

ORDINANCE NO. 593

VILLAGE OF BELLEVUE

ZONING ORDINANCE

The Board of Trustees of the Village of Bellevue enacted Ordinance No. 341, regulating and restricting the location and use of buildings, structures, and land for trade, industry, residence and other uses, regulating and restricting the intensity of such uses and establishing various other standards for the uses of property within the Village, on March 12, 1990. The Board of Trustees has determined that it is in the best interests of the Village and its residents to amend and restate ordinance as set forth herein.

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the Village, and lessening or avoiding congestion in the public streets and highways, it is hereby ordained by the President and Board of Trustees of Village of Bellevue:

ARTICLE 1
DEFINITIONS

For the purpose of this ordinance certain terms and words are hereby defined as follows: Words used in the present tense include the future; the singular number shall include the plural; and work "shall" is mandatory and not directory.

Accessory Building. A subordinate building, the use of which is incidental to that of a Main Building.

Auto Wrecking Yard. Any place where two or more automobiles not in running condition, or the parts thereof, are stored and are not being restored to operation, or any place used principally for the wrecking or storing of such automobiles or the parts thereof.

Basement. A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for business or dwelling purposes.

Board House. A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for more than three (3) but less than twenty (20) persons.

Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

Building, height of. The vertical distance from the grade 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 and gambrel roofs.

District. A section or sections of the Village for which the zoning regulations are uniform.

Dwelling. Any Building, or portion thereof, which is designed or used for residential purposes.

Enforcing Officer. The officer designated by the Mayor and approved by the Board of Trustees charged with the responsibility of enforcing the provisions of this Ordinance.

Frontage. All the property on one side of the street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private. An Accessory Building used solely for storing motor-driven vehicles, not more than one of which may be a commercial vehicle of not more than one and one-half (1 1/2) ton load capacity.

Garage, Public. Any building or premises except those used as a private garage used for equipping, repairing, hiring, selling, servicing or storing motor-driven vehicles, or parts thereof.

Garbage. Any odorous combustible or offensive waste materials.

Gasoline Station. Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils.

Home Occupation. An occupation conducted in a Dwelling, provided that:

- (1) Only members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the Dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the Dwelling shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the Dwelling or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, nonilluminated, and mounted flat against the wall of the Dwelling.
- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard.

(5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside the Dwelling. In the case of electrical interference, no equipment or process shall be used which creates a significant visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Hotel. A Building in which lodging is provided and offered to the public for compensation and which is open to transient or permanent guests.

Lot. A parcel of land occupied or intended for occupancy by one (1) Main Building together with any Accessory Buildings, and uses customarily incidental to it, including the open spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

Lot, depth of. The mean horizontal distance between the front and the rear lot line.

Lot of Record. A lot of which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Peoria County, Illinois, or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds of Peoria County, Illinois.

Main Building. A Building which houses the primary use on any particular Lot. There may be only one Main Building on any given Lot.

Mobile Home. Any vehicle or portable structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place whether by motive power or other means.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of the passage of this ordinance, or any amendment hereto, which does not conform after the passage of this ordinance or amendment with the use regulations of the District in which it is situated.

Recreational Vehicle. Any vehicle designed and constructed for travel, lodging or recreational purposes, intended only for recreational use, and not for permanent lodging, and licensed as a recreational vehicle under the Illinois Vehicle Code.

Rooming House. A building where lodging only is provided for compensation to more than three (3) but less than twenty (20) persons.

Signs. All signs or billboards displayed on a building or separate structure, but not including names of owners, farm or business names, and signs on the interior of windows.

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

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

Street. All property dedicated for public or private street, highway or roadway purpose.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structural Alterations. Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Tourist or Trailer Camp. An area containing one or more structures designed or intended to be used as temporary living facilities for two or more families and intended primarily for automobile transients or providing spaces where two or more tents or auto trailers can be parked for dwelling purposes.

Yard. An open space on the same Lot with a Building, unoccupied and unobstructed by any portion of a Structure from the ground upward. In measuring a Yard for the purpose of determining the width of a Side Yard, the depth of a Front Yard or Corner Side Yard or the depth of a Rear Yard, the mean horizontal distance between the lot line and the Main Building shall be used.

Yard, Corner Side. The Yard on corner Lots between the Main Building and the property line adjacent to the street upon which the Main Building does not front. For purposes of this ordinance, the requirements for Front Yards shall also apply to Corner Side Yards.

Yard, Front. The minimum horizontal distance between the street line and the Main Building or any projection thereof, other than the projection of the usual steps or entranceway and extending for the full width of the Lot.

Yard, Rear. A space, unoccupied, except by an Accessory Building as herein provided, extending for the full width of the Lot between the rear Lot line and the extreme rear line of the Main Building. On corner Lots, the Rear Yards shall be considered as parallel to the street upon which the Lot has its least dimension. On interior Lots, the Rear Yard shall in all cases be at the opposite end of the Lot from the Front Yard. On corner Lots, any portion of the Rear Yard that also qualifies as a Corner Side Yard or Front Yard shall be treated as a Side Yard or Front Yard and not as a Rear Yard.

Yard, Side. A Yard between the Main Building and the side line of the Lot and extending from the rear line of the Front Yard to the front line of the Rear Yard.

ARTICLE 2 GENERAL PROVISIONS

2.1 Short Title. This ordinance shall be known and may be cited as the Zoning Ordinance of The Village of Bellevue.

2.2 Scope of Regulations. Except as provided by this Ordinance, it shall be unlawful:

(1) To establish any use of a Building, Structure or land, either by itself or in addition to another use.

(2) To expand, change or re-establish any Nonconforming Use.

(3) To erect, rebuild, structurally alter, add to or relocate any Building, Structure or part thereof.

(4) To reduce the open space of a Building or Structure, or to include any part of such open space as that required for an adjoining Building or Structure.

(5) To provide or connect onto water supply or sewage disposal facilities.

2.3 Incidental Uses. Unless otherwise prohibited or restricted, the allowance by this Ordinance of a permitted use also allows uses, Buildings and Structures incidental thereto if located on the site. However, such incidental uses, Buildings and Structures shall not be established or erected prior to the establishment or construction of the principal use or Building and shall be compatible with the character of the principal use.

2.4 Exemptions. The following uses are permitted in any District: (1) poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility, and (2) a temporary yard for a contractor's plan required for highway construction, if not nearer than 800 feet to any residence other than that of the owner or lessor of the site.

ARTICLE 3 DISTRICTS

3.1 Districts Designated. For purposes of this Ordinance, all land in the incorporated area of Village of Bellevue, Illinois, is hereby divided in eight (8) districts designated as follows:

- A-1 Agricultural
- R-1 General Residential
- R-2 Mobile Home Park
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Highway Commercial
- I-1 Light Industrial

I-2 Heavy Industrial

3.2 Determination of Boundaries. If uncertainty arises with respect to the boundaries of the various districts as shown on the zoning maps, the enforcing officer shall determine the boundaries in accordance with the following rules:

(a) District boundaries, unless otherwise indicated, are the center lines of streets, highways, alleys, railroads or easements, or the boundary lines of sections, quarter sections or Lots, or such line extended.

(b) Where a district boundary line divides a Lot in single ownership, the regulations of either district may apply to the entire lot but not more than 25 feet beyond the boundary line.

(c) In areas not subdivided into lots and blocks, the district boundary lines on the zoning maps shall be determined by scale to the nearest one hundred feet.

3.3 Zoning Map. The boundaries of these districts are indicated upon the zoning map of the Village of Bellevue, Illinois, which map is made a part of this ordinance. The zoning map and all notations, references, and other matter shown thereon be as much a part of this ordinance as if they were fully described herein. The zoning map, as amended from time to time, shall be on file and available for public reference in the Village Hall.

3.4 Additional Uses. Any use not specifically provided for in Articles 4, 5, 6 or 7 shall be permitted in the District with the most related or similar uses, such determination to be made by the Zoning Board of Appeals.

3.5 Additional Territory. All territory which may hereafter become a part of the incorporated area of Village of Bellevue shall be classed Agricultural district until otherwise classified by amendment. In the event areas shown as being outside of the corporation limits of the Village are determined or found to lie within the corporation limits of the Village, such areas shall be classed Agricultural district.

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

ARTICLE 4 AGRICULTURAL DISTRICT

4.1 General. This district is designed for agricultural uses in the outlying areas of the Village, prior to development of those areas into subdivisions, commercial, industrial or other use as is provided for under the district regulations established in this Ordinance. When such development occurs, it is expected that these areas will be changed in zoning to a class other than

Agricultural in conformity with the general plan of that particular portion of the Village.

4.2 Permitted Uses. Buildings and premises shall be used only for the following and other similar purposes:

- Apiaries.
- Aviaries.
- Farming; cattle, horses, sheep or poultry raising; etc.
- Gardening.
- Greenhouses.
- Nurseries (plant materials).
- Dwellings for families engaged in farming, located on the farmed property.
- Orchards.
- Roadside stands for the sale of only those farm products produced on the premises on which the stand is located, provided that a parking area for not less than six customers' vehicles shall be provided on the private property and that the parking area and access drives shall be surfaced with compacted crushed stone or superior surfacing.

ARTICLE 5 RESIDENTIAL DISTRICTS

5.1 R-1 GENERAL RESIDENTIAL DISTRICT.

A. This district is designed to protect and preserve quiet, low density residential areas that are presently developed or will be developed with Dwellings. The regulations for this district are designed to stabilize and protect the residential character of the district and to promote and encourage a suitable environment for residential activities.

B. Buildings and premises shall be used only for the following and other similar purposes:

- Churches and Convents.
- Dwellings.
- Fire Stations.
- Lakes.
- Libraries and Museums.
- Parks.
- Police Stations.
- Home Occupations.
- Public utility substations, booster stations, etc.
- Railroad trackage.
- Schools.
- Accessory Buildings and uses customarily incident to the above uses, not involving the conduct of a business, including a Private Garage.

C. In addition to the uses listed above, Buildings and premises may be used for the following purposes provided that they are secondary to the primary use only and not carried on as a business:

- Flower Gardening.
- Greenhouses.
- Nurseries.
- Orchards.
- Truck Gardening.

D. Every Dwelling constructed in the Village shall have an area of not less than 1,200 square feet. No more than one Dwelling is permitted on any Lot.

E. Every Lot shall have a minimum width of fifty (50) feet; not more than twenty percent (20%) of the area of any Lot shall be occupied by Buildings.

F. No foundation or any part of any Building shall be erected nearer to the side lot property line than a distance equal to ten percent (10%) of the Lot Frontage at the building setback line; in the event the side lot lines are not parallel, then the distance shall be determined by the average of the total width of the front and rear lot lines, and in no case, shall said distance be less than five (5) feet. No foundation or any part of any Building shall be erected nearer to the rear property line than five (5) feet if the rear lot line abuts property zoned R-1 or R-2.

G. Any Accessory Building shall be located not less than sixty (60) feet from the front lot line.

H. No Accessory Building shall be constructed upon a Lot until the construction of the Main Building has been actually commenced, and no Accessory Building shall be used as a Dwelling. Neither shall a Basement be occupied temporary as living quarters until the outside of the Main Building has been completed.

I. No Recreational Vehicle shall be permitted on any Lot in a R-1 Residential district except:

(i) a Recreational Vehicle owned by a bona fide guest of the owner of the Dwelling located thereon, which shall be permitted to remain on said Lot for not more than thirty days. The owner of the Recreational Vehicle shall comply with all water supply and sewage disposal regulations of the Peoria County Health Department; or

(ii) a Recreational Vehicle owned by the owner of the Lot and temporarily stored on the Lot. No persons may live in a Recreational Vehicle so stored.

Any Recreational Vehicle permitted on a Lot pursuant to this Section 5.1I shall be placed only in the Side Yards or Rear Yard, but not the Front Yard.

J. No Building shall be constructed less than five (5) feet from a rear property line.

K. No building or any part thereof shall be constructed less than twenty-five (25) feet from the right of way line of the street upon which said building sits, unless forty percent or more of the frontage is improved with buildings that have observed a greater or lesser depth of Front Yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the front property line of the residence upon either side of the proposed structure, or if there be residences upon only one side, then beyond the straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a Front Yard of more than fifty feet nor to permit a Front Yard of lesser depth than that of the nearest building. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.

L. All Buildings shall be constructed on foundations consisting of poured concrete frost footings or a concrete floating slab, and all Buildings shall have an exterior made of materials other than metal; provided, however, that aluminum siding exteriors shall be permitted. The provisions of this Paragraph L shall not apply to Buildings smaller than 140 square feet.

5.2 R-2 MOBILE HOME PARK DISTRICT

A. This district is intended to provide areas where Mobile Homes can be a viable alternative to the housing types permitted in the R-1 General Residential district.

B. Buildings and premises shall be used only for the following and similar purposes:

Those uses permitted in R-1 district.
Mobile Homes.

C. Those who own and occupy Mobile Homes shall comply with the provisions of the applicable mobile home ordinances of the Village.

D. Mobile Homes shall be permitted only in an R-2 Mobile Home Park district.

ARTICLE 6

COMMERCIAL DISTRICTS

6.1 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

A. This district is designed primarily to provide areas of convenience, retail shopping and day to day consumer services that are necessary to serve residential areas. High traffic generating and traffic oriented uses are restricted in order to prevent an undesirable influence in adjacent residential areas.

B. Buildings and premises shall be used only for the following and similar purposes:

Accountant's office.

Appliance, household, repair shop.
Architect's office.
Artist's studio or office.
Art store.
Assembly room or hall.
Attorney's office.
Author's or writer's office.
Bakery, retail.
Bank.
Barbershop.
Beauty parlor.
Book store.
Business office.
Cleaning, pick-up station.
Clock or watch repair shop.
Clothes pressing establishment.
Coin or stamp store.
Club, community nonprofit.
Commercial school or business college.
Confectionery store.
Credit union.
Delicatessen.
Dental clinic.
Dental laboratory.
Dental office.
Designer's office.
Detective's office.
Dressmaking shop.
Drugstore.
Dry goods store.
Family counselor's office.
Florist shop.
Food store.
Fruit store.
Funeral homes.
Furniture store.
Garage, parking.
Garden supplies store.
Gift shop.
Gunsmith.
Hardware store.
Insurance office.
Interior decorating shop.
Investment counselor's shop.
Jewelry store.
Landscape architect's office.

- Landscaping office and business.
- Laundromat, washing or dry cleaning.
- Laundry, pick-up.
- Library.
- Loan office.
- Locksmith.
- Management consultant's office.
- Meat market.
- Medical clinic.
- Medical laboratory.
- Museums.
- Milk distributing station not involving any bottling on the premises.
- Millinery shop.
- Neighborhood centers, nonprofit.
- Newspaper distribution station.
- Notions store.
- Novelty store.
- Parking garage.
- Parking lot.
- Personal service establishment.
- Photographer's office.
- Physician's office.
- Psychiatrist's office.
- Public utility office.
- Publisher's office.
- Radio, sales or service.
- Real estate office.
- Research or testing laboratory.
- Retail stores for reading matter, clothing, curios, art objects, household sundries and similar items.
- Secondhand store.
- Shoe repair shop.
- Shoeshine parlor.
- Shoe store.
- Uses similar and/or accessory to the above permitted uses.

6.2

C-2 GENERAL COMMERCIAL DISTRICT.

A. This district is designed to provide for a range of general and comparison shopping facilities that serve a larger area than just the immediate residential area. All commercial uses are permitted except exclusively highway-oriented ones.

B. Buildings and premises shall be used only for the following and similar purposes:

Those uses permitted in the C-1 district.

Amusement arcade.
Art gallery, commercial.
Auditorium or armory, exhibition hall.
Auto, truck and trailer sales and rentals, storage, repair, parking or sales lots for new or used vehicles.
Bars.
Bicycles, retail sales and service.
Billiard or pool hall.
Blueprinting.
Boats, pleasure - retail, service or sales.
Bowling alleys.
Building material, retail only.
Business machines, retail sales and service.
Bus terminal.
Cabaret.
Catering establishment.
Cleaners, drive-in.
Cleaning and dyeing plants.
Cocktail lounge.
Customs office.
Department stores.
Display rooms for merchandise to be sold at wholesale.
Establishments for sale of beer or intoxicating liquor for consumption on the premises.
Feed store.
Fraternal organization, nonprofit - no alcoholic beverage.
General hospital.
Greenhouse (products for sale).
Gymnasium.
Indoor commercial recreation.
Instruments, repair of scientific or professional.
Laboratory, research or testing.
Laundries.
Manufacturing of dental and medical goods.
Meeting halls.
Motorcycle, rentals, sales or service.
Passenger terminal.
Pet shop.
Photo laboratory.
Photostating.
Radio or television stations, studios and offices.
Service and repair establishments such as a cabinet, electrical, heating, air-conditioning, plumbing, printing, engraving or lithographing shop.
Uses similar and/or accessory to the above permitted uses.

6.3 C-3 HIGHWAY COMMERCIAL DISTRICT.

A. This district provides a location for commercial uses of a highway or thoroughfare-oriented nature. Other uses which may benefit from drawing a proportion of their clientele from passing traffic are permitted as well as additional uses which can be correlated with those above.

B. Buildings and premises shall be used only for the following and other similar purposes:

Those uses permitted in the C-2 district.

Drive-in restaurant.

Heavy machinery or products display.

Laundries, bakeries, dry cleaning, dyeing and carpet cleaning plants.

Power and heating plants with fuel storage.

Produce markets, cold storage plants, creameries, soda water and soft drink bottling establishments.

Storage and killing of poultry and small game to be sold at retail on premises.

Warehouse, storage, transfer terminal and loft buildings.

Wholesaling.

Cinema production and development.

Furniture and upholstering manufacture.

Leather goods and luggage manufacturing.

Lumber yards (no milling or planing).

Mattress manufacturing.

Metal buffing, plating and polishing.

Outdoor storage; provided that storage of buses, semi truck trailers, Mobile

• Homes and inoperable vehicles of any kind is prohibited.

Painting and varnishing shops.

Paper box and cardboard products manufacturing.

Pattern making shops.

Pharmaceutical products manufacturing.

Plastic products manufacturing.

Storage and killing of poultry and small game for the wholesale trade.

Tinsmith and sheet metal shops.

Toiletries and cosmetics manufacturing.

Tool, die, gauge and machine shops, manufacturing small parts not involving pressing or stamping operations.

Automobile service stations, provided all gasoline pumps or appliances for dispensing gasoline which are installed outside of enclosed building shall be located not less than 13 feet from the street right of way or from the setback lines established, and if such pumps or appliances are located within 40 feet of the property line, they shall be installed and maintained in such a location so as to prevent any part of the vehicles being serviced at such pumps or appliances from projecting into the street, alley or

sidewalk area.
Amusement outdoor enterprise.
Boarding kennels.
Breeding kennels.
Car wash establishment.
Drive-in and open-air restaurants.
Drive-in theaters.
Driving range, golf.
Mobile home sales.
Motels, tourist homes, etc.
Roadside stands.
Uses similar and/or accessory to the above permitted uses.

6.4 RESTRICTIONS APPLYING TO ALL COMMERCIAL DISTRICTS.

A. SIGNS.

1. Advertising - The surface area of advertising signs shall not exceed 400 sq. ft. per face. No advertising sign shall be erected within 50 ft. of an adjoining residential district nor designed to face into such district nor may any advertising sign be erected within 100 feet of and facing any public park.
2. Business - The total surface area of all business signs shall not exceed 4 sq. ft. for each lineal foot of principal street frontage, but may expand to 6 sq. ft. for each lineal foot of frontage if the signs are built into a building. Business signs shall be limited to flat wall signs which shall not extend more than 15 inches from the face of the building, except however, one projecting or free standing sign shall be permitted for each principal use in a building.
3. No business sign shall be erected above the permitted building height. Illumination of such sign shall not direct concentrated light into residential districts nor in any way obstruct the vision of motor vehicle operators. No person shall place, maintain, or display upon or in view any unauthorized sign, signal, marking or device which is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to disrupt the movement of traffic. No person shall place, maintain or display any sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or any railroad sign or signal.

B. SETBACKS.

1. Front Setback.

- a. Where the frontage on one side of the street between two intersecting streets is zoned partly residential and partly as commercial or industrial, the Front Yard depth in the commercial and industrial districts shall be equal to the required Front Yard depth of the residential district.
- b. Where all of the frontage on one side of the street between intersecting streets is zoned business or industrial and part or all of the frontage on the opposite side of the street between the same two intersecting streets is zoned residential, the Front Yard depth in the business and industrial district shall be at least 15 feet.
- c. Where all of the frontage on both sides of the street between two intersecting streets is zoned business or industrial, no Front Yard is required except where on either side of the street 50% or more of the frontage is improved with buildings that have observed an average Front Yard depth greater than 15 feet; then there shall be a Front Yard of at least 15 feet in depth on such side of the street.
- d. No required Front Yard shall be used for the open-air parking or storage of Motor Vehicles.

2. Rear Setback.

No building or structure or any portion thereof shall be erected within twenty-five (25) feet from the rear lot line if the rear lot line abuts a lot in a residential district; if the rear lot line abuts a lot in any other district, the setback shall be five (5) feet.

3. Side Setback.

There shall be a minimum side lot clearance on each side of the Building of not less than ten percent (10%) of the lot frontage at the front setback line or twenty-five (25) feet, whichever is less, which space shall remain open and unoccupied by any Building or Structure. Attached Garages or Accessory Buildings connected with the Main Building by a breezeway or other permanently constructed connection shall be construed to be a part of the Main Building for purposes of this subsection. No other Accessory Buildings detached from the Main Building shall be erected in such space. However, this subsection shall not apply unless the land upon which such building is to be erected abuts on one or both sides of a lot or street in a residential district.

C. HEIGHT.

No Building shall be erected to a height in excess of thirty-five (35) feet.

D. PARKING.

1. Churches, places of worship, theaters, assembly halls or stadiums and the like: one space for four legal occupants and located on the same Lot with the facility or on another lot any part of which is within 500 feet in a direct line from the facility.
2. General hospitals, convalescent homes, rest homes and the like: for hospitals, two spaces per bed and for convalescent homes, rest homes and the like, one space for each three beds, all on the same Lot with the facility or in another lot any part of which is within 500 feet in a direct line from the facility.
3. Hotels, motels, tourist courts, rooms to let in a Dwelling and the like: one space for each guest unit plus one space for each three persons regularly employed, and located on the same Lot with the facility.
4. Gasoline Stations and motor vehicle dealers and repairers, establishments for auto washing and cleaning and the like: ten spaces and located on the same lot with the facility.
5. Restaurants and food service establishments, retail stores, business and professional offices, financial institutions, medical and dental clinics, laboratories, commercial recreational facilities and the like: one space for each 300 square feet of usable floor area and located on the same lot with the building or on another lot, any part of which is within 300 feet in a direct line from the Building.
6. Undertakers' establishments: forty spaces plus ten spaces for each chapel or parlor in excess of one, all located on the same lot with the building or on another Lot any part of which is within 300 feet in a direct line from the building.
7. Warehouses; wholesale businesses; trucking terminals; contractors' businesses; research laboratories; establishments for the manufacture, processing or assembling of goods; printing and publishing establishments; painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops; laundry, cleaning and dyeing plants and the like: one space for each one and one-half employees during the largest daily work shift period and located on the same lot with the facility or on another lot any part of which is within 500 feet in a direct line from the facility.

ARTICLE 7
INDUSTRIAL DISTRICT REGULATIONS

7.1 I-1 LIGHT INDUSTRIAL DISTRICT.

A. This district is an industrial zone that is compatible to neighboring commercial developments and is designed to provide a buffer between a heavy industrial district and other commercial uses.

B. Buildings and premises may be used only for the following and other similar purposes:

- The uses permitted in the C-3 district.
- Animal hospital and kennels.
- Bookbinders.
- Confection manufacturing and food products manufacturing.
- Wearing apparel manufacturing.
- Welding shops.
- Uses similar and/or accessory to the above permitted uses.

7.2 I-2 HEAVY INDUSTRIAL DISTRICT.

A. This district permits types of industry having major environmental effects. Such a classification may be assigned to property only after a public hearing before the Village Zoning Board of Appeals and approval by the President and Board of Trustees and such use is subject to such conditions, restrictions and regulations as are deemed necessary by the President and Board of Trustees as necessary to the preservation of surrounding property and the environment.

B. Buildings and premises may be used only for the following and other similar purposes:

- All uses permitted in the I-1 district.
- Automobile accessory manufacturing.
- Brewing and distilling of malt beverages or liquors.
- Building material yards, including sand, gravel, stone and cinders.
- Canning factories.
- Cigar and cigarette manufacturing.
- Coal and coke yards.
- Coke ovens.
- Disinfectant and insecticide manufacturing.
- Drop forging plants.
- Electrical fixtures, batteries and other electrical apparatus manufacturing.
- Enameling and galvanizing plants.
- Foundry.
- Gas holders.
- Hardware and cutlery manufacturing.
- Heat treating plants.
- Incinerator plants.
- Linoleum and oilcloth manufacturing.
- Meat and fish processing (not including slaughtering and rendering).
- Metal stamping or pressing plants.
- Millwork, lumber and planing mills.
- Open storage yards of building and construction contractors.
- Paint, enamel, lacquer and varnish manufacturing.

Plastic manufacturing.
Railroad yards.
Roofing manufacturing.
Sewage disposal plants.
Tank storage of bulk oil and gasoline.
Tire and recapping plants.
Tire and rubber goods manufacturing.

7.3 RESTRICTIONS APPLYING TO ALL INDUSTRIAL DISTRICTS.

A. SIGNS.

1. Advertising - The surface area of advertising signs shall not exceed 400 sq. ft. per face. No advertising sign shall be erected within 50 ft. of an adjoining residential District nor designed to face into such district nor may any advertising sign be erected within 100 feet of and facing any public park.

2. Business - The total surface area of all business signs shall not exceed 4 sq. ft. for each lineal foot of principal street frontage, but may expand to 6 sq. ft. for each lineal foot of frontage if the signs are built into a building. Business signs shall be limited to flat wall signs which shall not extend more than 15 inches from the face of the building, except however, one projecting or free standing sign shall be permitted for each principal use in a building.

3. No business sign shall be erected above the permitted building height. Illumination of such sign shall not direct concentrated light into residential districts nor in any way obstruct the vision of motor vehicle operators. No person shall place, maintain, or display upon or in view any unauthorized sign, signal, marking or device which is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to disrupt the movement of traffic. No person shall place, maintain or display any sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or any railroad sign or signal.

B. SETBACKS.

1. Front Setback.

a. Where the frontage on one side of the street between two intersecting streets is zoned partly residential and partly as commercial or industrial, the Front Yard depth in the commercial and industrial districts shall be equal to the required Front Yard depth of the residential district.

b. Where all of the frontage on one side of the street between intersecting streets is zoned business or industrial and part or all of the frontage on the opposite side of the street between the same two intersecting streets is zoned residential, the Front Yard depth in the business and industrial district shall be at least 15 feet.

c. Where all of the frontage on both sides of the street between two intersecting streets

is zoned business or industrial, no Front Yard is required except where on either side of the street 50% or more of the frontage is improved with buildings that have observed an average Front yard depth greater than 15 feet; then there shall be a Front Yard of at least 15 feet in depth on such side of the street.

d. No required Front Yard shall be used for the open-air parking or storage of motor vehicles.

2. Rear Setback.

No building or structure or any portion thereof shall be erected within twenty-five (25) feet from the rear lot line if the rear lot line abuts a lot in a residential district; if the rear lot line abuts a lot in any other district, the setback shall be five (5) feet.

3. Side Setback.

There shall be a minimum side lot clearance on each side of the Building of not less than ten percent (10%) of the lot frontage at the front setback line or twenty-five (25) feet, whichever is less, which space shall remain open and unoccupied by any Building or Structure. Attached Garages or Accessory Buildings connected with the Main Building by a breezeway or other permanently constructed connection shall be construed to be a part of the Main Building for purposes of this subsection. No other Accessory Buildings detached from the Main Building shall be erected in such space. However, this subsection shall not apply unless the land upon which such building is to be erected abuts on one or both sides of a lot or street in a residential district.

C. HEIGHT.

No Building shall be erected to a height in excess of fifty (50) feet without the prior approval of the Village Board of Trustees. All regulations with respect to the height of structures promulgated with respect to the Greater Peoria Regional Airport of the Limestone Township Fire Protection District shall continue to apply notwithstanding any provisions hereof.

D. PARKING.

One space for each one and one-half employees during the largest daily work shift period and located on the same lot with the facility or on another lot any part of which is within 500 feet in a direct line from the facility.

ARTICLE 8 WATER AND SEWAGE DISPOSAL REGULATIONS

Every residence, building, business, trade or industry hereafter established and requiring water supply and sewage disposal facilities shall provide such facilities conforming to the standard of Peoria County Health Department and the Illinois State Health Department, and any new water supply and sewage disposal facilities, or alterations to existing facilities shall also

conform to such standards.

ARTICLE 9 ENFORCEMENT AND PENALTIES

9.1 Enforcement. This Ordinance shall be administered and enforced by the Village President and/or the Village of Bellevue Enforcing Officer appointed by the Village Board of Trustees, who is hereby designated and herein referred to as the Enforcing Officer. Proper authorities of the Village or any person affected may institute any appropriate action or proceedings against a violator as provided by statute.

9.2 Penalties. Any persons, firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this Ordinance shall be subject to a fine of not less than \$200 nor more than \$750. Each day that a violation continues shall be considered a separate offense.

ARTICLE 10 BOARD OF APPEALS

10.1 Establishment. The Village Board is hereby authorized to establish a Zoning Board of Appeals (the "Zoning Board"). The Zoning Board shall consist of five (5) members appointed by the Mayor and confirmed by the members of the Village Board. The five (5) members of the first Zoning Board appointed shall serve terms of one, two, three, four and five years, respectively. Thereafter, as terms expire, each appointment shall be for five years. Vacancies shall be filled by the Mayor for the unexpired terms only, subject to confirmation by the Village Board at its next meeting. The Village Board shall have power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten (10) days notice thereof.

10.2 Chairman. The Mayor of the Village Board of Trustees shall name one of the members of the Zoning Board as chairman upon his appointment, and in case of vacancy shall name the Chairman. Meetings of the Zoning Board shall be held at the call of the Chairman, or as determined by the Board. Such Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board shall be open to the public. The Enforcing Officer shall be the Secretary of meetings of the Zoning Board.

10.3 Procedure. The Secretary shall keep minutes of Zoning Board proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record. Three (3) members of the Zoning Board shall constitute a quorum and the

concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer in any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance. In the performance of its duties the Zoning Board may incur such expenditures as shall be authorized by the Village Board of Trustees. The Zoning Board shall adopt its own rules of procedure not in conflict with state law or this Ordinance.

ARTICLE 11 APPEALS FOR VARIATIONS

11.1 General. Whenever in a specified case, after an application for a permit has been made to the Enforcing Officer, an appeal is made to the Zoning Board that, because of certain exceptional conditions peculiar to the applicant's property, the strict application of the regulations of this Ordinance would result in practical difficulties or particular hardship in carrying out the strict letter of any regulations relating to the use, construction, alteration or location of buildings or structures or to the use of land, the Zoning Board shall have the power to determine and vary their application in harmony with the general purpose and intent of such regulation. The Zoning Board's power to vary said regulations shall allow it to interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance whenever such provisions would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

11.2 Application. Applications for variances shall be made in writing and submitted to the Zoning Board. An application shall include the name and address of the applicant, the name and address of the owner, the address of the property, the current use and persons using the property, an explanation of the variance sought and the reasons therefor. The applicant should include as much supporting information as possible, including but not limited to documents and photographs.

11.3 Hearing. Variations shall be granted only upon a public hearing before the Zoning Board. The Zoning Board shall provide at least fifteen (15) days notice of the time and place of such hearing by publication in a newspaper of general circulation in the Village. Said notices shall describe the particular location for which the variation is requested as well as a description of the variance requested.

11.4 Findings of Fact. The action of the Zoning Board in granting a variation shall contain or be accompanied by a finding of fact specifying the reason for making such variation.

11.5 Fee. To partially defray the expense of investigating and considering an appeal for variation where a public hearing is required, a fee of Eighty dollars (\$80.00) shall be charged the appellant and be collected by the Enforcing Officer who shall account for same to the Village of Bellevue.

ARTICLE 12 OTHER APPEALS

12.1 General. Any person aggrieved or any office, department, board or bureau of the Village may appeal to the Zoning Board to review any order, requirement, decision or determination made by the Enforcing Officer.

12.2 Timing. Such appeal shall be made within thirty-five (35) days from the date of the action appealed from by filing with the Enforcing Officer and the Zoning Board a notice of appeal specifying the grounds thereof and such other facts as may be pertinent and material to show the grounds for the appeal and shall be verified. The Enforcing Officer shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken.

12.3 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Enforcing Officer certifies to the Zoning Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Enforcing Officer and on due cause shown.

12.4 Hearing. The Zoning Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent or by attorney. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Enforcing Officer.

ARTICLE 13 APPEALS TO COURT

Appeals shall be made in conformity with the provisions of the Administrative Review Act of the State of Illinois. The party making the appeal shall pay the costs of preparing the record on appeal. Copies of any orders or proceedings ordered by the appellee shall be furnished to him at his own cost.

ARTICLE 14 ZONING COMMISSION

14.1 Establishment. The Village Board is hereby authorized to establish a Zoning Commission. The Zoning Commission shall hold public hearings as provided herein on proposed amendments to this Ordinance and requests for rezoning of particular property, and shall make recommendations to the Village Board on such matters. The Zoning Commission shall consist of the members of the Zoning Board, and their terms on the Zoning Commission shall be identical to their terms on the Zoning Board. The officers of the Zoning Commission shall be the same officers of the Zoning Board. The provisions for removal of Zoning Board members and a

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chairman of the Zoning Board shall apply equally to the Zoning Commission.

14.2 Procedure. The Secretary shall keep minutes of Zoning Commission proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Commission shall immediately be filed in the office of the Commission and shall be a public record. Three (3) members of the Zoning Commission shall constitute a quorum and the concurring vote of four (4) members of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer in any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance. In the performance of its duties, the Zoning Commission may incur such expenditures as shall be authorized by the Village Board of Trustees. The Zoning Commission shall adopt its own rules of procedure not in conflict with state law or this Ordinance.

14.3 Applications. Applications for rezoning shall be made in writing and submitted to the Zoning Commission. An application shall include the name and address of the applicant, the name and address of the owner, the address of the property, the current use and persons using the property, the current zoning classification and the requested zoning classification. The applicant should include as much supporting information as possible, including but not limited to documents and photographs.

14.4 Hearing. Upon a request for rezoning of property within the Village, a public hearing shall be held before the Zoning Board. Notice of such a hearing shall be given by publication in a newspaper of general circulation in the Village at least fifteen (15) days prior to the meeting. Said notice shall describe the particular location for which the rezoning is requested as well as a description of the requested rezoning.

ARTICLE 15 PERMITS

15.1 Permit Required. A written permit shall be obtained, from the Village President or the Enforcing Officer, by the owner or lessee, agent of either, or the architect, engineer or builder involved, before starting:

- (1) To establish any use of a Building, Structure or land, either by itself or in addition to another use.
- (2) To expand, change or re-establish any Nonconforming Use.
- (3) To erect a new Building or Structure or part thereof.
- (4) To rebuild, structurally alter, add to, side or relocate any Building or Structure or part thereof.
- (5) In the case of a Nonconforming Use, to change from one use to another.

(6) To establish any storage building, shed or similar improvement of a size greater than 140 square feet whether or not it requires permanent location on the ground or attachment to something having a permanent location on the ground.

No permit shall be required for:

(1) routine maintenance or repair of building, structures, or equipment, such as: repainting or re-roofing a building, relining a blast furnace or reblasting a railroad track.

(2) Buildings, Structures or land used or to be used for agriculture shall be exempt; however, in the interest of public health, the water supply and sewage facilities in connection with an agriculture dwelling use shall not be exempt.

15.2 Application. Application for permits shall be filed in written form, shall state the address of the property, the name and address of the owner, the applicant and the contractor, the estimated costs, and shall describe the uses to be established or expended and shall give such information as may be required by this Ordinance for its proper enforcement.

15.3 Plat. Applications for permits shall be accompanied by a plat in duplicate, or duplicate prints thereof, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the size, shape and location of any existing Buildings, lot areas to be used, auto parking areas, and water supply and sewage disposal facilities and such other information as may be necessary to provide for the enforcement of the Ordinance, together with copies of drawings and/or sketches of the proposed Building, as may be required by the Village, including true and correct copies of permits of the Peoria County Health Department of approving the water supply and sewage disposal facilities.

15.4 Fences. Concrete, stone, wood, masonry or other fences which cannot be viewed through, shall require permits. The fee for such a permit shall be \$10.00

15.5 Accessory Structures. Each permit issued for a Main Building shall also cover any Accessory Structures or Buildings constructed at the same time on the same premises, and such permit shall be posted in plain sight on the premises for which it is issued.

15.6 Timing. Any work or change in use authorized by permit but not substantially started within ninety (90) days or substantially completed within a reasonable time, as determined by the Village at the time of issuance of the permit, shall require a new permit. Failure to commence and complete construction as set forth in this Section 15.6 shall, in addition to requiring a new permit, constitute a violation of this Ordinance. A permit shall be revoked by the Village when the Village finds from inspection or other competent evidence that the rules or regulations under which it has been issued are being violated.

15.7 Filing. All applications and a copy of all permits issued shall be systematically filed and kept by the Village.

15.8 Fee. To partially defray expenses of administering the ordinance, a fee shall be charged for each permit. The permit fee shall be calculated as follows:

- | | |
|---|---|
| (i) any Building or Structure less than 300 square feet | \$25.00 |
| (ii) any Building or Structure less than 600 square feet but greater than 300 square feet | \$35.00 |
| (iii) any Building or Structure greater than 600 square feet | \$60.00, plus
\$1.00 per \$1,000
of construction cost |

There shall be no refund or any permit fees paid hereunder.

15.9 Municipal Utility. A permit for construction of a service connection to a municipally owned and operated utility shall not be required.

15.10 Denial. The Village shall, where such uses would be detrimental to adjacent property and to the ultimate development, discourage and deny permits for unusual locations of Buildings and Structures or Buildings and Structures not in conformity with the majority of existing Buildings, unless justified by topography or other existing features; or for Dwellings and Structures where the information submitted shows the Building to be of a temporary or partially completed nature or of inferior construction by reason of the use of poor quality, unsuitable or insufficient material; or Dwellings with less than six hundred (600) square feet of floor area on the ground floor other similar uses.

15.11 Exemption. Governmental bodies, non-profit organizations and charitable organizations shall conform to the provisions of this ordinance and shall be required to obtain permits, except that no permit fee will be required.

ARTICLE 16 NONCONFORMING USES

16.1 Continuation. Any lawful Building or Structure or lawful use of a Building, Structure or land existing at the time of the passage of this Ordinance, or of a later amendment, which does not conform to the regulation of the District in which it is located or of other provisions of this Ordinance shall be known as a Nonconforming Use and may remain and the use thereof be continued as hereinafter provided.

16.2 Expansion. A Nonconforming Use may be extended throughout the Building provided no structural alterations are made therein, except those required by law or ordinances or such as may be required for safety. A Nonconforming Use of land shall not be expanded or extended beyond the area actually so used at the time of the passage of this Ordinance or of a later amendment creating the nonconformance and such use shall be restricted to that portion of

the land being so used at the time of the passage of this Ordinance or of a later amendment creating the nonconformance.

16.3 Discontinuance. Any nonconforming use of a Building, structure or land which is discontinued for a period of one year or more shall not be continued again, and any future use thereof shall be in conformity with the provisions of this Ordinance.

16.4 Destruction or Damage. Any building or structure devoted to a nonconforming use which may be destroyed by fire or otherwise to the extent of fifty percent (50%) or more of its value, shall not be repaired or rebuilt, nor shall another Building be erected on the premises except in conformity with the provisions of this Ordinance.

16.5 Changes. A Nonconforming Use may be changed to a more restrictive use or to a conforming use, but such shall not thereafter be changed to a less restrictive use. For purposes of interpreting this section the various districts shall be considered as listed below in order from the most restrictive to the least restrictive classification:

Agricultural
Residential R-1
Residential R-2
Commercial C-1
Commercial C-2
Commercial C-3
Industrial I-1
Industrial I-2

A Nonconforming Use may be changed to another use normally permitted in the same District as the initial use only upon written consent of eighty percent (80%) of the property owners within three hundred (300) feet.

16.6 Repairs and Maintenance Permitted. So long as a Building, Structure, advertising sign or billboard is used or is eligible for use in nonconforming manner, only ordinary repairs and maintenance, including replacement of roof covering, shall be permitted. In no case shall such repairs include structural alterations, veneering of the outer walls, or other work which will extend appreciably the normal life of the Building, Structure, advertising sign or billboard.

16.7 Records. The Enforcing Officer shall make and keep a record, which may include photographs of all Buildings, Structures and land uses which do not conform to the use regulations of the districts in which they are located.

ARTICLE 17 AMENDMENTS

17.1 General. No amendment of this Ordinance shall be made without a hearing before the Zoning Commission. At least fifteen (15) days notice of the time and place of such hearing shall be published in a paper of general circulation in the Village and a hearing shall be held in

the Village. Within a reasonable time after the hearing, the Zoning Commission shall make a report to the Village Board.

(1) If the report of the Zoning Commission does not recommend passage of the proposed amendment; or

(2) If a written protest against the proposed amendment is filed with the Village Clerk, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

Then such amendment shall not be passed except by a favorable vote of at least three-fourths (3/4) of all members of the Village Board, otherwise a majority vote of those present shall govern.

17.2 Fee. Proposals to rezone or reclassify any property and the reasons in support thereof shall be filed with the Enforcing Officer and shall be accompanied by a fee of Ten Dollars (\$10.00) to partially defray the expense of investigating and considering the proposal, and shall then be transmitted to the Zoning Board for its consideration and report to the Village Board. The Enforcing Officer shall collect the fee and account for the same to the Village of Bellevue.

ARTICLE 18 VALIDITY

If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 19 INTERPRETATION PURPOSES AND CONFLICTS

In interpreting and applying the provision of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. It is not intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that wherever this Ordinance imposed greater restrictions upon the use of buildings, structures or land, or requires more restrictive building lines, then the provisions of this Ordinance shall control. The lot or hard areas of Buildings existing at time of the adoption of this Ordinance shall not be diminished below the requirements herein provided for Buildings hereafter erected and such required areas shall not be included as part of the required areas of any building hereafter erected. This Ordinance is to be construed liberally to secure the beneficial interests and purpose hereof.

ARTICLE 20
OBSCENITY AND ADULT BUSINESSES

20.1 OBSCENITY

A. It shall be unlawful to commit obscenity. For purposes of this Section 20.1, "person" means an individual, public or private corporation, government, partnership, unincorporated association, trustee or receiver. Any reference to the masculine shall include the feminine, and any reference to the singular shall include the plural.

B. Elements of the Offense: A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

1. Sells, delivers, or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
2. Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or
3. Publishes, exhibits or otherwise makes available anything obscene; or
4. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
5. Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section 20.1, or of the penal laws or regulations of any other jurisdiction; or
6. Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

C. "Obscene" Defined: Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

D. Interpretation of Evidence: Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character or the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section 20.1, evidence shall be admissible to show:

1. The character of the audience for which the material was designed or to which it was directed;
2. What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
3. The artistic, literary, scientific, educational or other merits of the material, or absence thereof;
4. The degree, if any, of public acceptance of the material in this State;
5. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
6. Purpose of the author, creator, publisher or disseminator.

E. Prima Facie Evidence: The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three (3) copies of obscene material shall be prima facie evidence of an intent to disseminate.

F. Affirmative Defenses: It shall be an affirmative defense to obscenity that the dissemination:

1. Was not for gain and was made to personal associates other than children under eighteen (18) years of age;
2. Was to institutions or individuals having scientific or other special justification for possession of such material.

20.2 ADULT BUSINESSES

A. Definitions: For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively prescribed to them.

1. Adult Book Stores: An establishment having as a substantial portion of its

stock in trade books, magazines, films for sale or viewing on the premises by use of motion picture devices or any other coin-operated means and other periodicals, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

2. Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

3. Adult Mini Motion Picture Theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

4. Adult Entertainment Cabaret: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or waitresses, strippers, belly dancers, male or female impersonators or similar entertainers.

5. Body Shop or Model Studio: Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provide to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to the "specified sexual activities" or "specified anatomical areas" are provided for observation by or communication to persons paying such consideration or gratuity.

6. Building Structure: Any structure or group of structures housing two or more businesses which share a common entry, exit, wall or frontage wall, including but not limited to, shopping centers, shopping malls, shopping plazas or shopping squares.

7. Massage Establishment: Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in paragraph 10 of this Section 20.2.A.

8. Specified sexual activities are any of the following conditions:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts or representations of acts of human masturbation, sexual

intercourse or sodomy, bestiality, oral copulation or flagellation.

c. Fondling or erotic touching of human genitals, pubic region, buttock or female breast.

d. Excretory functions as part of or in connection with any activities set forth in (a) through (c) above.

9. Specified anatomical areas are any of the following conditions:

a. Less than completely and opaquely covered:

i. Human genitals, pubic region, or pubic hair;

ii. Buttock; and

iii. Female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely covered.

10. Massage: Any method of pressure on or friction against or stroking, kneading, rubbing, dapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

B. Adult Uses Enumerated: The following shall, but not by way of limitation, be considered adult uses for the purpose of this Section 20.2:

1. Adult book store;
2. Adult motion picture theater;
3. Adult mini motion picture theater;
4. Adult entertainment cabaret;
5. Massage establishment;
6. Body shop or model studio.

C. Limitations on Adult Uses: Adult uses shall be permitted subject to the following restrictions:

1. An adult use shall not be allowed within one hundred (100) feet of another existing adult use.

2. An adult use shall not be located within one hundred (100) feet of any zoning district which is zoned for general residential district (R-1) or mobile home park district (R-2).

3. An adult use shall not be located within one thousand (1000) feet of a pre-existing school or place of worship.

4. An adult use shall not be located in a building structure which contains any business that sells or dispenses in some manner alcoholic beverages.

5. Any adult use doing business at the time this Ordinance takes effect shall have one (1) year from the effective date of this Ordinance to comply with the above provisions of Paragraph 1 through 4, inclusive, of this Section 20.2.C entitled Limitations on Adult Uses.

6. Any adult use doing business at the time this Ordinance takes effect shall have thirty (30) days from the effective date of this Ordinance to apply for the issuance of an adult use license.

D. Measurements of Distances: For the purposes of this Article 20, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the adult use to the nearest property line of another adult use, school, place of worship, or district zoned for residential use.

E. License Required; Filing of Application; Filing Fee: It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village of Bellevue, the operation of an adult use as herein defined, without first having obtained a separate license for such adult use from the President of the Village of Bellevue.

Every applicant for a license to maintain, operate or conduct an adult use shall file an application in duplicate under oath with the President upon a form provided by the Village Clerk and pay a non-refundable filing fee of Fifty Dollars (\$50.00) to the Village President who shall issue a receipt which shall be attached to the application filed with the President.

Within ten (10) days after receiving the application, the President shall notify the applicant that his application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the President shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the President shall advise the applicant in writing of the reasons for such action.

Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any inspection or investigation required by this Section 20.2.C shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the President.

F. Contents of Application for License: An applicant for a license shall furnish the

following information under oath:

1. Name and address.
2. Written proof that the individual is at least eighteen (18) years of age.
3. The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto.
4. A statement by the applicant that he or she is familiar with the provisions of this article and is in compliance with them.

G. Issuance of Adult Use License: The President shall issue or renew a license to maintain, operate or conduct an adult use unless he finds:

1. That the applicant is under the age of eighteen (18) years or under any legal disability.
2. That the applicant, at the time of application for renewal of any license issued under this Ordinance, would not be eligible for such license upon a first application.
3. The operation as proposed by the applicant, if permitted, would not have complied with all zoning restrictions of the Village of Bellevue.
4. The operation as proposed would be in violation of any provision of this Ordinance.

Every adult use license issued pursuant to this Ordinance will terminate at the expiration of one (1) year from the date of its issuance, unless sooner revoked.

H. Suspension or Revocation of License for Adult Use: Any license issued for an adult use may be revoked or suspended by the President if the President shall find:

1. That the licensee has violated any of the provisions of this Section 20.2.
2. The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this Ordinance or knowingly caused or suffered another to furnish or withhold such information on his or her behalf.
3. That the licensee has violated any of the provisions of Section 20.1.

The licensee shall be responsible for the acts of his agents, servants and employees provided, however, that in the case of a first offense by a licensee where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the President shall find that the licensee had not actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

The President, before revoking or suspending any license, shall give the licensee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the President at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

1. Automatic Suspension:

1. In the event a person under the age of eighteen (18) years is on the premises of an establishment operating as an adult use under this Ordinance, and views any "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance, then the license issued pursuant to this Ordinance shall be suspended for a period of three (3) months.

2. The President, before suspending any license, shall give at least ten (10) days' written notice of the charge. The licensee may within five (5) days of receipt of said notice request a public hearing before the President at which time the licensee may present evidence bearing upon the question. The notice required hereunder may be delivered personally to the licensee or be posted on the premises of the establishment being used as an adult use.

J. Exterior Display: No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use.

K. Display of License and Permit: Every licensee shall display a valid license in a conspicuous place within the adult use business so that same may be readily seen by persons entering the premises.

L. Employment of Persons Under Age of Eighteen Prohibited: It shall be unlawful for any adult use licensee or his manager or employee to employ in any capacity within the adult business any person who is not at least eighteen (18) years of age.

M. Illegal Activities on Premises: No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the Village of Bellevue or law of the State of Illinois or of the United States.

ARTICLE 21 SUBDIVISION REGULATIONS

21.1 Preliminary Plat. Any owner or owners of a tract of land within the Village or in the unincorporated portions of the County within one and one-half (1 1/2) miles of the Village limits desiring to develop a subdivision shall submit to the Enforcing Officer two copies of a plan for the use and development of the proposed subdivision in tentative form. Said plan shall hereinafter be designated as a Preliminary Plat and shall conform to the following requirements:

(1) Said plat shall be drawn to a scale of one hundred feet to the inch. Variations in scale may be made, however, where necessary to properly exhibit a subdivision.

(2) All section lines, adjacent subdivision lines, street and alley lines, water courses and existing features pertinent to a proper subdivision shall be shown.

(3) The width of all proposed streets and roads with their proposed names, alleys, lots, easements and building lines on property proposed to be subdivided and the full width of streets bounding the proposed subdivision shall be shown. Proposed street names shall conform to existing streets if possible and logical and shall not conflict with other names in the territory.

(4) All new subdivisions along State and County Highways shall be arranged to provide access to such Highways at intervals not less than 1,320 feet, except where impractical or impossible due to existing property divisions or topography. Also, roads and streets within such subdivision shall be arranged to permit access to adjacent future subdivisions without encroachment upon this regulation.

(5) The name of the proposed subdivision and name of owner or trustee as owner are to be shown.

(6) The name of the proposed subdivision and name of owner or trustee as owner are to be shown together with the proper certificate and seal of a licensed Illinois Land Surveyor.

(7) The names of abutting subdivisions shall be shown.

(8) Where the topography has significant bearing upon, or controls layouts or utilities, contour lines at not greater than five (5) foot intervals shall be shown on the preliminary plat.

(9) Where the proposed subdivision contemplates or requires a change in the district classification as to zoning, the owner shall present a request for a change in classifications indicating the districts desired.

21.2 Procedure Not Involving District Reclassification. Where no reclassification is requested, the Enforcing Officer shall investigate the proposed subdivision and after consideration take action approving, revising or rejecting the proposed subdivision.

If action is taken approving said preliminary plat, the three copies of the plat presented shall be properly endorsed by the Enforcing Officer, the date of approval noted. One plat is to be returned to the owner and the other to be kept as a matter of record. If revisions are to be made, said revisions may be indicated on the plats and the owner asked to revise the subdivision and resubmit two copies. After the revisions have been made, the above course of approval action shall again be followed. Such preliminary plat shall bear a certificate of approval by the Enforcing Officer as follows:

VILLAGE OF BELLEVUE)
STATE OF ILLINOIS) SS
)

I the Village of Bellevue Enforcing Officer, do hereby approve the accompanying preliminary plat in accordance with provisions of the Bellevue Zoning Ordinance this ____ day of _____, 20__.

Zoning Enforcing Officer

If the Enforcing Officer rejects the Preliminary Plat, the owner shall have the right to request that the Enforcing Officer submit the Preliminary Plat to the Zoning Board for its approval together with a summary of the Enforcing Officer's action in respect thereto. If the Board approves the plat then the Enforcing Officer shall be directed to approve the Preliminary Plat.

21.3 Procedure Involving District Reclassification. Where a reclassification is requested, the Enforcing Officer shall investigate the proposed subdivision and submit a report to the Zoning Board together with the two copies of the plat. After consideration, the Zoning Board may return the plats for revision or shall proceed with the public hearing as required herein in "Article 20, Amendments."

Following the public hearing, the Zoning Board shall cause an amendment to the Zoning Ordinance to be prepared and submit the same to the Village Board of Trustees together with the plats and their recommendations; or the Zoning Board may again return the plats for revision and proceed as above upon receipt of revised plats.

If favorable action is taken by the Board of Trustees of the Village of Bellevue, the three (3) copies of the preliminary plat shall be endorsed by the Enforcement Officer and the date of approval noted. One plat shall be returned to the owner and the other kept as a matter of record of the Board.

If necessary, the Preliminary Plat shall be drawn definitely indicating the boundaries of the zoning districts so that they may be properly described and referred to by the ordinance creating the amendment.

21.4 Final Plat Regulation.

(1) Within ninety (90) days after approval of the Preliminary Plat, the original tracing of the final plat made in accordance with the Preliminary Plat together with a print thereof shall be submitted to the Enforcing Officer. Such final plat shall bear a certificate of approval by the Enforcing Officer as follows:

STATE OF ILLINOIS

I, the Enforcing Officer of the Village of Bellevue, hereby certify that the above Plat conforms to the requirements of Article 21 of the Zoning Ordinance of the Village of Bellevue this _____ day of _____, 20____.

Zoning Enforcing Officer

- (12) The minimum widths and areas of the lots shall conform to the requirements set forth herein for the district applicable.

(13) The Subdivider shall stipulate that he will grade, drain and surface the roadway of all roads and streets shown on the plat subject to the approval of the Village Board of Trustees and also subject to the approval of the State Highway Department for that portion of the road or street which lies within the right of way limits of State Highways, at his own expense and according to engineering survey. The grading shall be done in such a manner as to leave at least four (4) feet of shoulder on each side of the gravel or stone surface exclusive of slopes and ditches. The stone or gravel surface shall have a completed width of not less than twenty-two (22) feet and a thickness of not less than eight (8) inches compacted in place. The stone or gravel shall be deposited and compacted in two separate layers by the use of spreader boxes or other approved measuring device. Each layer shall be compacted with a tamping or truck roller or both if necessary. All material shall be well graded and shall contain sufficient fine aggregate to insure thorough compaction. The Subdivider shall provide all culverts required for drainage along and across said roads or streets, including culverts at intersections of State, County or Township Roads. The size and type of culverts shall be approved by the Trustees of the Village of Bellevue.

All of said work shall be done previous to the final approval of the Subdivision Plat or the subdivider shall deliver a contract covering all of said work, in triplicate, to the Village Board of Trustees and a Contract Performance Bond issued by a responsible Survey Company in an amount equal to said work to insure the completion of said work to the satisfaction of the Village Board of Trustees guaranteeing the completion of said work within not less than three (3) months from the date of said contract unless a longer period of time shall be agreed upon by the Village Board.

(14) Within ninety (90) days of the completion of the roads and streets in any subdivision the subdivider shall furnish and erect appropriate street markers at all street intersections, including streets adjoining the subdivision designating the street names.

(15) Upon completion of the work stipulated above the roads and streets shall be accepted for maintenance by the Village Board of Trustees; this approval to be evidenced by a stipulation executed by said Village Board of Trustees.

21.5 Recording. Within sixty (60) days after the approval of the Final Plat by the Enforcing Officer and the Village Board of Trustees said Plat shall be filed with the County Recorder and if not so filed, shall have no validity and shall not be recorded without recertification by the County Clerk and re-approval.

21.6 General. The sale or offer for sale of property based upon unrecorded division boundaries is illegal. The Illinois Statutes provide a fine of \$25.00 for each lot of block thereof so disposed of or offered for sale.

21.7 Streets. All streets in new subdivisions within the Village shall be constructed to the following specifications:

General requirements for the construction of a Minor Residential Street with a current ADT under 1000 vehicles shall include the following:

Surface width (face to face) - 22' (without parking)
Combination Concrete Curb & Gutter - Type M.6-12 or B.6-12
Aggregate Base Course, Type B, 8" deposited and compacted in two (2) equal, separate layers
Bituminous Surface Class 1 - 3" (1 ½" binder 1 ½" surface)
ROW width - 50' (40" sidewalks both sides)
Circular courts (cul-de-sac) - Radius of 50' with radical point on the projected tangent centerline of street

All construction shall be done with approved construction plans and in accordance with the latest edition of the State of Illinois Department of Transportation;

1. Standard Specifications for Road and Bridge Construction
2. Highway Design Manual
3. Highway Standards
4. Standard Specifications for Traffic Control

ARTICLE 22 EFFECTIVE DATE; REPEAL

This Ordinance shall be effective from and after the date of its passage and publication as provided by law. All ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance including, without limitation, Ordinances No. 341, 362, 363, 364, 399, 410, 416, 429, 437, 444, 454, 464, 465, 484, 485, 488, 489, 490, 502, 528 and 529.

ARTICLE 23 SPECIAL USE: COMMUNICATIONS TOWERS

Communications towers shall be permitted in any agricultural, commercial or industrial district, at a location at least 500 feet from any residential district, upon issuance of a special use permit by the Village Board after a hearing before the Village Zoning Commission as set forth in Section 14.4 of this Ordinance. Any communications tower shall comply with all Federal Aviation Administration and Federal Communications Commission regulations, the current Electronic Industry Association Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and any other applicable laws and regulations, and the petitioner shall deliver to the Village evidence of such compliance upon request. The petitioner shall further deliver to the Village an application for special use permit stating the name of the applicant, the proposed location for the tower, a description of the proposed tower and such other information as the Village shall reasonably require.

For purposes of this Article 23, "communications tower" shall mean any tower, antenna, guy wires, footing or other structures related to a structure which aids in the transmitting or receiving of radio, electronic, telephonic, television or similar broadcast signals.

Passed and approved this 13th day of September, 2004.

Ayes: 6

Nays: 0

Absent: 0

VILLAGE OF BELLEVUE

Attest: Carol S. Howard
Carol S. Howard, Clerk

By: Ralph E. Wilson
Ralph E. Wilson, President

303-639.3