

REVISED ZONING ORDINANCE

ADOPTED May 17, 1963  
REVISED \_\_\_\_\_, 1977  
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REVISED \_\_\_\_\_, 2004  
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VILLAGE OF JEROME  
SANGAMON COUNTY, ILLINOIS

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REVISED ZONING ORDINANCE  
For the  
VILLAGE OF JEROME  
SANGAMON COUNTY, ILLINOIS

Approved and Adopted by the President and Board of Trustees on  
July 17, 2003  
Published on August 11, 2003

PRESIDENT OF VILLAGE BOARD  
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VILLAGE BOARD OF TRUSTEES  
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LYNDA FEIN, MEMBER  
JAN GROVE, MEMBER  
WALT MINCH, MEMBER  
MATT SCOTT, MEMBER

Revised on April 15, 2004  
Revised on August 6, 2014

NOW, THEREFORE BE IT ORDAINED, by the President and the Board of Trustees at the Village of Jerome, Sangamon County, Illinois that the ZONING ORDINANCE, passed by the Jerome Village Board of Trustees on May 17, 1962, as amended, is hereby revised and amended in its entirety by the substitutions in lieu thereof of the following:

**SECTION I. TITLE**

This ordinance shall be known, cited and referred to as:

**THE ZONING ORDINANCE FOR THE VILLAGE OF JEROME**

**SECTION II. INTENT AND PURPOSE**

**A. THIS ORDINANCE IS ADOPTED FOR THE PURPOSE OF:**

1. Promoting and protecting the public health, safety, and general welfare of the people.
2. Securing adequate light, pure air and safety from fire and other dangers.
3. Maintaining the taxable value of land and buildings throughout the Village of Jerome.

**B. TO THESE ENDS THIS ORDINANCE IS DESIGNED TO SET UP AND ACCOMPLISH CERTAIN STANDARDS AND OBJECTIVES BY:**

1. Organizing the Village into districts regulating and restricting therein the location, construction, reconstruction, alteration and use of any buildings, and structures of land, whether for residence or business.
2. Regulating and limiting the height and bulk of buildings and other structures.
3. Establishing, regulating and limiting the building or setback lines along streets, alleys or property lines.
4. Regulating and limiting the intensity of the use of the lot area and determining the area of open spaces within and surrounding such buildings.
5. Providing for certain conditional permitted uses.
6. Regulating the size, type and location of signs.
7. Requiring accessory off-street parking and loading facilities.
8. Defining and limiting the powers and duties of the administrative officers and bodies as provided herein.
9. Providing for the change and amendment of such regulations and boundaries of the respective districts.

10. Prescribing penalties for the violation of the provisions of this ordinance, or of any amendment thereto.

### **SECTION III. RULES FOR CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

#### **A. RULES FOR CONSTRUCTION OF LANGUAGE**

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules for construction:

1. The singular number includes the plural and the plural, the singular.
2. The present tense includes the past and future tenses and the future, the present.
3. The word “shall” is mandatory, while the word “may” is permissive.
4. The masculine gender includes the feminine and the neuter.
5. All measured distances shall be to the nearest integral foot. If a fraction is one-half or less, the integral foot next below shall be taken.
6. Whenever a word, a phrase or a term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof. The word “lot” shall include the words “piece” and “parcel”; the word “building” shall include all other structures of every kind regardless of similarity to buildings; and, the phrase “use for” shall include the phrases “arranged for,” “intended for,” “maintained for,” “designed for” and “occupied for”. Synonyms, in common usage of certain words, phrases or terms, are shown parenthetically.

#### **B. DEFINITIONS**

The following words, phrases and terms, whenever they occur in this ordinance, shall be interpreted as herein defined:

1. **AGRICULTURE.** Land, including necessary buildings and structures which shall be used for agriculture, including but not limited to farming, dairying, pasturage, apiculture, horticulture, floriculture, and animal and poultry husbandry, as well as the necessary accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities, and providing further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
2. **ALLEY.** A public way with a width not exceeding 20 feet in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.

3. **ANIMAL HOSPITAL.** Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.
4. **AUTOMOTIVE SERVICE STATION.** Any building or portion thereof or premises to which the motoring public is invited for automotive refueling from underground storage tanks through fixed equipment, and for replenishment of automotive supplies and where any of the following services is permissive:  
replacement, adjustment or repair of lights, tires, batteries, accessories and minor parts; and, when rendered wholly within a building, brake adjustment, engine tuning, drainage and replacement of crank and gear case lubricant, chassis lubrication, washing and cleaning (but not car wash).
5. **AUTOMOBILE WRECKING YARD.** Any area of land where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.
6. **BASEMENT.** A portion of a building located partly or wholly underground.
7. **BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines.
8. **BUILDABLE AREA.** The specified portion of lot immediately in back of the front yard setback.
9. **BUILDING.** Any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
10. **BUILDING – ACCESSORY.** A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building.
11. **BUILDING AREA.** The area bounded by the exterior dimensions of the outer walls at the ground line.
12. **BUILDING - COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior or party walls, pierced only by windows and normal entrance or exit doors.

13. **BUILDING - DETACHED.** A building surrounded by open space on the same lot.
14. **BUILDING - PRINCIPAL.** A non-accessory building in which the principal use of the lot, on which it is located, is conducted.
15. **BUILDING - TEMPORARY.** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.
16. **BULK.** The term used to indicate the size and setbacks of buildings or structures size and height, and the location of same with respect to one another, and including the following:  
  
of buildings; location of exterior walls at all levels in relation to lot lines, streets or to other buildings; gross floor area of buildings in relation to lot area (floor area ratio); all open spaces allocated to buildings; amount of lot area provided per dwelling unit.
17. **BUSINESS.** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials or where services are offered for compensation.
18. **CAR WASH.** A building or portion where automobiles are washed with the use of a conveyor system and a blower, or other devices.
19. **CELLAR.** The portion of a building located partly or wholly underground, and having half, or more than half, of its clear floor-to-ceiling height below the average grade of the adjoining ground.
20. **CLUB OR LODGE - PRIVATE.** A non-profit association of persons who are bona fide members paying dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.
21. **CO-LOCATION.** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
22. **CURB LEVEL.** The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building of structure, measured at the center line of such front.

23. **TRUSTEE IN CHARGE OF BUILDING AND ZONING.** The Trustee in Charge of the Building and Zoning department, recommended by the Village President and appointed by the Village of Jerome Board of Trustees.
24. **DISTRICT.** A section or part of the incorporated or unincorporated portion of the Village for which the use regulations are uniform.
25. **DRIVE-IN ESTABLISHMENT.** An establishment which accommodates patrons' automobiles, at which the occupant(s) may be served.
26. **DWELLING.** A residential building, or portion thereof, but not including hotels, motels, rest homes, rooming houses, tourist homes or trailers.
27. **DWELLING UNIT.** A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers, and which includes complete kitchen facilities permanently installed.
28. **DWELLINGS - ATTACHED (GROUP, ROW AND TOWN HOUSES).** A dwelling joined to two other dwellings by common wall.
29. **DWELLING – DETACHED.** A residential building which is entirely surrounded by open space on the same lot.
30. **DWELLING - SEMI-DETACHED.** A dwelling joined to one other dwelling by a common wall.
31. **DWELLING - SINGLE-FAMILY.** A residential building containing one dwelling unit, including detached, semi-detached and attached dwellings.
32. **DWELLING - TWO-FAMILY (DUPLEX).** A residential building containing two dwelling units, including detached, semi-detached and attached dwellings.
33. **DWELLING - MULTIPLE-FAMILY (APARTMENT).** A building or portion thereof containing three or more dwelling units.

34. **ERECT.** The act of placing or affixing a component of a structure upon the ground or upon another such component.
35. **FAMILY.** One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.
36. **FENCE – SOLID.** A fence, including solid entrance and exit gates, which effectively conceals from view from adjoining properties and streets, materials that are stored and operations conducted behind such fence.
37. **FLOOD-CREST ELEVATION.** The maximum instantaneous elevation of the water surface during the period of a 100-year flood, as established by the Sangamon County Regional Planning Commission’s report titled Flood Conditions, Sangamon County, Illinois, and dated July 1, 1961.
38. **FLOOD-PLAIN AREA.** That continuous area adjacent to a stream or stream bed or other natural drainage channels or areas, whose elevation is equal to or lower than the 100 year flood crest elevation, as established by survey or as indicated in the Sangamon County Regional Planning Commission’s report titled Flood Conditions, Sangamon County, Illinois, Dated July 1, 1961, including any land of higher elevation having an area of less than ten acres which is completely surrounded by land equal to or lower than the flood-crest elevation.
39. **FLOOR AREA – GROSS.** For the purpose of determining Floor Area Ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, “gross floor area” shall include: basement space, if at least one haft of the basement story height is above the established curb level; elevator shafts and stairwells at each floor; floor space used for mechanical equipment where the structural headroom exceeds seven and one half feet; except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks, and cooling towers; attic floor space where the structural headroom exceeds seven and one half feet; interior balconies and mezzanines; and enclosed porches, but not terraces and breezeways.
40. **FLOOR AREA - GROSS PARKING.** For the purpose of determining requirements for off street parking and off street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to

the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

41. **FLOOR AREA RATIO.** The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which building or buildings are located.
42. **GARAGE – PRIVATE.** An accessory portion of the principal building which is intended for and used to store upon the premises the private passenger vehicles of the resident family or families, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on.
43. **GARAGE – PUBLIC.** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.
44. **HOME OCCUPATION.** Any gainful occupation or profession engaged in by the occupant of a dwelling at or from such dwelling. Permissible home occupations further may not permit the employment of any additional personnel other than the members of the immediate family in the performance of such services. There shall be no exterior display, no exterior signs, and no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include but are not limited to the following: art studio; dressmaking; professional offices of a clergyman, lawyer, physician, dentist, architect, engineer, or accountant, when located in a dwelling unit occupied by the same; and teaching, with musical, dancing and other instruction limited to two pupils at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, public stable or dog kennel, or restaurant.
45. **LOADING – OFF-STREET.** A space, accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.
46. **LODGING ROOM.** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

47. **LOT.** A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block; and which is occupied or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as are required by this ordinance; and having its principal frontage upon a street.
48. **LOT AREA.** The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.
49. **LOT CORNER.** A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degree or less.
50. **LOT DEPTH.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
51. **LOT LINE.** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.
52. **LOT LINE – FRONT.** That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.
53. **LOT LINE – REAR.** That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot; parallel to and at the maximum distance from the front lot line.
54. **LOT LINE – SIDE.** Any boundary of a lot which is not a front or rear lot line.
55. **LOT - REVERSED CORNER.** A corner lot, the side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
56. **LOT – THROUGH.** A lot which has a pair of opposite lot lines along two or more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

57. **LOT – TRAILER.** The area assigned to a trailer in a trailer park.
58. **LOT – WIDTH.** The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.
59. **MONOPOLE.** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
60. **MOTEL.** A building containing lodging rooms having adjoining individual bathrooms; where each lodging room has a doorway opening directly to the outdoors; and where more than fifty percent (50%) of the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.
61. **MOTOR VEHICLE.** Any self-propelled wheeled vehicle designated or intended primarily for the transportation of persons or goods along public streets, alleys or other public ways.
62. **NAMEPLATE.** A sign indicating the name and/or address of a building or the name of an occupant thereof.
63. **OPEN SALES LOT.** Any land used or occupied for but not limited to the purpose of buying and selling secondhand passenger cars and/or trucks, motor scooters, motorcycles, boats, trailers, aircraft, and monuments, and for the storing of same prior to.
64. **PERSONAL WIRELESS FACILITIES.** A transmitter/receiver, antenna structure and other types of installation used for the provision of personal wireless services.
65. **PERSONAL WIRELESS SERVICES.** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services; facilities for the provision of personal wireless services.
66. **PLANNING COMMISSION.** The Jerome Planning Commission.
67. **PUBLIC OPEN SPACE.** Any publicly owned open area, including but not limited to parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.
68. **REFUSE.** All waste products from human habitation, except sewage.

69. **RESIDENCE.** The act or condition of residing or dwelling in a place.
70. **REST HOME (NURSING HOME).** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or mental illnesses or infirmities.
71. **RETAIL.** Retail refers to the sale of relatively small quantities of commodities and services directly to customers.
72. **ROOMING HOUSE (BED & BREAKFAST/TOURIST HOME).** A building, or portion thereof, that contains lodging rooms which accommodate three or more persons who are not members of the keeper's family, and where lodging rooms, or meals, or both, are provided for compensation.
73. **SANITARY LAND FILL.** A method of disposing of refuse by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides of the bank.
74. **SETBACK – FRONT YARD.** The minimum horizontal distance permitted between the front line or side line of the building and nearest the street line, disregarding steps and unroofed porches. In Residential districts the setback may not be greater than five feet in front or behind the front building line of buildings on lots adjacent to the lot of record.
75. **SIGN.** A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.
76. **SIGN – ADVERTISING.** A sign which directs attention to a business, commodity, service, or entertainment not sold upon the premises where such sign is located, or to which it is affixed. A double face or V type sign, erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square-foot area, be considered and measured as a single face sign. A billboard shall be considered an advertising sign.

77. **SIGN – BUSINESS.** A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
- 77.1 **SIGN – ELECTRONIC MESSAGE SIGN.** An advertising sign which changes the message, image, or copy on the sign by means of a liquid crystal display or similar means. Electronic message signs may be, but are not limited to, electronic billboard displays. Electronic message signs are considered advertising signs and must comply with all requirements applicable to advertising signs. (8/6/2014)
78. **SIGN – FLASHING.** Other than electronic message signs complying with Section X.R., any still or moving illuminated signs or billboards on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. (8/6/2014)
79. **SIGN - GROSS SURFACE AREA.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements laying outside the limits of such sign and not forming an integral part of the display.
80. **SIGN – PORTABLE.** A sign not permanently anchored or secured to either a building, structure, columns, braces or the ground such as, but not limited to, A frame signs, T-shaped and inverted T-shaped signs, signs affixed to a chassis with wheels for towing, wheeled signs, flashing arrow signs, or signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business or activity located on the same or nearby property.
81. **STORY.** That portion of a building included between the surface of any floor and the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purposed of this ordinance when more than one half of such basement height is above the established curb level.
82. **STREET (AVENUE, PLACE, ROAD, TERRACE, PARK-WAY, BOULEVARD OR COURT).** A right-of-way of a required width, which affords a primary means of access to abutting property.
83. **STREET LINE.** The dividing line between a lot and a contiguous street.

- 84. STRUCTURAL ALTERATIONS.** Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.
- 85. STRUCTURE.** Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising medium detached or projecting shall be construed to be a structure.
- 86. TOURIST HOME. (ROOMING HOUSE/BED & BREAKFAST).** A building, or portion thereof, that contains lodging rooms which accommodate three or more persons who are not members of the keeper's family, and where lodging rooms, or meals, or both, are provided for compensation.
- 87. TRAILER.** Any vehicle, house car, mobile home, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is designed to be used for living, sleeping, or commercial purposes; or if not self-propelled, designed for any other purposes.
- 88. USE.** The purpose or activity for which the land, or building thereon; is designed, arranged or intended, or for which it is occupied or maintained.
- 89. USE - ACCESSORY.** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.
- 90. USE – PRINCIPAL.** The main use of land or buildings, as distinguished from a subordinate or accessory use.
- 91. USE - NON-CONFORMING.** Any lawfully established use of a building or premises which on the effective date of this ordinance does not comply with all of the applicable use (not bulk) regulations of the zoning district in which such building or premises shall be located. For the purpose of this ordinance, any use lawfully established on the effective date of this ordinance which is non-conforming solely by virtue of lacking off street parking or loading facilities as required hereinafter for new uses, shall not be deemed a non-conforming use.

92. **WIRELESS TELECOMMUNICATIONS ANTENNA.** A physical device through which electromagnetic, wireless communications signals authorized by the Federal Communication Commission are transmitted or received.
93. **WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER.** The structure in which the electronic receiving and relaying equipment for a wireless communications facility is housed.
94. **WIRELESS TELECOMMUNICATIONS FACILITY.** A facility consisting of the equipment and structures involved in receiving, relaying and transmitting voice, video or data signals by means of electrical or electromagnetic systems.
95. **WIRELESS TELECOMMUNICATIONS TOWER.** A dedicated structure intended to support equipment used to transmit and receive telecommunications signals including monopoles, guyed and latticed steel structures.
96. **YARD.** An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
97. **YARD – FRONT.** A yard extending along the full width of the front lot line between side lot lines.
98. **YARD – REAR.** The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot.
99. **YARD – SIDE.** A yard extending along a side lot line between the front and rear yards.
100. **ZONING BOARD.** The Jerome Zoning Board of Appeals.

#### **SECTION IV. GENERAL PROVISIONS**

##### **A. ADOPTION OF BUILDING CODE**

There is hereby adopted by the Village of Jerome for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that a certain building code known as the National Building Code, being

particularly the 1955 edition, and including all subsequent amendments and editions thereafter, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the Village Clerk, are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein, contained within the corporate limits of the Village of Jerome.

**B. ALLOWABLE USE OF LAND OR BUILDINGS**

The following uses of land or buildings listed below are allowed in the district indicated hereinafter in Sections V and VI, under the conditions specified in this ordinance:

1. Uses lawfully established on the effective date of this ordinance;
2. Permitted uses as designated in this ordinance; and
3. Conditional permitted uses as designated in this ordinance.

**C. CONTROL OVER USE**

In all districts, after the effective date of this ordinance, and subject to the provisions as set out in Section VIII on Non-Conforming Uses:

1. Any tract of land may be used.
2. Any lawfully existing or new building or other structure may be used, relocated, enlarged, converted, extended, reconstructed, or altered.
3. The use of any lawfully established existing building or other structure may be continued, changed, extended or enlarged for any use or conditional permitted use allowed by the regulations for the district in which such building or other structure, or tract of land is located, and for no other purpose, and shall conform to all other regulations set forth in the regulations for that district, and to all other applicable regulations of this ordinance, including the requirements set forth in Section IX for accessory off street parking spaces and off street loading spaces.

**D. CONTROL OVER BULK**

In all districts, after the effective date of this ordinance and subject to the provisions of Section VIII on non-conforming uses, any new building or other structure shall conform to all the bulk, height and area requirements set forth in the regulations for the district in which such building or other structure is located, and to all other applicable regulations of this ordinance.

**E. CONDITIONAL PERMITTED USES**

1. Procedure for review of conditional permitted uses. To provide for the location of special classes of uses which are desirable for the public welfare within a given district or districts, but which are potentially incompatible with typical uses herein permitted within them, a classification of conditional uses is hereby established. Procedures for conditional uses are set forth in Section XIX.
2. Existing conditional permitted uses. Where a use exists on the effective date of this ordinance, and it is classified as a conditional use in the district in which it is located by said ordinance, it shall be considered to be a lawful conditional use. Additions or alterations to existing buildings or land improvements for expansion of lawful conditional uses may be made within the area of the lot included in the ownership existing at the time of adoption of this ordinance; and they shall be subject to yard, floor area ratio and building height requirements set forth in this ordinance for permitted uses in the district in which they are located.

**F. ACCESSORY BUILDINGS, STRUCTURES, AND USES**

1. Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use, and shall not include within the Village limits the keeping, propagation, or culture of pigeons, poultry, or live stock whether or not for profit.
2. No accessory building or structure, unless it is structurally a part of the principal building and unless it conforms with the requirements of accessory buildings for conditional uses, shall be erected or altered at, nor moved to, a location within ten feet of the nearest wall of the principal building, nor within the required area of a front or side yard. An accessory building, structure, or use in a rear yard shall be not less than three feet from any property line, except that on a corner lot, a reversed corner lot, or a through lot, such an accessory building, structure, or use shall be set back from the property line adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.
3. No accessory building, structure, or use shall encroach upon that side yard of a corner lot which is adjacent to the street; upon that side of a reversed corner lot which is adjacent to the street; upon that part of a rear yard; or of a through lot, which is within 35 feet from the street line abutting the rear lot line, or upon a front yard, except as permitted herein for specific uses.
4. No building or structure, accessory to dwelling uses, shall have more than one story nor exceed 18 feet in height unless otherwise permitted.

**G. YARDS GENERALLY**

1. All yards and other open spaces allocated to a building, or group of buildings comprising one principal use, shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally

required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

2. No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold, unless all improved lots resulting from each such division or sale shall conform to all the applicable bulk regulations of the zoning district in which the property is located.
3. No yards, now or hereafter provided for a building existing on the effective date of this ordinance, shall subsequently be reduced below, or further reduced if already less than the minimum yard requirements of this ordinance for equivalent new construction.
4. On one side of a street where setbacks are maintained on lots occupying more than fifty percent (50%) of such street frontage, between intersecting streets or a distance of 1,800 feet, whichever is less, the setback shall be not less than the average of the existing setbacks, except in Residential Districts the setback may not be greater than five feet or behind the front building line of buildings on lots adjacent to the lot of record.

#### **H. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

The following shall not be considered to be obstructions when located in the required yards specified:

1. In any Yard  
Marquees and awnings adjoining the principal building overhanging roof eaves; chimneys, if they do not exceed ten (10%) percent of the depth of the yard; basketball goals, hoops, or backboards, if they do not encroach within 15 feet of any street line, and ornamental light standards, domestic television and radio antennas, flag poles, arbors, trellises, trees, shrubs, coin operated telephones, permitted signs and outdoor fuel dispensing equipment. On corner lots, obstructions not higher than 30 inches above curb level, if located in that portion of a required front yard or side yard situated within 20 feet of the lot corner formed by the intersection of any two street lines; (3/18/2004)
2. In Side Yards  
Open accessory off street parking spaces, except in a side yard abutting a street;
3. In Rear Yards  
Enclosed, attached, or detached off street parking spaces; open off street parking spaces; accessory sheds, and tool rooms, or any similar structures customarily accessory to the principal use; and balconies, breezeways and open porches; and
4. In any Yard

Satellite receiving antennas and detached solar collectors shall not be located in a required front yard, or in a side yard which adjoins a street. Satellite receiving antenna mounting posts or legs may not be closer to any side or rear lot line than the diameter of the antenna dish. Ground mounted satellite receiving antennas may not be greater than 20 feet in height from the ground level to the top of the antenna. Roof mounted satellite receiving antennas which are attached to or mounted on dwelling structures in the residence districts, or on structures allowed in the business districts, must conform to those districts. No form of advertising or identification may be placed on the antenna or its framework or mounting posts other than the manufacturer's identification plate, which shall not exceed one square foot in area. Satellite receiving antennas and their mounting framework must be neutral in color.

## **I. FENCES**

### **1. General Provisions**

#### **a. Installation of Fences**

Posts shall be spaced not more than eight feet (8') centerline to centerline. On cyclone fences, posts shall not extend higher than 3 inches (3") over finished height; and on wood fences, posts shall not extend higher than six inches (6") over finished height. All fences shall be installed inside property lines. All gates shall be installed with a proper catch and locking device.

#### **b. Metal Fences**

Metal fences shall consist of new materials manufactured and/or treated in a manner to prevent rust and corrosion. Cyclone or metal mesh shall be installed so that the unfinished edge of the wire is at the bottom or ground.

#### **c. Wood Fences**

Wood fences shall be constructed of new materials and painted, stained or preserved in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents.

#### **d. Plastic or other Synthetic Material Fences**

Where any of these materials are used as a fence, or part thereof, only new such materials shall be used and they shall be treated and maintained in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents. Further, such materials shall be of a design and constructed or integrated with the fence to which they are a part in a manner that will not

be destroyed or torn apart from the fence by climatic elements. For example only, metal or synthetic material slats inserted in a fence shall be done in a manner not to allow them to be blown away, or removed by wind or other weather conditions.

e. Masonry Fences

Masonry fences must be made of brick, stone or block.

f. Depth of Posts or Foundation

All fences constructed or reconstructed within the Village shall be installed on posts sunk below grade to a depth of at least half of the height of the fence.

g. Materials

All fences shall be constructed of materials in compliance with the Village Building Code and shall be of sufficient quality with proper maintenance to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten (10) years.

h. Maintenance

Once a fence is built, it must be maintained according to the Village's minimum standards. Failure to maintain a fence according to these Village standards will result in a fine. All fences shall be maintained in a good structural condition at all times. All fences shall be kept neatly painted, stained, sealed or preserved and such treatment shall be of the same contiguous color, stain or other treatment. Rotted, fire-damaged or broken wooden slats and support posts must be repaired or replaced. Broken or severely bent metal posts or torn, cut or ripped metal fencing materials must be repaired or replaced. Loose brick, stone, mortar or similar materials on masonry fences must be repaired.

2. Requirements in residential districts:

No fence may be erected within the Village of Jerome and within a residential district, which does not comply with the following specifications.

- a. Any fence erected in a required front yard shall be at least 50% open, and no fence erected in a required front yard may exceed four feet in height measured from ground level. A clearance of three inches shall be allowed for installation purposes and shall not count in determining the height of a fence. No privacy fence may be erected in the front of a residence on the same zoning lot. For through lots, that yard which is used as a rear yard, and which would normally be considered a rear yard for lots other than

through lots, shall be considered a rear yard for purposes of erecting a fence.

- b. Any fence less than 50% open, erected on the side street of a corner lot shall be restricted to the same setback requirements as a building or structure and same height restrictions as in subsection (a).
- c. No fence may be erected which exceeds six feet in height above ground level.
- d. No fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials. All chain link fences shall be installed with the knuckle portion of the fence up and with the barb portion of the fence at or near the ground. No fence may be electrified.

3. Requirements in commercial and industrial districts.

No fence may be erected within the Village of Jerome and within a commercial or industrial district which does not comply with the following specifications:

- a. Any fence erected in a required front yard shall be at least 50% open.
- b. Any fence less than 50% open, erected on the side street of a corner lot shall be restricted to the same setback requirements as a building or structure.
- c. No fence may exceed a height of eight feet above ground level. A clearance of three inches shall be allowed for installation purposes and shall not count in determining the height of a fence.
- d. Fences located in the B-1, B-2, and S – Buffer Zone districts may be constructed with barbed wire, metal spikes, or any other sharp pointed materials provided the sharp pointed materials are erected at least six feet above ground level, but not higher than eight feet above ground level.

4. Permits.

- a. No fence which exceeds four feet in height may be erected within any residential, commercial, or industrial district unless a fence permit is obtained from the Village of Jerome's Trustee in charge of the Building Zoning department at a cost based on the standard building permit fee. The individual or agency actually constructing the fence shall be responsible for obtaining the permit. No work shall start until the permit has been obtained. Any individual or agency starting work prior to applying and receiving said permit shall be subject to a fine based on the standard fines associated with building other structures without a permit as

set forth in these ordinances as well as the General Ordinances of the Village of Jerome. This fine may be in addition to, and not in lieu of, any additional fines or penalties that are provided for herein.

- b. A fence permit will become null and void after one year from the date of issuance if the fence authorized by said permit has not been completed.

5. Variances.

Application for a variance of any of the above provisions shall be made in the same manner as provided in section VIII. F. for applications for variances. The notice requirements of section VIII. F. shall be applicable to hearings on applications under this section. Action by the Village of Jerome Zoning and Planning Commission on fence variation applications shall be as provided in section VIII. F.

7. Recreational purpose fences.

Fences erected for purposes of providing fencing around sports or recreations facilities or areas as listed below, shall not be subject to the height restrictions specified elsewhere in this section, provided that such facility or area is not located within 20 feet of a zoning lot corner formed by the intersection of any two street lines; the fence is at least 75% open; and a fence permit is obtained. The maximum height of a fence is listed by each sports or recreational facility or area as follows:

<u>Use</u>	<u>Maximum Height</u>
Basketball Court	10 ft.
Tennis Court	12 ft.
Baseball Diamond Backstop	16 ft.
Swimming Pools (Public)	8 ft.
Elementary, Middle or High Schools	8 ft.

8. Swimming pool facilities.

All outdoor private residential swimming pools shall be completely enclosed by a fence and shall be secure from trespass. All fence openings or points of entry or exit to or from the pool area enclosure shall be equipped with a gate. The fence and gate shall be 36 inches or more in height above the ground grade level. All gates shall be equipped with a secured, locking device placed at the top of the gate.

**J. COMMERCIAL VEHICLES, MOTORHOMES, TRAILERS, BOATS AND OTHER RECREATIONAL OR UTILITY VEHICLES.**

- 1. Definitions. For purposes of this section, the following definitions shall apply:

- a. AIRCRAFT. Any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.
- b. BOAT. Any watercraft, capable of being used as a means of human transportation on water, but not including intertubes, air mattresses or similar devices.
- c. CAMPING TRAILER. A trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an over dimension permit when towed upon an Illinois highway.
- d. COMMERCIAL VEHICLE. Any vehicle, trailer, or other unit defined in this Ordinance, which is used for hire, or with the motive or intent to generate profit or income, or which actually generates profit or income. Any vehicle, trailer or other unit defined in this Ordinance, which bears any advertisement or lettering which is more than the make or model name of such unit, or the name and location of the dealer, shall be presumed to be a commercial vehicle. Semi-trailer cabs and semi-trailers shall also be presumed to be commercial vehicles.
- e. HOUSE TRAILER. A trailer or semi-trailer, not used commercially, equipped and used for living quarters or for human habitation, temporarily or permanently, rather than for the transportation of freight, goods, wares and merchandise.
- f. MOTOR HOME. A self-contained vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver's seat. Such vehicles must include at least four of the following:
  - 1. a cooking facility with an on-board fuel source;
  - 2. a gas or electric refrigerator;
  - 3. a toilet with exterior evacuation;
  - 4. a heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine;
  - 5. a portable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection; or
  - 6. a 110-125 volt electric power supply.

The term "motor home" shall also include mini motor homes and van campers.

- g. MOTOR VEHICLE. Motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code (625 ILCS 5/1-146).
- h. NON-COMMERCIAL VEHICLE. Any vehicle, trailer, or other unit defined herein and not meeting the definition of “Commercial Vehicle” as defined in this Section.
- i. RECREATIONAL VEHICLE. Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially.
- j. SEMI-TRAILER. A vehicle without motive power, not used commercially, designed to be drawn by a vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- k. SEMI-TRAILER CAB. A vehicle not used commercially and designed and used for drawing a semi-trailer.
- l. TRAILER. Every vehicle without motive power in operation, not used commercially designed for carrying boats, motorcycles, animals, fowl, freight, goods, wares or other personal property. The term "trailer" shall also include boat trailers, horse trailers, and utility trailers.
- m. TRAVEL TRAILER. A trailer, not used commercially, designed to provide living quarters for recreational, camping or travel use, and of a size or weight not requiring an over dimension permit when towed an Illinois highway.
- n. TRUCK CAMPER. A truck, not used commercially, when equipped with a portable unit designed to be loaded onto the bed which is designed or permanently converted to provide temporary living quarters for recreational, travel or camping use, or such portable unit alone.
- o. VEHICLE. Any unit defined in this Ordinance.
- p. YARD TRACTOR. A vehicle not used commercially, designed primarily to provide motive power for yard and landscaping work.

2. PARKING OF COMMERCIAL VEHICLES

No person shall keep, store or park a commercial vehicle within those parts of the Village not zoned for commercial use, unless such commercial vehicle is temporarily removed from the Village on at least four days out of every consecutive seven days. No person shall keep, store or park a semi-trailer cab or semi trailer within those parts of the Village not zoned for commercial use.

3. PARKING VEHICLES IN FRONT, SIDE, OR REAR YARDS  
Except for the temporary purpose of loading, unloading, testing, or servicing a vehicle in conformity with subparagraph 7 and within those parts of the Village zoned for residential use, no person shall keep, store or park any vehicle, trailer or other unit on any front, side or rear yard other than on a driveway. No vehicle, trailer or other unit shall be kept, stored or parked in such a manner as to extend over a public sidewalk or public right-of-way.
4. SIDE AND REAR YARD PARKING LIMITATIONS  
Within those parts of the Village not zoned for commercial use, no person shall keep, store or park any Non-Commercial Vehicle defined in this ordinance in a side yard or rear yard in such a way that it comes any closer than 3 feet from a side or rear lot line. This section shall not limit keeping, storage or parking upon that portion of a driveway abutting a side lot line, behind a line even with the front load-bearing wall of the residence. No more than one Non-Commercial Vehicle of the same kind may be kept, stored or parked in a side or rear yard.
5. INSIDE STORAGE  
Notwithstanding the requirements of this Ordinance, a person may keep, store or park any Commercial vehicle or Non-Commercial Vehicle inside a fully enclosed building or structure, so long as that building or structure otherwise complies with the zoning requirements for the zoning district in which it stands.
6. LIMITATIONS ON USE  
No person shall use any Commercial vehicle or Non-Commercial Vehicle as sleeping or living quarters, even on a temporary basis, except with a permit issued by the Village Police Department. Before issuing a permit, the Village Police Department shall receive an application, showing the name(s) of the persons the permanent address(es) of such person(s), the site or location of the intended use, and the duration of the use, which shall not exceed 72 hours. Also before issuing a permit, the Village Police Department shall investigate the site to determine whether the intended use will interfere with access by Fire trucks, ambulances or other emergency vehicles. No more than 9 permits may be issued for the same site during any 12-month period.
7. LOADING AND UNLOADING  
A person may keep, store or park a Non-Commercial Vehicle upon Village right-of-way in front of a residence, or in the front yard of a residence, for a period of no more than 48 consecutive hours at any one time, for the purpose of loading, unloading, testing, or servicing such unit.
8. EXISTING NON-CONFORMITY  
The keeping, storage or parking of a commercial or Non-Commercial Vehicle, except a semi-trailer, existing at the time of the passage of this ordinance, although not conforming to the provisions hereof, may be continued, subject to

the provisions of this ordinance. Keeping, storing or parking in a different non-conforming position may not be substituted for keeping, storing or parking in an existing non-conforming position.

Whenever an existing non-conformity under this Ordinance has been brought into conformity, such shall not be changed back to non-conformity. In the event that the non-conformity is discontinued for a period of nine months or more, the use shall thereafter conform to the requirements of this ordinance. Any non-conformity existing at the time of the passage of this ordinance may not be transferred to a new owner. All non-conformities must be registered with the Village Clerk within 3 months of passage of this ordinance. This section shall not allow any person to keep, store or park a vehicle over or upon a public sidewalk or Village right-of-way.

9. PENALTY FOR VIOLATIONS

Any person who violates this ordinance shall be punished by a fine of no less than \$150.00 and no more than \$500.00 for each violation, and may be ordered to take such actions as are necessary to comply with the terms of this ordinance. Each day upon which a violation occurs or continues shall be viewed as a separate violation.

**K. TRAILERS**

In addition to those regulations identified in Section J as relating to trailers, a trailer shall not be considered to be permissible as an accessory building. Further, no trailer shall be parked, stored, or occupied for living purposes except upon notice to the Trustee in charge of the Building and Zoning department, and:

1. For a period not to exceed one year, on property for which a zoning permit for the construction of a dwelling or dwellings has been issued, and on which construction is actively carried forward to completion within the aforesaid one year; and
2. A trailer may be used as a temporary office or shelter incidental to construction or development of the premises on which the trailer is located only during the time construction or development is actively underway.

**L. WIRELESS TELECOMMUNICATION FACILITIES, ANTENNAS, MONOPOLES AND TOWERS**

1. Any wireless telecommunications facility, antenna, monopole, or tower not expressly permitted by this Code is prohibited in the Village of Jerome. No wireless telecommunications facility, antenna, monopole, or tower shall be constructed in the R-1, R-2 or S Buffer Commercial Zone districts. All wireless

telecommunications facilities, antennas, monopoles, and towers must comply with all applicable Village of Jerome ordinances. This ordinance section does not apply to wireless facilities used by amateur (HAM) radio operators licensed by the Federal Communication Commission.

2. This ordinance section applies to radio and television transmission facilities, cellular telephone facilities and personal wireless facilities.
3. A wireless telecommunications antenna, monopole, or tower may constitute an accessory use on a lot containing a principal use.
4. In the B-1 and B-2 Business Districts:
  - a. Commercial wireless telecommunications monopoles or towers with a 100-foot height limit are allowed as a conditional permitted use, pursuant to Subsection 13 of this part.
  - b. Building-mounted wireless telecommunications antennas are allowed as a conditional permitted use, pursuant to Subsection 13 of this part.
  - c. Co-location commercial wireless telecommunications monopoles or towers with a 140-foot height limit are allowed as a conditional permitted use, pursuant to Subsection 13 of this part.
5. All structures, principal and accessory, located at a wireless telecommunications facility shall meet the required front yard side yard and rear yard setbacks of the underlying zoning district except when the underlying lot borders a lot with a residence. The setback from the residence shall be equal to the height of the tower.
6. All commercial wireless communication equipment shelters shall meet the side yard setbacks of the underlying district. Commercial wireless equipment shelters are limited to 18 feet in height.
7. All structures located at a commercial wireless telecommunications facility shall be architecturally designed to blend in with the surrounding environment. All structures shall be constructed out of a non-reflective material.
8. Security fencing may be constructed around the base of the tower and the equipment shelter, subject to the provisions of Subsection I, Fences, in this Code.
9. Security lighting at a commercial wireless telecommunications facility shall be arranged so as not to reflect rays of light into adjacent districts and streets. Wireless telecommunication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by

the Federal Aviation Administration, the Federal Communications Commission or other federal or state authority for a particular site.

10. Advertising of any type is prohibited at wireless telecommunications facilities.
11. Antennas, monopoles, and towers shall be painted in a way that matches the typical sky color in that location or a color minimizing its visibility, unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration. These structures should include anti-climbing measures to reduce potential for trespass and injury.
12. The Village of Jerome Planning Commission shall review applications seeking a conditional permitted use for a wireless telecommunications facility, antenna, monopole, or tower subject to the following requirements:
  - a. Site plan showing principal and accessory structures, with elevations.
  - b. Proposed traffic plan including ingress, egress, parking, circulation and surfaced areas.
  - c. Proposed screening, fencing, landscaping and aesthetic features.
  - d. Proof of a co-location contract, agreement or statement that petitioner will allow co-location.
13. The Village of Jerome Planning Commission may permit commercial wireless telecommunications facilities, antennas, or towers provided that the following special findings are made:
  - a. The telecommunications facility, antenna, or tower will conform to the established standards for safety in construction.
  - b. The proposed location, design and method of operation of such antenna will not have a detrimental effect on the surrounding properties.
  - c. All antennas and their structures shall be architecturally designed to blend with the surrounding environment to minimize visibility.
  - d. All application requirements have been met.
14. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the Village notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the Village may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

## M. ADULT USE

### 1. Definitions.

For purposes of this section, the term “adult use” shall include the following:

- a. Adult arcade. Any place, wherein coin operated or token operated electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to people and where images so displayed are distinguished or characterized by depicting or describing “specified sexual activities” or specific anatomical areas”.
- b. Adult book store. An establishment having a substantial or significant portion of its stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specific anatomical areas (as defined below), or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based on its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment’s premises or any other factors showing the establishments primary purpose is to purvey such material.
- c. Adult drive-in theater. A drive-in theater for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons.
- d. Adult entertainment cabaret. A public or private establishment which (i) feature topless dancers, strippers, “go-go” dancers, male or female impersonators, lingerie or bathing suit fashion shows; (ii) do not infrequently feature entertainers who display “specified anatomical areas”; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of “specified sexual activities” (as defined below).
- e. Adult nightclub. An establishment which serves food or beverages and which presents any form of entertainment which has an emphasis on

specified sexual activities or specified anatomical areas (as defined below).

- f. Adult novelty store. An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing “novelties”, lotions and other items distinguished or characterized by their emphasis on or use for “specialized sexual activities” (as defined below) or “specified anatomical areas” (as defined below) or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment’s premises or any other factors showing the establishment’s primary purpose is to purvey such material.
- g. Adult theater. An enclosed building or area used for presenting films or other presentations distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined below) for observation by patrons.
- h. Specified anatomical areas. Less than completely or opaquely covered: Human genitals, or public region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- i. Specified sexual activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, public region, buttock, or female breast.

2. Zoning Classifications

The adult uses as defined above shall be permitted uses only in the following zoning classifications in the Village of Jerome: B-1, B-2, and S-Buffer Commercial.

3. Required distances for Adult uses

- a. No adult use as defined in subsection (1) may be operated within 1,000 feet of a residential zoning lot, church, day care, cemetery, public housing, school, library, park, forest preserve or other public operated recreation facility.

- b. No adult use as defined in subsection (1) may be operated within 1,000 feet of any other adult uses.
- c. Distances provided for in this section shall be measured by following a straight line, without regard to intervening structures, from a point on the property or land use district boundary line from which proposed use is to be separated.

**N. ESTABLISHMENT OF DISTRICTS** - In order to carry out the purposes and provisions of this ordinance, the following districts are hereby established:

- 1. Residence Districts
  - R-1 Residence District
  - R-2 Residence District
- 2. Business Districts
  - B-1 Retail Business District
  - B-2 Service Business District
  - S Buffer Commercial Zone

**O. PROCEDURE FOR ANNEXATION OF TERRITORY**

1. Annexation Policy

In order to provide for territorial growth of the Village of Jerome that is in accord with recognized planning principles, all proposed annexations to the Village of Jerome shall undergo review in accordance with the annexation review process set forth herein.

- 2. In order for a proposed annexation of property to the Village of Jerome, Illinois to be considered by the Board of Trustees, all of the property owners of the subject property shall file a petition on the prescribed form with the Clerk. The petition must conform with the following requirements:
  - a. The petition must be signed by all property owners;
  - b. The petition must be signed by at least 51% of the electors residing therein;
  - c. The petition must include a legal description of the property that is adequate for publication and recording purposes;

- d. The subject property contained in the petition must be unincorporated and not incorporated into another municipality;
- e. The subject property contained in the petition must be contiguous to the Village of Jerome, Illinois;
- f. The petition must contain a statement that notice will be given to the appropriate fire protection and library district as necessary; and
- g. The annexation of the property contained in the petition must extend to the far side of any adjacent roadway, which is not annexed to a municipality.

3. Annexation Review Process

- a. Before any vote is taken by the Village of Jerome Planning and Zoning Commission or the Village of Jerome Board of Trustees on a proposed annexation, the Annexation Review Process provided for in Appendix A shall be completed; however, the validity of the annexation ordinance passed by the Village of Jerome Board of Trustees shall not be affected by a failure to follow or any deviations from the provisions thereof.
- b. Upon receipt of a petition for annexation of property, the President, the Trustee for the Building & Zoning department and the Village Clerk will review the petition to determine if said petition meets all the requirements enumerated in Section 2. If the petition does not meet the requirements enumerated in Section 2, the Village Clerk will notify the property owner that the submitted petition is not valid and set forth the reasons explaining the petition's invalidity
- c. If the petition meets the requirements enumerated in Section 2, the Village Clerk will notify the property owner and the Trustee in charge of the Building and Zoning department. The Trustee in charge of the Building and Zoning department shall send out Annexation Review Forms to the various parties identified in and in accordance with Appendix A.
- d. Once the forms are completed, the Trustee for the Building and Zoning department shall prepare a Summary of the forms and forward the Summary as well as the petition to the Village of Jerome Planning Commission for public hearing at its next scheduled meeting. The Village Clerk, in conjunction with the Secretary of the Commission, shall give the proper notice and make

the required publication for the public hearing as required by law. The Planning Commission shall conduct a public hearing and make a written recommendation to the Board of Trustees to adopt or reject the proposed annexation within five (5) business days following the public hearing.

- e. After receiving the recommendation from the Planning Commission, the Board of Trustees shall vote to accept or reject the Planning Commission's recommendation regarding the petition at the next regularly scheduled meeting of the Board of Trustees after receipt of the recommendation. A majority vote of the Trustees then holding office is required to approve any petition for annexation.
- f. If the Board of Trustees approves the annexation of the property, the Village Clerk shall record a copy of the ordinance annexing the territory together with an accurate map of the annexed territory with the Recorder of Sangamon County, Illinois, and make all such other filings and perform all other actions as required by law.

**P. INCORPORATION OF THE ZONING MAP** - The location and boundaries of the districts established by this ordinance are set forth on the Zoning District Map as amended May 15, 2003 and is hereby incorporated as a part of this ordinance. The zoning map, including all amendments thereto, which is attached as Attachment B, shall be as much a part of this ordinance as is fully set forth and described herein. Said map shall be filed with the office of the Village Clerk and shall be made available to public reference at all times during which those offices are open.

**Q. EXEMPTIONS** - The following uses are exempted by this ordinance and permitted in any district:

- 1. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar distributing equipment for telephone or other communications, and electric power, gas, water and power lines, provided at the installation shall conform when applicable with Federal Communications Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction, and
- 2. The height limitations for the following buildings or parts thereof are hereby exempt from the limitations set forth in this ordinance, except where otherwise noted:
  - a. Chimneys and flagpoles.
  - b. Radio and Television Antennas and towers, but not including satellite receiving antennas.

**R. FLOOD PLAIN AREA** - No building or structure shall be erected with elevation of a habitable floor, including a basement floor, lower than one (1) foot above the flood crest elevation established by the Sangamon County Regional Planning Commission's report titled "Flood Conditions, Sangamon County, Illinois," dated July 1, 1961.

**S. SEVERABILITY AND CONFLICT**

1. Severability

This ordinance, and its various parts, is hereby declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole. All parts not declared invalid or unconstitutional shall remain in full force and effect.

2. Conflict

If any part of this ordinance is found to be in conflict with any other ordinance or any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute, it shall not be enforced.

**T. EFFECTIVE DATE** - This ordinance shall be in full force and effect immediately after passage and approval by the Village of Jerome Board of Trustees and publication in book form according to law.

**SECTION V. RESIDENTIAL DISTRICTS**

**A. R-1 RESIDENCE DISTRICT**

1. PERMITTED USES

- a. Single-Family dwellings.
- b. Churches, when located not less than 20 feet from adjoining lot lines in a Residential District.
- c. Public open space, including customary public parks, provided that principal buildings shall be located not less than 30 feet from adjoining lot lines in a Residential District.
- d. Home occupations.
- e. Temporary buildings for construction purposes for a period not to exceed duration of construction.

- f. Filling of holes, pits, quarries, or lowlands with material free from refuse and food wastes.
- g. Accessory uses, customarily incidental to the above uses.

2. **CONDITIONAL PERMITTED USES**

- a. Nursery schools, public, or private.
- b. Rest homes.
- c. Public service uses:
  - 1. Electric and telephone substations;
  - 2. Police and fire stations; and
  - 3. Telephone exchange, radio and television transmitting or relay stations and antenna towers.
- d. Municipal Buildings and Civic Centers.

3. **LOT AREA PER DWELLING UNIT**

There shall be a minimum of 9,000 square feet of lot area for a single family dwelling unit.

4. **LOT WIDTH**

Not less than 60 feet at the buildable area for a single family structure.

5. **YARD REGULATION**

- a. Front Yards - Not less than 30 feet in depth.
- b. Side Yards
  - 1. For single family structures, there shall be two side yards, each of which shall be not less than 10 feet wide, except where a side yard adjoins a street, it shall be at least 30 feet wide. An accessory building structure for use in a rear yard shall not be constructed less than three feet from the side lot line, except that on a lot adjacent to a side street an accessory building structure for use shall not be constructed closer than 30 feet to the side street.
  - 2. Notwithstanding all other side yard lot width and lot area requirements, on any lot platted of record on November 7, 1963 (the original date of enactment of the zoning ordinance) which has a width of less than 80 feet but not less than 40 feet, in an R-1

Single-Family Residential District, a single-family dwelling may be constructed on up to sixty-seven percent (67%) of the width of the lot, provided, however, that one side yard be 10 feet in width. When such a lot is adjacent to a side street the 10 foot side yard must be adjacent to the side street on such a lot and an accessory building structure for use in a rear yard shall not be constructed less than two feet from the side lot line, except that on a lot adjacent to a side street an accessory building structure for use shall not be constructed closer than 15 feet to the side street.

c. Rear Yards

Not less than 50 feet in depth.

6. HEIGHT REGULATION

No structure shall exceed 2 stories or 35 feet in height.

7. SIGN REGULATION

a. Illuminated nameplate and identification signs are permitted subject to the following:

1. Area and content (Residential).

There shall be not more than one dwelling unit indicating the name and/or address of the occupant. On a corner lot, two such nameplates for each dwelling unit, one facing each street, shall be permitted;

2. Area and content (Non-residential).

For non-residential buildings, a single identification sign, not exceeding 9 square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two signs, 9 square feet each, one facing each street, shall be permitted;

3. Projection.

No sign shall project beyond the property line into the public way; and

4. Height.

No sign shall project higher than one story or 10 feet, whichever is lower, above the curb level.

b. Unilluminated "For Sale" and "For Rent" signs are permitted.

- c. Unilluminated signs accessory to parking areas are permitted.
- d. Illuminated non-flashing church bulletins and institutional identification signs are permitted.

8. SUPPLEMENTARY REGULATION

In accordance with Section IX, Off-Street Parking and Loading Regulations herein.

B. R-2 RESIDENCE DISTRICT

1. PERMITTED USES

- a. Uses permitted in the R-1 District
- b. Duplex, Multiple-family and other attached dwelling units.
- c. Public libraries.

2. CONDITIONAL PERMITTED USES

Those conditional permitted uses in the R-1 District.

3. LOT AREA PER DWELLING UNIT

- a. There shall be a minimum of 9,000 square feet of lot area for a single family dwelling unit structure.
- b. There shall be a minimum of 12,000 square feet of lot area for a two (2) family dwelling unit structure.
- c. The minimum amount of lot area per dwelling unit for duplex, multiple-family (more than two) dwelling unit structures shall be 6,000 square feet per dwelling unit structure.

4. LOT WIDTH - Not less than 80 feet at the buildable area.

5. YARD REGULATION

- a. Front Yards  
Not less than 30 feet in depth.

b. Side Yards

1. For single family structures there shall be two side yards, each of which shall be not less than 10 feet wide, except where a side yard adjoins a street, it shall be at least 30 feet wide. For duplex and multiple-family structures there shall be two side yards, each of which shall be not less than 15 feet wide, except where a side yard adjoins a street it shall be at feet 30 feet wide. An accessory building structure for use in a rear yard shall not be constructed less than three feet from the side lot line, except that on a lot adjacent to a side street an accessory building structure for use shall not be constructed closer than 20 feet to the side street.
  
2. Notwithstanding all other side yard lot width and lot area requirements on any lot platted of record on November 7, 1963, the date of enactment of the zoning ordinance, which has a width of less than 80 feet but not less than 40 feet, in an R-2 Single-Family Residential District, a single-family dwelling may be constructed on up to 67% of the width of the lot, provided, however, that one side yard be 10 feet in width. When such a lot is adjacent to a side street the 10 foot side yard must be adjacent to the side street On such a lot an accessory building structure for use in a rear yard shall not be constructed less than two feet from the side lot line, except that on a lot adjacent to a side street an accessory building structure for use shall not be constructed closer than 15 feet to the side street.

c. Rear Yards

Not less than 40 feet in depth.

6. HEIGHT REGULATION

No structure shall exceed 2 stories or 35 feet in height.

7. SIGN REGULATION

In accordance with regulations set forth in the R-1 District herein.

8. SUPPLEMENTARY REGULATION

In accordance with Section IX, Off-Street Parking and Loading Regulations herein.

## **SECTION VI. BUSINESS DISTRICTS**

### **A. B-1 RETAIL BUSINESS DISTRICT**

#### **1. PERMITTED USES**

- a. Dwelling unit and lodging rooms, above the first floor only.
- b. Antique shops.
- c. Art and school supply stores.
- d. Bakeries (not more than 50% of the floor area to be devoted to processing).
- e. Blueprinting and photocopy establishments.
- f. Museums, art galleries, and public libraries.
- g. Banks and financial institutions.
- h. Barber shops.
- i. Beauty shops.
- j. Bicycle stores—sales, rental and repair.
- k. Book and stationery stores.
- l. Camera and photographic supply stores.
- m. Candy and ice-cream stores.
- n. Carpet and rug stores.
- o. China and glassware stores.
- p. Clothes pressing establishments.
- q. Clubs and lodges—private, fraternal and religious.
- r. Coin and philatelic stores.
- s. Custom dressmaking.
- t. Currency exchange.
- u. Department stores.
- v. Drugstores.
- w. Dry-cleaning establishments (retail only) having not more than five (5) employees, and dry-cleaning equipment not to exceed 80 pounds capacity.
- x. Dry-cleaning and laundry receiving establishments without processing.
- y. Dry goods stores.
- z. Electrical and household appliance stores.
- aa. Flower shops and conservatories.

- bb. Food stores, grocery stores, meat markets, and delicatessens.
- cc. Frozen food shops—including locker rental.
- dd. Furniture stores.
- ee. Furrier shops.
- ff. Garden supply and seed stores.
- gg. Gift shops.
- hh. Haberdashery stores.
- ii. Hardware stores.
- jj. Hobby shops.
- kk. Interior decorating shops.
- ll. Jewelry stores.
- mm. Leather goods and luggage stores.
- nn. Liquor stores—retail sales.
- oo. Laundries – automatic self-service type or hand, employing not more than two (2) persons in addition to one (1) owner or manager, provided that each laundry machine shall not exceed ten (10) pound capacity.
- pp. Loan offices.
- qq. Locksmith shops.
- rr. Mail order service stores.
- ss. Medical and dental clinics.
- tt. Meeting halls.
- uu. Millinery shops.
- vv. Musical instrument sales and repair shops.
- ww. Newspaper offices—not including printing.
- xx. Offices devoted to business activities.
- yy. Office supply stores.
- zz. Optician and optometrist offices.
- aaa. Paint and wallpaper stores.
- bbb. Photography studios.
- ccc. Physical culture and health services, gymnasiums, reducing salons, masseurs, and public baths.
- ddd. Picture framing stores.
- eee. Post Offices.

- fff. Radio and television broadcasting studios.
- ggg. Radio and television service and repair shops.
- hhh. Restaurants without entertainment or dancing.
- iii. Schools devoted to music or dance.
- jjj. Sewing machine sales and service- household machines only.
- kkk. Shoe stores.
- lll. Shoe and hat repair shops.
- mmm. Sporting goods stores.
- nnn. Tailor shops.
- ooo. Taverns and cocktail lounges.
- ppp. Telegraph offices.
- qqq. Telephone booths - outdoor.
- rrr. Temporary buildings for construction purposes, for a period not to exceed the duration of active construction.
- sss. Typewriter, computer, and office machine sales and service establishments.
- ttt. Travel bureaus and transportation ticket offices.
- uuu. Wearing apparel shops.
- vvv. Toy shops.
- www. Variety shops.
- xxx. Vending machines.
- yyy. Wholesale establishments, with storage of merchandise limited to samples only.
- zzz. Accessory uses to the above permitted uses. Such accessory uses shall not include the keeping or propagation of pigeons, poultry or livestock, whether or not for profit.

## 2. CONDITIONAL PERMITTED USES

- a. Other business uses similar to permitted uses listed above.
- b. Churches.
- c. Schools devoted to business or trade.
- d. Convents, monasteries, seminaries and similar religious institutions.
- e. Greenhouses.
- f. Health centers.

- g. Parking lots and storage garages for motor vehicles.
- h. Public service uses:
  - 1. Electric distribution centers;
  - 2. Fire and police stations;
  - 3. Telephone exchanges, radio, and television transmitting or relay stations and antenna towers; and
  - 4. Other similar uses.
- i. Recreation buildings and community centers.
- j. Second-hand stores and rummage shops.
- k. Animal hospitals.

3. FLOOR AREA RATIO

Not to exceed 1:0.

4. LOT AREA

Not less than 2,500 square feet of lot area for each business establishment.

5. YARD REGULATION

- a. Front yards - None
- b. Side yards – None
- c. Rear yards

Not less than 20 feet in depth, except in the case where off-street parking and off-street loading facilities are provided, and where the building does not exceed one story in height and where the floor area ratio does not exceed .25, the rear yard may be reduced by 5 feet.

d. Transitional Yard

- 1. Where a side lot line coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such lot line. Such yard shall be not less than 20 feet in width.
- 2. Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be not less than 50 feet in depth.
- 3. Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by the ordinance on such a residential lot shall be provided along such

frontage or side lot lines for a distance of at least 25 feet, including the width of an intervening alley from such residential lot.

6. HEIGHT REGULATION

No structure shall exceed 65 feet in height.

7. SIGNS

Business signs and advertising signs are permitted, subject to the following conditions:

a. General Application

1. No business or advertising sign shall be permitted within 20 feet of any Residential District boundary line. There shall be no portable signs and all signs shall be permanently affixed to any building or structure; and
2. No free standing business or advertising sign shall be erected or relocated within 15 feet of any street or highway, within 3 feet of any driveway or parking area, or within 25 feet of the intersection of two or more streets; and

b. Projection

No sign shall project more than 8 feet from the face of the wall of any building or structure nor project higher than the building height. Freestanding sign structures shall be located not less than 15 feet from a lot line adjoining a street.

8. SUPPLEMENTARY REGULATION

- a. In accordance with Section IX, Off Street Parking and Loading Regulations herein.
- b. All business, service, storage, merchandise, display and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except for off street automobile parking, off street loading, and open safe lots in districts where permitted.
- c. Unless otherwise permitted herein for specified uses, goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail, primarily on the premises.
- d. In accordance with Section X, Sign Regulations herein.

B. B-2 SERVICE BUSINESS DISTRICT

1. PERMITTED USES

- a. Uses permitted in the B-1 District.
- b. Amusement establishments—bowling alleys, pool halls, dance halls, gymnasiums, indoor swimming pools and skating rinks.
- c. Auction rooms.
- d. Automobile accessory stores.
- e. Automobile service stations.
- f. Building material sales without outdoor storage.
- g. Cartage and express facilities providing for storage goods, motor trucks and other equipment in an enclosed structure.
- h. Caskets and Casket supplies and crematories.
- i. Catering establishments.
- j. Clothing and costume rental establishments.
- k. Contractor and construction offices.
- l. Employment agencies.
- m. Exterminating shops.
- n. Feed stores.
- o. Frozen food lockers.
- p. Fuel and ice sales - retail only.
- q. Garages – public and servicing automotive vehicles, but not including body repair or painting.
- r. Greenhouses.
- s. Hotels.
- t. Job printing shops with presses having not more than fourteen-inch by twenty-inch beds.
- u. Laboratories for medical, dental, research and testing purposes.
- v. Laundries.
- w. Locksmith shops.
- x. Machinery sale establishments.
- y. Mail order houses.
- z. Monument sales.
- aa. Motels and lodging houses. Dwelling units may be located on the ground level.

- bb. Motor vehicle and motor vehicle equipment sales.
- cc. Orthopedic and medical appliance stores.
- dd. Outdoor and commercial advertising sign shops.
- ee. Parking lots and garages for automobiles.
- ff. Pet shops.
- gg. Physical culture establishments, gymnasiums, reducing salons, massage salons.
- hh. Plumbing showrooms and shops.
- ii. Recording studios.
- jj. Recreation buildings, community centers.
- kk. Restaurants, including live entertainment and dancing.
- ll. Schools devoted to business or trade.
- mm. Taverns, including live entertainment and dancing.
- nn. Taxidermists.
- oo. Theaters including Drive-ins.
- pp. Trailer sales.
- qq. Undertaking establishments and funeral parlors
- rr. Vending machine sales and service establishments.
- ss. Accessory uses to the above permitted uses. Such accessory uses shall not include the keeping or propagation of pigeons, poultry, or livestock, whether or not for profit.

2. **CONDITIONAL PERMITTED USES**

- a. Such other conditional uses allowed in the B-1 District, are not specifically included as permitted uses in the B-2 District.
- b. Animal hospitals.
- c. Car Washes.
- d. Open sales lots, including sales of used cars.
- e. Outdoor amusement establishments - Kiddy Parks, miniature golf courses, and other similar amusement centers and places of assembly such as stadiums and arenas.

3. **FLOOR AREA RATIO.**

Not to exceed 1:2.

4. LOT AREA.

As in the B-1 Retail Business district herein.

5. YARD REGULATION

As in the B-1 Retail Business district herein.

6. HEIGHT REGULATION

No structure shall exceed 65 feet in height.

7. SIGNS

Business signs and advertising devices are permitted, subject to the following conditions:

a. General Application

1. No business sign or advertising sign shall be permitted within 20 feet of a Residential District boundary line. There shall be no portable signs and all signs shall be permanently affixed to any building or structure; and
2. No free standing business or advertising sign shall be erected or relocated within 3 feet of a driveway, parking area, or within 25 feet of the intersection of two or more streets unless it is a business sign and shall have its lowest elevation at least 10 feet above the curb level.

b. Projection

1. A business sign when affixed to a building shall not project more than 8 feet from the face of the wall of any building or structure. A business sign not affixed to a building shall be not nearer than 15 feet from a lot line adjoining a street, except that a sign having its lowest elevation 10 feet above the ground level and supported on standards or portable signs not to exceed 12 square feet in area that do not unduly obstruct the pedestrian or motorist view may be located within 3 feet of such lot line.
2. A business sign may be located on a building roof, provided it is not higher than 6 feet above the building height.
3. Advertising signs when affixed flat against the building walls shall not project there from more than 18 inches, nor project higher than the building height. Free-standing sign structures shall be located

not less than 15 feet from a lot line adjoining a street. No advertising sign shall be located within 100 feet of a Residential District boundary line.

8. SUPPLEMENTARY REGULATION

- a. In accordance with Section IX, Off-Street Parking and Loading Regulations herein.
- b. All business, service, storage, merchandise, display and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except for off street automobile parking, off street loading, and open safe lots in districts where permitted. (8/5/2004)
- c. Unless otherwise permitted herein for specified uses, goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail, primarily on the premises. (8/5/2004)
- d. In accordance with Section X, Sign Regulations herein.

**C. S BUFFER COMMERCIAL ZONE**

1. PERMITTED USES

- a. Convenience retail and service establishments as follows:
  - 1. Antique shops.
  - 2. Art and school supply stores.
  - 3. Art galleries.
  - 4. Barber shops.
  - 5. Book and stationery stores.
  - 6. Candy and ice-cream stores.
  - 7. Custom dressmaking.
  - 8. Drug stores.
  - 9. Dry-cleaning and laundry receiving establishments without processing.
  - 10. Flower shops.
  - 11. Gift shops.
  - 12. Hobby shops.
  - 13. Interior decorating shops.

14. Medical and dental offices (not including clinics).
15. Offices devoted to business activities (not including any activity consisting primarily of telemarketing).
16. Optician and optometrist offices.
17. Photography studios.
18. Shoe and hat repair shops.
19. Tailor shops.
20. Travel bureaus and transportation ticket offices.

b. Office buildings for business or professional use.

2. **CONDITIONAL PERMITTED USES**

Other business uses similar to permitted uses listed above.

3. **FLOOR AREA RATIO**

Not to exceed 0.30.

4. **LOT AREA**

Not less than 4,500 square feet of lot area for each business establishment.

5. **YARD REGULATION**

a. Front Yards

Not Less than 30 feet in depth.

b. Side Yards

Not less than 20 feet in depth.

c. Rear Yards

Not less than 30 feet in depth.

d. Corner Lot

Any corner lot shall have a yard not less than 30 feet in depth for any yard adjacent to an existing or dedicated street.

6. HEIGHT REGULATION

No structure shall exceed one story, 18 feet in height.

7. SIGNS

Business signs and advertising signs are permitted, subject to the following conditions:

a. General Application

1. No business sign or advertising sign shall be permitted within 40 feet of any Residential District boundary line. There shall be no portable signs and all signs shall be permanently affixed to the front of any building or structure; and
2. No more than one free standing business sign or advertising sign shall be erected or relocated on any lot. No business sign or advertising sign shall exceed 5 feet in height and 50 square feet of gross surface area. No business sign or advertising sign may be located within 15 feet of any street or highway, or within 3 feet of any driveway or parking area.

b. Projection

No business sign or advertising sign shall project from the face of the wall of any building or structure nor project higher than the building height.

8. SUPPLEMENTARY REGULATION

- a. In accordance with Section IX, Off-Street Parking and Loading Regulations herein. In addition, there shall be no free standing poles for any parking illumination and parking areas shall have proper drainage.
- b. All business, service, storage, merchandise, and display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
- c. Hours of retail operation for any business use in the district shall be limited to 7:00 a.m. to 8:00 p.m. on Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sunday.
- d. No business use within the district shall have windows or other access which allows for a line of sight, nor shall there be any illumination of or illumination emanating from any building in the district, directly or indirectly into any adjacent lot located within a Residential District.

- e. Access to any lot within the district shall be configured in such a manner so as to minimize any impact on traffic within the district and any Residential District.
  - f. Building materials to be used within the district shall be consistent with other materials used within the district and any adjacent buildings, whether in the district or another district.
  - g. In accordance with Section X, Sign Regulations herein.
9. Any lot within the district which shall be located adjacent to a Residential District shall have Screening and landscaping which shall effectively screen on each side and adjoining or fronting on any residential property by a wall or double-faced fence not less than six (6) feet in height.
  10. Any building within the district shall have adequate security lighting for illumination and the safety of persons and property while complying with other lighting regulations for the district.
  11. Location of trash receptacles or dumpsters shall comply with all applicable ordinances and regulations of the Village.

**SECTION VIII. NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

**A. STATEMENT OF PURPOSE**

It is the purpose of this section to provide for the regulation of non-conforming uses, buildings and structures. It is not the purpose of this section to deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of the adoption of this ordinance. The purpose of this section is to provide for the regulation and, if necessary, the gradual elimination of uses, buildings or structures which are incompatible with the character of the districts in which they are located.

**B. AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

Any non-conforming building, structure or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming and any such building, structure or use which shall become non-conforming upon the adoption of this ordinance or of any subsequent amendment thereto may be continued in accordance with the regulations which follow.

C. EXEMPTED BUILDINGS STRUCTURES AND USES

1. A non-conforming building, structure or use lawfully established on the effective date of this ordinance shall not be subject to the provisions of this section solely by reason of being non-conforming with respect to the standards prescribed in this ordinance for:
  - a. Floor area ratio;
  - b. Yards (front, side or rear);
  - c. Lot area per dwelling unit;
  - d. Lot width;
  - e. Ground floor area; and
  - f. Off-street parking and loading spaces
  
2. No building designed and used as a dwelling which was legally established on the effective date of this ordinance in any district shall be subject to elimination because of the provision of this section.

D. RESTRICTIONS OF NON-CONFORMING USES

Any lawful existing use which does not conform to the regulations of the district in which it is located shall be subject to the following provisions:

1. A non-conforming use shall not be enlarged, nor shall it be extended to occupy an area greater than the area occupied by such use on the effective date of this ordinance;
2. A non-conforming use shall not be moved in whole or in part to any other position of the lot or parcel occupied by such use on the effective date of this ordinance.
3. If a non-conforming use of land ceases for a period of six (6) months or more, and if the building or structure thereon are adaptable to a use permitted in the district in which it is located, then a subsequent use of land must conform to the regulations specified by this ordinance for the district in which it is located.
4. Should a non-conforming use of structure or building, which is designed or intended for a use which is not permitted in the district in which it is located be damaged or destroyed by fire or other casualty or Act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed 50% of the cost of the restoration of the entire building new, then it shall not be restored unless said building or structure or use, shall conform to all of the regulations of the district in which it is located.

5. A non-conforming use shall not be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located.

E. ELIMINATION OF NON-CONFORMING USES

A non-conforming use shall be discontinued and cease in accordance with the following:

1. Where no buildings or structures are employed in connection with such use discontinued within one year;
2. Where only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation of not more than \$2,000, discontinued within two years.
3. Where a non-conforming use of land is accessory to the non-conforming use of a building or structure discontinued on the same date on which the non-conforming use or building or structure is discontinued.
4. In a residential district where a building or structure is adaptable to a permitted use in the district in which it is located and where a use lawfully exists on the effective date of this ordinance, but is permitted only in a business district, such use shall be entirely discontinued and shall, thereafter cease operation within an amortization period of 20 years from the date of adoption of this ordinance.

**SECTION IX. OFF STREET PARKING AND LOADING**

A. GENERAL PURPOSES

1. The regulations of this section are adopted for the following purposes:
  - a. To provide necessary off-street parking and loading spaces in connection with all new residential and commercial development, including the enlargement and/or the extension of existing residential or commercial development within the incorporated limits of the Village of Jerome.
  - b. To provide for higher standards of all types of development within the Village of Jerome.
  - c. To reduce traffic congestion resulting from the use of public streets as places for storage of private vehicles.
  - d. To alleviate substantial amounts of vehicular traffic that circulates through and parks within residential areas, and for access to and from commercial development.

2. Terms closely associated with this Section include, and shall be taken to mean:
- a. Off-Street Loading Space  
An on-the-property space for temporary parking of a commercial motor vehicle while loading and unloading merchandise or materials, which has direct access to a street, alley or other appropriate means of access. Such space shall not be less than ten (10) feet wide and fifty (50) feet long, and shall not have less than 15 feet of vertical clearance, exclusive of access aisles and maneuvering space.
  - b. Off-Street Parking Space  
An on the property space of not less than 180 square feet, of appropriate dimensions for parking an automobile, exclusive of the access drives or aisles thereto.
  - c. Accessory  
Subordinate or incidental to the principal use.
  - d. Extensions, Major Repairs or Substantial Alterations  
Reconstruction activities increasing the floor area, seating capacity, number of dwelling units or some other factor affecting the off street parking or loading requirements established hereinafter when the cost thereof, including all material and labor, is found by the Trustee of the Building and Zoning department to be in an amount equal to or in excess of twenty-five percent (25%) of the last tax valuation of the pertinent buildings or structures by the Sangamon County Assessor's Office as equalized by the Department of Revenue, State of Illinois.
  - e. The number of off-street parking or loading spaces required upon the erection or substantial alteration of a building shall not be reduced, except upon written approval of the Trustee in charge of the Building and Zoning department after proof that, by reason of diminution in floor area, seating, number of employees, or change in other factors controlling the requirements for off-street parking or loading spaces, the proposed reduction is consistent with the provisions of this article. Whenever, after the date of this ordinance, an increase in floor area, seating, number of employees or other factors of change in the use of a building or structure creates a need for an increase of more than twenty-five percent (25%) of the number of off-street parking or loading spaces as determined by the requirements of this article, more off-street parking or loading facilities shall be provided within a reasonable time.

B. REQUIRED OFF-STREET PARKING SPACES FOR ALL USES

1. In all districts, in the Village of Jerome, no building or structure shall be erected, and no extension, major repairs or substantial alterations shall be made to an existing building or structure, unless there is already in existence upon the lot or unless provision is made for the location on the lot concurrently with such erection or change, off-street parking space in accordance with regulations and requirement set forth hereinafter. A parking area containing four or more off-street parking spaces shall have vehicular access to it over a street, alley or driveway containing all-weather, hard-surfaced pavement. The location and route of access to such a parking area shall be identified. No driveway access to public property shall have a width exceeding twenty-four (24) feet, exclusive of curbs.
2. Computation  
When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one off-street parking space.
3. Single-Family Dwellings  
Not less than one off-street parking space for each residence designed or intended for permanent occupancy (a dwelling unit) but no more than four parking spaces for each single-family dwelling unit. For the purpose of this Section, two rooming units shall be considered the same as one single-family dwelling unit. Those residents having home occupations shall provide at least one additional off-street parking space for each patron.
4. Two-Family Dwellings  
Not less than one off-street parking space, but not more than two, for each dwelling unit, except at least 20 parking spaces for multiple-family dwellings containing 20 or more dwelling units, plus 2 parking spaces for each additional three dwelling units over twenty dwelling units.
5. Multiple-Family Dwellings  
Not less than one off-street parking space for each dwelling unit, except at least 20 parking spaces for multiple-family dwellings containing 20 or more dwelling units, plus 2 parking spaces for each additional three dwelling units over twenty units.
6. Hotels, Motels, Private Clubs and Lodges, Tourist Homes and Cabins, Transient Trailer Parks and all other similar places offering overnight accommodations  
Not less than one off-street parking space for each lodging room or dwelling unit.
7. Community Facility Uses

- a. Churches or similar places of worship  
Not less than one off-street parking space for each eight (8) seats or at least one off-street parking space for each 100 lineal inches of seating space.
- b. Civic, Cultural or Historical Institutions (non-boarding)  
Not less than one off-street parking space for each 800 square feet of floor area used or intended to be used by the public.
- 8. Community Center or Recreational Buildings  
Not less than one off-street parking space for each three employees, plus not less than one off-street parking space for each 800 square feet of floor area used by or intended to be used by the public.
- 9. Amusement Facilities: Miniature Golf Courses, Trampoline Centers  
Not less than one off-street parking space for each 500 square feet of lot area to be used by the public.
- 10. Automotive Services, Drive-in Retail Establishments
  - a. Automotive Service Stations (Filling Station; Gas Station)  
Not less than one off-street parking space for each two (2) employees, plus one off-street parking space for the owner or manager.
  - b. Car Washes  
Not less than one off-street parking space for each three (3) employees, plus one off-street parking space for the owner or manager, and, in addition, reservoir parking spaces equal in number to three times the maximum capacity (greatest number of automobiles undergoing some phase of laundering at the same time) of the automobile laundry.
- 11. Public Utility or Public Service Facilities - Gas or Electric Sub-stations, Police and Fire Stations.  
  
Not less than one off-street parking space for each two (2) employees, as related to the working period when the maximum number of persons are employed on the premises.
- 12. Office Building and Retail or Service Establishments
  - a. Professional Governmental and Wholesale Offices as well as Business Offices, Retail or Service Establishments

Not less than one off-street parking space for each 200 square feet of floor area used or intended to be used for service to the public as customers, patrons and clients, plus at least one additional off-street parking space for each two (2) employees.

- b. Dental Medical, Chiropractic or Osteopathic Offices or Clinics  
Not less than one parking space for each examining or treatment room, plus one off-street parking space for each doctor and for each two (2) employees in the building.

13. Business, Dance, Music and Trade Schools

Not less than one off-street parking space for each two (2) employees, plus one additional off-street parking space for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

C. REQUIRED OFF-STREET LOADING

- 1. In all districts, no building or structure shall be erected and no extensions, major repairs or substantial alterations shall be made to an existing building or structure in any district unless there is already in existence upon the lot, or unless provision is made for the location on the lot concurrently with such erection or change, off-street loading space in accordance with minimum requirements set forth hereinafter.

2. Rooming or Lodging Houses

Not less than one off-street loading space for each building having 10,000 to 100,000 square feet of floor area, plus one additional off-street loading space for each additional 100,000 square feet of floor area or fraction thereof.

3. Multiple-Family Residence, Hotels, Motels, Private Clubs and Lodges, Tourist Homes and Cabins, Transient Trailer Parks and all other similar places offering overnight accommodations, Community Facility Uses such as Libraries, Auditoriums, Assembly Halls, Churches, Civic, Cultural or Historical institutions, Clubs (Non-Business), Community Centers, Recreational Buildings, Nursing Homes, Schools and Similar Institute Amusement Facility Uses such as Gymnasiums, Theaters (Indoor) and Similar Uses

Not less than one off-street loading space for each building having 10,000 to 150,000 square feet of floor area, plus one additional off-street loading space for each additional 150,000 square feet of floor area or portion thereof.

4. Public Utility and Public Service Facility Uses: Gas or Electric Substations, Police and Fire Stations, Water and Sewerage Pumping Stations

Not less than one off-street loading space for each building having 10,000 to 150,000 square feet of floor area, plus one additional off-street loading space for each additional 150,000 square feet of floor area or portion thereof.

5. Banks and Business Offices (Non-Retail) including Professional and Government Offices, Medical Clinics

Not less than one off-street loading space for each building having 10,000 to 100,000 square feet of floor area, plus one additional off-street loading space for each additional 100,000 square feet of floor area or portion thereof.

6. Retail or Service Establishments and Eating and Drinking Establishments  
Off-street loading spaces shall be provided in accordance with the following schedule:

SQUARE FEET OF FLOOR AREA	MINIMUM NUMBER OF SPACES
5,000 to 10,000	1
10,000 to 25,000	2
25,000 to 40,000	3
40,000 to 100,000	4

For each additional 100,000 square feet of floor area, or fraction thereof in such a building, one additional off-street loading space shall be provided.

D. RESTRICTIONS ON LOCATION AND USE OF OFF-STREET PARKING AND LOADING FACILITIES

1. Restrictions on off-street parking facilities location and use

In connection with any building or structure which is to be erected or substantially altered and which requires off-street parking spaces, such off-street parking space shall be provided in accordance with the following restrictions:

a. Location

Parking spaces required for single or two-family dwelling units shall be located on the same lot as the dwelling served. Parking spaces required for all other uses, in the Village of Jerome which are established after the effective date of this ordinance shall be located on the same lot as the use served. Uses other than single or two-family dwellings which are in existence on the effective date of this ordinance and which are subsequently altered or enlarged and new uses in the Village of Jerome may be served in accordance with requirements of this ordinance, by off-street

parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are located within 300 feet walking distance from the main entrance to the use served.

b. Use

Except as may otherwise be provided for parking trucks or in connection with special uses, off-street parking facilities, required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, clients, occupants or employees.

2. Restrictions on off-street loading facilities location and use

In accordance with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or other similar motor vehicles, off-street loading spaces shall be provided with not less than the minimum requirements specified herein. All required off-street loading spaces shall be located on the same lot as the use to be served and no portion of the vehicles shall project into a street, alley or other public right-of-way. No entrance or point of access to permitted or required off-street loading space shall be located within 50 feet of the nearest point of intersection of any two streets.

E. **ADDITIONAL REGULATIONS FOR REQUIRED OFF-STREET PARKING AND LOADING FACILITIES**

1. Additional off-street parking regulations.

a. In connection with any building or structure which is to be erected or substantially altered and which requires off-street parking and loading spaces, such off-street parking and loading spaces shall be provided in accordance with the additional regulations hereinafter specified.

b. Repair and Service

Motor vehicle repair work of any kind shall be permitted in off-street parking areas for a continuous period not to exceed 24 hours. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed building, in which case gasoline and motor oil may be sold to the users of such facilities within such building, provided that no advertising sign is visible from outside the building and provided further that all gasoline pumps shall be effectively screened from view from the street.

c. In Yards

Off-street parking spaces may be located in yards, except in required front yards and side yards adjoining a street.

d. Collective Provisions for Non-Residential Uses

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use and, if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no off-street parking space, or portion thereof, shall serve as the required space for more than one use unless otherwise authorized in accordance with this ordinance.

e. Design and Maintenance

1. Surfacing

Except for single-family dwellings all open off-street parking areas shall be improved with a compacted macadam base or equivalent, of not less than four (4) inches thick, with an asphaltic concrete surface or a comparable hard surfaced all-weather material.

2. Open and Enclosed Parking Spaces

Off-street parking spaces, located on the same lot as occupied by the principal use, may be open to the sky or enclosed in a building.

3. Screening and Landscaping

a. All open off-street parking spaces containing more than four (4) parking spaces shall be effectively screened on each side and adjoining or fronting on any residential or institutional property by a wall or fence not less than five (5) feet in height; and shall have wheel stops of masonry, steel or heavy timber placed not nearer than five (5) feet from the street line in districts where a front yard is not required or from side lot lines.

b. A written guarantee signed by the owner of the property plus a refundable deposit of \$500.00 shall be filed with the Village Clerk to insure that the required screening is constructed in accordance with the requirements of this ordinance. In the event the owner does not fulfill the agreement within the period of time indicated on the agreement, the

money shall be forfeited and fulfillment of the guarantee shall be sought by the Village of Jerome.

4. Lighting

Illumination of an off-street parking area shall be arranged so as not to reflect rays of light into adjacent residential districts and streets. All lighting shall be extinguished not later than thirty (30) minutes after the close of business of the principal use being served, except as may be otherwise authorized by the Village Board.

2. Additional off-street loading regulations

a. Repair and Service

Neither storage of any kind nor repair work or service of any kind on a motor vehicle shall be permitted within any required loading space.

b. Design and Maintenance Surfacing

1. Surfacing

All open off-street loading spaces shall be improved with a compacted macadam base not less than eight (8) inches thick or equivalent with less than two inches of asphaltic concrete surfacing or a comparable all-weather, dustless material.

2. Allocated Spaces

Space allowed to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

3. Other regulations for off-street parking and loading facilities

a. A plan for required off-street parking and loading facilities. For the purpose of converting parking and loading areas into required off-street parking and loading space, plans must be submitted to the Trustee of the Building and Zoning department to indicate how the required off-street parking and loading spaces shall be arranged in the area and to indicate sufficient space for parking maneuvers; as well as adequate access to the area.

b. Continuing character of obligation

The schedule of requirements for off-street parking spaces and off-street loading spaces applicable to newly erected or substantially altered structures shall be a continuing obligation of the owners of

the real estate on which any such structure is located so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this ordinance to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space apart from the sale, transfer or discontinuance of such structure, without establishing alternative vehicle parking or loading space which meets the requirements of, and is in compliance with this ordinance or for any person, partnership, firm or corporation to use such building without obtaining the use of sufficient land for vehicular parking or loading space to meet the requirements of this ordinance.

## **SECTION X. SIGN REGULATIONS**

### **A. Purpose**

1. The purpose of this section is to establish reasonable and impartial regulations for all signs in order to reduce traffic hazards caused by such unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; ensure the effectiveness of public traffic signs and signals; protect property values by ensuring the compatibility of property with that surrounding it; provide an attractive visual environment throughout the Village; protect the public investment in streets, highways, and other public improvements; and protect and improve the public health, safety, and general welfare.
2. The regulations contained in this section advance these significant government interests and are the minimum amount of regulation necessary to achieve them.

### **B. Permit**

No person shall erect, construct, alter, or post billboards or structures for consideration without first having obtained a billboard permit issued by the Village of Jerome. There shall be no more than eleven (11) billboard permits issued in the Village. There shall be no more than five (5) electronic billboard permits issued in the Village. Every applicant for a billboard permit shall file with the Village Clerk. The Village Board of Trustees shall examine the plans, specifications, other data and the premises upon which it is proposed to erect the billboard. If it shall appear that the proposed billboard and structure is in compliance with the requirements of this section and all other laws and ordinances of the Village, the Village Board of Trustees shall then act on the permit. (8/6/2014)

C. Fee

1. There shall be a \$300.00 annual fee for each advertising sign permit other than an electronic message sign.
2. There shall be a \$1,000.00 annual fee for each electronic message sign permit. (8/6/2014)

D. Period of Validity

If the work authorized under an advertising sign permit has not been completed within six months after the date of issuance, the permit shall become null and void.

E. Painting Requirements

The owner of any sign as defined and regulated by this section shall be required to have the sign properly painted, at least once every two years, including all parts and supports of the sign, unless the parts and supports are galvanized. All parts of the structure not considered the face, shall be painted black or in a color that blends with the adjoining or nearby structure's use.

F. Spacing

Along streets and highways no two advertising signs on the same side of the roadway shall be erected less than 330 feet apart. Except with respect to the repair or rebuilding of any sign lawfully erected before July 1, 2003, after the effective date of this amendatory Ordinance of 2003, along streets and highways, no two sign structures on the same side of the roadway shall be erected less than 500 feet apart.

G. Illumination

Signs may have constant or flashing illumination, provided that any such signs that are located in direct line of vision of any traffic control signal shall not have contrasting or flashing illumination of red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential building, nor into a Residential District or into any street or highway

H. Area

The gross surface area in square feet of all signs on a lot shall not exceed 10 times the lineal frontage of the lot, and each side of the lot that abuts a street may be included as separate frontage.

I. Marking

Every advertising sign, when erected, shall have painted in a conspicuous place thereon, in letters not less than one inch in height, the date of erection, the name of the company erecting the sign, the permit number, and the voltage of any electrical apparatus used in connection therewith.

J. Unsafe and Unlawful Signs

If the Village shall find that any advertising sign regulated by this section is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, the Village shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards set forth in this section within ten days after the notice, the advertising sign may be removed or altered to comply with this section at the expense of the permittee or owner of the property upon which it is located. The Village shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Village may cause any advertising sign that is an immediate peril to persons or property to be removed summarily and without notice. No business sign or advertising sign shall be erected above the roof of any building structure.

K. Residence Districts

No advertising sign or structure for which a permit is required under this section shall be erected, constructed, altered, rebuilt, or relocated in any portion of the Village contained within a residence district as defined relative to zoning.

L. Awnings

Signs on awnings shall be exempt from the limitations imposed by this ordinance on the projection of signs from the face of the wall of any building or structure, provided that any sign located on an awning shall be affixed flat to the surface thereof. Further, no such sign shall extend vertically or horizontally beyond the limits of said awning.

M. Height

No sign shall extend above grade at a height greater than 50 feet.

N. Display Area

No advertising sign shall be constructed with more than one display panel on a side. An advertising sign may have two display panels back to back on the supporting structure. The display area of any one panel shall not exceed 175 square feet including embellishments.

O. Removal

Any business sign or advertising sign which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, lessee or person having the beneficial use of the building or structure upon which the sign may be found, within ten days after written notification from the Village, and upon failure to comply with the notice within the time specified in the order, the Village is hereby authorized to cause removal of the sign, and any expense incident thereto shall be paid by the owner, lessee or person in possession of the building or structure to which the sign is attached. Failure by the owner, lessee or person in possession of the building or structure to pay such expenses shall constitute a lien on the property in the amount outstanding. (8/6/2014)

P. Protection of First Amendment Rights

Other than an electronic message sign governed by subsection R, any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this section. (8/6/2014)

Q. Surrender of Permit

In any case where an existing advertising sign permit is returned to the Village through discontinuation of use, violation of an ordinance, or otherwise, the Village shall cancel the permit and the total number of permits issued by the Village shall be reduced by one.

R. Electronic Message Signs

In addition to complying with the regulations set forth in this Article applicable to advertising signs, electronic message signs shall comply with and be in conformance with the following conditions:

1. Static images only. Sign content/messages shall not consist of video, and shall not move, blink, animate, explode, flash or behave in any other way which constitutes or implies motion. Images shall remain static except during transition.
2. Length of display (dwell time). Electronic message signs are permitted to change the message no more than once per every 10 seconds.
3. Transitions. There shall be no effects (animation, scrolling, fades, flashing between displayed messages. Transitions between content/messages shall be instantaneous full-face changes.

4. Automatic Dimming. Electronic message signs shall be equipped with light sensing devices or a scheduled dimming timer which automatically regulates the intensity of the light emitted by the sign as exterior light conditions fluctuate. The sign shall not exceed 500 nits of intensity as measured at the sign surface during the nighttime and low-light conditions and 5,000 nits during daytime hours.
5. Override for Emergency Bulletins. Electronic message signs shall be directly connected to the Sangamon County Central Dispatch System in order that the emergency dispatchers may override the message otherwise displayed on the sign in favor of the emergency bulletin. Examples of an emergency justifying such override shall be “AMBER Alert” regarding abducted children or imminent weather bulletins or the other aspects of the emergency broadcast system (cable override) are activated.
6. Installation and Maintenance. Electronic message signs shall be properly installed and maintained. Bulbs, LED, pixels, and the like shall be in working condition and properly illuminated at all times.
7. Inspections. Electronic message signs shall be available for inspection by the Village or any other regulatory agency at reasonable times after notice is provided.
8. Safety. Prior to issuance of an electronic message sign permit, the Village shall receive a certification from a structural engineer certifying that the electronic message sign is constructed and installed in compliance with all State and Federal safety standards.  
(8/6/2014)

## **SECTION XII. ADMINISTRATION AND ENFORCEMENT**

### **A. CERTIFICATES AND OCCUPANCY PERMITS**

1. Ordinance 401.2 is incorporated by reference into this zoning ordinance as if the text had been set forth in full.
2. Zoning Certificates  
No permits pertaining to the use of land or buildings shall be issued unless the Trustee in charge of the Building and Zoning department has certified, after examination, that it complies with all provisions of this ordinance, as well as Ordinance 401.2 of the General Ordinances of the Village of Jerome. The fees for Certificates issued pursuant to this zoning ordinance shall be those as set forth in Ordinance 401.2.

3. Occupancy Permits

- a. No land shall be occupied or used and no building hereafter erected or substantially altered, as determined by the Trustee in charge of the Building and Zoning department, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Trustee in charge of the Building and Zoning department stating that the building complies with all the building code requirements, health laws and all applicable ordinances. No change of a principal use, as set forth in this ordinance, shall be made in any building or part thereof now or hereafter erected or altered without a permit having been issued by the Trustee in charge of the Building and Zoning department; and no permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance and amendments thereto.
- b. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, unless such occupancy is prevented due to the safety of life and property.
- c. Certificates for occupancy and compliance shall be applied for to coincide with the application for a building permit, and shall be issued within ten days after the erection or alteration of such building has been completed, and in accordance with Ordinance 401.2. A record of all certificates shall be kept on file in the office of the Trustee in charge of the Building and Zoning department, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

B. DUTIES OF THE OFFICE OF THE TRUSTEE IN CHARGE OF BUILDING AND ZONING

The Trustee in charge of the Building and Zoning department of the Village of Jerome or other officials that have been or shall be duly appointed by the Village President to enforce this ordinance, as well as the General Ordinances of the Village of Jerome, including but not limited to Ordinance 401.2 and, in addition other powers set forth herein:

1. Issue all certificates of occupancy and make and maintain records thereof.
2. Conduct and/or authorize the inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance.
3. Maintain permanent and current records of the ordinance, including, but not limited to all maps, amendments and special uses, variations, appeals, and applications thereof.
4. Receive, file, and forward to the Zoning Board of Appeals (with a copy to the Village Clerk), all applications for appeals, variations, and other

matters on which the Zoning Board of Appeals is required to decide under this ordinance.

### **SECTION XIII. ZONING BOARD OF APPEALS**

#### **A. Creation**

The Zoning Board of Appeals for the Village of Jerome was created by an Ordinance establishing a Zoning Board of Appeals ordained by the President and Board of Trustees of the Village of Jerome, Illinois, dated April 4, 1963.

#### **B. General provisions**

1. These rules are supplementary to the provisions of the zoning ordinance of the Village of Jerome, Illinois as they relate to procedures of the Board of Appeals.
2. Any member who has any interest in a matter before the Board shall remove themselves from any meeting or hearings at which said matter is under consideration.
3. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the governing body.
4. The Village Attorney shall be consulted in cases where the powers of the Board are not clearly defined.

#### **C. Membership**

1. The Zoning Board of Appeals shall consist of six members who shall serve for a term of three (3) years, provided that the members first appointed after the enactment of this ordinance shall serve terms as follows: one shall serve a term of one year; one for two years; one for three years, one for four years; one for five years; one for six years; and one for seven years, the successor to each member so appointed to serve a term of three (3) years. The President of the Board of Trustees and the Trustee in charge of the Building and Zoning department shall serve as non-voting ex-officio members. The terms of the members shall commence on the date of their appointment.

2. All appointments to the Zoning Board of Appeals shall be made by the Village President subject to approval of the Village Board. One of the members so appointed shall be named as Chairman at the time of his appointment. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant.
3. In the event that the office of Chairman is vacated for any reason, the Village President shall recommend, with the advice and consent of the Village Board, either one of the remaining members on the Board, or any other person to fill such vacancy on the Board as the new Chairman.
4. All of the members of said Board shall serve without compensation and they shall be subject to removal by the President and Board of Trustees of the Village for good cause after public hearing. Members of the Zoning Board of Appeals shall have the powers and duties assigned to the Zoning Board of Appeals by Statute and Ordinance.

D. Officers and Duties

1. The officers shall be a Chairperson, and Acting Chairperson, and a Secretary.
2. The Chairperson of the Board shall be appointed by the Village President with the advice and consent of the Village Board of Trustees. Members of the Board shall designate an Acting Chairperson of the Board from among its members when the Chairperson is absent.
3. The Village President, at the request of the Board, and with the advice and consent of the Village Board of Trustees, may appoint a Secretary of the Board who shall also serve as the Secretary of the Planning Commission. Compensation for this appointment shall set by the Village Board of Trustees.
4. The Chairperson shall supervise the affairs of the Board of Appeals, and shall preside at all meetings of the Board and appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board. The Chairperson shall be an ex-officio member of all committees and sub-committees so appointed.

5. The Acting Chairperson shall, in the absence of, or disability of the Chairperson, perform all the duties and exercise all the powers of the Chairperson.
6. The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall keep a verbatim transcript of all hearings, recording the names and addresses of all persons appearing before the Board. At the direction of the Chairperson, the Secretary shall retain a licensed court reporter to produce a verbatim transcript of all public hearings. The Secretary, subject to the Board and Chairperson, shall conduct the correspondence of the Board and have published in a local newspaper, public notices of meetings or hearings as required by law and the rules of procedures. Minutes and records shall be filed in the office of the Village Clerk, and shall be a public record. The Secretary shall be the custodian of the files of the Board.

E. Meetings

1. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this ordinance shall be given under oath. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public.  
  
The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating the fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be of public record.
2. Regular meetings shall be called by the Chairperson when a case or cases are pending, or other business is to be discussed. In the absence of any cases or business, the Board shall meet a minimum of once each year, at a date and time to be determined by the Chairperson. Members of the Board shall be notified at least ten (10) days prior to the time and date of meetings.
3. Special meetings may be called at the discretion of the Chairperson, or upon the request of two (2) or more members, provided that a minimum of

forty-eight (48) hours notice is given to each member, except that two (2) hours notice is required for consideration of a stay or restraining order.

4. All meetings of the Planning Commission shall be open to the public whenever any official action is taken.
5. A quorum shall consist of four (4) members inclusive of the Chairperson, for any regular or special meeting.

F. Notice of Hearing

For Hearing held by the Zoning Board, the Secretary of the Board, shall provide for a public notice to be published at east once in a locally published newspaper, not less than fifteen (15) days and not more than thirty (30) days prior to a public hearing. The notice shall state the date, time, and place of the hearing as well as the subject matter of the hearing.

G. Jurisdiction and Authority

The Zoning Board of Appeals is hereby invested with the powers as granted by the Statutes of the State of Illinois and this ordinance, as follows:

1. to hear and decide appeals from any order, requirement, decision, or determination made by the Trustee of the Building and Zoning department pertaining to conformance with requirements of this ordinance, but not including the Building Code;
2. to hear and decide variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this section; and
3. to hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

H. Decisions

1. All final decisions arrived at by the Zoning Board of Appeals shall require a majority vote of the quorum.
2. All final decisions of the Zoning Board of Appeals on variations shall be subject to judicial review in accordance with applicable statutes of the State of Illinois.
3. All decisions of the Zoning Board of Appeals on appeals from decisions of the Trustee of Building and Zoning department shall, in all instances, be final administrative determinations subject to judicial review in accordance with applicable Statutes of the State of Illinois.

I. Order of Business

1. All meetings shall proceed as follows:
  - a. Call the meeting to order, roll call and declaration of quorum.
  - b. Reading and approval of minutes of previous meeting.
  - c. Reading of any communications.
  - d. Announcement of decisions from last meeting.
  - e. Reports of committees.
  - f. Call of cases on the agenda and hearing of requests for continuances.
  - g. Hearing of cases on the agenda.
  - h. Unfinished business.
  - i. New Business.
  - j. Adjournment.

**SECTION XIV. APPEALS**

A. Authority.

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, decision, or determination made by the Trustee of the Building and Zoning department or other authorized official of the Village of Jerome relating to the regulations of this ordinance.

B. Initiation.

An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision, or determination under this ordinance by the Trustee of the Building and Zoning department or other authorized official of the Village of Jerome.

C. Processing.

An Appeal shall be filed with the Village Clerk. The Village Clerk shall forward such appeal to the Zoning Board of Appeals for processing in accordance with the applicable Statutes of the State of Illinois.

D. Decisions.

All decisions, after hearing before the Zoning Board of Appeals on appeals from an administrative order, requirement, decision or determination relating to this ordinance, of the Trustee in charge of Building and Zoning or other authorized official of the Village of Jerome shall, in all instances, be final administrative

determinations and shall be subject to judicial review only in accordance with applicable Statutes of the State of Illinois.

## **SECTION XV. VARIATIONS**

### **A. Authority.**

The Zoning Board of Appeals shall decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this ordinance.

### **B. Initiation.**

An application for a variation may be made by any person, firm, or corporation or by any office, department, board, bureau, or commission, requesting or intending to request application for a zoning certificate.

### **C. Processing.**

1. An application for a variation shall be filed with the Village Clerk. The Village Clerk shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois.
2. No variation shall be made by the Zoning Board of Appeals except after a public hearing before the Zoning Board of Appeals, of which there shall be a notice of time and place of the hearing published at least once - not more than 30 nor less than 15 days before the hearing - in one or more newspapers with a general circulation within the Village of Jerome and a written notice is served at least 15 days before the hearing on the owners of the properties located adjacent to the location for which the variation is requested.

### **D. Decisions.**

All decisions of the Zoning Board of Appeals on variations arrived at after the hearing shall require a majority vote of the quorum, and such decisions shall be final, subject only to judicial review in accordance with applicable Statutes of the State of Illinois.

E. Standards

1. The Zoning Board of Appeals shall not vary the provisions of this ordinance as authorized in this section unless it shall have made findings based upon the evidence presented to it in the following specific cases:
  - a. that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
  - b. that the plight of the owner is due to unique circumstances; and
  - c. that the variation, if granted, will not alter the essential character of the locality.
2. For the purpose of supplementing the above standards, whenever there are practical or particular hardships, the Zoning Board of Appeals, in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
  - a. that the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
  - b. that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
  - c. that the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
  - d. that the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - e. that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
  - f. that the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
3. The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the

injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

F. Authorized Variations.

Variations from the regulations of this ordinance will be decided by the Zoning Board of Appeals in accordance with the standards set forth in this ordinance.

**SECTION XVII. PLANNING COMMISSION**

A. Creation

The Planning Commission of the Village of Jerome is the Planning Commission as created by the President and Board of Trustees as of April 1960.

B. General Provisions

1. These rules are supplementary to the provisions of the zoning ordinance of the Village of Jerome, Illinois as they relate to the procedures of the Planning Commission.
2. Any member who has any interest in a matter before the Commission shall remove themselves from any meeting or hearings at which said matter is under consideration.
3. Nothing herein shall be construed to give or grant to the Commission the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the governing body.
4. The Village attorney shall be consulted in cases where the powers of the Commission are clearly defined.

C. Membership

1. The Planning Commission shall consist of seven (7) members, which shall include the President of the Board of Trustees of the Village of Jerome who shall serve as an ex-officio member with power to vote, and six (6) members, citizens of said Village, appointed by the President of the Board of Trustees, on the basis of their particular fitness for their duty on said Plan Commission, and subject to the approval of the Village Board of Trustees. The President shall designate one of the members, subject to approval by the Board of Trustees as Chairman.
2. Ex-officio members shall serve for the term of their elective office. Of the six (6) citizen members, two (2) shall serve for a period of one (1) year, two (2) for a period of two (2) years, and two (2) for a period of three (3)

years. Thereafter, such members shall serve for a period of three (3) years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except that, if the Village Board of Trustees deems it advisable, they may receive such compensation as may be fixed from time to time by said Village Board of Trustees and provided for in the appropriation ordinance.

D. Jurisdiction

1. To post or publish notices of public hearings, and to hold such hearings as required by the applicable Statutes of the State of Illinois, pertaining to proposed amendments to the regulations imposed and the districts created by the zoning ordinance, and to propose special uses as established by the zoning ordinance;
2. To make written report and recommendations to the Village Board on any such proposed amendment or proposed special uses;
3. To initiate, direct, and review, from time to time, studies of the provisions of this ordinance and to make reports of its recommendations to the Village Board not less frequently than once a year; and
4. To hear and decide all matters which it is required to act upon under this ordinance.
5. To prepare and recommend to the Village Board of Trustees, of Jerome a comprehensive plan for the present and future development or redevelopment of said Village and contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of said Village and not included in any other municipality.
6. To file an annual report with the President of the Board of Trustees, and the Village Board of Trustees, setting forth its transactions and recommendations.
7. To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.
8. To recommend to the Village Board of Trustees of Jerome from time to time, such changes in the comprehensive plan or any part thereof as may be deemed necessary.

9. To prepare and recommend to the Village Board of Trustees from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan.
10. To give aid to the officials of the Village of Jerome, charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements, and generally to promote the realization of the official comprehensive plan.
11. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
12. To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to ensure harmonious and integrated planning for the area.
13. To exercise such other powers germane to the powers granted under authority of an Act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended thereafter, and as may be conferred by the Village Board of Trustees of Jerome.

E. Officers and Duties

1. The officers shall be a Chairperson, and in his or her absence, an Acting Chairperson, as well as a Secretary.
2. The Chairperson of the Commission shall be appointed by the Village President with the advice and consent of the Village Board of Trustees. Members of the Commission shall designate an Acting Chairperson of the Commission from among its members when the Chairperson is absent.
3. The Village President, at the request of the Commission, and with the advice and consent of the Village Board of Trustees, may appoint a Secretary of the Commission who shall also serve as the Secretary of the Zoning Board of Appeals. Compensation for this appointment shall set by the Village Board of Trustees.
4. The Chairperson shall supervise the affairs of the Planning Commission and shall preside at all meetings of the Commission and appoint such committees and sub-committees as may be necessary to carry out the purposes of the Commission, and shall provide for the oath to be administered to all witnesses in cases before the Commission. The Chairperson shall be an ex-officio member of all committees and sub-committees so appointed.

5. The Acting Chairperson shall, in the absence of, or disability of the Chairperson, perform all duties and exercise all the powers of the Chairperson.
6. The Secretary shall record and maintain permanent minutes of the Commission's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall keep verbatim transcript of all hearings, recording the names and addresses of all persons appearing before the Commission. At the direction of the Chairperson, the Secretary shall retain a licensed court reporter to produce a verbatim transcript of all public hearings. The Secretary, subject to the Commission and Chairperson, shall conduct the correspondence of the Commission and have published in a local newspaper, public notices of meetings or hearings as required by law and the rules of procedures. Minutes and records shall be filed in the office of the Village Clerk, and shall be a public record. The Secretary shall be the custodian of the files of the Commission and maintain the records.

F. Meetings

1. Regular meetings shall be called by the Chairperson when a case or cases are pending, or other business is to be discussed. In the absence of any cases or business, the Board shall meet a minimum of once each year, at a date and time to be determined by the Chairperson. Members of the Board shall be notified at least ten (10) days prior to the time and date of meetings.
2. Special meetings may be called at the discretion of the Chairperson, or upon the request of two (2) or more members, provided that a minimum of forty-eight (48) hours notice is given to each member.
3. All meetings of the Plan Commission shall be open to the public whenever any official action is taken.
4. A quorum shall consist of four (4) members inclusive of the Chairperson, for any regular or special meeting.

G. Order of Business

1. All meetings shall proceed as follows:
  - a. Call the meeting to order, roll call and declaration of quorum.
  - b. Reading and approval of minutes of previous meeting.
  - c. Reading of any communications.
  - d. Announcement of decisions from last meeting.

- e. Reports of committees.
- f. Call and hearing of matters on the agenda.
- g. Unfinished business.
- h. New Business.
- i. Adjournment.

H. Procedures for Hearings Before the Planning Commission

1. Notice of Hearing

For hearings held by the Planning Commission, the Secretary shall provide for a public notice to be published at least once in a locally published newspaper, not less than fifteen (15) days and not more than thirty (30) days prior to a public hearing. The notice shall state the date, time, and place of the hearing as well as the subject matter of the hearing.

- 2. At the time of the hearing, the interested parties may appear in their own behalf or be represented by counsel or agent.
- 3. All witnesses shall testify under oath.
- 4. The interested party or their representative may make a statement outlining the nature of their request prior to introducing evidence.
- 5. Evidence shall be presented in the following order:
  - a. Chairperson may give restatement of case if applicant's or their representative's presentation needs clarification.
  - b. Applicant and applicant's witnesses present evidence.
  - c. Commission and/or objectors cross-examine applicant and applicant's witnesses.
  - d. Objectors present evidence.
  - e. Commission and/or applicant cross-examine objector's evidence.
  - f. Rebuttal by applicant.
  - g. Rebuttal by objectors.
  - h. Evidence by the Commission.

6. Upon conclusion of the evidence presented in each case, the Commission shall consider the evidence presented in executive session.

I. Decisions and Recommendations of the Planning Commission

1. Final recommendations to the Village Board shall be made within twenty-one (21) days from the date of the hearing.
2. The Commission shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Commission considers additional time for deliberation necessary.
3. A majority of the quorum shall be necessary to send a recommendation forward to the Village Board.
4. All decisions of the Commission shall be made at a public meeting by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Commission.
5. The transcript of the case shall be acknowledged as to accuracy by the Chairperson and the Secretary and shall be a part of the public record of the Commission.
6. Written notice of the recommendations of the Commission shall be given to the Village Board and an interested party as soon as possible after the decision is reached.

J. Records of the Planning Commission

1. A file of materials and decisions relating to each matter shall be kept by the Secretary as part of the records of the Commission.
2. All records of the Commission shall be a public record.

K. Amendments of the Rules of Procedure

1. These rules may be amended by the Village of Jerome Board.

2. The proposed amendment must be presented in writing at a regular or special meeting of the Village of Jerome Board.

### **SECTION XVIII. AMENDMENT PROCEDURES**

- A. The regulations imposed and districts created under the authority of the Zoning Ordinance may be amended from time to time in accordance with the Statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board only after a public hearing before the Planning Commission and a report of its findings and recommendations has been submitted to the Village Board.
- B. Amendments or applications for conditional permitted uses may be proposed by the Village Board, by the Planning Commission, or by a resident of or owner of property within the Village of Jerome.
- C. Proposed amendments shall be filed with the Village Clerk and thereafter introduced into the Village Board. Such proposal shall be forwarded from the Village Board by the Village Clerk to the Chairperson of the Planning Commission with a request to hold a public hearing in accordance with Statutes of the State of Illinois, after due notification as outlined in Article VIII below, and thereafter to submit a written report of its findings and recommendations to the Village Board.

### **SECTION XIX. PROCEDURES FOR CONDITIONAL PERMITTED USES**

A. Purpose.

The development and execution of the zoning ordinance is based upon the division of the Village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are conditional permitted uses which, because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon public need for the particular use of the particular location. Such conditional permitted uses fall into two categories:

1. Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest.
2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Authority.

1. Conditional permitted uses shall be authorized or denied by the Village Board in accordance with the regulations and conditions set forth in this ordinance for conditional permitted uses.
2. No application for a conditional permitted use shall be acted upon by the Village Board until after, and a written report of the findings and recommendations have been reported to the Village Board.
3. No application for a conditional permitted use shall be acted upon by the Village Board until after:
  - a. a public hearing has been held by the Planning Commission after due notice by publication as outlined in this ordinance and as may be provided by the applicable Statutes of the State of Illinois for amendments;
  - b. a written report is prepared and forwarded to the Village Board by the Planning Commission in a manner prescribed herein for amendments to this ordinance; and

3. Initiation.

An application for a conditional permitted use may be made by any person, firm, or corporation or by an office, department, board, bureau, or commission, requesting or intending to request a zoning certificate.

4. Processing.

An application for a conditional permitted use, in such form and accompanied by such information as shall be established from time to time by the Planning Commission shall be filed with the Village Clerk and thereafter processed in the manner prescribed heretofore for applications for amendments.

5. Decisions

- a. The Village Board, upon report of the Planning Commission and without further hearing, may authorize or deny an application for a special use in accordance with the Statutes of the State of Illinois applicable to amendments, or may refer it back to the Planning Commission for further consideration.
- b. No conditional permitted use shall be authorized by the Village Board unless the conditional permitted use:
  1. is deemed necessary for the public convenience at that location;

2. is so designed, located, and proposed to be operated that the public health safety and welfare will be protected; and
3. would not cause substantial injury to the value of other property in the neighborhood in which it is located.

## **SECTION XX. AMENDMENTS**

### **A. Authority.**

The regulations imposed and the districts created under the authority of this ordinance may be amended from time to time by ordinance in accordance with applicable Statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board only after a public hearing before the Planning Commission and a report of its findings and recommendations has been submitted to the Village Board.

### **B. Initiation of Amendment.**

Amendments may be proposed by the Village Board, by the Planning Commission, or by a resident of or owner of property in the Village of Jerome.

### **C. Processing.**

An application for an amendment shall be filed with the Village Clerk and thereafter introduced into the Village Board. Such application shall be forwarded from the Village Board by the Village Clerk to the Planning Commission with a request to hold a public hearing in accordance with applicable Statutes of the State of Illinois, and thereafter to submit a report of its findings and recommendations to the Village Board. A written notice is to be served at least 15 days before the public hearing on the owners of properties located adjacent to the location for which the amendment is requested.

### **D. Decisions.**

The Village Board, after receiving the report of the Planning Commission, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Illinois, or may refer it back to the Planning Commission for further consideration.

## **SECTION XXIII. FEES**

- A. Any application for an amendment, conditional permitted use, variation; or appeal filed by or on behalf of the owner or owners of the property affected shall be accompanied by a fee of \$200. Any application for an amendment, conditional permitted use, variation or appeal filed by or on the behalf of the owner or owners of other than residential property affected shall be accompanied by a fee of \$300. In the event a court reporter is retained to make an official record of any proceeding, the Petitioner shall pay an additional \$200.00 court reporter fee.  
(8/5/2004)

B. Building Permit

Any application for a building permit shall be accompanied by a fee reflective of twenty-five dollars (\$25.00) for first thousand dollars (\$1,000) of the estimated cost, plus five dollars (\$5.00) per thousand of the estimated cost in excess of one thousand dollars. No fee shall be required when the estimated cost does not exceed two hundred dollars (\$200.00)

C. Demolition Permit

Any application for a demolition permit shall be accompanied by a fee of twenty-five dollars (\$25.00)

D. Occupancy permits shall require no fee.

E. Any application for any action, filed by an officer, board or commission of the Village of Jerome, Illinois, not on behalf of any specific private interest, shall not be accompanied by any fee.

**SECTION XXIV. VIOLATION, PENALTY, AND ENFORCEMENT**

A. Any person, firm, or corporation, who violates, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, or any incorporated and/or related ordinances, shall be fined fifty dollars (\$50.00) for each offense for the first day, and one hundred dollars (\$100.00) for each offense each day thereafter. Each day that a violation is permitted to exist shall constitute a separate offense. The Trustee in charge of the Building and Zoning department is hereby designated and authorized to enforce this ordinance.

B. Any person, firm or corporation that fails to obtain a building permit prior to the start of construction of any building or other improvement, or that fails to obtain a permit for demolition of any structure before demolition, shall be required to pay an additional fee of fifty dollars (\$50.00), in addition to any other fee prescribed by village ordinance for a building permit or demolition permit.