps, drawings and supporting material indicating the proposed layout of a subdivision. (See requirements in this Code required for submittal.)

PREMISES. A lot and all the structures and uses thereon.

PRINCIPAL BUILDING. The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

PRINCIPAL USE. The primary structure or use erected or established on a lot, as distinguished from a subordinate structure or use defined as "accessory use".

PROJECTING SIGN. Any sign affixed to a building, not including the roof, or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.

PUBLIC. As applied to utilities, either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

REAR LOT LINE. An interior lot line which is most distant from and most nearly parallel to the front lot line.

RECOGNIZED ACOUSTICAL SPECIALIST.

- (1) A person qualified by education and experience to conduct sound analysis of buildings.
- (2) The approved individual shall have at least three years of experience in the field of sound control; a degree from a recognized institute of higher learning in acoustics or a closely related discipline; and demonstrated expertise in the process of sound analysis of buildings.

RECREATIONAL VEHICLE. A term encompassing any type of vehicle used for recreational, avocational or competitive purposes on land, sea or air pleasure such as travel trailers, motor homes, boats, snowmobiles and the like. **RECREATIONAL VEHICLES** to include, but not be limited to, camping trailers, travel trailers, motor homes, mini-motor homes, van camper, camper shells, boats, snowmobiles and the like.

RELOCATE. To move to another portion of a lot or to a different lot.

RESIDENTIAL SIGN. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering the service at such location conforms with all requirements of this Code.

RETAIL. The sale of goods or services directly to the consumer rather than to another business.

REVERSE CURVE. A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

RIGHT-OF-WAY/R.O.W. A strip of land acquired for use for a public road, railroad and the like; and abbreviation for **RIGHT-OF-WAY**.

ROOF SIGN. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SELF STORAGE BUILDINGS. Storage buildings typically used to store household or personal items that are not for distribution to wholesalers or retailers.

SERVICE STATION.

- (1) A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil and automotive parts, supplies and accessories.
- (2) A **STATION** may include facilities for washing vehicles and making minor automotive repairs.

SETBACK. The minimum horizontal distance between a street line and:

- (1) The nearest wall of a building or side of a structure facing the street line; or

- (2) The edge of the area of operation of a principal use involving no building or structure.

SETBACK LINE. See **BUILDING LINE**.

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

SIDEWALK. A pedestrian way, constructed in compliance with the standards of this Code, that customarily abut or is near the curb line of the street.

SIGN. Any object, device, display or structure, or part thereof, used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination and the like. The term **SIGN** includes, but is not limited to, every projecting sign; free-standing sign; window sign; awning, canopy, marquee sign; changeable copy sign; illuminated sign; moving sign; temporary sign; portable sign; pennants; banners, streamers or any other attention-getting device; or other display whether affixed to a building or erected elsewhere on the premises.

SIGN AREA. See §§ 151.105 through 151.119 and Chapter 34 of this Code.

SKIRTING. The covering affixed to the bottom of the exterior walls of a mobile home to prevent wind uplift and to conceal the underside thereof.

SOUND. Energy that is transmitted by pressure waves in the air or in other materials and is the objective cause of the sensation of hearing. It is commonly called **NOISE** if it is unwanted.

SOUND ATTENUATION. The reduction in sound level which occurs between the source and the receiver.

SOUND LEAK. An opening in a structure through which sound can pass. **SOUND LEAKS** are often extremely small holes or cracks. In general, an **AIR LEAK** is a **SOUND LEAK**.

SOUND LEVEL.

- (1) The level of sound pressure measured with a sound level meter and one of its weighing (frequency) networks.
- (2) When A-weighting is used, the **SOUND LEVEL** is expressed as DBA.

SOUND TRANSMISSION CLASS (STC). A single number rating for describing the degree of sound transmission loss specified for a wall, window, partition or other building element. The higher the **STC**, the more attenuation the building element will afford.

SPECIAL USE.

(1) A structure or use that has unusual characteristics which distinguish it from the permitted uses of a zoning district, but which can be made compatible with the intended overall development within the district.

(2) **SPECIAL USES** commonly must meet special standards not necessarily applicable to permitted uses in the district and are allowed only by permit.

SPECIAL USE PERMIT. A permit issued in accordance with the provisions of the Development Code to allow the erection or establishment of special uses.

STICK-BUILT. A term used to describe any type of dwelling other than factory built housing.

STOP ORDER. A type of corrective action order used to halt work in progress that is in violation of the plans and/or Development Code.

STREET. A paved public or private vehicular travel way; the term shall not include aisles or the existing alley. (See also **LOCAL STREET** and **LOCAL COLLECTOR STREET**.)

STREET FRONTAGE. The distance for which a lot line of a zone lot adjoins a private or public street, from one lot line intersecting the street to the furthest distant lot line intersecting the same surface.

STRUCTURE. Anything constructed or erected on the ground or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

STUB STREET. A street that is temporarily terminated, but that is planned for future continuation.

SUBDIVIDER. Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a development, as herein defined.

SUBDIVISION. Any division of land into two or more lots, except as set forth in the Illinois Plats Act, being ILCS Ch. 765, Act 205. (See also **MINOR SUBDIVISION**.)

SUBDIVISION, VARIANCE. A relaxation in the strict application of the subdivision design and improvements standards.

SUBSTANTIAL IMPROVEMENT. Any improvement to a structure at a cost which equals or exceeds 50% of the structure's market value prior to the start of the project, or if the structure has been damaged, before the damage occurred; the term shall not include life essential improvements required by existing state or local regulations, nor restoration work done to a structure listed on the National or State Register of Historic Places.

SUSPENDED SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by the surface.

TEMPORARY. Generally existing for not more than one year.

TEMPORARY SIGN. Any sign that is used only temporarily and is not permanently mounted.

TEMPORARY USE.

- (1) A structure or use that is erected or established for a very limited amount of time.
- (2) **TEMPORARY USES** are allowed only by permit.

TEMPORARY USE PERMIT. A permit issued in accordance with the provisions of the Development Code to allow the erection or establishment of temporary uses.

THROUGH LOT. A lot having a pair of approximately parallel lot lines that abut a pair of approximately parallel streets; both lot lines shall be deemed front lot lines.

TOPOGRAPHY. The relief features or surface configuration of an area of land.

TRAVEL TRAILER. A mobile structure designed for temporary occupancy.

UNIPLEX. A dwelling which accommodates two or more families, divided by a common or party wall in which each family area is separately owned (only allowed per § 151.185 of this chapter).

USE. The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained.

UTILITY SUBSTATION. A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant and the like.

VACATE. To terminate the legal existence of a right-of-way or subdivision and noted on the final plat recorded with the St. Clair County Recorder of Deeds.

VARIANCE.

- (1) A relaxation of the strict application of the requirements of the Development Code.
- (2) **VARIANCES** may be granted for zoning and subdivision regulations alike.

VILLAGE. The Village of Shiloh, Illinois.

VILLAGE STAFF. For allocation of job responsibility, see Chapter 31 of this Code.

WALL SIGN. Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by the wall or building and which displays only one sign surface.

WAREHOUSE. A building where wares or goods are stored before distribution to wholesalers or

retailers.

WATERWAY. The area necessary to accommodate the movement of storm water in the 100-year storm event. (The 100-year storm event is defined elsewhere in this Code.)

WHOLESALE. The sale of goods in large amounts to retailers or jobbers rather than to consumers directly.

WINDOW SIGN. Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

YARD SPACE. Open space located on the same lot as the principal use and unobstructed except as specifically permitted in the Development Code.

ZONING BOARD OF APPEALS. An appellate, interpretive and advisory body designated to assist in the administration of this Code.

ZONING DISTRICT. A portion of the territory within the jurisdictional boundaries of the village wherein certain uniform zoning requirements or various combinations thereof apply to structures, lots and uses under the terms of the Development Code.

GENERAL ZONING REGULATIONS

§ 151.025 ESTABLISHMENT OF ZONING DISTRICTS.

(A) In order to implement the provisions of the Development Code which pertain to zoning and to achieve the objectives enumerated in § 151.003, all land within the jurisdictional boundaries of the village is hereby divided into the following zoning districts.

<i>District</i>	<i>Designation</i>	<i>Minimum Area/Acres</i>
Non-Urban	NU	None
Country Estates	CE	10
Residential	R-1	10
Residential	R-2	10
Residential	R-3	10
Multi-Family Residential	MR	5
Mobile Home Residential	MH	10
Neighborhood Business	B-1	2
Office/Business	B-2	2
Highway Business	B-3	5
General Business	B-4	5
Light Industrial	I-1	5
Flood Plain	Overlay District (§§ 151.475 through 151.489)	
Planned Business District	PB	5
Scott Airport Overlay Zone	Overlay District (See §§ 151.067, 151.068)	
Conservation	Overlay District (See Comprehensive Plan)	
Metro Link Corridor and Station Area	Overlay District (See report on file with village staff)	

(B) (1) The "minimum area" requirement is intended to prevent "spot zoning" and refers to the smallest total area of contiguous parcels that can properly be given the particular district classification.

(2) This requirement is not satisfied merely because the acreage of noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

§ 151.026 ZONING MAP AND DISTRICT BOUNDARIES.

(A) The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the village.

(B) This map, including all notations and other information thereon, is hereby made a part of the Development Code by reference, and shall be kept on file in the Village Hall.

(C) In accordance with state law, if any changes are made in the zoning districts or regulations during a calendar year, the village staff shall publish the official zoning map of the village no later than March 31 of the following year.

§ 151.027 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.

In determining what territory is actually included within any district on the zoning map, the following rules shall apply.

(A) Where a district boundary approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

<i>Left</i>	<i>Right</i>
Right-of-way of any roadway	The line
Lot line	The line
Railroad tracks	Right-of-way line
Stream	Center of stream
Section, fractional or survey line	The line

(B) Whenever any roadway is legally vacated, the district adjoining each side of the vacated roadway shall automatically extend to the center of the roadway and all territory included in the vacated roadway shall thereafter be subject to all regulations of the extended district.

(C) All territory (including bodies of water) that lies within the jurisdictional boundaries of the village, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the Land Use and Major Streets Plan as a guide.

§ 151.028 ANNEXED TERRITORY.

Whenever any territory is annexed to the village, it shall comply with the Land Use and Major Streets Plan as a guide; and after a public hearing, the Board of Trustees may zone newly-annexed territory as appropriate.

§ 151.029 GENERAL PROHIBITION.

(A) No lot or part thereof shall be used, occupied or developed except in conformity with the provisions of the Development Code. Likewise, no structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code.

(B) Suits pending or rights existing immediately prior to the effective date of this Code shall not be affected nor impaired except for those rights relating to nonconformities which are dealt with elsewhere in this Code. Zoning or other related development issues that are a part of an annexation agreement made prior to the adoption or revision of the Development Code shall be grandfathered. Grandfathering of Development Code requirements is also permitted on property platted prior to the adoption of this chapter with permission of the Village Board.

§ 151.030 UNLISTED USES PROHIBITED.

(A) Whenever any use is not specifically listed as a permitted or special use within a particular district, the use shall be deemed prohibited in that district.

(B) However, if the President and the Board of Trustees, following consultation with the Planning Commission, find that the unlisted use is similar to and compatible with the listed uses, they may allow the use by a zoning amendment.

(C) The decision shall become a permanent public record and any unlisted use that is approved shall thereafter have the same status as listed uses. (See also § 151.029.)

§ 151.031 SPECIAL EVENTS.

(A) No land shall be used for any temporary enterprise, whether for profit or not, and no temporary structure shall be used or occupied for any purpose, unless a special events permit has been obtained.

(B) No special event permit shall be valid for more than.

Cross-reference:

Generally, see Chapter 114

Fees, see Chapter 34

§ 151.032 MEETING MINIMUM REQUIREMENTS.

Except as specifically provided otherwise in the Development Code, every lot must independently meet the minimum area, dimension and setback requirements of the district in which it is located, and in the case of dwellings, lots shall be limited to one principal structure.

§ 151.033 ACCESS REQUIRED.

No structure shall be erected on any lot unless the lot abuts, or has permanent easement of access to a public street or a private street that conforms to the provisions of the land subdivision regulations in the Development Code.

§ 151.034 FRONT SETBACKS ON MULTIPLE FRONTAGE LOTS.

Every lot with multiple frontages, such as through lots, shall meet the front setback requirements of the district in which it is located for each end of the lot.

§ 151.035 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.

In all Residential and Commercial Zoning Districts, where lots having 50% or more of the total frontage on one side of a street between intersections (that is, in one "block") are developed with buildings and the front setback of those lots do not differ by more than ten feet, the minimum required front setback on that block shall be the average of the existing front setbacks. However, in any such built-up area, no front setback of less than 15 feet shall be permitted, nor shall any front setback of greater than 50 feet be required.

§ 151.036 INTRUSIONS INTO YARDS.

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements. However, they cannot extend into any platted easements.

<i>Features</i>	<i>Maximum Intrusion</i>

Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios	10 feet
Deck, if unenclosed and without a roof	6 feet
Balconies	4 feet
Canopies and roof overhangs	4 feet

§ 151.037 EXCEPTION TO HEIGHT LIMITS.

The following items shall be noted as exceptions to height limits provided in the Development Code with recommendation of the Zoning Board and approval of the Village Board of Trustees.

(A) Necessary appurtenances commonly constructed above the roof line, such as chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers and antennas, shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances.

(B) On corner and through lots, in the triangular portion of land bounded by intersecting street lines and a line joining those street lines at points 30 feet from the point of intersection, no natural or human-made obstruction shall intrude into the air space that is between two and ten feet above the level of the adjacent street.

(C) The main worship area of a church or place of worship may exceed the maximum height restrictions of § 151.047. However, the maximum height of the main worship area shall not exceed 65 feet.

(D) In B-4, PB and Industrial Zones, the Board may consider higher buildings following an application submittal conforming to § 151.345.

§ 151.038 SANITARY DISPOSAL OF SEWAGE.

(A) In all districts, property owners of new buildings and places where people live, work or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements.

(1) Whenever the sewer system is reasonably available, all sewage shall be discharged into the system, whether or not a private sewer system already exists or is more convenient. For the purpose of this provision, the reasonable distance shall be that listed in Chapter 50 of this Code.

(2) Whenever the sewer system is not reasonably available, but where plans for the installation of the system have been approved by the Illinois Environmental Protection Agency or a service plan has been adopted by the Village Board, the developer shall provide sanitary sewers in accordance with the plans and temporarily cap them. To serve the development until the time when connection to the public system becomes available, an approved private central sewage disposal system shall be installed or individual sewage disposal systems may be used.

(B) The village staff shall not issue an initial certificate of zoning compliance unless, following consultation with the appropriate village staff member and St. Clair County Health Department, it is determined these requirements will be met.

§ 151.039 ACCESSORY USES (INCLUDING PETS, WILD ANIMALS, HORSES).

(A) Any accessory use shall be deemed permitted in a particular zoning district if the use:

(1) Meets the definition of "accessory use" found in § 151.010;

(2) Is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and

(3) Is in compliance with the restrictions set forth in §§ 151.046 and 151.047.

(B) Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of the village. Should

an accessory structure be attached to a principal structure, it shall be considered part of the structure.

- (C) Domestic household pets are limited to a maximum of three per principal structure.
- (D) The keeping of wild animals, birds, reptiles or similar species is prohibited.
- (E) Horses, limited to one animal per one and one-half acres, is a permitted accessory use in a "CE" (Country Estates) District.

Cross-reference:

Animals, see Chapter 93

Kennels, see § 151.172

§ 151.040 ILLUMINATION.

In all zoning districts, illumination of buildings and structures shall be controlled so as to preclude the spillage of light onto adjoining residential uses or lots.

§ 151.041 ODOROUS MATTER.

The emission of any odorous matter from any property in any zoning district in concentrations which are readily detectible at any point along the boundaries of the zoning lot or in concentrations which create a public nuisance or hazard beyond the boundaries of the zoning lot is prohibited.

§ 151.042 SCREENING.

In all circumstances where a zoning lot in a "B" (Business) or "I" (Industrial) Zoning District adjoins or abuts a residential or non-urban use or a residential or non-urban zoned parcel, screening shall be provided between the "B" (Business) or "I" (Industrial) zoning lot and such other lot. The screening shall be subject to approval by the Village Board and shall be adequate to provide a visual and sound barrier between the lots so as to ensure that uses upon the "B" (Business) or "I" (Industrial) lot do not adversely impact the residential or non-urban parcel.

§ 151.043 TRASH DISPOSAL FACILITIES.

All outdoor trash or disposal facilities in an "MR" (Multi-Family), "B" (Business) or "I" (Industrial) District, and any dumpster in any district, shall be located in the rear of the zoning lot and the building located on the lot or as approved. All such facilities shall be appropriately screened in the opinion of the Village Board from adjoining properties and in a manner which is compatible with the building site design for the zoning lot. School recycle bins are exempt from the screening provision of this chapter. Any such outdoor trash or disposal system must be maintained to avoid the existence of litter or the dispersal of trash outside the screened enclosure. The accumulation of litter or trash is not permitted.

§ 151.044 TOXIC OR NOXIOUS MATTER, AIR POLLUTION.

No use on any property shall discharge toxic or noxious matter or create air pollution across the boundaries or the zoning lot in concentrations which are readily detectible or in such concentrations as to be detrimental or to endanger the public health, safety, comfort or welfare, or cause injury or damage to other property or business beyond the boundaries of the zoning lot.

§ 151.045 APPEARANCE STANDARDS.

(A) *Purposes.* The following are the purposes of the architectural appearance standards set forth in this section:

- (1) To create an architectural identity and to avoid monotonous similarity or inappropriateness in exterior design and appearance of property;
- (2) To promote the orderly and harmonious growth of the village and to protect and enhance land values, investments and the general welfare of the citizens of the village;

- (3) To protect and to stabilize the general appearance of buildings and structures, throughout the village;
- (4) To insure adequate light, air and privacy for property throughout the village;
- (5) To encourage and promote acceptability attractiveness, cohesiveness and compatibility of new development so as to maintain and improve the established standards of property values throughout the village; and
- (6) To aid prospective contractors, architects, designers and developers in preparing their project plans for review by the village.

(B) *Applicability.* The design standards shall apply to single-family residential developments of seven units or more and to all other types of developments, including privately- and publicly-owned properties.

(C) *Administration.*

(1) An applicant for a building permit or development approval shall submit a site plan, exterior elevations and such other data deemed necessary by the village staff to evaluate a proposed architectural appearance.

(2) Final elevations shall be drawn to scale and shall indicate the nature and extent of the work proposed.

(3) The review of architecture appearance provided for in this section is intended to be only a part of the whole review procedure laid out in these regulations. Approval of architectural appearance does not in any way signify final approval of any portion of any project.

(D) *Pre-application conference.* An applicant for architectural appearance approval may request in writing that the village staff hold an informal pre-application conference to review the preliminary architectural appearance of a proposed project. This pre-application conference may be conducted concurrently with the pre-application conference provided for elsewhere in this Code.

(E) *Review.* The village staff shall review the information submitted for appearance standards. Recommendations of the village staff shall be based upon the criteria set forth in divisions (F) through (I) below.

(F) *Building and structure design.*

(1) Buildings and structures shall be consistent with the established neighborhood character and with any adjacent residential property.

(2) Building materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall use the same materials, or those which are architecturally harmonious, for all building walls and other exterior building components that are wholly or partially visible from public ways.

(3) Building materials shall be of durable quality. Inappropriate materials or building methods, and those which will produce inconsistency with the structure and architecture of the building, shall be avoided.

(4) Except as indicates in division (5) below, brick or other masonry materials approved by the Village Board shall be used for front, back and all sides of all building structures, except accessory uses supporting single family residential dwelling units, and shall be installed per Building Code specifications. Brick shall, at a minimum, extend from ground level to tops of windows, with minor accents allowed in place of brick subject to meeting building codes. Brick shall not be painted.

(5) All single family and/or duplex residential dwelling units shall contain face brick, stone or masonry on not less than 100% of any exterior walls, on any side facing a street from the ground level to the top of the first floor wall line. This does not include the area of windows or doors. All materials for the remaining ground level wall surfaces shall be approved by the Village Board. All materials used shall be compatible as a group and with the surrounding structures. Under certain conditions when a special use is allowed by the Village Board for a factory built housing, modular single family structure in a Non Urban (NU) Zone District, the Board may consider materials other than masonry on the front of the home facing a street.

(6) Building materials should be selected with special attention to energy conservation. Materials and colors that reduce the consumption of gas and electricity should be used wherever possible.

(7) Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationship to one another.

(8) While it is recognized that color is a very subjective matter and that creativity should not be stifled, colors should nonetheless be used harmoniously and with some restraint. Color schemes should consider and respect the character and quality of structures in the area. Excessively bright or brilliant colors should be used only for accent. Materials and colors should withstand

the weather well over a 25-year period.

(9) Architectural style should be appropriate to the area and evaluation of a project shall be based on the quality of design and its relationship to surroundings. The design of structures should display a sensitivity to the best aspects of the character, quality and scale of those structures already existing in the area of a proposed project.

(10) Monotony of design shall be avoided, however styles should be complementary and should relate to indigenous architecture. In residential districts no two detached single-family dwellings of substantially similar or identical front elevation or facade shall be constructed or located on adjacent lots. The changes may be major or minor changes.

(a) *Major changes.* One major change and color change shall constitute a substantial change:

1. Roof treatment: Hip, gable, 25% or greater change in slope;
2. Location of garage entry: Side and front;
3. Type of brick treatment: Extended porticos and the like;
4. Material treatment: Full brick vs. half-and-half;
5. Overall facade: Mediterranean vs. Colonial, for example;
6. Brick arches;
7. Brick bay projections; and
8. Balconies.

(b) *Minor changes.* Three minor changes constitute a substantial change:

1. Vertical or horizontal siding;
2. Colors of materials;
3. Door treatment, garage and entry;
4. Window styles, casements, bows and double hung;
5. Shutter treatment;
6. Ornamental treatment, lighting fixture location or posts and fascia;
7. Reversing plan;
8. Garage door design; and
9. Brick wing arms.

(11) On commercial buildings, facades greater than 100 feet in length must incorporate recesses and projections along at least 20% of the length of the facade. Windows, awnings and arcades must total at least 60% of the facade length abutting a public street.

(12) Color, texture and material module elements should be repeated horizontally and/or vertically on commercial buildings.

(13) Each commercial building must have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls and integral planters.

(14) Commercial and industrial buildings shall vary architectural design elements in roof-lines and include brick/masonry up to the tops of the windows.

(G) *Relationship of buildings to site.*

- (1) The height and scale of each building shall be compatible with its site and adjoining buildings and neighboring

development. In residential districts, the height shall not vary by more than 14 feet from adjacent structures.

(2) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, pedestrian movement and parking areas.

(H) *Relationship of building and site to adjoining area.*

(1) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, site breaks and materials.

(2) Attractive landscape transition to adjoining properties shall be provided.

(3) Harmony in texture, lines and masses shall be required.

(4) Buildings shall have similar scale to those in the surrounding area.

(I) *Screening.*

(1) Screening of service yards, utility meters and hardware, overhead doors, mechanical equipment, refuse areas and/or other potentially unattractive places from public view shall be accomplished by the use of walls, fencing, planting or combinations of all of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls are required along street frontages and bordering residential areas that parapet walls must be at least three feet in height and constructed of matching building materials to the principal structure:

(a) Adjusting the architectural or landscape profile to screen those elements from view;

(b) Placing those elements on service courts or other locations not usable by the general public; or

(c) Integrating those elements into the architecture or landscaping of the site.

(2) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas and/or other potentially unattractive places shall be evaluated using the following criteria:

(a) The degree of visibility from all adjacent public ways;

(b) The architectural compatibility of the design and color of the yards, meters and equipment of the building;

(c) Possible visibility from future buildings and public ways; and

(d) Internal overall appearance in relation to the site. (See also § 151.303.)

§ 151.046 SCHEDULE A: PERMITTED AND SPECIAL USES.

[Click here to view the table in a PDF document.](#)

<i>Zoning Districts</i>	<i>Permitted</i>	<i>Special Uses</i>
"NU" Non-Urban	• Agriculture, but not including commercial feed lots or processing plants	• Agriculture-related businesses
	• Farmsteads	• Animal shelter/care facilities
	• Single-family dwellings	• Cemeteries
	• Accessory uses, in accordance with § 151.039	• Commercial and private park and recreation areas and facilities
		• Day-care centers and nursery schools government uses

		<ul style="list-style-type: none"> • Patient care facilities
		<ul style="list-style-type: none"> • Schools
		<ul style="list-style-type: none"> • Transportation, communications and utility substations
		<ul style="list-style-type: none"> • Pole barns, not to exceed 5,000 square feet
		<ul style="list-style-type: none"> • Churches and places of worship
		<ul style="list-style-type: none"> • Telecommunications tower and facilities, where the property is owned by the village or a public school or public school district and where the tower and facilities will qualify as a disguised support structure
		<ul style="list-style-type: none"> • Factory built modular single-family home if all of the following conditions are met: not visible from a public street, at least a 60-foot tree perimeter buffer, not visible from adjoining properties from the first floor window and conforming to the factory built housing, modular definition found within this code.
"CE" Country Estates	<ul style="list-style-type: none"> • Single-family dwelling 	<ul style="list-style-type: none"> • Churches and places of worship
	<ul style="list-style-type: none"> • Accessory uses, in accordance with § 151.039 	<ul style="list-style-type: none"> • Day-care centers and nursery schools
		<ul style="list-style-type: none"> • Government uses
		<ul style="list-style-type: none"> • Planned residential development
		<ul style="list-style-type: none"> • Pole barns, subordinate to main structure, no greater than 50% of the square footage of the main floor of the single-family dwelling
"R-1" and "R-2" Residential	<ul style="list-style-type: none"> • Single-family dwelling 	<ul style="list-style-type: none"> • Churches and places of worship
	<ul style="list-style-type: none"> • Accessory uses, in accordance with § 151.039, not to exceed a 24 x 24 two-car garage 	<ul style="list-style-type: none"> • Community centers
		<ul style="list-style-type: none"> • Day-care centers and nursery schools
		<ul style="list-style-type: none"> • Government uses
		<ul style="list-style-type: none"> • Libraries
		<ul style="list-style-type: none"> • Public and semi-public park and recreation areas and facilities

		<ul style="list-style-type: none"> Schools
		<ul style="list-style-type: none"> Planned residential development
"R-3" Residential	<ul style="list-style-type: none"> Single-family dwelling 	<ul style="list-style-type: none"> Same as "R-1" special uses
	<ul style="list-style-type: none"> Accessory uses, in accordance with § 151.039, not to exceed a 24 x 24 two-car garage 	<ul style="list-style-type: none"> Cemeteries
		<ul style="list-style-type: none"> Civic and social organizations
		<ul style="list-style-type: none"> Day-care centers and nursery schools
		<ul style="list-style-type: none"> Nursing homes and convalescent centers
		<ul style="list-style-type: none"> Transportation, communication and utility substations
"MR" Multiple-Family Residential	<ul style="list-style-type: none"> Duplexes 	<ul style="list-style-type: none"> Multi-family dwellings of seven or more units
	<ul style="list-style-type: none"> Multi-family dwellings of three to six units 	<ul style="list-style-type: none"> Planned residential development
	<ul style="list-style-type: none"> Group home for the handicapped 	
	<ul style="list-style-type: none"> Factory-built housing, modular 	
	<ul style="list-style-type: none"> Single-family dwellings 	
	<ul style="list-style-type: none"> Uniplex, in accordance with § 151.185 	
"MH" Mobile Home Residential	<ul style="list-style-type: none"> Accessory uses, in accordance with § 151.039, not to exceed a 24 x 24 two-car garage 	
	<ul style="list-style-type: none"> Mobile homes and doublewides 	<ul style="list-style-type: none"> Same as "R-3" special uses
	<ul style="list-style-type: none"> Factory built housing, modular 	<ul style="list-style-type: none"> Mobile home parks
	<ul style="list-style-type: none"> Accessory uses, in accordance with § 151.039, not to exceed a 24 x 24 two-car garage 	<ul style="list-style-type: none"> Planned residential development
		<ul style="list-style-type: none"> Recreational vehicle parks
"B-1" Neighborhood Business	<ul style="list-style-type: none"> Retail trade and personal service businesses establishments intended to serve the immediate neighborhood and community within the vicinity of the business use 	<ul style="list-style-type: none"> Churches and places of worship

	<ul style="list-style-type: none"> Modular commercial structures 	<ul style="list-style-type: none"> Schools and educational institutions, public and private
	<ul style="list-style-type: none"> Professional and business offices 	<ul style="list-style-type: none"> Day care
	<ul style="list-style-type: none"> Government uses 	<ul style="list-style-type: none"> Residential health care
		<ul style="list-style-type: none"> Restaurants
		<ul style="list-style-type: none"> Other special uses consistent with the purpose and intent of the "B-1" District
		<ul style="list-style-type: none"> Planned commercial development
"B-2" Office Business	<ul style="list-style-type: none"> Professional offices including doctors, lawyers, dentists, accountants, financial services and similar uses 	<ul style="list-style-type: none"> Permitted uses in the "B-1" Districts
	<ul style="list-style-type: none"> Travel agencies 	<ul style="list-style-type: none"> Churches and places of worship
	<ul style="list-style-type: none"> Office parks 	<ul style="list-style-type: none"> Residential health care
	<ul style="list-style-type: none"> Corporate offices 	<ul style="list-style-type: none"> Day care
	<ul style="list-style-type: none"> Insurance offices 	<ul style="list-style-type: none"> Restaurants
	<ul style="list-style-type: none"> Real estate offices 	<ul style="list-style-type: none"> Utility substations
	<ul style="list-style-type: none"> Photography 	<ul style="list-style-type: none"> Schools, educational institutions
	<ul style="list-style-type: none"> Governmental offices 	<ul style="list-style-type: none"> Other special uses consistent with the purpose and intent of the "B-2" District
	<ul style="list-style-type: none"> Chiropractic offices 	<ul style="list-style-type: none"> Planned commercial development
	<ul style="list-style-type: none"> Hospitals 	
	<ul style="list-style-type: none"> Modular commercial structures 	
	<ul style="list-style-type: none"> Service oriented business 	
	<ul style="list-style-type: none"> Convenience stores 	
<ul style="list-style-type: none"> Veterinarian facilities and facilities providing services commonly offered by veterinarians (no outside animal runs, no outside animal cages, no animal exercise activities visible to the neighbors, no animal noises heard outside of the building) 		
"B-3" Highway Business	<ul style="list-style-type: none"> Permitted uses in the "B-2" Districts 	<ul style="list-style-type: none"> Permitted uses in the "B-1" Districts
	<ul style="list-style-type: none"> Banks, financial and insurance services 	<ul style="list-style-type: none"> Churches and places of worship

	<ul style="list-style-type: none"> Retail trade 	<ul style="list-style-type: none"> Educational institutions and services
	<ul style="list-style-type: none"> Restaurants, including drive through 	<ul style="list-style-type: none"> Civic and social institutions
	<ul style="list-style-type: none"> Offices, service and professional 	<ul style="list-style-type: none"> Taverns and package liquor stores
	<ul style="list-style-type: none"> Convenience stores with gasoline sales 	<ul style="list-style-type: none"> Residential health care
	<ul style="list-style-type: none"> Grocery stores 	<ul style="list-style-type: none"> Restaurants with liquor licenses
	<ul style="list-style-type: none"> Government uses 	<ul style="list-style-type: none"> Other special uses consistent with the purpose and intent of the "B-3" District
	<ul style="list-style-type: none"> Modular commercial structures 	<ul style="list-style-type: none"> Planned commercial development
	<ul style="list-style-type: none"> Single-family dwellings built prior to 1999 	<ul style="list-style-type: none"> Day care
		<ul style="list-style-type: none"> Telecommunication towers and facilities
"B-4" General Business	<ul style="list-style-type: none"> Permitted uses in the "B-3" Districts, except permitted uses in the "B-2" Districts 	<ul style="list-style-type: none"> Permitted uses in the "B-1" and "B-2" Districts
	<ul style="list-style-type: none"> Shopping malls 	<ul style="list-style-type: none"> Any commercial use requiring outdoor storage and/or sales
	<ul style="list-style-type: none"> Restaurants with liquor licenses 	<ul style="list-style-type: none"> Planned commercial development
	<ul style="list-style-type: none"> Automobile sales and repair 	<ul style="list-style-type: none"> Taverns
	<ul style="list-style-type: none"> Marine (boat) sales 	<ul style="list-style-type: none"> Package liquor
	<ul style="list-style-type: none"> Service establishments to include banks, brokerages, insurance 	<ul style="list-style-type: none"> Other special uses consistent with the purpose and intent of the "B-4" District
	<ul style="list-style-type: none"> Health services to include emergency clinics 	<ul style="list-style-type: none"> Planned commercial development
	<ul style="list-style-type: none"> Grocery stores 	<ul style="list-style-type: none"> Day care
	<ul style="list-style-type: none"> Hotels, motels 	<ul style="list-style-type: none"> Telecommunication towers and facilities
	<ul style="list-style-type: none"> Tire service stores 	
	<ul style="list-style-type: none"> Discount stores 	
	<ul style="list-style-type: none"> Gas stations 	
	<ul style="list-style-type: none"> Drive through facilities 	
"PB" Planned Business	<ul style="list-style-type: none"> Agriculture, single-family housing units and government units (on lots of not less than three 	<ul style="list-style-type: none"> Subject to the requirement that no lot be less than five acres nor have frontage to a

	acres)	public street of less than 200 feet nor depth from the street frontage of less than 200 feet, all uses permitted in the "B-1", "B-2", "B-3" or "B-4" Districts and the following additional uses
	<ul style="list-style-type: none"> • Churches and places of worship 	<ul style="list-style-type: none"> • Schools and educational institutions (public and private)
	<ul style="list-style-type: none"> • Public or private recreation facilities (without enclosed buildings except for concession or restroom facilities, utility substations (but not utility operations facilities) (all government uses shall meet the parking space requirements consistent with Class 8 of §§ 151.147) 	<ul style="list-style-type: none"> • Civic and social institutions
		<ul style="list-style-type: none"> • Retail establishments in which package liquor sales are incidental to other goods sold.
		<ul style="list-style-type: none"> • Residential health care facilities
		<ul style="list-style-type: none"> • Day-care facilities
		<ul style="list-style-type: none"> • Planned commercial development (i.e. multi-building and/or multi-tenant building developments intended to accommodate more than one user, but subject to the permitted and special uses of a planned business zone
"LI" Light Industrial	<ul style="list-style-type: none"> • Assembly and fabrication 	<ul style="list-style-type: none"> • Adult uses
	<ul style="list-style-type: none"> • Any commercial use outdoor storage and/or sales 	<ul style="list-style-type: none"> • Manufacturing (other than tool and die)
	<ul style="list-style-type: none"> • Outdoor storage including construction yards, cement products, lumber yards, machine and equipment rental, welding supplies, but not including petroleum and gas wholesale and/or distribution facilities 	<ul style="list-style-type: none"> • Food processing
	<ul style="list-style-type: none"> • Wholesaling/warehousing 	<ul style="list-style-type: none"> • Planned industrial development
	<ul style="list-style-type: none"> • Industrial and construction supply 	<ul style="list-style-type: none"> • Recreational vehicle parks

• Tool and die manufacturing	• Junk yards	
• Cold storage	• Salvage yards	
• Carpenter shops, furniture refinishing	• Other special uses consistent with the purpose and intent of the "I-1" District	
• Publishing and printing	• Self storage buildings, subject to architectural appearance approval of the Village Board	
• Modular industrial structures	• Telecommunication towers and facilities	

§ 151.047 SCHEDULE B: AREA AND BULK REGULATIONS.

Click here to view the tables in a PDF document.

Key to tables:	
a	Parking lots are not included in the calculations.
b	Minimum residential building size to be 900 square feet of occupied space on one floor. Occupied space shall not include garage or other spaces not eligible as occupied space per the most current code at the time of plan view.
c	Also see § 151.186.
d	For minimum lot sizes for special uses, see § 151.148.
e	See § 151.185 for specifics on uniplex structures.

(A) *Miscellaneous.*

Zoning District	Principal Buildings Per Lot	Minimum District Size	Maximum Coverage in Percent of Lot	Maximum Height of Principal Structure	Maximum Height of Accessory Building	Maximum Floor Area Ratio
"NU" Non-Urban	1	None	10%	35 feet	35 feet	NA
"CE" Country Estates	1	10 acres	15%	35 feet	25 feet	NA
"R-1" Single-Family Residential	1	10 acres	20%	35 feet	20 feet	NA
"R-2" Single-Family Residential	1	10 acres	30%	35 feet	20 feet	NA
"R-3" Single-Family Residential	1	10 acres	30%	35 feet	20 feet	NA
"MR" Multi-Family Residential ^{b,e}	1	5 acres	40%	35 feet	20 feet	NA
"MH" Mobile Home Residential	1	10 acres	40%	35 feet	20 feet	NA
"B-1" Neighborhood Commercial ^a	1	2 acres	40%	35 feet	20 feet	NA
"B-2" Office/Business ^{a,c}	1	2 acres	30%	35 feet	20 feet	0.75:1
"B-3" Highway Business ^{a,c}	1	5 acres	40%	35 feet	20 feet	1.5:1

"B-4" General Business ^{a,c}	1	5 acres	50%	35 feet	36 feet	1.5:1
"PB" Planned Business ^{a,c,d}	NA	5 acres	40%	35 feet	20 feet	1.5:1
"LI" Light Industrial	NA	5 acres	60%	35 feet	35 feet	1.5:1

(B) *Minimum lot size.*

Zoning District	Area in Square Feet or Acres	Width at Building Line	Mean Depth in Lineal Feet
"NU" Non-Urban	3 acres	250 feet	250 feet
"CE" Country Estates	43,560 square feet	150 feet	150 feet
"R-1" Single-Family Residential	22,500 square feet	125 feet	125 feet
"R-2" Single-Family Residential	15,000 square feet	100 feet	100 feet
"R-3" Single-Family Residential	12,500 square feet	90 feet	100 feet
"MR" Multi-Family Residential ^{b,e}	25,000 square feet	125 feet	125 feet
"MH" Mobile Home Residential	6,000 square feet	50 feet	100 feet
"B-1" Neighborhood Commercial	12,500 square feet	90 feet	100 feet
"B-2" Office/Business ^c	12,500 square feet	90 feet	100 feet
"B-3" Highway Business ^c	12,500 square feet	90 feet	100 feet
"B-4" General Business ^c	12,500 square feet	90 feet	100 feet
"PB" Planned Business ^{c,d}	43,560 square feet ^d	200 feet	200 feet
"LI" Light Industrial	1 acre	150 feet	150 feet

(C) *Minimum yard dimensions.*

Zoning District	Depth of Front Yard	Depth of Yard Abutting a Street	Depth of Side Yard Abutting a Street	Distance to Nearest Principal Building on Adjacent Lot	Depth of Rear Yard
"NU" Non-Urban	50 feet	50 feet	25 feet	50 feet	50 feet
"CE" Country Estates	35 feet	35 feet	20 feet	40 feet	35 feet
"R-1" Single-Family Residential	30 feet	30 feet	15 feet	30 feet	35 feet
"R-2" Single-Family Residential	30 feet	30 feet	15 feet	30 feet	30 feet
"R-3" Single-Family Residential	25 feet	25 feet	10 feet	20 feet	20 feet
"MR" Multi-Family Residential ^{b,e}	25 feet	25 feet	10 feet	20 feet	20 feet
"MH" Mobile Home Residential	25 feet	25 feet	10 feet	20 feet	20 feet
"B-1" Neighborhood Commercial	20 feet	20 feet	10 feet	20 feet	10 feet

"B-2" Office/Business ^c	25 feet	25 feet	10 feet	10 feet	20 feet
"B-3" Highway Business ^c	20 feet	20 feet	10 feet	20 feet	10 feet
"B-4" General Business ^c	20 feet	20 feet	10 feet	20 feet	10 feet
"PB" Planned Business ^{c,d}	20 feet	20 feet	10 feet	20 feet	10 feet
"LI" Light Industrial	25 feet	25 feet	25 feet	50 feet	25 feet

(D) *Accessory structure; minimum distance.*

Zoning District	Principal Building	Front Lot Line	Side Lot Line Adjacent to a Street	Side Lot Line	Rear Lot Line
"NU" Non-Urban	20 feet	50 feet	50 feet	25 feet	50 feet
"CE" Country Estates	15 feet	35 feet	25 feet	10 feet	10 feet
"R-1" Single-Family Residential	10 feet	30 feet	25 feet	5 feet 6 feet pool	5 feet
"R-2" Single-Family Residential	10 feet	30 feet	25 feet	5 feet 6 feet pool	5 feet
"R-3" Single-Family Residential	10 feet	25 feet	25 feet	5 feet 6 feet pool	5 feet
"MR" Multi-Family Residential ^{b,e}	10 feet	25 feet	25 feet	5 feet	5 feet
"MH" Mobile Home Residential	10 feet	25 feet	25 feet	5 feet	5 feet
"B-1" Neighborhood Commercial	10 feet	20 feet	20 feet	10 feet	10 feet
"B-2" Office/Business ^c	10 feet	25 feet	25 feet	10 feet	10 feet
"B-3" Highway Business ^c	10 feet	20 feet	20 feet	10 feet	10 feet
"B-4" General Business ^c	None	20 feet	10 feet	10 feet	10 feet
"PB" Planned Business ^{c,d}	10 feet	20 feet	20 feet	10 feet	10 feet
"LI" Light Industrial	None	25 feet	25 feet	25 feet	25 feet

SPECIFIC ZONING DISTRICT REGULATIONS

§ 151.060 GENERALLY.

(A) In order to facilitate public understanding of the zoning regulations within the Development Code and for efficient administration and convenience of use thereof, area and bulk requirements for each zoning district established in § 151.025 are set forth in Schedule B, and permitted and special uses are set forth in Schedule A. The schedules are in §§ 151.046 and 151.047 and shall be amended in the same manner as any other regulation within this Code.

(B) In accordance with § 151.025, all land within the jurisdictional boundaries of the village is divided into specific zoning districts. Each district is described as follows:

(1) *Non-Urban "NU" District.* This district classification encompasses undeveloped or sparsely developed land which, for the most part, is presently used for agriculture and rural homesites. The District may also contain, and be compatible with, public and semi-public and conservation areas as described in the Comprehensive Plan; and

(2) *Residential "CE", "R-1", "R-2", "R-3", "MR" and "MH" Districts.* These district classifications encompass developable or developed land which is or should be used for dwellings.

§ 151.061 "B-1" NEIGHBORHOOD BUSINESS DISTRICT.

(A) (1) The "B-1" Business District is primarily intended to accommodate low intensity retail, office and personal service uses adjacent to residential areas within the village. The District is established to provide convenient locations for businesses which generally serve the needs of surrounding residents and the immediate community without disrupting the character of the neighborhood in which the use is located. It is not intended to accommodate retail uses which primarily attract passing motorists.

(2) Compatibility with nearby residences is paramount and should be reflected in the design and site layout of buildings and structures within the district.

(B) The use in the "B-1" District should constitute an integral part of the neighborhood in which it is located and should be a low impact usage.

§ 151.062 "B-2" OFFICE BUSINESS DISTRICT.

The "B-2" Office Zoning District is intended to provide for compatible transitional land uses in areas of both residential and limited business use and to provide suitable areas for concentrations of executive office parks and professional and service offices.

§ 151.063 "B-3" HIGHWAY BUSINESS DISTRICT.

(A) The "B-3" Zoning District is primarily intended to accommodate a wide range of retail, service and office uses, but with a lesser intensity than the "B-4" General Business District.

(B) Typically, this district would be located along main thoroughfares and at the intersections of collector streets and arterial streets within the village.

(C) Establishments located in the "B-3" Zoning District would generally serve the local community and the surrounding area.

§ 151.064 "B-4" GENERAL BUSINESS DISTRICT.

(A) The "B-4" Zoning District is intended to accommodate a wide range of retail, service, office and other business uses in more intense and larger scale activities than the "B-3" Highway Business District.

(B) The District is established to provide locations for uses and establishments which serve both the community and the larger region and also require a fairly high degree of visibility with good access.

(C) The District would also accommodate multiple retail/service developments such as shopping centers, malls, motels, hotels, office parks and similar higher intensity uses.

§ 151.065 "PB" PLANNED BUSINESS DISTRICT.

(A) The "PB" District is intended to provide for maximum commercial site design and utilization in areas favorable for commercial growth.

(B) It is the purpose of these regulations to facilitate the establishment of developments and uses in locations appropriate under approved site plans.

(C) This allows the village to create a more attractive community, maximize economic value and to reduce capital expenditures for public improvements.

(D) See § 151.456 for special procedures for this classification.

§ 151.066 "I-1" LIGHT INDUSTRIAL DISTRICT.

(A) The "I-1" Light Industrial Zoning District is intended to provide suitable areas for industrial and commercial areas that are engaged in assembly, fabrication or that may require outdoor storage and generally require larger lots and acreage.

(B) This district is also suitable for warehousing, wholesaling and similar activities.

SCOTT AIRPORT OVERLAY ZONE

§ 151.067 METROLINK CORRIDOR AND STATION OVERLAY ZONE ESTABLISHED.

The MetroLink Corridor and Station Overlay Zone is hereby established and shall include those lands as indicated on the Phase I and Phase II Reports as adopted by St. Clair County. May also be known as the TOD Overlay Zone.

§ 151.068 CONSERVATION OVERLAY ZONE ESTABLISHED.

The Conservation Overlay Zone is hereby established and shall include lands as described in the Comprehensive Plan (page 22 of 26).

AIRPORT OVERLAY (AO) DISTRICT

Division 1: Establishment and Purpose

§ 151.070 AIRPORT OVERLAY (AO) DISTRICT ESTABLISHED.

There is hereby established a zoning district entitled Airport Overlay (AO) District, including subarea districts, with the expressed intent to provide for uses and unique design requirements for lands adjacent to and within runway protection zones, accident potential zones, airspace zones, and noise zones for the environs of Scott Air Force Base and the MidAmerica St. Louis Airport.

§ 151.071 PURPOSE.

The purpose of the Airport Overlay (AO) District is to establish land use controls that promote and protect the public health, safety, comfort and general welfare, and including:

(A) To provide for and protect the long term mission, operation, and viability of Scott Air Force Base (AFB) and MidAmerica St. Louis Airport from hazardous, injurious, and/or other conditions that could adversely affect airport operations and safety and/or that would be incompatible with airport operations and functions;

(B) To protect the use, enjoyment, and values of land and development in the airport environs from injurious and hazardous conditions and incompatibility of uses;

(C) To promote proper land use arrangement and development, public and private services and facilities, and a desirable environment to achieve and sustain physical, social, and economic activities, which are compatible with Scott AFB and MidAmerica St. Louis Airport;

(D) To provide standards for new or redeveloped buildings within the noise attenuation zone to be constructed with materials and in such manner that aircraft noise be reduced by the structure to an interior level that has no adverse impact on the health, safety, and general welfare of the residents;

(E) To maintain an open process of regional coordination, negotiation, and interpretation of airport influence districts and cooperation with other affected local governments to achieve these goals.

(F) To inform citizens in the vicinity of Scott AFB and MidAmerica St. Louis Airport of the potential impacts of airport influence districts on the use of their properties; and

(G) To preserve the economic development potential that Scott AFB and MidAmerica St. Louis Airport brings to the area.

Division 2: Definitions

§ 151.072 INTERPRETATION.

(A) Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Except as otherwise specifically defined below for purposes of these airport overlay regulations, definitions generally applicable within the Development Code shall apply herein.

(B) Nothing contained within these airport overlay regulations shall be construed as or applied to be substantially inconsistent with an airport approach plan adopted by IDOT Division of Aeronautics, pursuant to ILCS Ch. 620, Act 25, § 12.

§ 151.073 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCIDENT POTENTIAL ZONES (APZ). As applied to military airfields, those areas which are identified as being significantly impacted by accident potential from aircraft. APZ-1 is an area normally beyond the clear zone that possesses a significant potential for accidents. APZ-2 is an area normally beyond APZ-1 that has a measurable potential for accidents. Both the APZ-1 and APZ-2 are the same width as the clear zone. APZ-1 extends from the clear zone an additional 5,000 feet. APZ-2 extends from APZ-1 an additional 7,000 feet.

AIR FORCE. The United States Air Force as represented by the Base Community Planner for Scott Air Force Base or such other designee.

AIR INSTALLATION COMPATIBLE USE ZONE (AICUZ). A study conducted by the Air Force to evaluate the effect on noise and accident potential on surrounding property and to promote compatible land use that reduces the risks to public health and safety.

AIRPORT. Any area of land or water that is designed and set aside for the landing and taking off of aircraft and related use associated with Scott Air Force Base or MidAmerica St. Louis Airport and utilized or to be utilized in the interest of the public for such purposes.

AIRPORT ENVIRONS. The geographic area that is affected by the airport air traffic operations and defined on the basis of those areas immediately affected by noise exposure, clear zones, runway protection zones, APZ-1 and APZ-2 areas, height hazard zones, and areas of airport influence property. These areas constitute the Airport Overlay (AO) District established in these airport overlay regulations.

AIRPORT HAZARD. Any structure or object of natural growth or use of land within the airport environs that obstructs the air space required for the flight of taking off, maneuvering or landing at an airport or which is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT HAZARD AREA. Any area of land or water, or both, upon which an airport hazard might be established if not prevented by these airport overlay regulations.

AIRPORT OVERLAY REGULATIONS. Sections 151.070 through 151.104 of the Development Code for the Village of Shiloh.

CLEAR ZONE (CZ). A defined area extending outward from the end of each runway of Scott Air Force Base. The **CLEAR ZONES** are considered an area of high accident potential. The **CLEAR ZONE** starts at the end of the runway and extends outward 3,000 feet at a width of 3,000 feet.

DECIBEL (DB). A unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one for the faintest audible sound.

DECIBEL A-WEIGHTED SCALE (DBA). The unit of noise level measured in accordance with the "A-weighted scale" which replicates the response characteristics of the ear. This scale is a quantity, in decibels, read from a standard sound-level meter with A-weighting circuitry. The A-space weighting discriminates against lower frequencies according to a relationship approximating, and more accurately reflecting the auditory sensitivity and response of the human ear. The A-scale sound level measures approximately the relative "noisiness" or "annoyance" of common sounds.

DEVELOPMENT APPLICATION. Any request to the local governing body for rezoning, subdivision (major or minor),

zoning variance, permit for a non-conformity, final site plan approval, special use permits, sign permits for freestanding or illuminated signs, mobile home permits, or in the case of building permits, permits to increase the existing square footage by 50% or more or over 35 feet in height, or permits otherwise determined by the Director to have any potential impact within the District intended to be addressed by these Airport Overlay Regulations. A request to approve a change to the future land use map of the approved Comprehensive Plan shall also be considered a development application within this section.

DEVELOPMENT CODE. The Development Code for the Village of Shiloh, as amended, including these airport overlay regulations.

DIRECTOR. The Village Engineer, or other designee, as the staff person assigned to administer, interpret, and implement the standards, criteria, and procedures of this Development Code for their respective elected bodies.

DNL. Day Night Level. See **LEVEL, DAY NIGHT SOUND LEVEL (LDN)**. Acoustical industry standards often use the abbreviations **DNL** and **LDN** interchangeably.

ELECTRONIC DISPLAY SIGNS. Signs that show changeable copy, graphic displays or video displays.

FEDERAL AVIATION ADMINISTRATION (FAA). The federal agency responsible for the safety of civil aviation and the regulation of U.S. commercial space transportation.

HEIGHT, AIRPORT. In the airport environs, for purpose of determining the height of any structure, tree, or other object, including communication towers, the height is the elevation above mean sea level (MSL). For calculation purposes, this is the sum of the elevation of the site and the height of the structure, including any appurtenances.

LEVEL, DAY NIGHT SOUND LEVEL (LDN). A basic measure for quantifying noise exposure. The day/night average level, or the 24 hour equivalent continuous sound level (time averaged A-weighted sound level) from midnight to midnight, obtained after the addition of ten dBA to sound levels measured from 10:00 p.m. to 7:00 a.m.

NIT. A unit of visible-light intensity, commonly used to specify the brightness of a cathode ray tube or liquid crystal display computer display. One **NIT** is equivalent to one candela per square meter.

NOISE CONTOUR. A line on the AO-4 map linking together a series of points of equal cumulative noise exposure based on the day/night average level (LDN) measurement. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft, and time of day noise characteristics of each aircraft and typical runway usage patterns.

NOISE LEVEL REDUCTION (NLR). Amount of noise reduction required through construction and incorporation of sound attenuation material to reduce interior noise level. The difference between the exterior and interior sound level, expressed in decibels.

OWNER. Any person, group of persons, firm or firms, corporation or corporations, commanding officer of any local military base, or any other legal entity having legal or equitable title to or sufficient proprietary interest in or to any property subject to this Development Code.

PARTICIPATING LOCAL GOVERNMENTS. The coordinating local governments in St. Clair County, Illinois participating in the RAB and adopting an airport overlay code substantially in the form of or consistent with these airport overlay regulations.

PRIMARY SURFACE. A ground surface longitudinally centered on the runway. The dimensions and limits of the **PRIMARY SURFACE** shall be those prescribed in Department of Defense (DoD) height and obstruction criteria for Scott AFB and in Federal Aviation Regulation (FAR) Part 77 for MidAmerica St. Louis Airport.

RUNWAY. A defined area on an airport or airfield prepared for landing and takeoff of aircraft along its length. For purposes of these airport overlay regulations and compliance with other applicable laws, the runways of Scott Air Force Base or MidAmerica St. Louis Airport shall be considered precision instrument runways unless otherwise hereinafter designated.

RUNWAY PROTECTION ZONE (RPZ). An area off the runway end of a civilian airport designated by the FAA to enhance the protection of people and property on the ground.

SLUCM. The Standard Land Use Coding Manual, which provides a general numeric coding scheme that uses two, three, four, or more digits to identify land use activities and allow for the flexible categorization of new land uses.

SOUND ATTENUATION. The reduction in sound level which occurs between the source and the receiver.

SOUND LEVEL. The level of sound pressure measured with a sound level meter and one of its weighing (frequency) networks. When A-weighting is used, the sound level is expressed as dBA.

SOUND TRANSMISSION CLASS (STC). An integer rating of how well a building partition attenuates airborne sound. In the USA, it is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations.

STRUCTURE. Any object whether permanent or temporary, including, but not limited to a building, tower, crane, smokestack, earth formation, overhead transmission line, or flagpole; to also include mobile and tethered objects.

§ 151.074 ACRONYMS.

AFB	Air Force Base
AICUZ	Air Installation Compatible Use Zone
APZ	Accident Potential Zone
CZ	Clear Zone
dB	Decibels
dba	Weighted decibels
DoD	Department of Defense
FAA	Federal Aviation Administration
IDOT	Illinois Department of Transportation
LDN	Day-night sound level
NLR	Noise Level Reduction
RAB	Regional Advisory Board
RPZ	Runway Protection Zone
SLUCM	Standard Land Use Coding Manual
STC	Sound Transmission Class

Division 3: Boundaries and Maps

§ 151.075 AIRPORT OVERLAY DISTRICT.

Certain airport environs are identified and established by these airport overlay regulations for property within and around Scott Air Force Base (AFB) and MidAmerica St. Louis Airport (MidAmerica) within St. Clair County, Illinois. These environs have been identified through Federal Aviation Regulations Part 77 and data provided to St. Clair County by the United States Air Force as part of the 2008 Joint Land Use Study and the 2009 Air Installation Compatible Use Zone (AICUZ) report. Areas within the airport environs are subject to regulation beyond the other requirements of the Development Code. These additional restrictions, designated as the Airport Overlay (AO) District, provide an enhanced level of protection in support of the continued operations of Scott AFB and MidAmerica St. Louis Airport.

§ 151.076 INTERPRETATION OF DISTRICT BOUNDARIES.

(A) *Establishment and interpretation of district boundaries.* The boundaries of the Airport Overlay (AO) District and subarea districts are hereby enacted and established as set forth on the series of four maps incorporated in § 151.078 of these airport overlay regulations (District Maps), with precise boundaries being determined by scaling distances and features shown on these maps. Where interpretation is needed as to the exact location of the boundaries of the airport districts, as shown on the Airport Overlay (AO) District maps, the Director shall make the necessary determination of the boundary based on the purposes of these airport overlay regulations and underlying mapping data. Any property owner contesting the location of a district boundary affecting his or her property shall be given a reasonable opportunity to present their case in accordance with the appeal procedures established in the Development Code and in §§ 151.099 through 151.104 of these airport overlay regulations. The adopted district maps may

include areas outside the territorial boundaries of the village in order to promote coordination with other participating local governments. The regulations of this Airport Overlay District shall not be deemed to extend to any property outside such territorial boundaries to which the village lacks jurisdiction to impose such regulation.

(B) *Split parcels.* For purposes of regulation of parcels that appear split by the district boundary lines, only that portion of a parcel that falls within the district shall be subject to the provisions and standards of these airport overlay regulations.

(C) *Boundary changes.* The boundaries of the Airport Overlay (AO) District may be subject to change reflecting new military mission activity and/or aviation operations at Scott AFB and MidAmerica Airport. Scott AFB and MidAmerica Airport shall communicate the results of updated analyses of noise and air safety zones, including AICUZ reports and FAA studies, to affected local governments. The Director shall notify the Air Force, MidAmerica Airport and other local governments that have adopted airport zoning regulations in the environs of Scott Air Force Base and MidAmerica Airport of changes to the district boundary lines as shown in the maps in § 151.078 to promote the coordinated and consistent application of airport overlay regulations. Other coordinating local governments may adopt more stringent regulations than the minimum requirements in these airport overlay regulations. Boundary changes to the AO District or subarea districts shall be adopted pursuant to the procedures applicable to amendments to the Development Code.

§ 151.077 SUBAREAS; OVERLAP.

To carry out the purpose of this district, the Airport Overlay (AO) District is composed of four overlapping subarea districts that establish different levels of restrictions based on airport boundary areas of influence, safety areas based on hazard zones and structure height regulations, and noise contours as follows. Properties or portions of properties located within multiple subareas shall comply with the standards established for each of those subareas in which the property is located.

(A) *AO-1 Primary Planning Influence Area.* The Primary Planning Influence Area designates the subarea that primarily includes standards for aviation easements and lighting as described in §§ 151.084 through 151.087.

(B) *AO-2 Safety Zones Area.* The Safety Zones Area designates the subarea that primarily includes standards for land use, density, and design as designated in §§ 151.088 through 151.090. The boundary of this area is determined by FAA and DoD imaginary surfaces definitions for military and civilian airfields (clear zone, runway protection zone, accident potential zone 1 and accident potential zone 2) in effect on the effective date of these airport overlay regulations in conjunction with any other relevant safety area data obtained by the Director.

(C) *AO-3 Height Restriction Area.* The Height Restriction Area designates the subarea that primarily includes standards for controlling height as described in §§ 151.091 through 151.094. The boundary of this area is determined by a combination of measurements including a 1,500 foot buffer around Scott Air Force Base and imaginary surfaces definitions for military and civilian airfields in effect on the effective date of these airport overlay regulations, in conjunction with any other relevant height restriction data obtained by the Director.

(D) *AO-4 Noise Zones Area.* The Noise Zones Area designates the subarea that primarily includes standards for the attenuation of noise and residential land use controls as specified in §§ 151.095 through 151.098. This boundary is determined by applying the noise contours published by the DoD for Scott Air Force Base in conjunction with any other relevant noise data obtained by the Director.

§ 151.078 MAPS.

The following four maps, Figures 3.1 - 3.4, are incorporated as an integral part of the Development Code. These maps are hereby adopted and incorporated as an amendment to the official zoning map whether maintained separately or integrated within a single document:

- (A) AO-1 Primary Planning Influence Area.
- (B) AO-2 Safety Zones Area.
- (C) AO-3 Height Restriction Area.
- (D) AO-4 Noise Zones Area.

Figure 3.1 AO-1, Planning Influence Area.

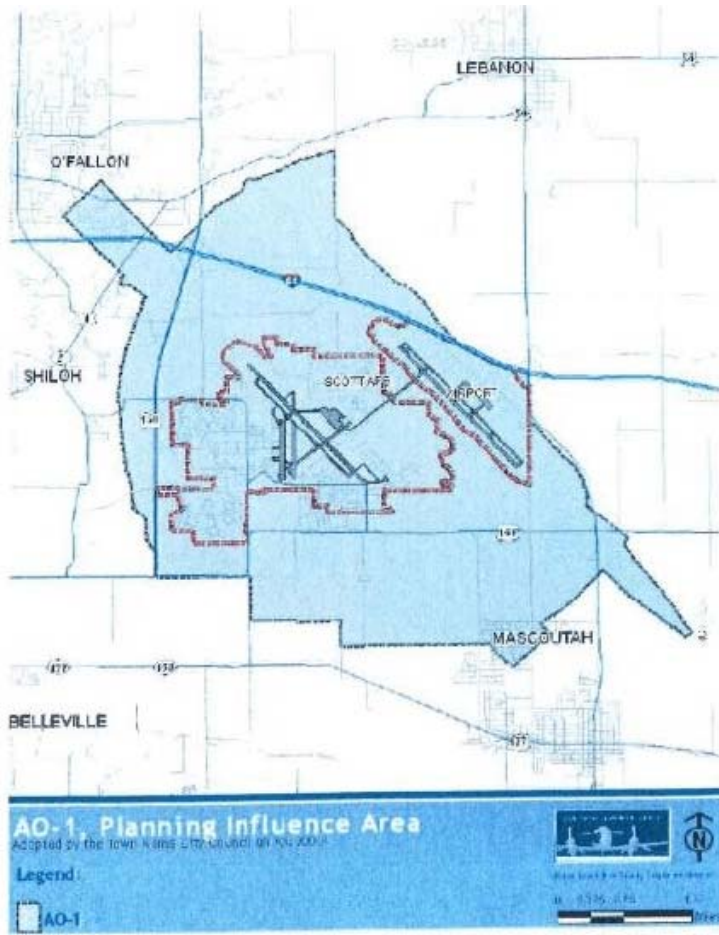


Figure 3.2 AO-2, Safety Zones Area.

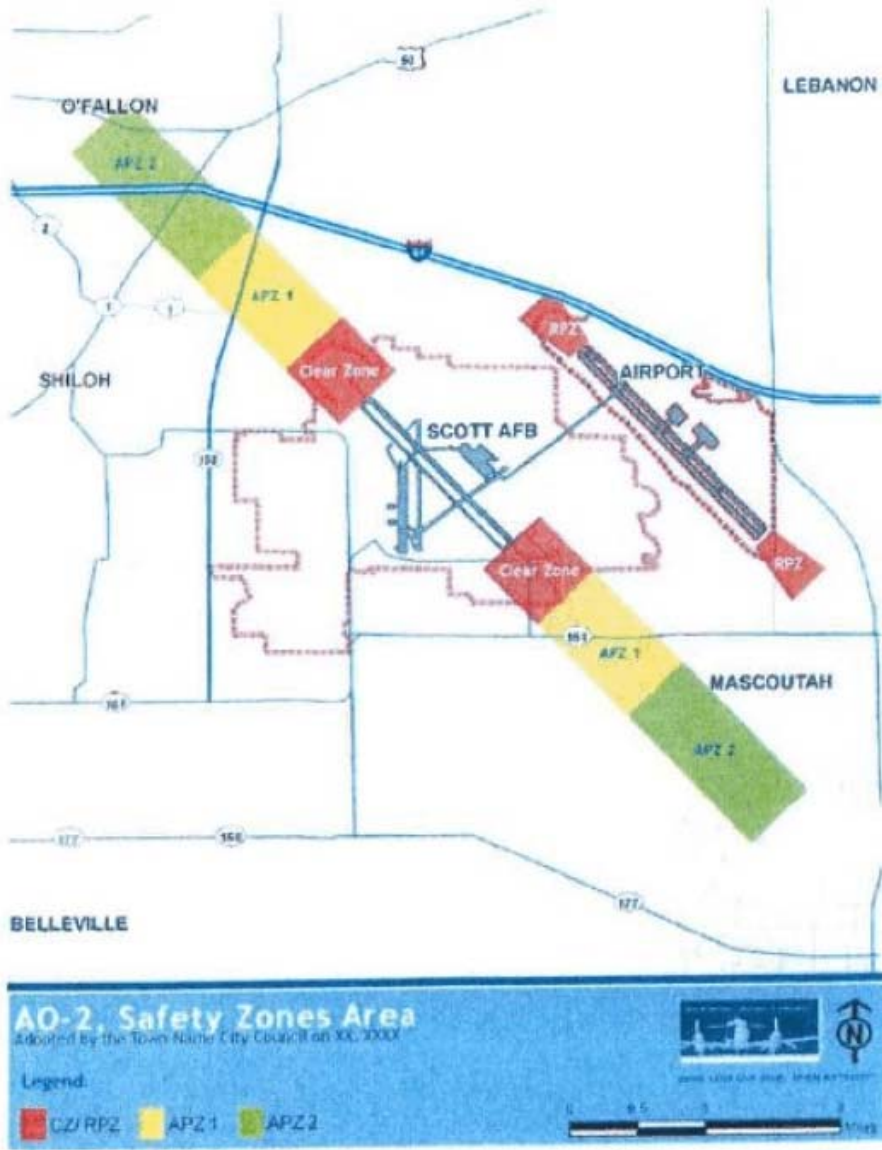
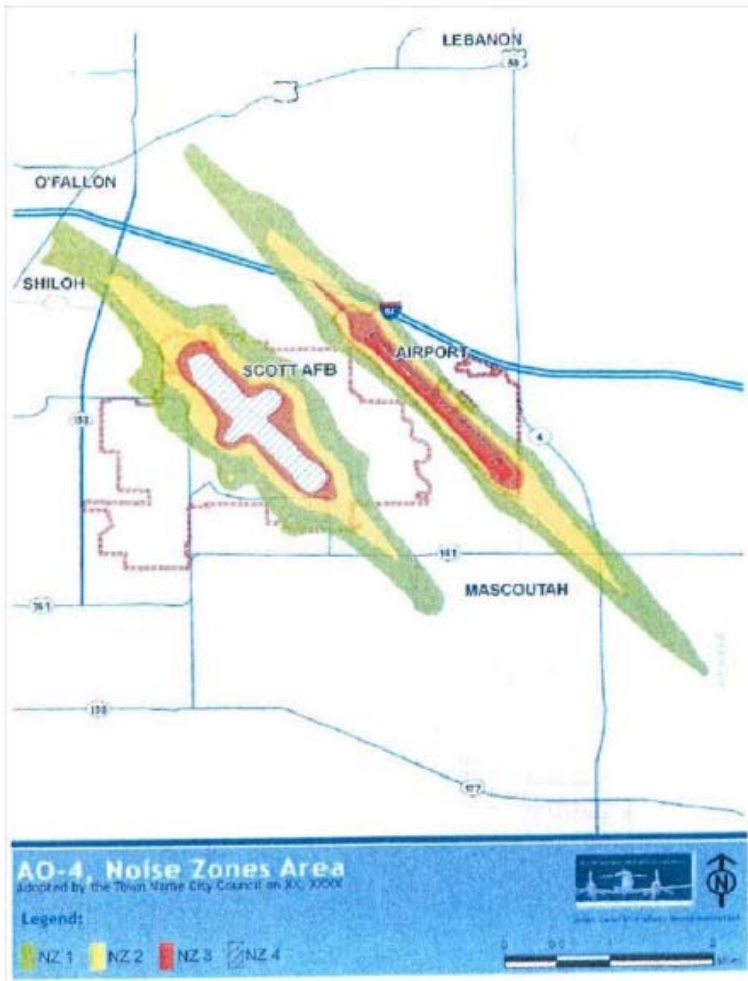


Figure 3.3 AO-3, Height Restriction Areas.



Figure 3.4 AO-4, Noise Zones Area.



Division 4: General Provisions

§ 151.079 GENERAL USE RESTRICTIONS.

Notwithstanding any other provisions of the Development Code, no use whether permitted in the underlying zoning district, or by planned use, special use permit, or otherwise, may be made of land or water within the Airport Overlay (AO) District so as to:

- (A) Create electrical interference with navigational signals, radar, or radio communications between Scott Air Force Base and MidAmerica St. Louis Airport and the aircraft;
- (B) Cause confusion or otherwise make it difficult for pilots to distinguish between airport lights and other lights;
- (C) Result in glare in the eyes of the pilots using the airport;
- (D) Impair visibility of the airport;
- (E) Emit or discharge smoke (e.g., exhaust from a smoke stack), that interferes with the health and safety of pilots and the public in the use of the airport, or that is otherwise detrimental or injurious to the health, safety and general welfare of the public in the use of the airport;
- (F) Emit thermal discharge (e.g., steam from a power plant), that interferes with the pilot's vision in the use of the airport;
- (G) Cause significant air turbulence (e.g., exhaust from a peaker plant) where aircraft limit loads may be exceeded;
- (H) Cause any other kind of emission that may cause a safety of flight issue;
- (I) Create a bird or wildlife strike hazard that in any way endangers or interferes with the landing, takeoff, or maneuvering of

aircraft using or intending to use the airport;

- (J) Create a vertical obstruction that physically intrudes on protected airspaces around the airport; or
- (K) Concentrate people within zones to unduly expose them to noise or aircraft accident risk.

§ 151.080 ADMINISTRATION AND ENFORCEMENT.

(A) The Director is hereby granted the authority to issue clarification and interpretation of these airport overlay regulations and the items and uses set forth in the attached land use compatibility tables consistent with the intent and language of these airport overlay regulations.

(B) *Notification.* The Director shall make reasonable efforts to provide notice to all persons filing a development application in the AO District that the respective property is located either partially or wholly within the AO District, and may be subject to aircraft over-flight and the standards and requirements of these airport overlay regulations.

(C) *Field testing.* When field inspection indicates that the construction is not in accordance with the approved plans, the Director may order such corrective action as may be necessary to meet the height and noise attenuation requirements, including but not limited to stop work orders until such corrections are made.

(D) Inspections of height and of noise attenuation work shall be performed during the required building construction inspection process.

(E) Any person who violates this act or any orders, regulations, or rulings promulgated or made pursuant to these airport overlay regulations shall be subject to the penalties and enforcement procedures established in the Development Code.

§ 151.081 STATE AIRPORT HAZARD ZONING REGULATIONS.

In the event of conflict between any airport hazard zoning regulations promulgated by IDOT Division of Aeronautics pursuant to ILCS Ch. 620, Act 25, § 17 and contained at Title 92, Part 16 of the Illinois Administrative Code and any airport zoning regulation set forth in these airport overlay regulations or any other applicable regulations provided in the Development Code, pursuant to ILCS Ch. 620, Act 25, § 18, the more stringent limitation or requirement shall govern and prevail.

§ 151.082 DEVELOPMENT APPLICATION CONSULTATION PROCEDURES.

(A) The Director shall submit to the Air Force a copy of development applications for properties within the AO District as graphically shown on Appendix G ("Process Chart") and implemented as follows.

(1) *AO-2 District.* If the application or impact is on property within the AO-2 District, all development applications relating thereto, shall be sent to Scott AFB for review.

(2) *AO-1, AO-3, and AO-4 Districts.* If the application or impact is in an AO District subarea other than the AO-2 District, development applications that meet one of the following criteria shall be sent to Scott AFB for review:

(a) Increase of an existing structure or construction of a new structure whose height is 100 feet or higher above the ground level of the runway. Towers, antennae, lighting, silos, or any similar structures that are 100 feet above the ground level of the runway or higher shall be subject to review;

(b) Request for any outdoor lighting applications, temporary lighting, obstruction marking or lighting, and illuminated signs that do not meet the lighting standards established within the AO-1 District Lighting, § 151.087;

(c) Application for a human-made use that could attract high levels of birds or wildlife, such as retention ponds, roosting habitats on buildings, landscaping, putrescible-waste disposal operations, wastewater treatment plants, and surface mining;

(d) Application for a use or permit that could create electrical interference with navigational signals or radio communications between Scott AFB and MidAmerica St. Louis Airport and aircraft, including emergency and public safety communications systems, power lines, transformers, television broadcast and radio transmitters, and telecommunication towers; and/or

(e) Applications for a use or permit that could create air-borne emissions or materials limiting visibility such as smoke, steam, dust, gases or projectiles of any type.

(B) The Director shall send all appropriate development applications, as determined in the above section, to the Air Force for review. Applications can be mailed to:

Base Community Planner

375 CES/CEAO

702 Hangar Road, Bldg. 56

Scott AFB IL 62225-5035

618-256-4270

(C) *Optional consultation with MidAmerica St. Louis Airport.* For any development application within the Height Restriction Zone, Airport Overlay (AO-3) District or the Noise Zones, Airport Overlay (AO-4) District, the Director may choose to mail and/or email notice to the MidAmerica St. Louis Airport at:

Director, Engineering & Planning

MidAmerica St. Louis Airport

9768 Airport Boulevard, Box 3

Mascoutah, IL 62258

618-566-5325

tom.goode@flymidamerica.com

§ 151.083 REGIONAL ADVISORY BOARD.

The State of Illinois allows for the use of eminent domain authority to resolve incompatible land uses in the environs of Scott Air Force Base and MidAmerica St. Louis Airport pursuant to ILCS Ch. 620, Act 25, § 33. To reduce the need for the use of eminent domain and to better coordinate airport zoning and planning, a Regional Advisory Board (RAB) is established. The purpose of the RAB is to review potentially incompatible development applications within a specific geography around Scott AFB and MidAmerica St. Louis Airport and provide comment to the applicable local government receiving the application.

(A) *Established.* The Regional Advisory Board (RAB) is hereby authorized and established as an advisory intergovernmental body to coordinate and review land use decisions in the AO-2 District. The RAB shall be deemed to exist immediately and shall include all qualified members similarly authorizing such establishment.

(B) *Membership.*

(1) The RAB shall consist of one representative from each of the following five entities, appointed by local governing authorities (“participating local governments”).

- (a) St. Clair County.
- (b) The City of Lebanon.
- (c) The City of Mascoutah.
- (d) The City of O’Fallon.
- (e) The Village of Shiloh.

(2) In addition, one Air Force representative and one representative of MidAmerica St. Louis Airport shall serve on the RAB as non-voting, ex-officio members.

(3) The RAB shall designate a chairperson among the five participating local government representatives to conduct meetings and coordinate with the Air Force on administrative support and the distribution of background materials. The RAB Chair shall rotate among the participating local government representatives every two years. In the event that any member fails to adopt authority for the RAB or subsequently withdraws from participation, the membership shall continue with the remaining authorized

members.

(C) *Meetings.*

(1) The RAB shall meet if the Air Force renders an opinion that a development application subject to review under § 151.082 is incompatible.

(2) The RAB may also establish and publish a regular meeting schedule. Meetings shall be public. Special meetings may be called by the Chairperson.

(D) *Rules.*

(1) The RAB shall adopt operating procedures for the conduct of meetings and business of the RAB.

(2) The RAB shall adhere to the provisions of these airport overlay regulations with regard to the review and approval of site development plans.

(3) The RAB shall keep a record of its transactions, findings, and determinations, which record shall be a public record.

(E) *Duties.*

(1) The RAB shall review development applications and present an advisory finding to the local jurisdiction responsible for approval of applications in the geographic areas designated as AO-2 District.

(2) Any time the FAA, DoD, or IDOT Division of Aeronautics, amends, deletes, or creates regulations affecting the standards set forth in these airport overlay regulations, the RAB shall review such amended, deleted, or new regulations and advise the participating local governments as to necessary or appropriate changes to these airport overlay regulations.

(3) The RAB shall act only as an advisory body.

(F) *Procedures and responsibilities.*

(1) Within the Airport Overlay (AO) District, the members shall consult with the Air Force on those development applications that have potential impacts on Scott AFB based on criteria established in § 151.082.

(2) The Air Force shall review these actions within a 30 calendar day period and render an advisory opinion of compatible/incompatible for those actions inside the AO-2 District. The Air Force may recommend conditions of approval to mitigate any negative impacts of those actions within the AO-1 District.

(3) The Air Force shall evaluate the compatibility of the development application based on consistency with land use guidance established in the Joint Land Use Study and Air Installation Compatible Use Zone program.

(4) If no response is rendered from the Air Force within 30 days, the local government may consider the Air Force recommendation as being compatible.

(5) If the Air Force finds an application within the AO-2 District to be incompatible, the RAB shall meet within a 30 calendar day period following an incompatible finding. The Air Force shall provide administrative support for the scheduling of the RAB meeting and the distribution of necessary background materials.

(6) The RAB shall render a recommendation, which the village shall consider.

(7) The village shall not make a final decision without a recommendation from the RAB; provided that if the RAB does not provide its recommendation within 30 days of receipt of the application, a final decision may proceed without such recommendation.

Division 5: AO-1: Primary Planning Influence Area

§ 151.084 PURPOSE AND GENERALLY.

(A) The purpose of this subchapter is to require that new or redeveloped facilities within the Primary Planning Influence Area, Airport Overlay (AO-1) District, be constructed in such a manner to mitigate impacts on aircraft operators and therefore protect the health, safety and general welfare of the residents.

(B) The AO-1 District designates the area that primarily includes standards for consultation with the Air Force, aviation easements, and lighting.

(C) *Establishment of Primary Planning Influence Area.* Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district or districts in which they are located. The boundaries of the AO-1 District are shown on the map in § 151.078.

§ 151.085 CONSULTATION.

Development applications on properties within the AO-1 District shall require consultation with the Air Force to the extent required per § 151.082.

§ 151.086 AVIGATION EASEMENTS.

(A) All applications for subdivision approval for any structure requiring plan approval in the AO-1 District, to the extent consistent with applicable requirements of law, shall include the dedication of an avigation easement to the village. The dedicated avigation easement shall allow property owners to develop land in accordance with the applicable zoning district and regulations, and shall also convey a clear right to maintain flight operations in navigable airspace over the property, consistent with federal statutes and regulations, and shall submit the property to compliance with the regulations set forth in these airport overlay regulations. The easement shall be recorded with the deed to a property and shall run in perpetuity with the land.

(B) The applicant for all final subdivision plats within an AO District shall place a reference to the applicability of AO District regulations to the subdivision on the recorded plat.

(C) The village shall maintain publicly available maps of the airport overlay district to facilitate the disclosure of potential airport environs impacts as part of real estate transactions.

§ 151.087 LIGHTING.

The following standards shall apply to all lands within the AO-1 District, unless otherwise stated.

(A) *Non-residential uses and multi-family residential.*

(1) The light source of outdoor lighting fixtures shall be fully shielded and downward facing so as not to allow any light above the horizontal, as measured at the luminaire.

(2) Outdoor lighting fixtures shall be placed so as to not cause excessive glare or light trespass.

(3) On-site parking areas shall be constructed of asphalt, dyed concrete or other non-reflective paving surfaces.

(4) All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective.

(5) Canopy lighting shall be designed to conceal the illumination source and the lighting fixture shall not extend below the canopy skirt.

(6) Exterior sign lights shall be shielded and oriented downward with respect to the sign.

(B) *Single-family and agricultural uses.* Single-family residential and agricultural uses are exempt from the standards contained in this § 151.087, provided that such uses do not affect the safety of the public or persons utilizing Scott Air Force Base or MidAmerica St. Louis Airport.

(C) *Electronic display signs.* Electronic display signs shall be permitted within the AO-1 District under the following conditions:

(1) The maximum brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or of 500 nits (candelas per square meter) between dusk to dawn;

(2) Any image or message or portion thereof displayed on the sign shall have a minimum duration of fifteen seconds and shall be of static display;

- (3) Electronic signs are prohibited in the AO-2 District; and
- (4) Electronic display signs shall comply with all other applicable regulations set forth in the Development Code.

(D) *Temporary lights.* Special use permits shall be required for temporary lights such as spot lights. A permit may be granted if, upon review, the Director finds that the proposed lighting will not create excessive glare, sky glow, or light trespass.

(E) *Lighting plan.* Within the AO-1 District, a lighting plan shall be included as part of the required site plan submittal or subdivision construction drawings which shall contain but not be limited to the following:

- (1) The location of the site where the outdoor light fixtures will be installed;
- (2) Plans indicating the location on the premises of each outdoor light fixture, both proposed and any already existing on the site; and
- (3) A description of the outdoor light fixtures including but not limited to manufacturer's catalog cuts and drawings.

Division 6: AO-2: Safety Zones Area

§ 151.088 PURPOSE AND GENERALLY.

(A) The purpose of this subchapter is to require that land and structures located within safety zones around the Scott AFB and MidAmerica St. Louis Airfields are developed to protect the health, safety and general welfare of the public and to mitigate hazards of potential aircraft mishaps.

(B) The Safety Zones Area, Airport Overlay (AO-2) District, designates the area that primarily includes standards for land use, density and design, in addition to those requirements established for all properties within the AO-1 District.

(C) *Establishment of safety zones.*

(1) Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which they are located.

(2) The boundaries of the military safety zones as determined by the Air Installation Compatible Use Zone (AICUZ) program are shown on the map in § 151.078. There are three military safety zones:

- (a) CZ: Clear Zone;
- (b) APZ-1: Accident Potential Zone 1; and
- (c) APZ-2: Accident Potential Zone 2.

(3) The Federal Aviation Administration designates a runway protection zone (RPZ) for civilian airports as shown on the map in § 151.078. There is one civilian safety zone: RPZ: Runway Protection Zone.

§ 151.089 PROCEDURES AND DESIGN REGULATIONS IN SAFETY ZONES.

(A) *Consultation.* All development applications on properties within the AO-2 District shall require consultation with the Air Force as per § 151.082.

(B) *Design regulations.* Properties within the AO-2 District shall also comply with all the standards established per §§ 151.084 through 151.087.

§ 151.090 USE REGULATIONS IN SAFETY ZONES.

(A) *Use regulations in AO-2: CZ and RPZ.* No uses or structures shall be permitted in the CZ and RPZ except roadways, underground utilities, agriculture and permanent passive open space. Bridges above the ground level of the runway, timber activities and silviculture shall not be permitted.

(B) *Use and design regulations in AO-2: APZ-1.*

(1) *Permitted uses.* Permitted uses are listed on Table 6.1, provided that no uses shall be allowed where not permitted in the underlying zoning district.

(2) *Prohibited uses.*

(a) Manufacturing or above-ground bulk storage of flammable liquids, gases, or other explosive materials is prohibited.

(b) No use shall be permitted that emits smoke, steam, dust, gases or projectiles of any type that may interfere with safe aircraft operation.

(c) No residential development of any type is permitted. This includes short-and long-term hotels, lodgings, campsites, RV parks, mobile home parks, group homes, dormitories, or any accommodations where over-night residency is expected.

(d) Active parks with facilities intended to support organized activity or concentrations of users, such as athletic fields, buildings or structures for recreational activities, concessions, courts, or playgrounds are prohibited.

(e) Places of large assemblies shall be prohibited to protect the general public against the grave consequences of an aircraft mishap. Places where the mobility-challenged and youth regularly assemble are also prohibited. These include hospitals, in-patient clinics, nursing homes, child care centers, schools, movie theaters and auditoriums, churches and places of worship or meditation, sports arenas, restaurants and other places of assembly.

(f) Public transportation passenger terminals shall not be permitted in the APZ-1.

(g) Regionally-significant above-ground utility lines or sub-stations, such as high-tension power lines or public transportation transmission wires, shall not be permitted in the APZ-1.

(3) *Maximum public assembly.* Maximum assembly shall be limited to 25 people per acre per hour over a 24-hour period, and shall not be more than 50 people per acre at any one time.

(4) *Lot coverage.*

(a) The maximum gross acreage for all buildings on any single lot is 10%. Use restrictions shall comply with Table 6.1 of these airport overlay regulations. Height restrictions shall comply with §§ 151.091 through 151.094.

(b) For industrial uses, in addition to all other limitations on concentrations of people, a sliding scale of employment density per shift and maximum acreage coverage shall be utilized as shown in Figure 6.A.

(c) A planned development approach is encouraged to maximize flexibility in layout and guide buildings away from the centerline of the runway.

(C) *Use and design regulations in AO-2: APZ-2.*

(1) *Permitted uses.*

(a) Permitted uses are listed on Table 6.1, provided that no uses shall be allowed where not permitted in the underlying zoning district.

(b) Single-family residential density shall be limited to one dwelling unit per acre within the APZ-2.

(2) *Prohibited uses.*

(a) Manufacturing or above-ground bulk storage of flammable liquids, gases, or other explosive materials is prohibited.

(b) No use shall be permitted that emits smoke, steam, dust, gases or projectiles of any type that may interfere with safe aircraft operation.

(c) Higher density housing is prohibited. This includes multi-family housing, attached single-family housing, short- and long-term hotels, lodgings, campsites, RV parks, mobile home parks, group homes, or dormitories.

(d) Places of large assemblies shall be prohibited to protect the general public against the grave consequences of an aircraft mishap. Places where the mobility-challenged and youth regularly assemble are also prohibited. These include hospitals, in-patient clinics, nursing homes, child care centers, schools, movie theaters and auditoriums, churches and places of worship or meditation, sports arenas, restaurants and other places of assembly.

(3) *Lot coverage.*

(a) The maximum gross acreage for all nonresidential buildings on any single lot is 20%. Use restrictions shall comply with Table 6.1 of these Airport Overlay Regulations. Height restrictions shall comply with §§ 151.091 through 151.094.

(b) For industrial uses, in addition to all other limitations on concentrations of people, a sliding scale of employment density per shift and maximum acreage coverage shall be utilized as shown in Figure 6.B.

(c) A planned development approach is encouraged to maximize flexibility in layout and guide buildings away from the centerline of the runway.

Figure 6.A

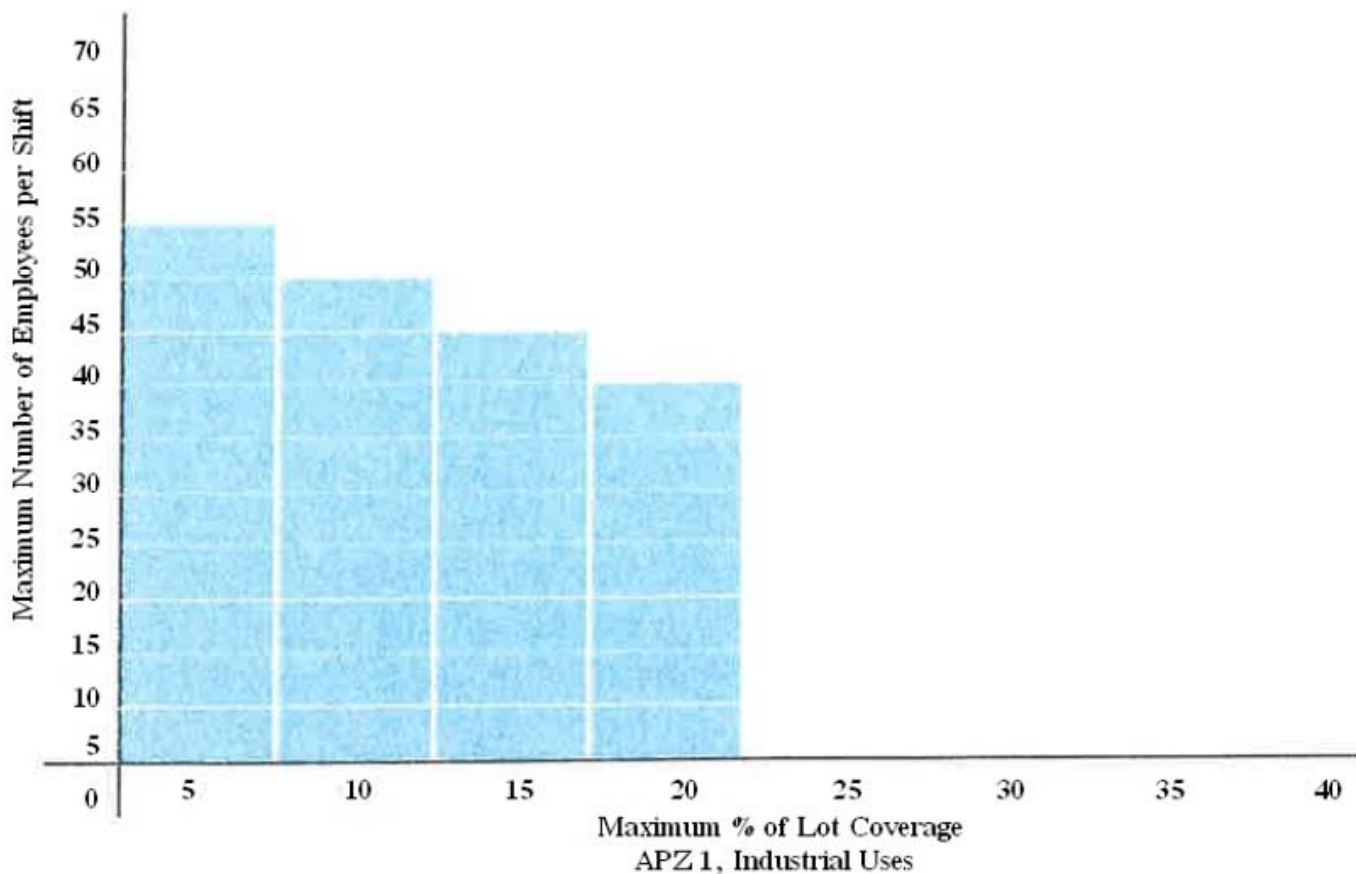


Figure 6.B

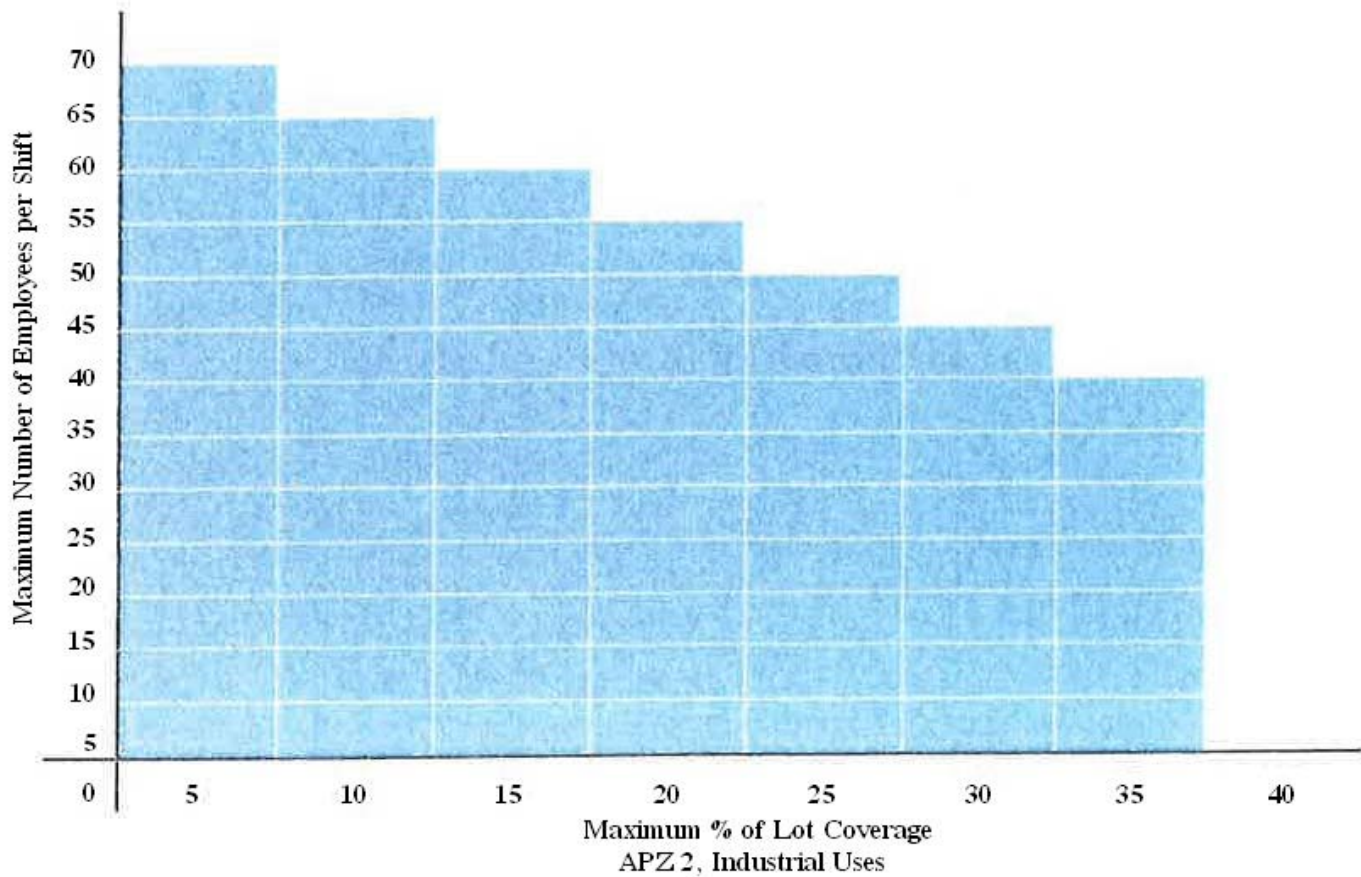


Table 6.1

<i>Land Use</i>		<i>AO-2 District Safety Zones</i>		
<i>SLUCM</i>	Name	CZ/RPZ	APZ 1	APZ 2
10	Residential			
11	Household units			
11.11	Single units; detached	N	N	PS
11.12	Single units; semi detached	N	N	N
11.13	Single units; attached row	N	N	N
11.21	Two units; side-by-side	N	N	N
11.22	Two units; stacked	N	N	N
11.31	Apartments; walk up	N	N	N
11.32	Apartments; elevator	N	N	N
12	Group quarters	N	N	N
13	Residential hotels	N	N	N
<i>Land Use</i>		<i>AO-2 District Safety Zones</i>		
<i>SLUCM</i>	Name	CZ/RPZ	APZ 1	APZ 2
14	Mobile home parks or courts	N	N	N
15	Transient lodgings	N	N	N
16	Other residential	N	N	N
20	Manufacturing			
21	of Food & kindred products	N	PS	PS
22	of Textile mill products	N	PS	PS

23	of Apparel and other finished products made from fabrics, leather, and similar materials	N	PS	PS
24	of Lumber and wood products (except furniture)	N	PS	PS
25	of Furniture and fixtures	N	PS	PS
26	of Paper & allied products	N	PS	PS
27	of Printing, publishing, and allied industries	N	PS	PS
28	of Chemicals and allied products	N	PS	PS
29	of Petroleum refining & related industries	N	PS	PS
30	Manufacturing			
31	Rubber and miscellaneous plastic products	N	PS	PS
32	Stone, clay and glass products	N	PS	PS
33	Primary metal industries	N	PS	PS
34	Fabricated metal products	N	PS	PS
35	Professional and scientific instruments	N	PS	PS
39	Miscellaneous manufacturing	N	PS	PS
40	Transportation, communications and utilities			
41	Railroad, rapid rail transit and street railroad transportation	N	PS	Y
42	Motor vehicle transportation	N	PS	Y
43	Aircraft transportation	N	PS	Y
44	Marine craft transportation	N	PS	Y
45	Highway & street right-way	PS	Y	Y
46	Automobile parking	N	PS	Y

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<i>Land Use</i>		<i>AO-2 District Safety Zones</i>		
<i>SLUCM</i>	Name	CZ/RPZ	APZ 1	APZ 2
47	Communications	N	PS	Y
48	Utilities	N	PS	Y
48.23	Natural or manufactured gas storage and distribution points	N	N	N
49	Other transportation communications and utilities	N	PS	Y
50	Trade			
51	Wholesale trade	N	PS	Y
52	Retail trade -building materials, hardware and farm equipment	N	PS	PS
53	Retail trade - general merchandise	N	PS	PS
54	Retail trade - food	N	PS	PS
55	Retail trade - automotive, marine craft, aircraft and accessories	N	PS	PS
55.3	Gasoline service stations	N	N	N
56	Retail trade - apparel and accessories	N	PS	PS
57	Retail trade - furniture, home furnishings and equipment	N	PS	PS

58	Retail trade - eating and drinking establishments	N	N	PS
59	Other retail trade	N		