

## CHAPTER 7

### SUPPLEMENTARY REGULATIONS

#### SECTION:

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**5-7-1: SUPPLEMENTARY REGULATIONS:** The provisions of this Title shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

#### **5-7-2: HEIGHT:**

- (A) **Height Exceptions:** The height limitations of this Title shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.
- (B) **Ornamental Features:** The provisions of this Title shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet (5').
- (C) **Height and Open Space:** In any district any main building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard is increased one foot (1') for each one foot (1') of such additional height. In such districts in which certain yards may not be required any portion of a main building may be erected to a height in excess of that specified for the district, provided that such portion of said building is set back

from all street, lot and required yard lines one foot (1') for each one foot (1') of additional height.

- (D) Structure Height Limit: No structure shall exceed in height the width of the street on which it fronts, unless such portions of the structure above said height be set back from every lot line one foot (1') for each additional foot of height.

**5-7-3: AREA:**

- (A) Reduced Lot Area: No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto.
- (B) Dwelling on Small Lots: Notwithstanding the limitations imposed by any other provisions of this Title, the Board of Appeals may permit creation of a dwelling on any lot, separately owned or under contract of sale and containing, at the time of the passage of this Title, an area of a width smaller than that required for a one-family dwelling.
- (C) Visibility at Intersections: On a corner in any residence district no fence, wall, hedge, earth terraces, parking facilities or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection, shall be erected, placed or maintained within the triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are twenty feet (20') distant from the point of intersecting lot lines.

**5-7-4: YARDS:**

- (A) Terraces: A terrace shall not be considered as a part of the structure in determining the lot area if such terrace is unroofed.

(B) Unenclosed Porches: One story.

An unenclosed, one story porch, erected on piers, even though roofed over, may project into a required front, side or rear yard area a distance not to exceed six feet (6') and shall not be considered in the determination of the size of yards or lot coverage; provided, however, that such porch shall not be closer than four feet (4') at any point to any lot line, and that no building shall have such porches projecting into more than required side yard.

(C) Enclosed Porches: Any two (2) story or any enclosed porch, or one having a solid foundation and capable of being enclosed, shall be considered a part of the building in the determination of the size of yard or lot coverage.

(D) Projecting Architectural Features: The space in any required yard shall be open and unobstructed except for the ordinary projection of window sills, belt courses, cornices, eaves, roof overhanging and other architectural features of residential properties; provided, however, that such features shall not project more than a maximum of four feet (4') from the exterior wall of the building and provided that such features do not reach closer than four feet (4') from the side lot lines.

(E) Projecting Architectural Features of Business Properties: All overhanging canopies, marquees, awnings and similar structures must be at least six feet eight inches (6' 8") above the sidewalk at any point, and overhanging signs must be a minimum of eight feet (8') above the sidewalk at any point. Such structures cannot project nearer than one foot (1') from any driveway.

(F) Fire Escapes: Open fire escapes may extend into any required yard not more than four feet six inches (4' 6").

(G) Location of Accessory Buildings: Any accessory building within twelve feet (12') of a residential building shall be at least five feet (5') from the side lot line. Any accessory building more than twelve feet (12') from a residential building shall be at least three feet (3') from the side of the lot line and three feet (3') from the rear lot line, except where there is an alley it must be at least five feet (5') from the rear lot where the doors open to the alley.

**5-7-5: OFF-STREET PARKING:****(A) Definitions:**

Whenever the expression "off-street parking space" is hereinafter referred to, it shall pertain to a space of one hundred eighty (180) square feet of appropriate dimensions for the parking of an automobile, exclusive of the access drives or aisles thereto.

Whenever the word "employees" or the expression "number of employees" is hereinafter referred to, it shall mean the greatest number of persons to be employed in the building in question during any season of the year in any time of the day or night.

Whenever the word "seats" is hereinafter referred to, it shall mean the seating capacity of a particular building as determined by the specifications and plans filed with the Zoning Enforcing Officer; in the event individual seats are not provided, each twenty inches (20") of benches or similar seating accommodations shall be considered as one (1) seat for the purposes of this Title.

**(B) Off-Street Parking Required:**

1. In the use of land for residential, commercial, industrial or any other purposes, no residential, commercial, industrial or other building or structure shall be erected and no major repairs made to an existing residential, commercial, industrial or any other building or structure, unless there already be in existence upon the lot, or unless provision is made for the location on the lot, concurrently with the erection or major repairs, off-street parking space on the basis of the following minimum requirements:

DWELLINGS, including single, two (2) family, group houses, row houses and apartment houses, and all other similar structures devoted to habitation – at least one (1) off-street parking space for each dwelling unit.

HOTELS, including clubs, lodging houses, tourist homes and cabins, motels, trailer courts, camps in parks, boarding and rooming houses, dormitories, sororities, fraternities, and all other similar places offering overnight accommodations – at least one (1) off-street parking space for each one (1) guest room.

HOSPITALS, including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, and all other similar institutions – at least one (1) off-street parking space for each four (4) patient beds, plus at least one (1) additional off-street parking space for each staff and visiting doctor, plus at least one (1) additional off-street parking space for each three (3) employees (including nurses).

RESTAURANTS, including bars, taverns, nightclubs, lunch counters, diners, and all other similar dining or drinking establishments – at least one (1) off-street parking space for each four (4) seats provided for patrons' use.

THEATERS, including motion picture houses – at least one (1) off-street parking space for each six (6) seats provided for patrons' use.

PLACES OF PUBLIC ASSEMBLY, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, skating rinks, dance halls, bowling alleys, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, circus grounds, funeral homes and mortuaries, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly – at least one (1) off-street parking space for each four (4) seats provided for patrons' use.

AUDITORIUMS -- at least one (1) off-street parking space for each eight (8) seats provided for patrons' use.

CHURCHES -- at least one (1) off-street parking space for each eight (8) fixed seats in the main worship hall of the church.

WHOLESALE, MAUFACTURING and INDUSTRIAL PLANTS, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants, and all other structures devoted to similar mercantile or industrial pursuits – at least one (1) off-street parking space for each five (5) employees.

RETAIL ESTABLISHMENTS, including personal service shops, equipment or repair shops, gasoline or other motor fuel stations,

motor vehicle sales and/or repair establishments, all retail stores and business, and banks or other financial and lending institutions – at least one (1) off-street parking space for each three hundred (300) square feet of gross floor area used or intended to be used for service to the public as customers, patrons and clients.

OFFICE BUILDINGS, including commercial, governmental and professional buildings and medical and dental clinics – at least one (1) off-street parking space for each three hundred (300) square feet of gross floor area used or intended to be used, for service to the public as customers, patrons and clients.

2. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundries, dry cleaning establishments or other buildings where large amounts of goods are received or shipped or erected in any district after the date of the adoption of this Title, there shall be provided loading and unloading space as follows:
  - (a) Buildings of ten thousand (10,000) square feet of floor area, one (1) off-street loading space plus one (1) additional off-street loading and unloading space for each additional fourteen thousand (14,000) square feet of area.
  - (b) Each loading space shall be not less than fourteen feet (14') in width and fifty feet (50') in length.
3. In case of a use not specifically mentioned, the requirements for off-street parking or off-street loading for a use which is so mentioned, and to which said use is similar, shall apply.
4. The off-street parking facilities required for the uses mentioned in this Title, and for other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve, but in case of nonresidential uses when practical difficulties prevent their establishment upon the same lot, the required parking facilities shall be provided within three hundred feet (300') of the premises to which they are appurtenant.
5. No part of any off-street parking area required for any building or use for the purposes of complying with the provisions of this Title shall be included as a part of an off-street parking area

similarly required for another building or use unless the type of structure indicates that the periods of usage of such structures will not be simultaneous with each other.

6. In case of mixed uses the total requirement for off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in the preceding subsections, and the off-street loading space for one (1) use shall not be considered as providing the required off-street loading space for any other use.
7. Nothing in this Title shall be construed to prevent the joint use of off-street parking or off-street loading for two (2) or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirement for the various individual uses computed separately in accordance with the preceding subsections.
8. All off-street parking facilities required pursuant to the provisions of this Title shall be surfaced with asphalt, bituminous cement binder pavement or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residence buildings, residence zones or streets.
9. No certificate of occupancy will be issued upon completion of any building or repair operations unless and until all off-street parking requirements, shown upon the plans, or made a part of the building permit, shall be in place and ready for use.

**5-7-6: REGULATION OF DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS:****(A) Definitions:**

1. "Dish-Type Satellite Signal-Receiving Antennas", also referred to as "earth stations" or "ground stations" shall mean one (1), or a combination of two (2) or more of the following:
  - (a) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
  - (b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
  - (c) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.
2. "Receiver" shall mean a television set or radio receiver.
3. "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.
4. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.
5. For purposes of this Title, a "dish-type satellite signal-receiving antenna" shall be considered to be a structure under the definitions of this Chapter.

- (B) Permit Required:** No person, firm, partnership, corporation, trust or other legal entity shall construct an earth station without a permit, nor shall construction commence before a permit is issued in accordance with Section 5-7-6 (C) of this Chapter.

**(C) Application for Permit:**

The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the Village of Arthur,

Illinois, who desires to construct an earth station on said lot, premises, or land parcel, must first obtain a permit to do so from the Village of Arthur Zoning Enforcing Officer.

The Zoning Enforcing Officer shall issue such permit, provided the applicant submits a written application upon forms provided and approved by the Zoning Enforcing Officer, along with a plot plan of the lot, premises or land parcel attached, showing the exact location and dimensions of the proposed earth station; a description of the kind of earth station proposed; the exact location and dimensions of all buildings or structures; structural engineering analysis. Each application shall specify among other things the name and address of the owner of the real estate; the applicant; and the person to be permitted to construct the proposed earth station.

The applicant shall present documentation of the possession of any license or permit required by any Federal, State or local agency pertaining to the ownership, construction or operation of an earth station.

The applicant shall submit with each application the sum of ten dollars (\$10.00) which represents the permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application.

The Zoning Enforcing Officer must notify by certified mail owners of real estate adjoining the property upon which the proposed earth station is to be erected at least ten (10) days before issuing a permit.

(D) Location of Earth Station:

1. Ground-mounted.
  - (a) No earth station shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure.
  - (b) No earth station, including its concrete base slab or other structure, shall be constructed less than five feet (5') from any property line or easement.

- (c) No earth station shall be constructed without appropriate evergreen landscaping to reasonably conceal said earth station from view, and the planting shall be completed before final approval by the Zoning Enforcing Officer.
- (d) No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.
- (e) An earth station shall not exceed a grade height of fifteen feet (15').
- (f) All structural supports shall be of galvanized metal.
- (g) Wiring between an earth station and a receiver shall be placed at least four inches (4") beneath the surface of the ground within rigid conduit.
- (h) Such earth station shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
- (i) Any driving motor shall be limited to 110v maximum power design and be encased in protective guards.
- (j) An earth station must be bonded to a grounding rod.
- (k) No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure.

## 2. Roof-mounted.

- (a) Earth stations shall be mounted directly upon the roof of a primary or accessory structure, as defined in the Zoning Code, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires, except by variance.
- (b) An earth station shall not exceed a height of more than six feet (6') in diameter.
- (c) An earth station "dish" shall not exceed six feet (6') in diameter.

- (d) An earth station shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
  - (e) Any driving motor shall be limited to 110v maximum power design and be encased in protective guards.
  - (f) An earth station must be bonded to a ground rod.
- (E) Penalty: Whosoever violates any of the provisions of Title 5, Chapter 7, Section 6 of the Village Code of the Village of Arthur, Illinois, shall be guilty of a petty offense and shall be fined not more than five hundred dollars (\$500.00). A separate violation shall be deemed to have been committed each day during or on which a violation occurs or continues to occur. The Village Board of the Village of Arthur, Illinois, shall provide regulations concerning variance from the enforcement of this Chapter upon good cause shown that placement of the "Dish-Type Satellite Signal-Receiving Antenna" in compliance with this Chapter is not feasible due to inability to receive an existing signal.
- (F) Appeals: Appeals from decisions of the Zoning Enforcing Officer shall be made to the Board of Zoning Appeals as provided by the Village Code of The Village of Arthur, Illinois.

**5-7-7: SWIMMING POOL REGULATIONS:**

- (A) Installation. It shall be unlawful for any person to construct, install, maintain or enlarge a residential swimming pool not enclosed in a permanent building in the Village except in accordance with the following regulations.
- (B) Definition. A swimming pool within the meaning of this Section shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below the ground in which water of more than twenty-four inches (24") in depth is contained and which is used primarily for the purpose of bathing and swimming, but excluding spas and hot tubs.

- (C) Permit. It shall be unlawful for any person to construct, install, enlarge or alter any private swimming pool unless a building permit has first been obtained from the building inspector.

No swimming pool covered by the Ordinance shall be filled with water or used until a Certificate of Compliance has been issued by the building inspector. No Certificate of Compliance shall be issued until the fencing is completed.

Application shall be on forms provided by the building inspector, and shall be accompanied by plans drawn to scale showing the following:

1. Pool dimensions and volume of water in gallons.
2. Location and type of waste disposal system.
3. Location of pool on lot, distance from lot lines, and distance from structure.
4. Fencing and landscape plan, or a combination thereof.

- (D) Construction requirements:

1. No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by zoning ordinance for permitted accessory building uses, and in no case shall the water line of any pool be less than four feet (4') from any lot line.
2. No direct connection shall be made to the sanitary sewer or septic system.
3. Gaseous chlorination system shall not be made use of as a disinfection method for pool waters. The building inspector shall recommend a proper disinfectant.

- (E) Fence. Pools within the scope of this Section or not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall not be less than four feet (4') in height, so constructed as not to have voids, holes or openings larger than four inches (4") in one (1) dimension. Gates or doors shall be equipped with a self-closing

and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

Aboveground pools with self-provided fencing to prevent unguarded entry will be allowed without separate additional fencing, providing the self-provided fence is of minimum required height and design as heretofore specified.

Permanent access from grade to aboveground pools having stationary ladders, stairs or ramps shall have not less than equal safeguard fencing and gates.

Location or fencing required shall be subject to all other applicable ordinances.

No fence shall be located, erected, constructed or maintained closer to a pool than three feet (3').

The wall of the house or building faced to a pool may be incorporated as a portion of such fence.

- (F) Electrical requirements. All electrical installations provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the State laws and Village ordinances regulating electric installations.

If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

- (G) Other regulations. No pool shall be so operated or maintained as to create a nuisance, a hazard, an eyesore, or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to public health, safety, and welfare.
- (H) Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.