

Village of Philo Champaign County, Illinois Zoning Ordinance

ORDINANCE NO. 2022-652

Adopted by the Mayor and Board of Trustees of the
Village of Philo, Illinois

On

November 21, 2018

Amended April 13, 2022

Village of Philo | 2022 Zoning Ordinance

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ARTICLE 1: GENERAL PROVISIONS

SECTION 1.1 PURPOSE

1.101 Purpose.

This zoning ordinance has been prepared and is adopted in order to protect and to promote adequate light, pure air, and safety from fire and other dangers; that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted.

Specifically, the powers of the zoning ordinance are as follows:

- (A) To regulate and limit the height and bulk of buildings hereafter to be altered or erected.
- (B) To establish, regulate and limit the buildings or set-back lines on or along any street, traffic-way drive or parkway.
- (C) To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.
- (D) To regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
- (E) To divide the entire municipality and all contiguous areas within one and one-half miles of village limits of said municipality into district of such number, shape, area and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces or other classification) as may be deemed best suited to carry out the purpose of this article.
- (F) To fix standards to which buildings or structures therein shall conform.
- (G) To prohibit uses, buildings, or structures incompatible with the character of such districts.
- (H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this article.

1.102 Compliance.

- (A) Except as hereinafter provided, no building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- (B) No building shall hereinafter be erected or altered to exceed the height, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- (C) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

(D) All contiguous property that lies within one and one-half miles of the corporate limits but is not included within the municipality shall automatically have its classification changed to R-1 upon annexation to the village, unless the land that is annexed shall have been previously zoned to a classification other than A-Agricultural District, in which case the land shall maintain its zoning classification on annexation to the Village, unless the owner(s) thereof and the Village agree upon some other zoning classification, which shall be included in the annexation ordinance.

ARTICLE 2: DEFINITIONS

A

Accessory Building An accessory building is a subordinate building or a portion of the main building, the use of which is incidental to, or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as, the use of the main building or principal use of the land.

Accessory Use An accessory use is one which is incidental to, or customarily found in connection with, and (except as otherwise provided in this Ordinance) on the same lot as the main use of the premises. When "accessory" is used in the text it shall have the same meaning as "accessory use."

Agriculture Use Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products. No livestock, including, but limited to, hogs, cattle, sheep, chickens, ducks, horses, goats, llamas, exotic animals, or other farm animals may be kept or maintained upon property located within the corporate limits of the Village.

Apiculture Beekeeping, which includes one or more hives or boxes occupied by bees (hives or boxes include colonies), but does not include honey houses, extraction houses, warehouses, or appliances.

Assisted Living Facility, elderly housing A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

B

Bed and Breakfast A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public.

Block Front All of the property on one side of a street between two intersecting streets or between an intersecting street and the dead end of a street, measured along the line of a street.

Boarding and Lodging House A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Building Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, or property and forming a construction that is safe and stable; the word "building" shall include the word "structure."

Building, Height of The vertical distance from the grade (elevation of curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Business Office Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

C

Cellar A portion of a building located partly or wholly underground and having one-half or more of its floor-to- ceiling height below the average grade of the adjoining ground.

Clubhouse A building to house a club or social organization not conducted for private profit, as documented by state or federal records, and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place.

Commission Refers to the Planning Commission of the Village of Philo.

Country Club A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop. Provided that no club house or accessory building shall be located nearer than five hundred (500) feet to any dwelling on another zoning lot.

Custodial Care, Correctional or Penal Institution A facility providing custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement, including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, and temporary detention facilities.

D

Distribution Facility A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dwelling A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families.

Dwelling, Multiple A building designed with accommodations for occupancy by more than two families, all of which are living independently of each other.

Dwelling, Single-Family A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family A building designed with accommodations for occupancy exclusively by two families living independently of each other.

Dwelling Unit One or more rooms used or intended to be used by one family containing, at a minimum, the living facilities required by the current applicable ordinance(s).

E

F

Family One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a rooming house or motel.

Firearms Dealer Any person engaged in the sale, lease, trade, or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person engaged only in the business of cleaning and repairing firearms. No firearms dealer shall be located within one-thousand feet 1,000 feet of a school or place of worship.

Floor Area The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar, garage or basement space not used for retailing and not including accessory off-street parking or loading space.

G

Garage, Private An accessory building used only for the housing of motor vehicles, without their equipage for operation, repair, hire or sale.

Garage, Public A garage other than a private garage.

Garden Center A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Greenhouse or Nursery, Commercial An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.

Greenhouse, Wholesale and retail Wholesale business whose principal activity is the growing and selling of plants within an enclosed building.

Group Home A community-based home which is licensed as a residential care facility or as a child foster care facility under Illinois law to provide services including but not limited to room and board, personal assistance, training, treatment, and supervision in a family environment exclusively. Onsite parking shall be provided at the minimum rate of one (1) space per on shift employee plus one (1) space per every three (3) residents.

H

Home Occupation Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than one square foot in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment is used which creates offensive noise, vibration, smoke, dust, pollution, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following:

- (a) Art studio;
- (b) Dressmaking;
- (c) Professional offices of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation;
- (d) Teaching, with musical instruction limited to one or two pupils at a time;
- (e) Nursery or truck gardening;
- (f) Beauty shop;
- (g) Barber shop;
- (h) Daycare center for children. A firearms dealer is not included in this definition.

Provided further than any such home occupation shall provide adequate off-street parking for clients and customers and shall not conduct its business in such a manner as to create traffic and/or parking problems in the immediate neighborhood.

Hotel An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and

telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

I

Indoor Recreation Center An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

J

K

Kennel Any premises, except where accessory to an agricultural use, where four (4) or more domestic animals, such as dogs and cats, are boarded, trained, groomed, kept, raised, sold, shown, treated or bred.

L

Livestock (1) All cattle or animals of the bovine species; (2) all horses, mules, burros, and asses or animals of the equine species; (3) all goats or animals of the caprine species; (4) all swine or animals of the porcine species; and (5) all sheep or animals of the ovine species. No livestock, including, but limited to, hogs, cattle, sheep, chickens, ducks, horses, goats, llamas, exotic animals, or other farm animals may be kept or maintained upon property located within the corporate limits of the Village.

Lot or Parcel A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, and the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street.

Lot of Record: A lot or parcel of land, the plat, map, or deed to which has been recorded in the office of the County Recorder of Champaign County prior to the adoption of said original Zoning Ordinance.

M

Manufactured Home Park Any grouping of four or more manufactured homes or manufactured home lots.

N

Nonconforming Lot A lot that lawfully existed prior to the enactment of the requirements of this Ordinance, and all amendments thereto, but which does not meet the minimum lot size or lot width requirements of the zoning district in which it is located.

Nonconforming Use Any building or land lawfully occupied by a use prior to the enactment of the requirements of this Ordinance, and all amendments thereto, but which does not conform with the use regulations of the district within which it is located.

Nursery See Greenhouse.

Nursing Home Any facility which provides meals, lodging, and nursing care for compensation.

O

Orchard A stand of three or more trees of the same species or mix, which form a visual and biological unit.

P

Parking Space A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile (not less than nine feet wide and twenty feet long) connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.

Premise A lot, together with all buildings and structures thereon.

Planned Unit Development (PUD), Residential A description of a proposed unified development, consisting at a minimum of a map and adopted ordinance setting forth the regulations governing, and the location and phasing of all proposed uses and improvements to be included in the development.

Plat, Lot A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this Ordinance.

Professional Office The office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

Q

R

Residential Recovery Center A live-in health care facility providing therapy for substance abuse, mental illness, or other behavioral problems under Illinois law. Services included are carried out within a family environment exclusively. However, a RRC shall not be located within one-fourth of a mile from another group home. Additionally, onsite parking shall be provided at the minimum rate of one (1) space per on shift employee plus one (1) space per every three (3) residents

Roadside Stand An accessory structure for the seasonal retail sale of grown or produced food products on the lot. Structures must be located at least ten (10) feet from the public right-of-way.

S

Sign A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work model, banner, flag, pennant, insignia, decoration, device, or representation use as, or which is in the nature of an announcement, direction, advertisement or other attention-directing devise. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

Sign Area That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background

of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building or part thereof, shall not be included in the sign area.

Sign, Temporary A sign or banner that will only be displayed for a short time and is not permanently affixed.

Solar Energy Field A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Special Use A use which is potentially appropriate in, and compatible with, other uses in its zoning district, but due to the scale and nature of the use, has the potential to make a major negative impact on other uses in the district.

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

Story, Half A half-story is a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of each story.

Street Any public or private way set aside as a permanent right-of-way for street purposes.

Structure Anything constructed or erected, the use of which requires permanent location on the ground; see also *Building*.

Structural Alteration Any change in structural members of a building, such as walls, columns, rafters, beams or girders.

T

Trailer Any structure used for living, sleeping, business or storage purposes which has no foundation other than wheels, blocks, skids, jacks, horses or skirting and which has been, or reasonably may be, equipped with wheels or other devices for moving the structure from place to place, whether by motive power or by other means. No trailer, as herein defined, shall be construed as a dwelling.

Travel Trailer Camp Any area used for two or more trailers, house or camp cars or other portable or mobile shelters used for living purposes. Adjoining lots shall be construed as one area regardless of ownership.

Truck Terminal A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

U

Utility Cabinet The housing unit for electrical systems components.

V

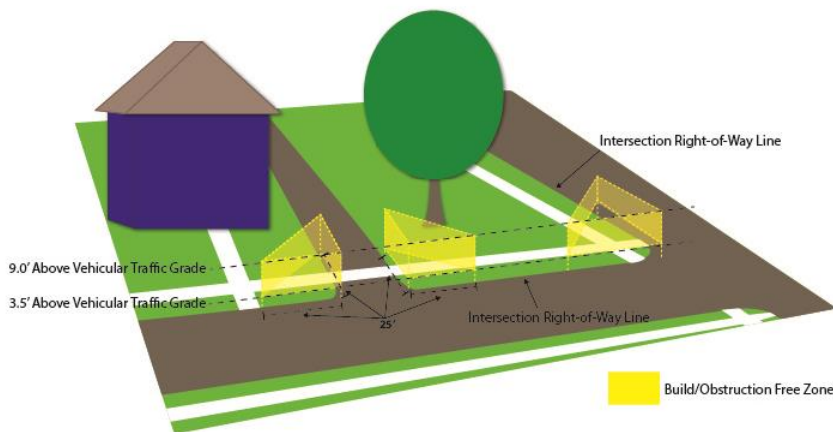
Veteran's Home A facility whose primary purpose is to provide services to Veterans for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers.

Vision Clearance Triangle A triangular shaped area located at the intersection of any combination of rights-of-way, private streets, alleys, or driveways. The height of the vision clearance area is from three and one half feet (3½) above grade to nine (9) feet above grade of the vehicular driving surface. The sides of the triangle shall be determined in one of the following manners as the specific case may apply:

1. Twenty-five (25) feet from the intersection of a street right-of-way line or private roadway easements.
2. Twenty-five (25) feet from the intersection of a street right-of-way line and property line corresponding with a public alley or private street.
3. Twenty-five (25) feet from the intersection of a street right-of-way line or private roadway easement and the edge of the vehicle travel area on a driveway.

In all cases, the vision clearance triangle shall apply to any combination of public streets, alleys, private streets and driveways on all tracts of land and adjoining tracts thereto.

Figure 2.1 | Vision Clearance Triangle



W

Wind Tower/Turbine Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

X

Y

Yard An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and main building.

Yard, Front A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. A corner lot shall be deemed to front upon each of the abutting streets.

Yard, Rear A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.

Yard, Side A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.

Z

Zoning District Any section, sections, or divisions of the Village of which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

Zoning Map The map adopted as an ordinance by the municipality that delineates the extent of each district or zone established in the zoning ordinance.

ARTICLE 3: PLANNING COMMISSION

SECTION 3.1 PLANNING COMMISSION

3.101 Established.

A Planning Commission is hereby created which shall consist of seven (7) members appointed by the Mayor and Village Board.

One member of the Planning Commission shall be designated by the Village Board as Chairperson and shall hold office as Chairperson until a successor is appointed. The Planning Commission may select or appoint such other officers as it deems necessary. Vacancies upon said Commission shall be filled by the Mayor and Village Board.

3.102 Duties.

- (A) The Planning Commission shall meet at the call of the Chairperson and at such other times as it may determine. All meetings shall be open to the public. The Planning Commission shall appoint a Commissioner as the official recorder to keep minutes of its proceedings, including findings of fact, all its determinations and decisions, the reasons therefor, and the vote of each member upon every question, which minutes shall be filed in the office of the Village Clerk and shall be a public record.
- (B) A Quorum is required in order for the Planning Commission to conduct a meeting. Five (5) members constitute a quorum. A majority vote of the members present is required to take an action on an item on the agenda, except for recommendations on legislative items (i.e., zoning amendments) that require an affirmative vote of four (4) members.

3.103 Powers.

The Planning Commission shall have all the power and duties prescribed by law and by this Ordinance, which are more particularly specified as follows:

a) **Interpretation/Appeals**

Upon appeal from a decision, order, requirement, or determination by the Building Inspector or other administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- (A) An appeal may be taken to the Planning Commission by any person, group or organization, public or private, affected by a decision by the Building Inspector. Such appeal shall be taken within 45 days by filing with the Building Inspector and with the Planning Commission a notice of appeal specifying the grounds thereof. A fee as

determined by the Village Board plus any required publication costs shall accompany all notices of appeals.

- (B) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Planning Commission after the notice of appeal has been filed with the Inspector that by reason of facts stated in the certificate a stay would, in the Inspector's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Planning Commission or by a court of record on application, on notice to the Building Inspector and on due cause shown.

b) Variances

To vary or adapt, subject to the following provisions, the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

No variance in the strict application of any provision of this Ordinance shall be granted by the Planning Commission unless it finds:

1. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building, and
2. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Planning Commission is the minimum variance that will accomplish this purpose, and
3. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting any variance, the Planning Commission shall prescribe any conditions that it deems to be necessary or desirable.

c) Right to enter property.

The Commission, along with its individual members and authorized agents, may enter upon land, with proper identification, which is the subject of a pending application it has authority to act on.

d) Code amendments – text.

The Commission may recommend to the Village Board changes to the text of this Ordinance.

e) **Code amendments – zoning map.**

The Commission shall review, hear and recommend to the Village Board changes to the zoning map.

f) **Special Use Permits.**

The Commission shall review, hear, and recommend decisions regarding a permit for special uses to the Village Board.

g) All matters specifically referred to it by this Ordinance, statute, or the Village Board of Trustees.

ARTICLE 4: PROCEDURES

SECTION 4.1 PROCEDURES

4.101 Authority.

The Planning Commission shall act in strict accordance with the procedure specified by law and by this Ordinance. All appeals and applications made to the Commission shall be in writing, on forms prescribed by the Planning Commission. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special use permit is sought, or the details of the variance sought to be granted, as the case may be. An application fee as determined by the Village Board plus the costs of required publication shall be paid with each application or appeal.

4.102 Hearings.

The Planning Commission shall fix a reasonable time for the hearing of the appeal, petition, or permit application and give due notice thereof to the parties and decide the matter within a reasonable time. Notice shall be given of the time and place of the hearing, not more than thirty (30) days nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in one or more newspapers with a general circulation in the Village of Philo. Hearings on and all proceedings of the Commission shall be in conformity with Chapter 65 Section 5/11-13-1, et. seq., of the Illinois Compiled Statutes and applicable laws all as amended. All hearings shall be open to the public and any party in interest may appear in person, or by agent or attorney. The Commission Chairperson or Acting Chairperson shall have the power to administer oaths and shall conduct the meeting.

4.103 Rulings.

Every decision of the Planning Commission shall be by motion or resolution, which shall contain the findings of the Commission in the particular case. Each decision shall be filed in the office of the Village Clerk.

The Planning Commission shall notify the Village Board of each application with its recommendation based on the Commission's findings under the provisions of this Ordinance.

The concurring vote of lesser of two-thirds (2/3) or four (4) members of the Planning Commission is necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is required to pass, or to effect any variation in the Ordinance, or to recommend any variation or modification in the ordinance to corporate authorities.

The proceedings of the Planning Commission shall be subject to and in compliance with all applicable state laws and other legal principles. If the provisions of this ordinance conflict with state statute, the statute shall prevail.

SECTION 4.2 AMENDMENTS

4.201 Regulation and Districts.

The regulations imposed and the districts created may be amended from time to time by ordinance after the ordinance establishing them has gone into effect, but no such amendments shall be made without a hearing before the Planning Commission and final ruling by the Village Board.

4.202 Application and review procedure.

The general steps outlined below shall be used to amend the text of this Ordinance and zoning map.

(A) Submittal of application materials.

The applicant shall submit a complete application to the Planning Commission along with the application fee as established by the Village Board.

(B) Review.

Within 10 working days of submittal, if the application is deemed complete, the Planning Commission shall schedule a date for the public hearing with the Planning Commission or, if the application is deemed incomplete, shall notify the applicant of any deficiencies. Failure to submit a fee or a fee in the correct amount shall not be considered an application. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The Planning Commission shall take no further steps to process the application until the deficiencies are remedied.

(C) General notice and public hearing.

Notice shall be given of the time and place of the hearing, not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in one or more newspapers with a general circulation in the Village of Philo. The Commission shall conduct a public hearing consistent with the regulations of the state and set within.

(D) Planning Commission recommendation.

The Commission shall make a written recommendation to the Village Board to (1) deny the proposed amendment, (2) approve the proposed amendment without revision, (3) approve the proposed amendment with revisions or (4) refer the decision to the next regular Commission meeting if the Commission determines that additional information is needed to make a decision on the application.

(E) Transmittal of determination.

If the Commission action is favorable, it shall cause an ordinance to be drafted effectuating its determination and shall forward the proposed ordinance along with its recommendation to the Village Board. If the Commission action is not favorable, the Commission shall report its determination to the Village Board including its reasons for denial. Proof of publication of the public notice and proof of the giving of notice to the Village Clerk of the public hearing shall be attached to either report.

(F) Village Board's decision.

After reviewing the proposed ordinance and the Commission's report, the Village Board may (1) enact the proposed amendment as drafted or with revisions, (2) deny the proposed amendment, or (3) refuse to deny the amendment as recommended by the Commission in which case it shall refer the petition back to the Commission with directions to draft an ordinance to effectuate the proposed amendment and report the ordinance back to the Village Board which may then enact or reject the ordinance.

(G) Protest.

In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage, proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Philo Village Clerk, the amendment(s) shall not be passed except by a favorable vote of two-thirds of all of the Village Board then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(H) Notification of decision.

Within a reasonable time following the Village Board's decision, the applicant shall be notified of its decision.

(I) Appeal.

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal within 30 days of the final decision.

(J) Administrative steps.

If the zoning map is amended, the Planning Commission shall cause a new zoning map to be prepared. If the Ordinance is amended, the Planning Commission shall cause the new Ordinance to be prepared.

4.202 Fees.

The fee for such requests shall be established by the Village board, plus any publication costs. The applicant for a zoning reclassification shall also furnish the names and addresses of all property owners within 250 feet of the affected property and shall furnish any required notices to such property owners.

4.203 Effective date of adopted ordinance.

This ordinance amendment shall take effect and be in full force 24 hours after publication or posting by the Village Clerk.

SECTION 4.3 SEPARABILITY

4.301 Validity.

The invalidity of any section or provision of this Ordinance in a particular application thereof shall not invalidate such section or provision as to other unrelated applications.

If any provision of this Ordinance is determined to be invalid or unconstitutional, that invalidity shall not affect any other provision of this ordinance.

SECTION 4.4 VARIANCES

4.401 Variance Petition

Property owner or petitioner must initiate the request for variance of Zoning Ordinances. Planning Commission may or may not recommend to the Village Board granting of requested variance. Village Board may or may not approve requested variance.

Variance Petition is attached at the end of this document or with Village Clerk.

VILLAGE OF PHILO
VARIANCE PETITION

Owner(s): _____

Mailing Address: _____

Phone: _____ Email: _____

This form contains the information that is needed to process your variance request. The more complete and accurate the information the better. The information requested in items 3(A), 3(B) and 3(C) represent the needed facts that must be present in order for the variance to be granted. The process is covered in the Village of Philo Zoning Ordinance in Sections 3.103 b, 4.102, and relevant portions of the Village Zoning Ordinance.

The undersigned owner(s) hereinafter "Owner" hereby affirm that the following is true to the best of his/her/their knowledge and belief:

1. He/She/They is/are the owner(s) of record of the following property:

Street Address: _____, Philo, Illinois

Parcel Identification Number (PIN): _____

Legal Description: _____

Situated in the Village of Philo, Champaign County, Illinois.

2. Owner petitions the Village of Philo, Illinois to grant the following variance:

1. In order to support this request, Owner represents that:

A. That there are the following special circumstances or conditions which are peculiar to the land or buildings which do not apply generally to land or buildings in the neighborhood which mean that the property in question cannot be reasonably used under the circumstances and situations allowed by the regulations because:

B. That the granting of the variance is necessary for the reasonable use of the property because

C. That the variation, if granted, will be in harmony with the general purpose and intent of the Village Zoning Ordinance and not be injurious to the neighborhood or otherwise detrimental to the public welfare because

Dated this ____ day of _____, 20____.

Owner

Owner

ARTICLE 5: DISTRICTS AND LAND USE

SECTION 5.1 GENERAL PROVISIONS

5.101 Findings.

The Village Board makes the following findings:

- a) The use of land in the Village has a direct bearing on the public health, safety, and welfare.
- b) Standards are needed to ensure that new development is done in a coordinated and sustainable manner.
- c) The provisions contained in this article are adopted consistent with state statutes.
- d) Each parcel of land within the Village's Corporate Boundary is intended to have a zoning designation.
- e) In some instances, state and federal law limit the Village's ability to regulate certain land uses.

5.102 Purpose.

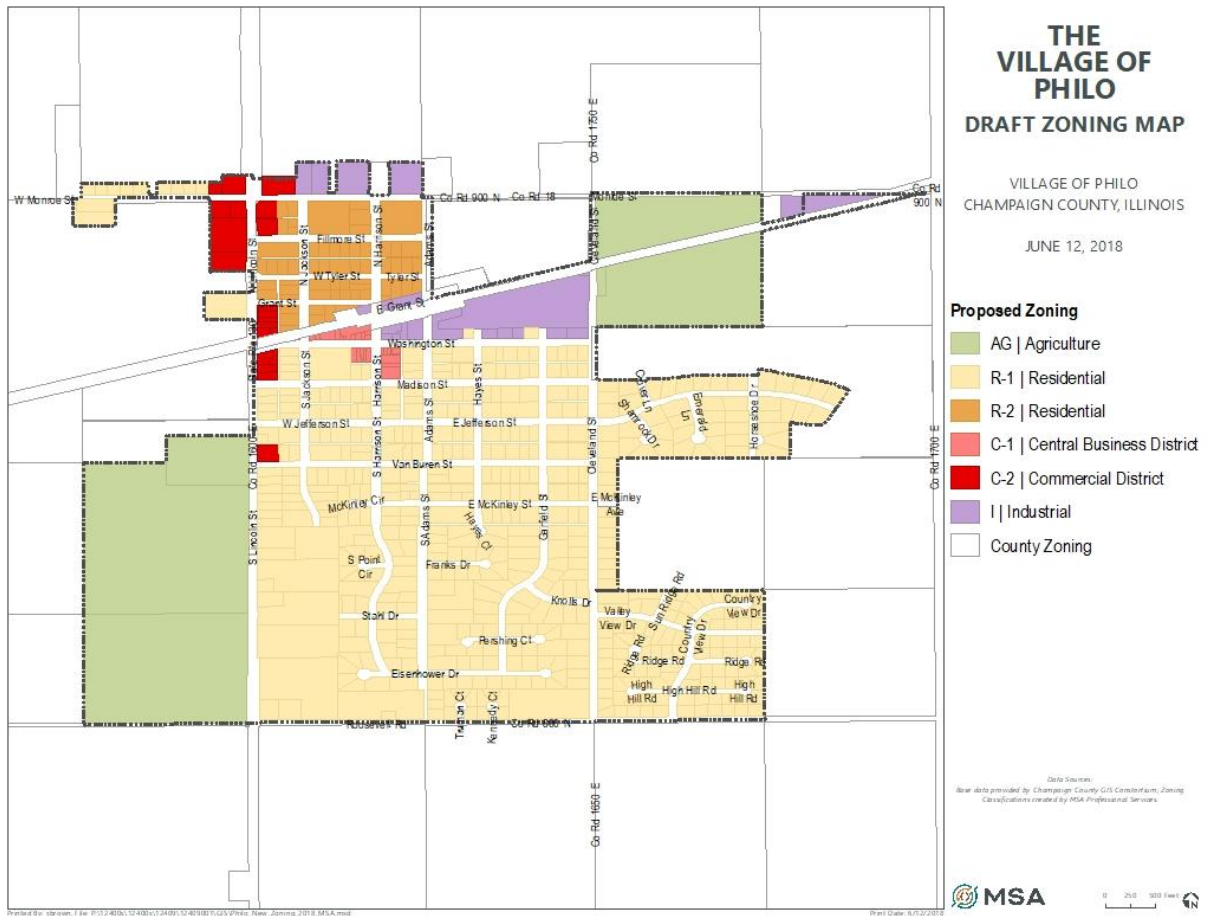
The article promotes the public health, safety and welfare and is intended to:

- (a) Promote a sound and sustainable development pattern by separating the Village into various districts where each has uniformly applicable development standards;
- (b) Separate incompatible land uses to the greatest extent possible;
- (c) Encourage the most appropriate and sustainable use of land throughout the Village;
- (d) Regulate and restrict the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land;
- (e) Provide for a variety of sustainable housing options;
- (f) Allow different, but compatible land uses (i.e., mixed uses) to occur in specified areas of the Village;
- (g) Avoid, or, as a less preferred alternative, minimize congestion;
- (h) Avoid, or, as a less preferred alternative, minimize environmental degradation; and
- (i) Preserve prime agricultural lands and stabilize the economic base of farming in the Village while at the same time allowing for needed sustainable Village expansion.

SECTION 5.2 ZONING MAP AND ZONING DISTRICTS

5.201 Zoning Map.

Figure 5.1 | Zoning Map



The location and boundaries of the districts established herein are shown on the Zoning Map which is hereby incorporated herein. The Village is divided into a number of zoning districts so that each parcel of land is located in a district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable. The zoning map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part hereof and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon were fully set forth and described herein.

The Zoning Map shall be published by March 31st of each year following any map revisions from the previous year or as required by Illinois State statute. To the extent allowed by law, failure to

timely publish the Zoning Map shall not compromise the validity of the zoning as approved by the Village nor the enforceability of this Ordinance.

- (A) **Title.** The map that depicts the location of the various zoning districts shall be titled "Village of Philo Zoning Map."
- (B) **Official zoning map.** The Village Clerk shall retain on file one paper copy of the zoning map as the official zoning map which shall be signed by the Village Mayor and attested by the Village Clerk. If there is a discrepancy between this zoning map and other maps as may be made available, including any maps online, the map maintained by the Village Clerk shall control in all instances.
- (C) **Availability.** A copy of the zoning map shall be maintained by the Planning Commission and shall be available for public inspection upon request and distribution.
- (D) **Preparation of a new official zoning map.** In the event the zoning map maintained by the Village Clerk is damaged, lost, or destroyed, and after each amendment, the Planning Commission shall prepare a new zoning map and submit it to the Village executive for certification and to the Village Clerk for attestation.
- (E) **History of amendment.** The zoning map maintained by the Village Clerk may contain a descriptive history of recent amendments that have been made, indicating the ordinance number and date of action.
- (F) **Archive of superseded maps.** The Village Clerk shall retain on file a permanent archive of superseded zoning maps that are created after the effective date of this ordinance.
- (G) **Amendment.** The procedure and requirements to amend the zoning map are provided in Article 4 of this Ordinance.

5.202 District Established.

Recognizing that different areas of the Village serve unique functions, the Village is divided into a number of zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this article and development limitations as described in this Chapter. The districts are as follows:

- A Agriculture District** | The A, Agriculture District is intended to protect the areas of the Village from scattered indiscriminate urban development and to preserve the agricultural nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This district is intended to accommodate both large and small-scale farms and hobby farms.

Although scattered residential lots are allowed, agriculture is the predominant land use.

R-1 Single-Family Dwelling District | The R-1, Single-Family Dwelling District is intended to provide areas for low- to medium-density, single family detached dwellings, set on lots where community facilities and infrastructure can be made readily available.

R-2 General Residence District | The R-2, General Residence District is intended to provide areas for Single-Family, Two-Family, and Multi-Family Dwellings in a higher density setting.

C-1 Central Business District | The C-1, Central Business District is intended to provide for needs of the residents to satisfy limited basic shopping and extracurricular needs which occur daily or frequently within the core of the Village. This district is intended to accommodate a wide range of compatible residential and nonresidential uses at densities and intensity typical of a traditional Midwest downtown.

C-2 Commercial District | The C-2, Commercial District is intended to accommodate both large- and small-scale pedestrian and auto-oriented commercial development that primarily serves the needs of the surrounding community, including professional offices, retail stores, service establishments, overnight lodging, and entertainment facilities. It is intended to provide for a range of commercial uses primarily located on the fringe of the Village and adjacent to major thoroughfares.

I-1 Industrial District | the I-1, Industrial District is established to accommodate those businesses and activities typically associated with manufacturing of finished products, storage, and wholesale operations. Uses permitted in this district characteristically occur inside of a building or other structure. Outdoor storage when allowed is clearly incidental to the primary use.

5.203 Necessity.

It is the intent of this article that no land shall be without a zoning district designation, unless specifically noted on the zoning map. In the event a parcel of land is for any reason deemed to be without a designation, no land development shall occur until such time as the Village Board assigned the parcel an appropriate zoning classification.

5.204 Boundary Line Changes.

From time to time, the property boundary line between adjoining parcels of land may be relocated in certain circumstances, potentially making one parcel larger and the other smaller. In those situations where the affected parcels are in different zoning districts, boundary line

relocation shall not alter the location of the zoning district boundary until such time as the zoning map has been amended to reflect the new property boundary line.

SECTION 5.3 ALLOWABLE LAND USES

5.301 Land Uses generally allowed within Zoning Districts.

(A) **General purpose zoning districts.** For the purposes of this chapter, land uses, as defined in Article 5 of this Ordinance, are classified as principal, accessory, or temporary. Table 5.1 lists principal land uses, accessory uses, and temporary uses. Each of the land uses are designated as one of the following:

1. Permitted in the zoning district by right provided that all other provisions of this chapter and the Planning Commission are met,
2. Allowed in the zoning district as a Special Use provided that all other provisions of this chapter are met, or
3. Not permitted in the zoning district. Any commercial or industrial land use that is shown as permitted that emits air contaminants, fugitive dust, or potentially offensive odors outside of the building; incinerates any substance; or handles radioactive materials, hazardous substances, hazardous waste, or regulated substances is considered a special use.

5.302 Similarity of land uses.

Because the list of land uses cannot include every conceivable type of activity, those land uses that are listed in Table 5.1 shall be interpreted to include other land uses that are of a similar nature and have similar impacts to the listed use.

5.303 Land uses not listed.

A land use that is not listed in Table 5.1 and which cannot be interpreted to be similar to any listed land use as provided for above is prohibited under the authority of this Ordinance.

5.304 Classified in more than one land use category.

If a proposed project includes both an allowable land use and a prohibited land use, the prohibited portion of the project shall not occur in the zoning district.

5.305 Establishment of an accessory land use prior to establishment of a principal use.

- (A) **Generally.** Unless specifically permitted in this section or in other sections of this chapter, an accessory use as allowed in the zoning district shall only be established when a principal use is present or is being established on the same lot.
- (B) **Exemption for a vacant lot adjoining another lot in same ownership.** The Planning Commission may allow the establishment of an accessory use on a vacant lot provided the accessory use is allowed in the zoning district and such lot adjoins a lot in the same ownership that supports a principal use. If allowed, the property owner shall record an agreement and deed restriction with the register of deeds for Champaign County that describes the authorized use and any conditions of approval. Such conditions of approval may relate to the use of the accessory use and the need to reestablish a principal use on the subject property within a specified time period.
- (C) **Exemption for a utility cabinet.** For the purpose of this chapter, a utility cabinet may be established on a vacant lot prior to the establishment of a principal use.

5.306 Removal of a principal building while retaining an accessory building.

The Planning Commission may allow the removal of a principal building while retaining the accessory building when the Board determines that the principal building is dilapidated and the accessory building meets current building codes and serves a useful purpose. If allowed, the property owner shall record an agreement and deed restriction with the register of deeds for Champaign County that controls the use of the accessory building and incorporates any requirement imposed by the Planning Commission as a condition of approval.

5.307 Site restrictions.

If the Planning Commission determines that a parcel of land, whether vacant, partially developed, or fully developed, contains one or more development constraints that would preclude the normal use of the parcel for a use that is otherwise permitted in the zoning district in which it is located, he or she shall render a written determination that states the best available facts related to the development constraint and other reasoning as may be appropriate. Examples of development constraints include unfavorable topography, rock formations, shallow depth to bedrock, unstable or otherwise unsuitable soils, stormwater runoff, inadequate drainage, and high groundwater. Once such a determination has been made, the building inspector, or other governmental official or body shall not issue a development order or other approval authorizing the development in the area subject to the development constraint. Because a determination rendered by the Planning Commission pursuant to this section is an administrative decision, the property owner shall have the right to appeal such determination consistent with the procedures and requirements in Article 4 of this Ordinance. The Planning Commission may reconsider his or

her determination at any time and render a new determination if new or additional facts become known or if the facts upon which the determination was made are not accurate.

5.308 Map of Special Use Permits.

The Planning Commission is authorized to prepare a map showing those properties that have an active special use permit and to amend the same from time to time.

5.309 Uses Allowed by District.

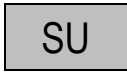
The following tables present a comprehensive list of uses allowed within the Village. A black dot “●” designates a use allowed by right. The “SU” indicates a special use permit will need to be obtained to allow that use to carry on within that particular zoning district. Any use which is bolded within the tables has a corresponding definition in Article 2 of the Ordinance.

Table 5.1 | Allowed Uses by District

Principal Uses	Zoning Districts					
	A	R-1	R-2	C-1	C-2	I
Agricultural Uses						
Agriculture uses for land and buildings ¹	●	●	●	●	●	●
Apiculture (beekeeping)	●					
Commercial greenhouse	●	●	●	●	●	●
Garden Center	●	●	●	●	●	●
Greenhouse, wholesale and retail	●	●	●	●	●	●
Livestock and poultry ¹	●					
Mineral Extraction, Quarrying, topsoil removal and allied activities. ³	●	●	●	●	●	●
Orchard	●	●	●	●	●	●
Plant Nursery	●	●	●	●	●	●
Roadside stand operated by Farm Operator ²	●	●	●	●	●	●



Permitted by right



Permitted on individual lots as a Special Use

¹No livestock, including, but limited to, hogs, cattle, sheep, chickens, ducks, horses, goats, llamas, exotic animals, or other farm animals may be kept or maintained upon property located within the corporate limits of the Village.

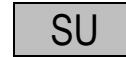
²Structures must be located at least ten (10) feet from the public right-of-way

³(1)No open pit or shaft is less than five hundred (500) feet from an existing residence or residential district established herein; and (2) all buildings or structures from screening, crushing, washing, mixing or storage are located not less than one thousand (1,000) feet from an existing residence or residential district established herein.

Principal Uses	Zoning Districts					
	A	R-1	R-2	C-1	C-2	I
Residential Uses						
Assisted Living Facility , elderly housing	●	●	●	●	●	SU
Bed and Breakfast			●	●		
Boarding and Lodging Houses			●	●	●	SU
Dwelling Units , provided they are located above the first floor and above a permitted business use. Shall not be permitted on the ground floor.				●		
Dwelling, Multi-Family			●	●		
Dwelling, Single-Family Detached	●	●	●	●	●	SU
Dwelling, Two-Family			●	●		
Group Home			●	●	●	●
Hotel <15 Units				●		
Hotel >15 Units					●	●
Manufactured Home Park			●			
Nursing Home			●	●	●	●
Residential PUD		●	●			
Residential Recovery Center			●	●	●	●
Travel Trailer Camp					●	●
Veteran's Home						



Permitted by right



Permitted on individual lots as a Special Use

Principal Uses

Zoning Districts

Principal Uses	Zoning Districts					
	A	R-1	R-2	C-1	C-2	I
Public or Quasi-Public Uses						
Church, Temple, Seminary, Convent, Monastery or similar Religious Institution including rectories and parish houses	●	●	●	●	●	●
Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings and structures or trade schools.	SU					
Electrical Substation						●
Elementary, Jr. High/Middle, or High School and including playgrounds and athletic fields auxiliary thereto.	●	●	●	SU	SU	SU
Hospital					●	●
Indoor Recreation Center			●	●	●	●
Institution of an Educational, Philanthropic or Eleemosynary Nature	●	●	●	●	●	●
Library, Museum or Gallery	●	●	●	●	●	●
Municipal or Government Building	●	●	●	●	●	●
Penal, Correctional or Custodial Care Institution					●	●
Police, EMT or Fire Station	●	●	●	●	●	●
Private or commercial transmission and receiving towers	SU				SU	SU
Public Fairgrounds						●
Public Park, Forrest Preserve or Outdoor Recreational Facility	●	●	●	●	●	●
Pumping or booster stations along a pipeline or sub-station along an electrical transmission line.	SU			SU	●	●
Radio or Television Station						●
Sanitary Landfill						SU
Sewage Disposal Plant or Lagoon						SU
Solar Energy Field	SU	SU	SU	SU	SU	SU
Telephone Exchange						●
Township Highway Maintenance Garage						●
Water Treatment Plant						●
Wind Tower/Turbine	SU	SU	SU	SU	SU	SU

● Permitted by right
 SU Permitted on individual lots as a Special Use

Principal Uses

	Zoning Districts					
	A	R-1	R-2	C-1	C-2	I
Transportation Uses						
Airport and/or Aircraft landing fields	SU					●
Distribution Facility						●
Motor Bus Station						●
Off-street automobile parking lots and parking garages.				SU	●	●
Railroad rights-of-way and trackage.	SU					●
Railroad/Freight Yards						●
Railway Station						●
Truck Terminal						●

● Permitted by right
 SU Permitted on individual lots as a Special Use

Principal Uses

	Zoning Districts					
	A	R-1	R-2	C-1	C-2	I
Business Uses						
Agricultural Services						
Bulk gardening and other horticultural uses where no building is involved and when no sale of products is conducted on the premises .		●	●	●	●	●
Commercial Grain Storage Elevator and Bins	SU					SU
Farm Chemicals and Fertilizer Sales, including bulk storage and mixing	SU					
Farm Equipment Sales & Service	SU					
Feed and Grain (sales only)	SU					
Livestock Sales Facility and Stockyards	SU					
Slaughter Houses	SU					

Principal Uses	Zoning Districts					
	A	R-1	R-2	C-1	C-2	I
Business Uses						
Business, Private, Education + Financial Services						
Artist Studio			●	●	●	●
Banks, Savings, Loan and Financial Institutions				●	●	●
Business Office				●	●	●
Home Occupations	●	●	●	●	●	●
Insurance and Real Estate Offices				●	●	●
Private Kindergarten or Day Care Facility		SU	●	●	●	●
Professional Office				●	●	●
Vocational, Trade or Business School			●	●	●	●

Principal Uses	Zoning Districts					
	A	R-1	R-2	C-1	C-2	I
Business Uses						
Food Sales + Services						
Bakery				●	●	●
Confectionery Store				●	●	●
Dairy Store				●	●	●
Delicatessen				●	●	●
Drive-In Restaurant					●	●
Locker, Cold Storage for individual use				●	●	●
Meat and Fish Market				●	●	●
Restaurant, Tea Room, or Café				●	●	●
Retail Liquor Store, packaged goods only.				●	●	●
Supermarket or Grocery Store				●	●	●
Tavern or Night Club				●	●	●
Wholesale Produce Terminal						●



Permitted by right



Permitted on individual lots as a Special Use

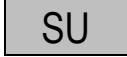
Principal Uses

Zoning Districts

	A	R-1	R-2	C-1	C-2	I
Business Uses						
Personal Services						
Barber Shop				●	●	●
Beauty Shop				●	●	●
Clothing Repair and Storage				●	●	●
Diaper Service Establishment				●	●	●
Dressmaking Shop				●	●	●
Dry-cleaning Establishment				●	●	●
Laundry and/or dry cleaning pick-up				●	●	●
Medical and Dental Clinic				●	●	●
Millinery shop				●	●	●
Mortuary or Funeral Home				●	●	●
Salon/Spa				●	●	●
Self-service laundry				●	●	●
Shoe repair shop				●	●	●
Tailor and pressing shop				●	●	●



Permitted by right



Permitted on individual lots as a Special Use

Principal Uses

Zoning Districts

A	R-1	R-2	C-1	C-2	I
---	-----	-----	-----	-----	---

Business Uses						
Automobile Sales + Services						
Automobile Repair	●	SU	SU	●	●	●
Automobile Salvage yard					SU	SU
Automobile Washing Facility					●	●
Automotive Accessories					●	●
Gasoline Service Station					●	●
Trailer Sales Area					●	●
Truck, Trailer and Boat showroom, sales and service					●	●



Permitted by right



Permitted on individual lots as a Special Use

Principal Uses

Zoning Districts

	A	R-1	R-2	C-1	C-2	I
Business Uses						
Retail Trades						
Antique Sales and Service				●	●	●
Any other similar type retail store or personal service not specifically listed herein, and which has compatibility with the permitted uses in the District.				●	●	●
Apparel Store				●	●	●
Bicycle Sales, Service and Repair				●	●	●
Blacksmith or welding shop.				●	●	●
Building Material Sales					●	●
Coin and philatelic stores.				●	●	●
Department Store				●	●	●
Drugstore				●	●	●
Electrical or gas appliance Sales and Service				●	●	●
Firearms Dealer				●	●	●
Florist				●	●	●
Fuel Oil, ice, coal, wood (sales only)				●	●	●
Furniture Store - Office Equipment Sales				●	●	●
Hardware Store				●	●	●
Heating, Ventilating, Air Conditioning Sales and Service				●	●	●
Jewelry Store				●	●	●
Lawnmower Sales and Service				●	●	●
Music Store				●	●	●
Newsstand-Bookstore				●	●	●
Pawn Shop				●	●	●
Pet Store				●	●	●
Photographic Studio & Equipment Sales and Service				●	●	●
Shoe Store				●	●	●
Sporting Good Sales & Service				●	●	●

Stationary-Gift Shop / Art Supply				●	●	●
Tobacconist				●	●	●
Used Furniture Sales and Service				●	●	●
Variety-Dry goods Store				●	●	●



Permitted by right



Permitted on individual lots as a Special Use

Principal Uses

Zoning Districts

	A	R-1	R-2	C-1	C-2	I
Business Uses						
Recreational and Amusement						
Auditorium, stadium, arena, armory, gymnasium and other similar places of public events.				SU	●	●
Bait Sales					●	●
Billiard room				●	●	●
Bowling Alley				●	●	●
Commercial Fishing Lake	SU					●
Country Club Clubhouse ¹	●	●	●	●	●	●
Country Club or golf course ¹	●	●	●	●	●	●
Dancing Academy or hall					●	●
Driving Range or Miniature Golf Course ¹	●	●	●	●	●	●
Lodge or private club				SU	●	●
Meeting Hall				SU	●	●
Other Private clubs and recreational uses	SU	SU	SU	SU	SU	SU
Private Indoor Recreational Development				●	●	●
Public Camp or picnic area					●	●
Resort or Organized Camp					●	●
Riding Stable	SU					●
Seasonal hunting or fishing lodge	SU					●
Skeet or gun club	SU					SU
Theater, indoor					●	●

¹Provided that no club house or **accessory building** shall be located nearer than five hundred (500) feet to any **dwelling** on another zoning lot.



Permitted by right



Permitted on individual lots as a Special Use

Principal Uses

Zoning Districts

	A	R-1	R-2	C-1	C-2	I
Business Uses						
Miscellaneous/Other						
Accessory buildings and uses customarily incidental to the primary use, including church and school provided that any such accessory building is not constructed prior to beginning construction of the main building.		●	●	●	●	●
Auction House					●	●
Aviation sales, service or storage						●
Cemetery or Crematory	SU					●
Commercial Breeding Facility	SU					●
Contractors Facilities (with NO outdoor storage nor outdoor operations)				SU	●	●
Contractors Facilities (WITH outdoor storage nor outdoor operations)					●	●
General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tinsmithing or appliance repair shop.						●
Kennel	SU					●
Landscape waste processing facilities						●
Pet Cemetery	SU					●
Printing, lithograph, letterpress, newspaper, blueprinting and other similar uses.				●	●	●
Recycling of non-hazardous materials (all storage and processing indoors)						●
Self-storage Warehouses and Mini Warehouses					SU	●
Temporary structures of which are incidental to construction operations being conducted on the same or adjoining lot and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings , whichever is sooner.	●	●	●	●	●	●
Veterinary Hospital	SU					●
Warehouse						●
Wholesale merchandising or storage warehouses						●



Permitted by right



Permitted on individual lots as a Special Use

Principal Uses

Zoning Districts

A	R-1	R-2	C-1	C-2	I
---	-----	-----	-----	-----	---

Industrial Uses						
	A	R-1	R-2	C-1	C-2	I
Animal feed, storage, preparation, grinding and mixing - wholesale and retail, provided that this shall not prohibit, restrict, or limit a farmer from preparing, grinding, or mixing feed for use on his/her farm.	SU					●
Any other manufacturing or industrial establishment that can be operated in compliance with the requirements and intent of this Ordinance, without creating objectionable noise, odors, dust, gas, smoke, fumes, or vapor and that is a use compatible with the use and occupancy of adjoining properties						●
Compounding of cosmetics, toiletries, drugs and pharmaceutical products.						●
Dairy Products Manufacturing, Processing and Packaging	SU					●
Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of similar nature.						●
Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.						●
Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.						●
Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.						●
Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.						●

5.310 Special Uses.

Each zoning district is primarily intended for a predominant type of land use, however, there are a number of uses that may be appropriate under certain conditions. These are referred to as “special uses” and, as listed, the Mayor and the Board of Trustees of the Village of Philo may, by special permit, after public hearing before the Planning Commission, subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize special uses in any district of the Village as indicated in Table 5.1. The Mayor and Board of Trustees may also, by special permit, after public hearing before the Planning Commission, subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize special uses in any district of the Village from which they are otherwise prohibited or restricted.

See Article 4 for the full application and review procedures.

SECTION 5.4 DIMENSIONAL AND RELATED STANDARDS

5.401 Generally.

Lots, buildings, and other structures shall conform to the dimensional standards specified in the tables within, except as may be otherwise allowed in this division. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district.

5.402 Lot Area and Width.

- (A) **Generally.** Except as specified in this section, the size of lots shall comply with the standards specified Table 5.2.
- (B) **Exemptions.** Parcels of land dedicated to the public, for stormwater facilities, and other types of development related infrastructure, and for common open space areas including internal walking or recreation trails, and other similar purposes are exempt from the specified lot size requirements.
- (C) **Measurement of lot area.** Lot area is measured on the horizontal plane. The lot area for lots created after the passage of the original Philo Zoning Ordinance shall not include any of the following features:
 - 1. stormwater basins up to the design capacity elevation,
 - 2. septic field area up to the design capacity for use,
 - 3. lakes, streams, manmade ponds, and similar water bodies up to the elevation of the ordinary high-water mark,
 - 4. the area within the proposed right-of-way of a road so designated on the County’s highway width map, or

5. if the road on which the lot fronts is not located within a public road right-of-way, the area of the easement designated for public road purposes, or the area extending 33 feet from the center of the road if the road is not located within an easement.

For the purpose of this subsection, the location of the proposed right-of-way line is one half the width of the proposed right-of-way as measured from the center of the existing road.

- (D) **Use of a lot not meeting specified dimensional standards.** The use of a nonconforming lot is governed by requirements found in Article 10 of this Ordinance.
- (E) **Change in lot.** The location of the property boundary lines of a lot and/or the area of a lot containing a special use shall not be modified in any manner without the express authorization of the Planning Commission. If the Planning Commission determines that the proposed reconfiguration or change in lot area is substantive, the proposed change may only occur if the Planning Commission grants a new approval with the proposed lot consistent with the review procedures and requirements for a special use in effect at the time.

Table 5.2 | General Lot Area Requirements

	A	R-1	R-2	C-1	C-2	I
Minimum Lot size						
Single Family Dwelling Unit	No minimum	15,000ft ²	10,000ft ²	No minimum	No minimum	No minimum
Two Family Dwelling Unit	No minimum	20,000ft ²	20,000ft ²	No minimum	No minimum	No minimum
Minimum Lot width	No minimum	Average of 80ft	Average of 80ft	No minimum	No minimum	No minimum
Street frontage	No minimum	30ft	30ft	No minimum	No minimum	No minimum
Lot width at front set-back line	No minimum	60ft	60ft	No minimum	No minimum	No minimum
Minimum Frontyard Setback	No minimum	30ft	30ft	25ft	0ft*	25ft
Minimum Sideyard Setback	No minimum	10ft	10ft	No requirement**	No requirement**	No requirement**
Minimum Rearyard Setback	No minimum	35ft	35ft	No requirement***	No requirement***	No requirement***
Maximum Primary structure building height	No maximum	35ft	35ft	No maximum	No maximum	No maximum
Maximum Accessory structure building height	No maximum	25ft	25ft	No maximum	No maximum	No maximum

*Includes a maximum setback requirement of 10ft

**Unless adjacent to R-1 or R-2 districts, in which case 10ft is required.

***Unless adjacent to R-1 or R-2 Districts, in which case 25ft is required.

Must meet the public health department's standards for sanitary disposal.

5.403 Open Space Requirements.

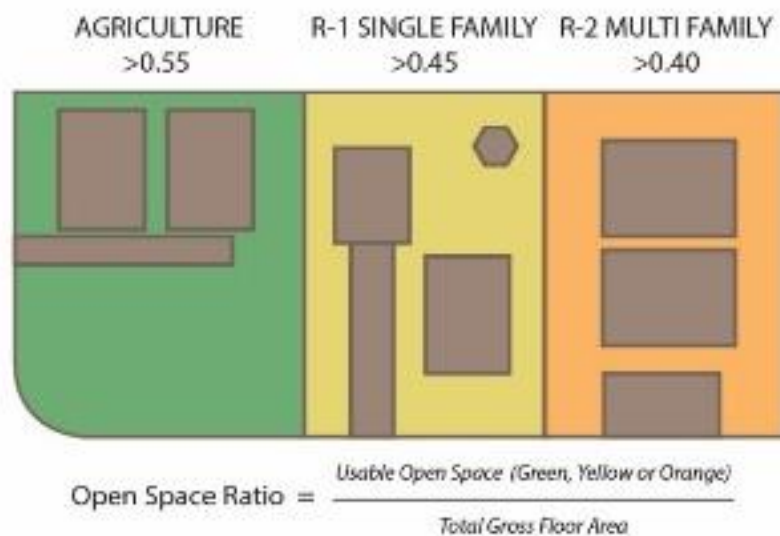
- (A) **Generally.** All buildings and building additions hereafter constructed shall comply with the open space requirements as may be stated in the Table 5.3 within this section.
- (B) **Measurement of open space.** Open space shall be measured as usable open space divided by the total gross floor area on the lot.
- (C) **Usable Open Space.** Usable open space shall mean that required portion of a lot at ground level, outside the buildings' exterior walls, unoccupied by principal or accessory buildings,

or mechanical equipment, and available to all occupants of the building. This usable open space shall be unobstructed to the sky and shall not be devoted to service driveways, off-street parking spaces, or loading docks. Such space shall be usable for greenery, drying yards, recreational space, and other leisure activities normally carried on outdoors. Balconies may be considered as usable open space if they meet the standards of the current building code. See Figure 5.2.

Table 5.3 | Open Space Ratio

	A	R-1	R-2	C-1	C-2	I
Minimum Required Ratio	0.55	0.45	0.4	No requirement	No requirement	No requirement

Figure 5.2 | Usable Open Space



5.404 Building and structure height.

- (A) **Generally.** Except as specified in this section, the height of structures shall comply with the standards specified in Table 5.2 within this section.
- (B) **Measurement of building height.** The height of a building is measured from the mean elevation of the finished lot grade along the street yard face of the building to the (1) highest point of flat roofs, (2) the mean height level between the eaves and the highest point of a gable, gambrel, hip, and pitch roofs, or (3) the deck line of a mansard roof as generally depicted in Figure 5.3.

Figure 5.3 | Building Height Measurements



(C) **Accessory structures:** The height, bulk, and size of any accessory structure shall not exceed the dimensions of the primary structure or the requirements established within, whichever is more restrictive.

(D) **Modifications.** The height standards in Table 5.2 within this section are modified as follows:

1. Essential services, such as utilities, water towers, transmission towers and lines, are exempt from the height limitation for the zoning district in which they are located.
2. The height of telecommunication towers are governed by the standards established under this article.
3. Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any height not in conflict with any other ordinance of the Village of Philo.
4. Public, semi-public or public services buildings, hospitals, institutions, churches, and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one foot for each foot of building height above the specified height limit.

5. The Planning Commission may approve an exemption for spires, steeples, copulas, and chimneys on institutional, commercial, and industrial buildings.
- (E) **Variiances.** All variance applications provided for in this Section are to be determined by the Planning Commission upon due application therefor from the owner and in accordance will all provisions of this ordinance.

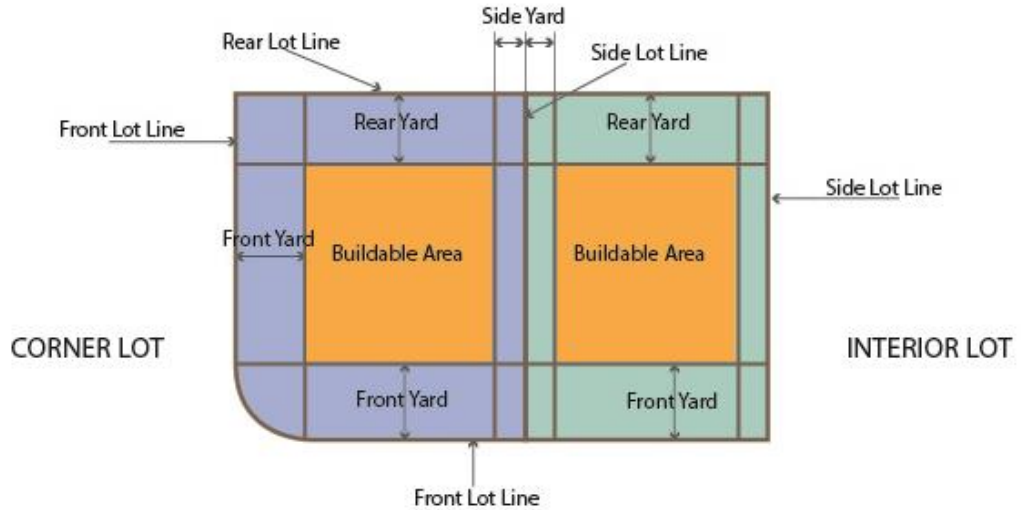
5.405 Yard setbacks.

- (A) **Generally.** Except as modified herein, the placement of a structure on a lot shall comply with the setback standards specified in Table 5.1 within this section.
- (B) **Exceptions.** The following may be located in a front yard, side yard, and rear yard setback area, provided they do not extend into or are not located within a utility easement, unless permission is received from the easement owner, or a required fire lane, and they meet all other requirements of this chapter:
1. landscaping;
 2. retaining walls;
 3. fences;
 4. freestanding mailboxes and newspaper boxes;
 5. play equipment, except not in a front yard;
 6. yard furniture, but not when located on a patio or deck;
 7. gardens;
 8. compost bins;
 9. clotheslines;
 10. the ordinary projection of sills, belt courses, cornices and ornamental features may be permitted not to exceed 18 inches in any required yard;
 11. filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from street lines;
 12. components of a private on-site sewage system, including holding tanks (if allowed), absorption fields, and septic tanks provided separation requirements of the general code of Champaign County are met;
 13. water wells not located in a building or other structure, provided separation requirements in state law are met;
 14. where a lot or tract is used for commercial or industrial or commercial purposes, more than one main building may be located on the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located;
 15. those structures and uses where applicable development standards included in this article either exempt or establish alternate setbacks requirements; and
 16. other structures and land uses when exempted by the Planning Commission provided such exemption is in keeping with the intent of this chapter.

(C) **Setback averaging for street yard setbacks.** The street yard setback as specified in Table 5.1 may be decreased based on the following conditions:

- a. **Front Yard:** Where 30 percent or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent front corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than 30 feet in any event. Where an official line has been established for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.

Figure 5.5 | Yard Setbacks



- b. **Side Yard:** The required side yard shall be maintained on each side of a dwelling, but such side yard may be reduced to 10 percent of the lot width on the lots of less than 75 feet in minimum average width, provided however, that no side yard shall be less than 5 feet.

- i. Corner Lot-Special Use

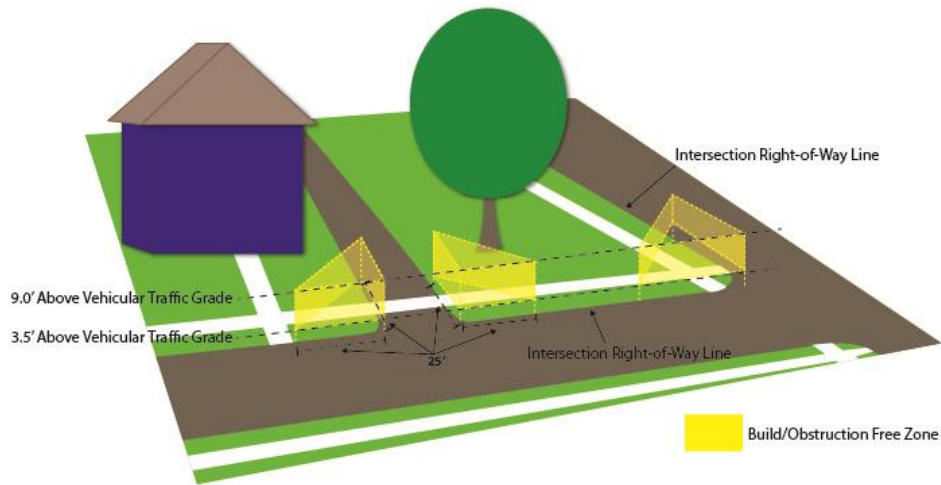
The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than 32 feet, and no accessory building shall project beyond the required front yard on either street.

- ii. For the purpose of side yard regulations, a two-family dwelling shall be considered as one building occupying one lot.

- c. **Rear Yard:** The required rear yard may be reduced to 20 percent of the depth of the lot on any lot not exceeding 125 feet in depth.
 - i. An accessory building, including guest quarters, may be built within a required rear yard when located at least 5 feet from the rear lot line and when occupying not more than thirty (30%) percent of the area of such required rear yard. Accessory, open and uncovered, swimming pools, home barbecue grills, and home incinerators may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 5 feet to a side lot line.

- (D) **Measurement of street yard setback.** If the road on which the lot fronts is situated within a public right-of-way, the street yard setback is measured on a horizontal plane perpendicular to the front property boundary line along its entire length or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. If the road on which the lot fronts is located within an easement, the street yard setback is measured on a horizontal plane perpendicular to the easement line along its entire length or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. If the road on which the lot fronts is not situated in a public right-of-way or an easement, the street yard setback is measured from the center of such road plus an additional 33 feet or perpendicular to the proposed right-of-way as may be depicted on the highway width map, whichever yields the greatest setback. For the purpose of this section, the location of the proposed right-of-way line is one half the width of the proposed right-of-way as measured from the center of the existing road.
- (E) **Measurement of side yard setback.** The side yard setback is measured on a horizontal plane perpendicular to the side property boundary line along its entire length.
- (F) **Measurement of rear yard setback.** The rear yard setback is measured on a horizontal plane perpendicular to the rear property boundary line along its entire length.
- (G) **Vision clearance triangle.** No structure shall be built or placed within the vision clearance triangle as herein defined. See Figure 5.6.

Figure 5.6 | Vision Clearance Triangle



5.406 Lot width.

(A) **Generally.** A lot shall have a minimum width specified in the Table 5.1. Any lot of record at the time of passage of the original Philo Zoning Ordinance having less area or width than herein required may be used for a single-family dwelling.

5.407 Road frontage.

(A) **Generally.** A lot shall front on and have access to a public road.

SECTION 5.5 STANDARDS

5.501 Licensing with the County and Village.

In addition to meeting the requirements contained in this article, all land uses shall also meet any requirements for licensing with the County and the Village, which may now exist or may be adopted.

5.502 Licensing with state agencies.

If a land use or any related activity requires a license from the state, or its agent, to operate, such license shall be obtained prior to the establishment of such use and maintained for the life of the use or until the state, or its agent, no longer requires such license.

5.503 Number of principal buildings on a parcel of land.

There shall be no more than one principal building on a parcel of land, except as may be specifically allowed in this chapter. When this chapter allows more than one principal building on a lot, the reviewing authority may (1) require a greater yard setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to account for concerns related to public health, safety, and welfare.

SECTION 5.6 ZONING OF ANNEXED LAND

Prior to annexation of any territory to the Village, a plan of zoning the area to be annexed shall be forwarded to the Village Board by the Commission. Upon approval of such plan for zoning the area to be annexed, the Village Board shall direct the Commission to hold a public hearing in accordance with the regulations of the Administration section, unless the contemplated zoning upon annexation is determined by the Village Board to be substantially similar to the existing Champaign County Zoning.

ARTICLE 6: PARKING

SECTION 6.1 GENERAL REQUIREMENTS

6.101 Generally

- (A) No building shall be erected, enlarged to the extent of increasing the floor area by as much as 50 percent, or changed in use unless there is provided on the lot or tract of land used, space for parking of automobiles or trucks in accordance with the minimum requirements as listed in Table 6.1.

Table 6.1 | Parking Requirements

Parking Requirements	Number of Spaces Required
Dwellings Units	Two (2) parking spaces per one (1) dwelling unit.
Hotels and Motels	One (1) parking space per one (1) rental unit.
Commercial Use	One (1) parking space for every 300 square feet of floor area. Uses within the C-1 District are exempt from parking requirements.
Industrial Use	One (1) parking space for each two (2) employees on the maximum work shift.

- (B) **Location of parking.** All parking spaces provided pursuant to this article shall be on the same lot or an adjoining lot with the building, except that the Planning Commission may permit the parking spaces to be on a lot within 400 feet of the building if he or she determines that it is impractical to provide parking on the same or an adjoining lot.
- (C) **Change in use.** An area once designated as required parking shall not be changed to any other use unless equal facilities are provided elsewhere consistent with this article.
- (D) **Accessible Parking Spaces.** Accessible parking spaces shall be provided subject to the standards set forth by the most recent American with Disabilities Act; ADA Standards for Accessible Design.

6.102 Parking and Drive Requirements

- (A) All parking areas and driveways must be of an improved surface such as gravel, asphalt or concrete.
- (B) Parking within the front yard is only allowed on the improved surface driveway.
- (C) Only one access point is allowed for every 200 linear feet of lot frontage.
- (D) For the R-1 and R-2 Districts, the maximum access width shall be no greater than twenty-four (24) feet.

6.103 Exemptions

- (A) The C-1 Central Business District is exempt from providing parking spaces for uses allowed within the district.

ARTICLE 7: SIGNAGE

SECTION 7.1 GENERAL REQUIREMENTS

7.101 Findings.

The Village Board of Trustees makes the following findings:

- (A) In addition to signage allowed by this article, numerous means exist in the village to communicate various types of speech, including print media, broadcast media, direct mailings to households, and dissemination of information on the Internet.
- (B) Sign regulations in this article (1) promote the public welfare, health, and safety of people using public roads and other public travelways; (2) advance the aesthetic goals of the village, while ensuring effectiveness and flexibility in the design and use of such devices, without creating detriment to the general public; and (3) reduce the visual clutter caused by advertising signage, which is a significant cause of unsafe traffic and visibility conditions.
- (C) Sign regulations in this article are not intended to control the content of a message except as allowed by law or to unduly restrict the appearance of a sign.

7.102 Purpose.

This article promotes the public health, safety, and general welfare and is intended to:

- (A) promote well maintained and attractive signage within the village;
- (B) provide for adequate business identification, advertising, and communication;
- (C) protect the safety and efficiency of the village's transportation network by reducing confusion or distractions to motorists and enhancing motorists' ability to see and recognize pedestrians, obstacles, other vehicles and official traffic signs, signals, or devices by minimizing a proliferation of visual messages; and
- (D) protect the safety of the public by requiring proper maintenance of signs and establishing minimum design and construction standards.

7.103 Applicability.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit except those signs enumerated in this section. To the extent allowed by state and federal law, signs shall comply with the requirements of this article. The following signs are exempt from this article:

- (A) A traffic control sign and other similar signage when located on public property along a roadway or other travelway when placed by or authorized by the federal government, the State of Illinois, Champaign County, or Philo.
- (B) A sign inside of a building that does not meet the definition of a window sign.

- (C) A work of art, (e.g. a mural) that does not identify or represent a product or service.
- (D) A legal notice posted on private property as may be required or authorized by municipal, state, or federal law.

7.104 Permit Required.

No sign or outdoor advertising sign structure may be installed, erected, constructed, or placed without a permit from the Planning Commission, except as specifically provided for by this Article. The permit fee shall be as established from time to time by the Village Board. No permit may be issued for a sign or outdoor advertising sign structure which is not permitted under this Ordinance or which is not in compliance with applicable construction codes.

7.105 Prohibited hazardous signs.

No sign shall be erected, constructed, established, maintained, enlarged, or relocated which:

- (A) is structurally unsafe; or
- (B) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or
- (C) is not kept in good repair; or
- (D) is capable of causing electrical shocks to persons likely to come in contact with it; or
- (E) is supported by hanging or swinging from eye bolts, cables, or similar means; or
- (F) billboards

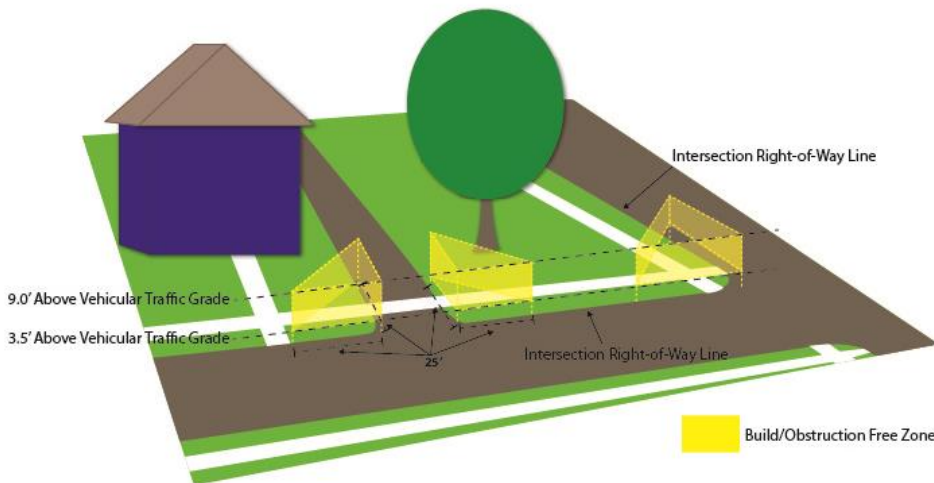
7.106 General standards.

A sign allowed by this article shall comply with the following general requirements:

- (A) A sign shall not resemble, imitate, or approximate the shape, size, form, or color of a railroad or traffic sign, signal, or device.
- (B) A sign shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (C) A sign shall not obstruct or interfere with visibility for vehicular or pedestrian traffic.
- (D) A sign shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape.
- (E) A sign shall not be attached to a standpipe or fire escape.
- (F) A sign shall not be placed within the clear vision triangle except as allowed.
- (G) A sign shall not oscillate, rotate, or move in any other manner.
- (H) A sign shall not emit an audible sound, odor, or any visible matter.

- (I) A sign shall not be placed on a telecommunication tower, except as required or permitted under state or federal law.
- (J) A sign shall be constructed and mounted so as to comply with state and local building codes as applicable.
- (K) A sign containing electrical wiring shall be constructed, installed, and operated so as to comply with state and local electrical codes as applicable.
- (L) A sign shall not be painted on or similarly affixed to a natural object, such as a tree or rock.
- (M) When a sign is authorized to contain electrical power or when a sign is illuminated by one or more external light fixtures, the electric wire providing the electric power to the sign or the light fixture shall be placed underground from the service disconnect.
- (N) No sign, temporary or permanent in nature, except those necessary for traffic and parking control, shall be posted in a right-of-way, boulevard, or other publicly owned space.
- (O) No sign shall be installed or placed within the vision clearance triangle as herein defined. See Figure 7.1.

Figure 7.1 | Vision Clearance Triangle



7.107 Sign Area Measurement.

The entire area within the smallest simple geometric shape (rectangle, circle, or triangle), which encompasses the outer limits of any emblem, representation, wording, or any figure of similar character, together with any area forming an integral part of the display, or which is used to differentiate the sign from the background, such as a wall, to which it may be affixed. In a two (2) sided freestanding sign, the area of each face may be allowed to be the maximum size stated in

the size requirements of Table 7.1. Sign supports not otherwise included in the aforementioned description are not included in determining the sign area.

7.1 | Number and sizes of signs

	Size (square feet)	Number of Signs per street frontage	Number of Temporary Signs per street frontage*
A Agriculture	32	1	6
R-1 Single-Family Residential	10	1	3
R-2 Multi-Family Residential	12	1	3
C-1 Central Business District	16	1	4
C-2 Commercial	50	1	6
I Industrial	100	1	6
Home Occupation	6	1	1
Special Event Signs ¹	50	N/A	1

¹Allowed for fifteen (15) days.

*Political Signs are exempt from the total number of allowed signs, but still limited in size.

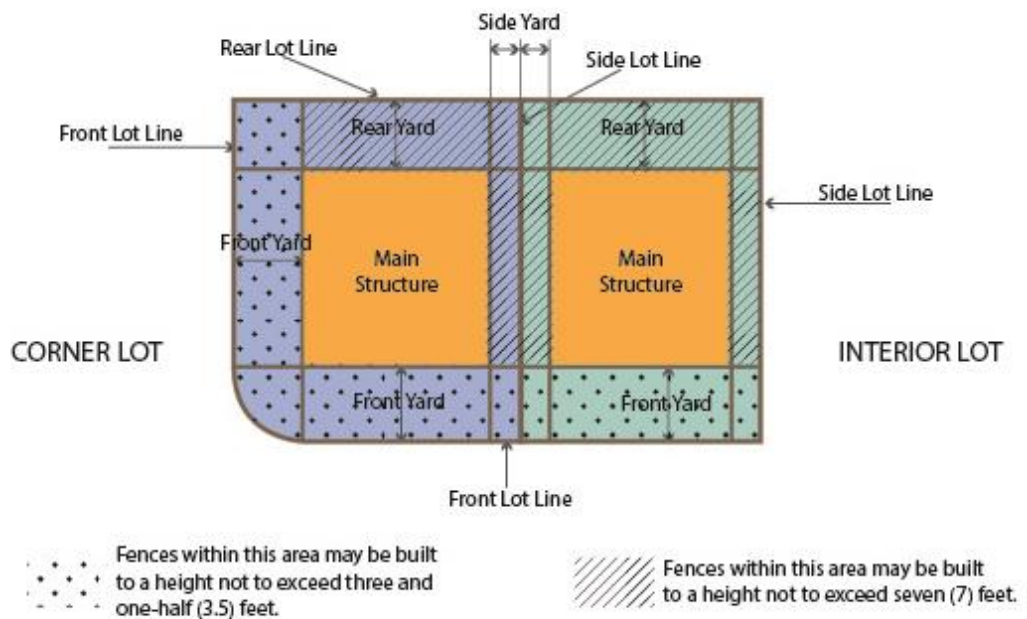
ARTICLE 8: FENCING AND BUFFERS

SECTION 8.1 FENCING STANDARDS

8.101 Generally.

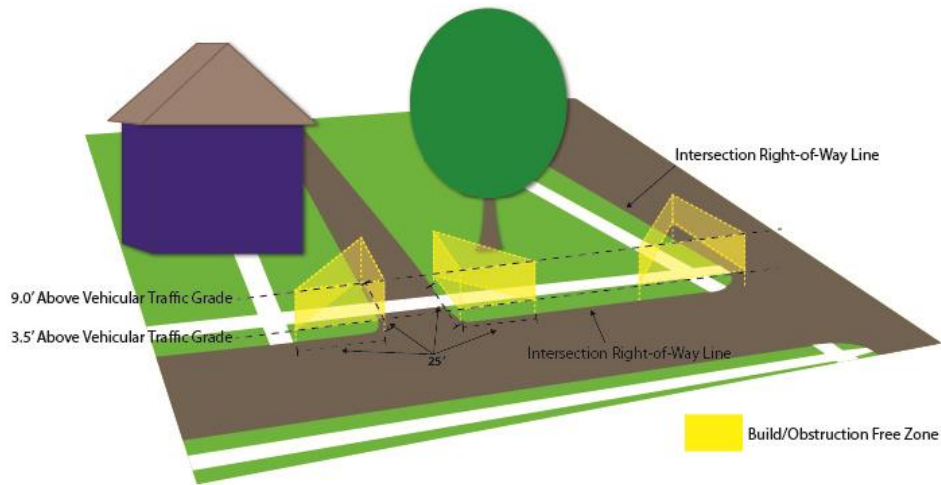
- (A) An ornamental fence or wall not more than three and one-half (3.5) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard.
- (B) Ornamental fences or walls may project into or enclose other required yards (excepting the front yard) provided such fences and walls do not exceed a height of seven (7) feet.

Figure 8.1 | Fence Location



- (C) No fences shall interfere with utility easements, the Village water lines or other utility services.
- (D) All fences shall be erected within the property line of the owner erecting such a fence.
- (E) No fences shall interfere or obstruct visibility for vehicular or pedestrian traffic.
- (F) No fences shall be installed within the vision clearance triangle as herein defined. See Figure 8.2.

Figure 8.2 | Vision Clearance Triangle



8.102 Permit required.

No fence may be installed, erected, constructed, or placed without a permit from the Planning Commission, except as specifically provided for by this Article. The permit fee shall be as established from time to time by the Village Board. No permit may be issued for a fence which is not permitted under this Ordinance or which is not in compliance with applicable construction codes.

8.103 Fences required for swimming pools.

- (A) Fences are required around outdoor swimming pools and such fences shall:
 - a. be a minimum of four (4) feet in height, except as herein provided;
 - b. be made of chain link or other acceptable material adequate to reasonably safeguard said swimming pool from unauthorized entry; and
 - c. have locking or latching gates.

These requirements in Section 8.103(A) apply to all in-ground pool having the capacity to hold water at a depth of 30 inches or more at any location in the pool, and to above-ground pools having the capacity to hold water at a depth of 30 inches or more at any location in the pool.

- (B) For in-ground pool the fence must be at least 4 feet in height measured from the ground.
- (C) For above-ground pool to which this ordinance applies, i.e., above ground pool with a depth capacity of 30 inches or more, the required fence may include the pool exterior wall if it is adequate to safeguard the pool from unauthorized entry, but there must be, in any such case where the exterior wall serves as part of the fence required by this

ordinance, an additional fence extending above the exterior pool wall by at least two (2) feet in such a manner as to safeguard the pool from unauthorized entry, including a safety locking mechanism for any ladder to the pool.

- (D) Construction of an above-ground fenced pool (pool with a depth capacity of 30 inches or more), or construction of a required fence for such above-ground pool, shall require a building permit under Section 8.103 of this Ordinance of Village of Philo, Illinois.

8.104 Responsibilities of Fence Owner.

- (A) Fences constructed without permit, non-conforming or incorrectly placed with respect to property lines; will be required to remove, relocate or bring into compliance by the Owner at his or her expense.
- (B) The Petitioner shall have the burden of demonstrating the location of the applicable property line(s). The Village inspector shall have the authority to require a survey and/or replacement of missing pins by an Illinois Licensed Surveyor at the petitioner's expense, if in the discretion of the Village inspector, the location of a property line contains any ambiguity of any kind.
- (C) Any disturbance to existing property pins or survey monuments during fence construction will require the Owner to replace, by use of a State of Illinois licensed surveyor, at the Owner's expense.

SECTION 8.2 BUFFER YARD STANDARDS

8.201 Generally.

Buffer Requirements. A buffer shall be required between differently zoned districts. The buffer may consist of landscaping, berms, fences or a combination thereof. The buffer yard is the responsibility of the more intense land use when the more intense land use is triggering the change.

8.202 Statement of Intent.

The use of physical barriers or buffers is considered a necessary requirement to allow for the transition from one zoning district or use to another contrasting zoning district or use in recognition of neighbor's rights, to promote the coordination of neighborhood efforts and compatibility of neighborhood elements, and to protect the value of buildings and property.

8.203 Planning Commission Requirements.

The Planning Commission will require a buffer yard plan be submitted along with any site plan when required. The buffer yard should adequately safeguard neighboring properties of a less intense zone and land use.

ARTICLE 9: NONCONFORMITIES

The lawful use of a building existing at the time of adoption of this Ordinance or of a change in the district classification may be continued even though such use does not conform to the provisions thereof. If no structural alterations are made, a nonconforming use of the same or more restricted classification, but whenever a nonconforming use is changed to a more restricted use or to a conforming use, it shall not thereafter be changed to a less restricted use.

SECTION 9.1 EXTENSION

9.101 Generally.

- (A) The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed therefor prior to adoption of this Ordinance.

SECTION 9.2 RESTORATION

9.201 Conforming after damage.

- (A) No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60%) percent of its reproduction value shall be restored except in conformity with the district regulations.

SECTION 9.3 DISCONTINUANCE OF NONCONFORMING USE

9.301 Discontinuing the nonconformity.

- (A) In the event that the nonconforming use of a building or premises in any district is discontinued or abandoned for a period of two (2) or more years, such building or premises shall thereafter be used only in conformity with the regulations of the district in which it is located and the right to use the property for a nonconforming use is lost and terminated.

SECTION 9.4 EXISTENCE OF NONCONFORMING USES

9.401 Existing nonconforming uses.

- (A) The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

- (B) Whether a nonconforming use exists shall be a question of fact and shall be decided by the Planning Commission after public notice and hearing in accordance with the rules of the Board. Public Notice shall consist of posting in four (4) prominent places in the village or by publication not less than fifteen (15) days prior to the hearing in newspaper of general circulation, or as otherwise required or authorized by state law.

SECTION 9.5 COVENANT AGAINST CONVEYANCE OF DUAL OWNED, NON-CONFORMING LOTS

9.501 Lot Transfer Covenant

- (A) There is an option by the Planning Commission to recommend a covenant for dual lots, owned by the same Owner, to restrict conveyance of any one of two owned lots separate of each other.
- (B) Intent is for joint property line discrepancies, side yard setback issues or minor zoning issues that were existing prior to this current Zoning Ordinance and where only one lot has a primary residential dwelling. The two lots shall be restricted from conveyance, separate of each other which would lead to zoning issues between future lot owners.
- (C) By recorded covenant, the two lots shall remain owned by a common owner.

ARTICLE 10: ENFORCEMENT

SECTION 10.1 ENFORCEMENT OF ZONING ORDINANCE

10.101 Building Inspector.

This Ordinance shall be enforced by the Building Inspector. No building permit or certificate or occupancy shall be granted by him for any purpose except in compliance with the provisions of the Zoning Ordinance, and all other applicable requirements.

10.102 Building Permit and Fees.

The Building Inspector shall issue such permit or certificate when the use is permitted under any of the provisions of this Ordinance or upon written order of the Planning Commission.

Building permits shall be required for any construction of, or structural remodeling of, any building or accessory building, and for the installation of an in-ground swimming pool or an above ground swimming pool over 2,500 gallons capacity.

The fee, which must accompany the application, shall be established by the Village on a cost per square foot basis or as appropriate. The Village shall also establish a fee for permit for swimming pools.

10.103 Application.

There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.

The application shall be in the form designated by the Board of Trustees and/or as provided by the Village Engineer. The Building Inspector shall review said application and issue or deny the permit within a reasonable time, but he shall have at least 3 working days to do so.

One copy of such layout or plot plan shall be returned when approved by the Building Inspector.

10.104 Certificate of Occupancy.

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector, stating that the building or proposed use thereof complies with the provisions of this Ordinance and any other applicable ordinance, including the *Village of Philo Minimum Housing Standard Ordinance*.

All certificates of occupancy shall be applied for in coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this ordinance.

The Building Inspector shall maintain a record of all certificates, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

10.105 Nonconforming use.

Nonconforming use shall not be changed or extended without a certificate of occupancy having first been issued by the Building Inspector therefor, and then only in accordance with this ordinance.

SECTION 10.2 VIOLATIONS AND PENALTIES.

10.201 Violations and Penalties.

The violation of any provision of this ordinance shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00). Each day that each offense continues shall be deemed a separate violation and subject the offender to a per diem fine not to exceed \$200.00 per violation per day.

The Planning Commission or the Village Board of Trustees, may, in their discretion, administratively determine an appropriate fine for violations which, if voluntarily paid by the violator, shall conclude the matter.

If the violator does not pay the administrative fine imposed pursuant to this Section, or if the Village determines not to impose an administrative fine, then the Village Attorney may prosecute the violation in the name of the Village in the Circuit Court of Champaign County, Illinois, and the \$200.00 per offense per day fine is imposable for such violation.

Provided further that the Village may, in addition to a monetary fine, require the violator to cease and desist such violation. If said violation persists, or immediately if the Village so elects, an injunction may be procured from any court of competent jurisdiction for the purpose of prohibiting the continuing violations and/or any future violations, and for other appropriate remedies or injunctive relief against such violations.

Such remedies may include any appropriate action or proceeding (1) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use, (2) to prevent the occupancy of the building, structure, or land, (3) to prevent any illegal act, conduct, business, or use in or about the premises, or (4) to restrain, correct, or abate the violation.

To the extent permitted by law and allowed by the court, the violator shall also be required to pay the Village's costs and reasonable attorney's fees.

This section 10.201, as hereby amended, shall apply to all violations of the original Zoning Ordinance, as amended to date, and as hereafter amended, and is not limited to violations of ordinance provisions or amendments enacted in Zoning Ordinance No. 38 or the 1995 Zoning Ordinance.

SECTION 10.3 HOURS OF CONSTRUCTION

10.301 Defined.

For the purpose of this Ordinance, "Construction" shall mean and include:

- (A) All construction of roads, sidewalks, driveways, alleys, storm sewers, sanitary sewers, water mains, other public utilities and related improvements, whether on public or private property and construction and erection of residential buildings, commercial buildings, industrial buildings, and accessory buildings on real estate located within the Village of Philo.
- (B) On-site erection, fabrication, installation, alteration, repair, remodeling, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth-moving, excavation, drilling, blasting and landscaping.
- (C) Any work performed pursuant to a building permit issued by the Village of Philo pursuant to its ordinances.

10.302 Hours of Construction

For the promotion of the public health and welfare "Construction" as defined in Section 10.301 is prohibited within the Village before the hours of 7:00A.M. each day and after the time of 9:00 o'clock P.M. or dusk each day.

10.303 Violations.

It shall be a violation of this ordinance for any person to perform construction within the Village, as defined in Section 10.301, during prohibited construction hours under Section 10.302 hereof, if such construction produces a clearly audible sound beyond the boundary line of the property or residential unit on which the activity is conducted, which is hereby declared to be a public nuisance.

10.304 Penalties.

Any person violating this ordinance shall be subject to a fine of not less than \$100.00 and not more than \$750.00 for each violation, except where provided otherwise under this ordinance.

10.305 Responsible Parties.

1. The contractor or other person performing said prohibited construction shall be deemed guilty of a violation of this ordinance.
2. The occupant of the property, or the agent of the occupant on which construction occurs during prohibited hours, shall be presumed to have permitted the activity to occur.
3. The owner of the property on which said prohibited construction is conducted, shall to the extent valid, and be found guilty of a violation of this Ordinance.
4. Any person conducting construction activities during the prohibited construction hours including volunteers, employees, or independent contractors of the owner, occupant or contractor having charge of such construction work, shall be guilty of a violation of this ordinance.

10.306 Exemptions.

Emergency work necessary to restore, property to a safe condition following a fire, accident, or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger, is exempt from the prohibitions of this ordinance.

10.307 Waiver by Village Mayor.

The Village Mayor may temporarily waive or alter the time limits contained in Section 10.302 in the following events:

1. The Village or another governmental entity is engaged in a construction project; and
2. The public interest will be served by the increased number of hours during which construction might take place; and
3. The impact upon residential units will be slight when compared to the public benefit of completing the construction expeditiously.

The Village Mayor shall, at the inception or during any construction project conducted by the Village or other governmental entity, make a written determination that each of the above factors is present and shall forward such determination to the Board of Trustees prior to the commencement of construction during hours other than as provided for in Section 10.302.

The Village Mayor or his designee shall take steps to notify persons that are or may be affected by the Village Mayor's determination prior to the commencement of construction.

SECTION 10.4 REPEAL OF INCONSISTENT ORDINANCES

This 2018 Zoning Ordinance is a recodification of prior zoning ordinance provisions and incorporates some new and amended provisions. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with the provisions hereof.

ARTICLE 11: AMENDMENTS

Section 10.1 EFFECTIVE DATE (2022 AMENDING ORDINANCE)

The 2022 amendments to the Village of Philo Zoning Ordinance shall be effective on April 12, 2022, [and shall be published in pamphlet form].

Passed and approved the 12th day of April, 2022.

President of Board of Trustees

Yes _____

No _____

ATTEST:

Philo Village Clerk