

FAIRBURY ZONING ORDINANCE

2022

CONTENTS OF ORDINANCE

I	Title	2
II	Intent and Purpose	2
III	Activities Regulated by this Ordinance	3
IV	Definitions	3
V	Districts and Boundaries thereof	9
VI	“A” Country Estate District Regulations	12
VII	“R-1” Single-Family Residential District	12
VIII	“R-2” Residential District	14
IX	“R-2-A” Residential District	15
X	“C” Commercial District	16
XI	Industrial District	17
XII	Height and Area Exceptions and Modifications	18
XIII	Off-Street Parking Requirements	18
XIV	Non-Conforming Uses	19
XV	Administration and Enforcement	21
XVI	Zoning Administrator	21
XVII	Occupancy Permits	22
XVIII	Zoning Board of Appeals	23
XIX	Office of the Secretary of the Zoning Board of Appeals	25
XX	Interpretation and Construction	26
XXI	Violation and Penalty	26
XXII	Zoning Board of Review	27
XXIII	Publication and Effective Date	27

CITY OF FAIRBURY :
COUNTY OF LIVINGSTON : SS.
STATE OF ILLINOIS :

ORDINANCE NO. 714

An Ordinance to regulate and limit the height and bulk of buildings hereafter to be erected; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of open spaces within and surrounding such buildings; to classify, regulate, and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; to divide the entire City and environs into districts for the purpose of this Ordinance; to fix standards to which buildings or structures shall conform; to prohibit uses, buildings, or structures incompatible with the character of such districts respectively; and to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to classify, to regulate and restrict the use of property on the basis of family relationship; and to provide penalties for violation hereof; and to exercise such powers within the corporate limits of the City of Fairbury and within contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any municipality.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRBURY, ILLINOIS, THAT:

**ARTICLE I
TITLE**

1.1 This Ordinance, including the zoning map made a part thereof, shall be known and may be cited and referred to as the "Fairbury Zoning Ordinance".

**ARTICLE II
INTENT AND PURPOSE**

2.1 This Ordinance is adopted for the following purposes:

To promote the public health, safety, morals, comfort and general welfare of the citizens of the City of Fairbury and surrounding area;

To conserve the values of property throughout the City of Fairbury and to protect the character and stability of agricultural, residential, business and industrial areas within the City and within contiguous territory;

To promote orderly and beneficial development of the City of Fairbury and surrounding areas;

To provide adequate light, pure air, privacy and convenience of access to property;

To lessen or avoid congestion in the public streets and highways in the City of Fairbury and surrounding areas;

To regulate and restrict the location and use of buildings, structures and land for trade, industry, agriculture, residence and other uses, and to regulate and restrict the intensity of such uses;

To divide the City of Fairbury and contiguous territory into districts of such number, shape, area and of such different classes, according to the use of land and buildings and the intensity of such use, as may be deemed best suited to carry out the purpose of this Ordinance;

To prohibit locations and uses of buildings and structures and uses of land which are incompatible with the type of development planned for such specified zoning districts;

To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;

To protect against fire, explosion, noxious fumes and other dangers;

To fix reasonable standards to which buildings and structures shall conform;

To define and limit the powers and duties of administrative officers and bodies as provided herein;

To prescribe penalties for the violation of and methods for the enforcement of the provisions of this Ordinance or any amendment thereto.

2.2 CONTIGUOUS TERRITORY. To carry out such intent and purposes this Ordinance is hereby made specifically applicable to all territory contiguous to the City of Fairbury and not more than one and one-half miles beyond the corporate limits of the City and not included within any municipality, and all powers granted to the City by Division 13 of Article 11 of the Illinois Municipal Code as the same may be amended from time to time, shall be exercised within such contiguous territory as well as within the corporate limits of the City.

ARTICLE III ACTIVITIES REGULATED BY THIS ORDINANCE

3.1 NEW STRUCTURES. All structures erected hereafter shall comply with all the regulations of this Ordinance. Any structure hereafter moved from one site to another site, shall be considered to be a structure erected hereafter. Any structure rebuilt after its destruction to the extent of more than fifty per cent of the current replacement cost of the entire structure (exclusive of its foundation) shall be considered to be a new structure erected hereafter.

3.2 NEW USES OF OLD STRUCTURES. If a use of any structure is hereafter changed to another use, then the new use must comply with the Use Regulations of this Ordinance, but the mere establishment of a new use does not require the existing structure to conform to the lot size requirements or to the height and area regulations of this Ordinance.

3.3 REMODELING. If any structure is hereafter remodeled,

(1) The entire structure as remodeled shall comply with the Use Regulations of this Ordinance.

(2) Any alterations of, enlargements of or additions to the structure shall comply with the Height and Area Regulations of this Ordinance.

(3) The off-street parking facilities shall not be reduced below (or if already less than shall not be further reduced below) the requirements applicable to a similar new structure or use.

3.4 USES OF OPEN LAND. If any use of open land is hereafter established or if any use of open land is hereafter changed to another use, such new use shall comply with all of the regulations of this Zoning Ordinance.

3.5 USES PERMITTED IN ALL DISTRICTS. The following public utility and municipal uses are permitted in all districts: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment (not including sub-stations) for the distribution to consumers of telephone or other communications, electricity, gas or water, or for the collection of sewerage or surface water.

ARTICLE IV DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined as follows:

4.1 Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure", the word "shall" is mandatory and not directory.

4.2 ACCESSORY BUILDING AND USE: An accessory building, located on the same lot as the main building, the use of which is naturally and normally incidental to that of the dominant use of the main building or land. An accessory use is one which is naturally and normally incidental to the main use of the premises. In R-1, R-2 & R-2-A, the square footage footprint of accessory buildings/structures may not exceed 60% of the square footage footprint of the principal residence nor extend upward beyond the highest point of the principal residence. Accessory buildings may only be placed upon a lot improved with a main building. (2011-6)

4.3 ALLEY. A public right of way, other than a street or highway, which affords only a secondary means of access to property abutting thereon.

4.4 APARTMENT. A room or suite of rooms intended, designed, or used as a residence by a single family.

4.5 APARTMENT HOUSE. See dwelling, multiple.

4.6 BASEMENT. A story partly underground having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor.

4.7 BOARDING HOUSE OR LODGING HOUSE. A building other than a hotel where, for compensation and by arrangement, meals and/or lodging, are provided for three or more persons.

4.8 BUILDING. Any structure having a roof supported by columns or walls for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind, and which is permanently affixed to the land.

4.9 BUILDING, HEIGHT OF. The vertical distance from the grade (elevation of the sidewalk or the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof, to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

4.10 CELLAR. That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

4.11 CLINIC. An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or other members of the healing arts practicing together.

4.12 CLUB. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit.

4.13 CONDOMINIUM. An individually owned unit in a multiple building or development. In which maintenance and common areas are shared. No single family dwelling, which is part of a Multi-family complex, shall be sold without benefit of a condominium agreement. (2000-7)

4.14 DAY CARE HOMES. A Day care Home is a family dwelling unit licensed by the State of Illinois, which receives more than 3 (three) up to a maximum of 12 (twelve) children, for less than 24 hours a day. The number counted includes the Family's natural or adopted children, and all other persons under age 12. The term does not include facilities which receive only children from a Single household. (2000-7)

4.15* DISTRICT. Any section of the City of Fairbury or environs for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

4.16* DWELLING. Any building or portion thereof, but not a trailer, which is designed for or used for residential purposes, including single-family, two-family, multiple dwellings and apartment houses, but not including hotels, motels, boarding or lodging houses.

4.17* DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively by one family.

4.18* DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by two families.

4.19* DWELLING, MULTIPLE. A building designed for or occupied exclusively by three or more families.

4.20* FAMILY. Either (a) an individual, or (b) two or more persons related by blood, marriage or adoption, occupying a dwelling and living as a single house-keeping unit, or (c) a group of not more than four persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

4.21* FILLING STATION. Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication or washing of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

4.22* FLOOR AREA. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings, but not including garages, unenclosed porches, and cellar or basement space, unless used for business or commerce.

4.23* FRONTAGE. All property on one side of a 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.

4.24* GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory, and not storing more than one commercial vehicle or any vehicle which exceeds a two-ton capacity.

4.25* GARAGE, PUBLIC. A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

4.26* HOME BUSINESS. A business operating from a private home in a residential district shall be subject to the following restrictions. (2005-3)

A. Registration shall be required. (2005-3)

B. All business shall be transacted by mail, telephone, fax, or on-line computer. (2005-3)

C. There shall be no signs visible from the street and no stock publicly displayed in a private home in a residential district. (2005-3)

D. There shall be no additional foot or auto traffic created by the operation. (2005-3)

E. No product, purchased, assembled, or constructed on site, shall be sold over the counter either retail or wholesale, in a private home in a residential district. (2005-3)

F. There shall be no additional employees other than members of the immediate household. (2005-3)

G. The homeowner and or business operator shall reside (live) in the home. (2005-3)

4.27* HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment which are herein separately defined. (1996-21)

4.28* INSTITUTION. A building occupied by a non-profit corporation or a non-profit establishment for public use. (1996-21)

4.29* LAUNDROMAT. An establishment providing washing, dry cleaning, drying or ironing machines for hire to

be used by customers on the premises. (1996-21)

4.30* LOADING SPACE. A space within the main building or on the same lot therewith, providing for the standing, loading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet. (1996-21)

4.31* LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory building, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place. So long as it satisfies the above requirements, such lot may consist of a single lot of record, or a combination of lots or parts of lots of record. (1996-21)

4.32* LOT, CORNER. A lot abutting upon two or more streets at their intersection. (1996-21)

4.33* LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot. (1996-21)

4.34* LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Livingston County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of Livingston County, and which map or deed was recorded prior to the date of the adoption of this Ordinance. (1996-21)

4.35* MODULAR HOMES: A structure of conventional construction, but built off site in a special manufacturing facility, then transferred to the building site, (on a series of special vehicles) where final assembly is completed. These structures shall rest on a circumferential foundation, which supports at least 60% of the weight of said structure. (1996-21)

4.36* MOTEL. A building or group of buildings used for the temporary residence of motorists or travelers.(1996-21)

4.37* NON-CONFORMING USE. The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated. (1996-21)

4.38* OUTLOT an area of land that cannot be developed as a lot. No outlots shall be allowed without the Council and the City Engineer approval. Outlots must be reviewed and substantial evidence provided for their need of existence. Outlots may not be used to restrict extensions of planned streets or utilities to areas beyond the subdivision. (2003-6)

4.39 PARKING AREA.** An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged. (2003-6)

4.40 PARKING SPACE.** An area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a driveway which affords satisfactory ingress and egress for automobiles. (2003-6)

4.41 PLACE.** An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property. (2003-6)

4.42 STORY.** That portion of a building, other than a cellar or basement (except one used for business or residence), 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. (2003-6)

4.43 STORY, HALF.** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story. (2003-6)

- 4.44** STREET.** A public or private thoroughfare which affords the principal means of access to abutting property. (2003-6)
- 4.45** STREET LINE.** A dividing line between a lot, tract or parcel of land and a contiguous street. (2003-6)
- 4.46** STREET INTERSECTION.** That point where the boundary line of one street crosses the boundary line of any other street. The boundary lines of such streets shall be determined from the official recorded plat of the addition or subdivision containing such streets. (2003-6)
- 4.47** STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, carports, lean-tos, and pergolas. (2005-3)
- 4.48** STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, other than a change in doors or windows or a minor alteration which affects primarily the appearance and not the life of the structure. (2003-6)
- 4.49** TEMPORARY STORAGE UNIT.** A fully-enclosed, portable container with signage on one or more of its outer surfaces. It is designed to permit ease of loading to and from a transport vehicle. A temporary storage unit is NOT a storage shed, roll-off container, dumpster, cargo shipping container or the trailer portion of a tractor trailer. (2012-5)
- 4.50** TRAILER.** Any structure used for living, sleeping, business or storage purposes and designed for conveyance after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. This definition shall not include prefabricated structures or Modular structures fixed on a solid, contiguous, enclosed masonry foundation. (2003-6)
- 4.51** TRAILER COURT.** An area providing space where two or more tents or trailers can be or are intended to be parked. (2003-6)
- 4.52** YARD.** An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein, and measured as the minimum horizontal distance between the lot line and the main building. (2003-6)
- 4.53** YARD FRONT.** A yard extending across the front of a lot and measured between the street and the uncovered steps, uncovered balconies, or uncovered porch. On a corner lot the owner may elect either street line as a front lot line. See diagram labeled YARD DESCRIPTION diagram. (2011-6)
- 4.54* YARD, REAR.** A yard extending across the rear of a lot between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be at the opposite end of the lot from the front yard. See diagram labeled YARD DESCRIPTION diagram. (2011-6)
- 4.55** YARD, SIDE.** A yard between the main building and the side line of the lot, extending from the front yard line to the rear yard line. See diagram labeled YARD DESCRIPTION diagram. (2011-6)
- 4.56** ZONING DIAGRAMS** - see following page. (2011-6)

YARD DESCRIPTION

REAR YARD REAR YARD REAR YARD

S
I
D
E

Y
A
R
D

S
I
D
E

Y
A
R
D

Aerial View of Home

D
R
I
V
E
W
A
Y

F
R
O
N
T

Y
A
R
D

F
R
O
N
T

Y
A
R
D

S
T
R
E
E
T

**ARTICLE V
DISTRICTS AND BOUNDARIES THEREOF**

5.1 ESTABLISHMENT OF DISTRICTS. In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designated for specified purposes, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings, the City and environs is hereby divided into districts, of which there shall be six in number, known as: (2000-7)

“A” Country Estate District
“R-1” Single-Family Residential District
“R-2” Residential District
“R-2A” Residential District
“C” Commercial District
“I” Industrial District

5.2 RULES WHERE UNCERTAINTIES MAY ARISE. Where uncertainty exists with respect to the boundaries of the various districts as shown in the map accompanying and made a part of this Ordinance, the following rules apply:

5.3 BOUNDARIES.

- A. The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

- B. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

- C. In subdivided property and in areas not annexed to the City the district boundary lines on the map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on said map.

5.4 DISTRICT MAP. The boundaries of the districts are shown upon the map prepared April 3, 1996, and last revised October 11, 1996, which is made a part of this Ordinance, which map is designated as the “District Map.” The District Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Clerk of the City. (1996-21)

5.5 ANNEXED LAND. All land which may hereafter be annexed to the City of Fairbury shall continue to be classified in the District in which said land is classified by this Ordinance, or in the event such land is not classified herein, the same shall be automatically classified in the District to which said land was contiguous at the time of such annexation. Provided, however, that this section shall not apply to land affected by a valid annexation agreement adopted pursuant to Division 15.1 of Article 11 of the Illinois Municipal Code, and entered into after investigation and approval by the Zoning Board of Appeals.

5.6 VACATION. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such a vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

5.7 GENERAL REQUIREMENTS IN ALL ZONING DISTRICTS. Except as hereinafter specifically provided:

A. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a use permitted in the district in which such building or land is located.

B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.

D. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking place or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.

E. Every residential building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main residential building on one lot except as specifically provided hereinafter. Residence is not allowed in the industrial zone. (2004-1)

F. The front yard requirements on both streets of a corner lot shall be observed for all buildings and structures, including accessory buildings.

G. ENCLOSURES AROUND SWIMMING POOLS AND OTHER BODIES OF WATER (2010-6)

(1) Every person owning land on which there is situated a swimming pool or wading pool capable of containing 24 inches of water in depth at any point, shall erect and maintain thereon an adequate fence enclosure either surrounding the property, or pool area, sufficient to make such body of water inaccessible to small children. Snow fences, either picket or plastic, shall not be allowed as a fence enclosure. Such enclosure, including gates therein, shall be not less than four (4) feet above the underlying ground and shall comply with the maximum height restrictions listed elsewhere in this section. All gates shall be self-closing and self-latching with latches placed four (4) feet above the underlying ground and otherwise made inaccessible from the outside to small children. (2010-6)

(2) A protective device approved by the Zoning Administrator and or City Superintendent shall be an acceptable enclosure so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure. (2010-6)

(3) If the swimming pool is an above ground pool at least 48" high, the pool wall may serve as a barrier. A retractable ladder and/or fence shall be required around the access to the pool. Swimming pool filter and/or equipment shall not be installed in a location where a child could climb on the equipment to gain access to the swimming pool. It is the responsibility of the owners of such pools to enforce the provisions of this section and to see that such retractable ladders are effective barriers for small children. All decks must have a self-closing and self-latching gate preventing unauthorized access. (2011-6)

(4) A power safety cover will be allowed. It shall: (2010-6)

(A) Provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;

(B) Be mechanically operated by a key, keypad or other such device as to prevent the cover from being drawn open or retracted except by authorized person(s). (2018-11)

(C) Is installed with track, rollers, rails, guides, or other accessories necessary to accomplish clauses (A) and (B), in accordance with the manufacturer's instructions; and,

(D) Bear an identification tag indicating that the cover satisfies the requirements of ASTM F1346 for power safety pool covers;

(E) The surface of the covers shall be kept free of standing water;

(F) These devices shall be inspected yearly. Inspection reports certifying the covers to be safe and properly functioning shall be submitted by the homeowner yearly to the City of Fairbury prior to operation of the pool. The inspection report is to be completed and submitted to City Hall by June 1 of each year. When June 1 falls on a Saturday or Sunday, reports must be turned in by the close of business on the next business day. (2018-11)

(5) When a landowner/tenant has been issued a Notice of Violation by the Zoning Administrator for failure to comply with the requirements of section 5.7G(1) of this Ordinance, said landowner will have 10 days from the date that the citation was served upon him in which to establish an enclosure in compliance with said section. (2010-6)

H. REGULATIONS FOR FENCES IN ALL DISTRICTS: No fence may be erected in a residential, commercial, of industrial district which does not comply with the following. (2000-7)

(1) A permit will be required for all fences erected in the City of Fairbury. (2000-7)

(2) Any fence erected in a required front yard shall be at least 60% open. No fence erected in a required front yard may exceed four (4) feet in height, measured from the ground level. No privacy fence may be erected in the front yard of any residence. (2000-7)

(3) Any privacy fence erected on the street side of a corner lot shall be restricted to the required rear yard and may be placed on the rear or side property line, subject to the provisions of subsection H4. However, a chain link or ornamental fence which is no more than four (4) feet in height, measured from the ground level, and which is 60% open may extend to the front property line. No fence may be built across or on a utility easement. (2000-7)

(4) Any fence placed on an interior side or rear yard may be placed on the property line, if a signed written agreement with the adjacent property owner, is presented with the building permit application. If such an agreement is not available a three (3) foot setback is required. If an alley is present a five (5) foot setback is required to provide for snow removal and fire lane usage. (2001-15)

(5) No fence may be erected which exceeds seven (7) feet in height above ground level in a residential area. In commercial and industrial areas, no fence may be erected which exceeds eight (8) feet in height. (2000-7)

(6) No fence may be constructed with barbed wire, metal spikes or any other sharp pointed materials. All chain link fences shall be installed with the knuckle portion of the fence up and with the barb portion of the fence at or near the ground. No fence may be electrified. (2000-7)

(7). The finished side of all fences shall face outward from the property owner. If the fence faces an alley, it is optional. All areas of a lot on the exterior side of the fence including the fence itself shall be maintained by the property owner. (2000-7)

I. WIND ENERGY CONVERSION SYSTEMS: A. Definitions:

WECS TOWER: The support structure to which the nacelle and rotor are attached.

WIND ENERGY CONVERSION SYSTEM (WECS): All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to substation(s).

B. Location: No WECS tower for a wind energy conversion system shall be located within the City of Fairbury or within 1.5 miles of the corporate limits of the City of Fairbury, Illinois. (2011-6)

J. **TEMPORARY STORAGE:** Temporary storage unit or containers may be located in all zoning districts provided the following criteria are met:

1. All containers must be registered. Registration must be made at City Hall.
2. Containers shall be allowed for 90 days. Extensions are granted at the discretion of the zoning Administrator and must be made in person. (2012-5)

K. **SIGNS:** All advertising signs require a building permit. No sign may be installed on any City right-of-way or utility easement. All signs must be erected on private property. Any sign which is in an unsafe condition, or which overhangs any roadway or which overhangs any sidewalk less than seven feet above the sidewalk is considered a nuisance and shall be removed or repaired. No sign shall obstruct the view of any traffic pattern on any city street. Such obstruction shall be removed within 5 days of notification by the Zoning Administrator. (2013-6)

L. **DRAINAGE:** The natural flow of surface water shall not be restricted by any construction or modification. Any runoff from roofs or driveways shall not be directed towards adjacent property, but will conform to the natural flow of water that existed prior to construction or modification. (1996-21) ****Relocated from XII 12.5 2022-7-6

5.8 TRAILERS: Trailers shall be confined to trailer courts, and no land may be used for storage, parking, or permanent location of trailers except land in "C" Commercial District, used and operated as a trailer court. However, a double wide manufactured home having a floor area of no less than 750 square feet enclosed by a masonry foundation skirt may be placed in district R-2-A. (2000-7)

ARTICLE VI "A" COUNTRY ESTATE DISTRICT REGULATIONS

6.1 REGULATIONS. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "A" Country Estate District.

6.2 USE REGULATIONS. A building or premises shall be used only for the following purposes:

- A. Farms.
- B. Truck and flower gardening, nurseries, orchards, and greenhouses.
- C. Single-family dwellings.
- D. Public and private forests and wildlife reservations and similar conservation projects.
- E. Parks and playgrounds owned by public agencies.
- F. Golf courses and private clubs.
- G. Riding academies.
- H. Churches.
- I. Schools.
- J. Accessory buildings and accessory uses customarily incidental to the above uses.

6.3 HEIGHT REGULATIONS. No building shall exceed six stories, nor shall it exceed seventy-five feet in height, except as provided in Article XII.

6.4 AREA REGULATIONS.

A. Yards: No building shall be erected within forty feet of any lot or street line.

B. Intensity of use: Every lot or tract of land upon which a building is erected shall have an area of not less than one acre and an average width of not less than two hundred fifty feet, except that any of the uses permitted in this district may be erected or constructed on a smaller lot of record.

ARTICLE VII
“R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT

7.1 REGULATIONS. The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article, are the district regulations in the “R-1” Single-Family Residential District.

7.2 USE REGULATIONS. A building or premises shall be used only for the following purposes:

- A. Single-family dwelling.
- B. Publicly owned or operated park, playground or community building, museum, library or art gallery, with specific approval of the location of such use by the City Council, after investigation and report by the Zoning Board of Appeals, without hearing.
- C. Church or other place of worship or Sunday School, with specific approval of the location of such use by the City Council, after investigation and report by the Zoning Board of Appeals.
- D. Public school, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, with specific approval of the location of such use by the City Council, after investigation and report by the Zoning Board of Appeals, without hearing.
- E. Country club or golf course with specific approval of the location of such use by the City Council, after investigation and report by the Zoning Board of Appeals, without hearing; but excluding miniature golf courses, or practice driving tee operated for commercial purposes.
- F. Accessory building or use, including a private garage, customarily incident to the above uses, but not involving the conduct of a business.
- G. A church bulletin board; or temporary sign appertaining to the lease, hire or sale of a building or premise, which sign shall not exceed 10 square feet in area.

7.3 HEIGHT REGULATIONS. No building shall exceed two and one-half stories nor shall it exceed forty feet in height, except as provided in Article XII.

7.4 AREA REGULATIONS:

- A. Front Yard: there shall be a front yard having a depth of not less than twenty-five feet, except as hereinafter provided at Article XII.
- B. Side Yard:
 - (1) Except as hereinafter provided in Article XII, on each side of a building there shall be a side yard, having a width of not less than five feet, and in no case will an eave be closer (including gutter) than 3 feet and 6 inches from a lot line. (1996-21)
 - (2) On a corner lot, the side yard on the street side of a building shall be the same as the front yard. (1996-21)
 - (3) Any garage, the entrance of which faces upon a side lot line, shall be placed no less that fifteen feet from such side lot line. (1985-8)
- C. Rear Yard: There shall be a rear yard having a depth of not less than fifteen feet except in the following circumstances: (2001-15)
 - (1) A garage, the entrance of which does not face upon an alley, may be placed no less than 5 feet from the rear lot line and no less than 15 feet from the street lot line. When the entrance faces upon the alley,

the garage must be placed 15 feet from the alley lot line. (2012-5)

(2) Any other accessory building and any structure which is not a building, (other than a fence) may be placed no less than five feet from the rear lot line and 15 feet from the street or alley lot line. (2012-5)
Accessory buildings shall be permitted only in side and rear yards. (2015-8)

D. Intensity of Use. Every lot or tract of land upon which a dwelling is erected shall have an area of not less than eighty-five hundred square feet and an average width of not less than sixty feet. Each dwelling shall have a minimum floor area of one thousand square feet. (2001-15)

7.5 PARKING REGULATIONS. Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Article XIII.

ARTICLE VIII "R-2" RESIDENTIAL DISTRICT

8.1 REGULATIONS. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the District regulations in the "R-2" Residential District.

8.2 USE REGULATIONS. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 Single-Family Residential District, but without requiring any specific approval by the City Council of the location of such use.
- B. Two family or multiple dwelling, or apartment buildings.
- C. Boarding or lodging house.
- D. Funeral Home.
- E. Institution of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.
- F. Hospital or sanitarium, except a criminal, mental or animal hospital.
- G. Nursing or convalescent home.
- H. Fraternity, sorority or lodge: Excepting one the chief activity of which is a service customarily carried on as a business. (1996-21)
- I. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple dwelling, hospital or institution.
- J. Day Care Home. A Day Care Home Duly licensed by the State of Illinois, or license pending, may operate as a home business. Registration is required. (2000-7)

8.3 HEIGHT REGULATIONS. The height requirements set forth for "R-1" Single-Family Residential District shall be observed.

8.4 AREA REGULATIONS.

- A. Front Yard: The front yard requirements set forth for "R-1" Single-Family Residential District shall be observed.
- B. Side Yard:
 - (1) Except as hereinafter provided in Article XII, on each side of a building there shall be a side yard, having a width of not less than five feet, and in no case will an eave be closer (including gutter) than 3

feet and 6 inches from a lot line. (1996-21)

(2) On a corner lot, the side yard on the street side of a building shall be the same as the front yard. (1996-21)

(3) Any garage, the entrance of which faces upon a side lot line, shall be placed no less than fifteen feet from such side lot line. (1985-8)

C. Rear Yard: There shall be a rear yard having a depth of not less than fifteen feet except in the following circumstances: (2001-15)

(1) A garage, the entrance of which does not face upon an alley, may be placed no less than 5 feet from the rear lot line and no less than 15 feet from the street lot line. When the entrance faces upon the alley, the garage must be placed 15 feet from the alley lot line. (2012-5)

(2) Any other accessory building and any structure which is not a building, (other than a fence) may be placed no less than five feet from the rear lot line and 15 feet from the street or alley lot line. (2012-5). Accessory buildings shall be permitted only in side and rear yards. (2015-8)

D. Intensity of Use. Every lot or tract of land upon which a dwelling is erected shall have an area of not less than six thousand square feet and an average width of not less than fifty feet. Each dwelling shall have a minimum floor area of seven hundred fifty square feet. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than six thousand square feet of lot area, plus five hundred square feet of lot area per family dwelling unit. Each dwelling shall have minimum floor area of seven hundred fifty square feet per single unit, and minimum floor area of six hundred seventy-five square feet per family dwelling unit in two-family or multiple dwellings. (2001-15)

8.5 PARKING REGULATIONS. Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Article XIII.

ARTICLE IX
“R-2-A” RESIDENTIAL DISTRICT
added in Ordinance (2000-7)

9.1 REGULATIONS. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the District regulations in the “R-2-A Residential District.

9.2 USE REGULATIONS. A building or premises shall be used only for the following purposes:

A. Any use permitted in the R-2 Single-Family Residential District, but without requiring any specific approval by the City Council of the location of such use.

B. A Manufactured Home (Double wide Mobile Home) having a minimum of 750 (seven hundred fifty square foot) and must have a masonry skirt.

9.3 HEIGHT REGULATIONS. The height requirements set forth for “R-2” Single-family residential district shall be observed.

9.4 AREA REGULATIONS.

A. Front Yard: The front yard requirements set forth for “R-2” Single-Family Residential District shall be observed.

B. Side Yard:

(1) Except as hereinafter provided in Article XII, on each side of a building there shall be a side yard, having a width of not less than five feet, and in no case will an eave be closer (including gutter) than 3 feet and 6 inches from a lot line.

(2) On a corner lot, the side yard on the street side of a building shall be the same as the front yard.

(3) Any garage, the entrance of which faces upon a side lot line, shall be placed no less than fifteen feet from such side lot line.

C. Rear Yard: There shall be a rear yard having a depth of not less than fifteen feet except in the following circumstances: (2001-15)

(1) A garage, the entrance of which does not face upon an alley, may be placed no less than 5 feet from the rear lot line and no less than 15 feet from the street lot line. When the entrance faces upon the alley, the garage must be placed 15 feet from the alley lot line. (2012-5)

(2) Any other accessory building and any structure which is not a building, (other than a fence) may be placed no less than five feet from the rear lot line and 15 feet from the street or alley lot line. (2012-5). Accessory buildings shall be permitted only in side and rear yards. (2015-8)

D. Intensity of Use. Every lot or tract of land upon which a dwelling is erected shall have an area of not less than six thousand square feet and an average width of not less than fifty feet. Each dwelling shall have a minimum floor area of seven hundred fifty square feet. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than six thousand square feet of lot area, plus five hundred square feet of lot area per family dwelling unit. Each dwelling shall have minimum floor area of seven hundred fifty square feet per single unit, and minimum floor area of six hundred seventy-five square feet per family dwelling unit in two-family or multiple dwellings. (2001-15)

9.5 PARKING REGULATIONS. Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Article XIII.

ARTICLE X "C" COMMERCIAL DISTRICT

10.1 REGULATIONS. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the district regulations in the "C" Commercial District.

10.2 USE REGULATIONS. A building or premises shall be used only for the following purposes: (2003-6)

- A. Any use permitted in Residential Districts "R-1" and "R-2".
- B. Agricultural Services and Products.
- C. Apartment buildings and business buildings.
- D. Bakeries.
- E. Barber shops, beauty shops, shoeshine parlors.
- F. Battery stations, filling stations and car washes.
- G. Fairs and exhibitions.
- H. Farm implement stores.
- I. Financial institutions.
- J. Hay, grain, seed, feed and meal stores.
- K. Hotels, motels, and trailer courts.
- L. Laboratories.
- M. Laundries, cleaning and dyeing establishments.
- N. Light commercial and manufacturing which is not objectionable by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibration, or of an explosive nature.
- O. Locker plants.
- P. Lumber yards.

- Q. Photograph and art studios.
- R. Printing and publishing establishments.
- S. Private Clubs, restaurants and taverns.
- T. Professional services.
- U. Public garages, auto sales and services.
- V. Recreation establishments.
- W. Shops for electrical work, plumbing, steam fitting, tinsmiths, locksmithing, painting, decorating, and upholstery.
- X. Stores, shops, storage showrooms, salesroom and retail storage for the conducting of retail business.
- Y. Tailor, millinery and dressmaking shops.
- Z. Telephone exchange.
- aa. Theaters.
- ab. Transportation/Trucking Firms.

10.3 HEIGHT REGULATIONS. No building shall exceed six-stories, nor shall it exceed seventy-five feet in height, except as provided at Article XII.

10.4 AREA REGULATIONS:

- A. Front Yard: No front yard is required except where the frontage on one side of a street between two intersecting streets is partly in the “C” Commercial District and partly in a Residential District, in which event the front yard regulations of the Residential District shall apply.
- B. On each side of a commercial building there shall be a side yard having a width of three (3) feet. For dwellings the side yard of the R2 residential district shall apply. (2001-15)
- C. Rear Yard. The rear yard regulations for dwellings are the same as in the “R-2”, Residential District. In all other cases a rear yard is not required except where a lot abuts upon a Residential District, in which case there shall be a rear yard with a depth of not less than fifteen feet; Provided if said lot abuts upon an alley or street, the rear yard shall have a depth of not less than five feet.
- D. Intensity of Use: Where a lot or tract is improved with a multiple family dwelling, or where living facilities are erected above other uses, the intensity of use regulations are the same as those required in “R-2” Residential Districts.

**ARTICLE XI
INDUSTRIAL DISTRICT**

11.1 REGULATIONS. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to this Article, are the regulations of the “I” Industrial District. This district is composed of uses that are intended to provide for a diverse range of industrial activities and to govern such operations in a manner that will not have an adverse or deleterious effect on residential and commercial areas. (2021-11)

11.2 USE REGULATIONS. A building or premises may be used only for the following purposes:

A. Any use permitted in the “C” Commercial District, but not those uses permitted under Article X, Section 10.2 paragraph A (any uses permitted in Residential District “R-1” and “R-2”), and at Section 10.2 paragraph H (Hotels, motels and trailer courts) as long as such use is approved by City Council after consideration of reports and recommendations by the Zoning Board of Appeals, Chief of the Fire Department, City Superintendent, and any other city nominated inspector as may be required. (2021-11)

B. The additional following uses, and only after approval by the City Council, after consideration of reports by the Zoning Board of Appeals, Chief of the Fire Department, and City Superintendent: (2021-11)

- (1) Acid manufacture

- (2) Cement, lime, gypsum, or plaster of Paris manufacture
- (3) Distillation of bones and glue manufacture
- (4) Explosives manufacture or storage
- (5) Fat rendering and fertilizer manufacture
- (6) Garbage, offal, or dead animals, reduction or dumping
- (7) Petroleum, or its products, refining of
- (8) Smelting of tin, copper zinc, or iron ores
- (9) Stockyards or slaughter of animals
- (10) Automobile salvage
- (11) Junkyards
- (12) Warehousing
- (13) Wood products manufacturing
- (14) Metals products manufacturing
- (15) Machine shops
- (16) Commercial storage (2021-11)

11.3 HEIGHT REGULATIONS. The height requirements set forth for "C" Commercial District shall be observed.

11.4 AREA REGULATIONS:

A. Front Yard: There shall be a front yard having a depth of not less than forty feet, except as provided hereinafter at Article XII.

B. Side Yard: A side yard is not required except on the side of a lot adjoining a Residential District, in which case there shall be a side yard of not less than ten feet.

C. Rear Yard: A rear yard is not required except where a lot abuts upon a Residential District, in which case there shall be a rear yard of not less than twenty feet.

**ARTICLE XII
HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS**

12.1 HEIGHT: The height regulations prescribed herein shall not apply to television and radio towers, church belfries, monuments, water and fire towers, cooling towers, ornamental towers, chimneys, flues, elevator bulkheads, smokestacks, fire escapes, conveyors, flag poles, cupolas, silos and barns.

12.2 FRONT YARDS:

A. In a Residential District, when forty per cent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed fifty per cent in excess of the front yard otherwise required in the district in which the lot is located.

B. In a Residential District no structure or planting higher than three and one-half feet above the established street grades shall be maintained within twenty-five feet of any street intersection. (2001-15)

C. An open uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten feet, but this shall not be interpreted to include or permit fixed canopies.

D. Filling station pumps and pump islands may be located within a required yard provided they are not less than 15 feet from any street line and not less than 50 feet from the boundary of any Residential District.

12.3 SIDE YARD:

A. No accessory building shall project beyond a required yard line along any street.

B. A porte-cochere or canopy may project into a required yard provided every part of such porte-cochere or canopy is unenclosed and not less than five feet from any side lot line.

C. Where a lot of record at the time of the effective date of this Ordinance is less than 50 feet in width, each of the required side yards may be reduced by an amount equal to ten per cent of the difference between such width and 50 feet, provided, however, that no side yard shall be less than three feet.

12.4 LOT AREA PER FAMILY: Where a lot of record at the time of the effective date of this Ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one family dwelling or for any non-dwelling use permitted in the district in which it is located.

12.6 Wheel Chair Ramp: A temporary wheelchair ramp, or device may project into a required front, side or rear yard, only to the extent that the proper safe incline be maintained. Subject to the approval of the Zoning Administrator. (2001-15)

ARTICLE XIII OFF-STREET PARKING REQUIREMENTS

13.1 GENERAL REQUIREMENTS. In all districts there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements, provided, however, that no off-street parking need be provided for any of these uses when they are located in that part of the Commercial District, bounded by Walnut and Maple Streets.

- A. Dwellings, including single and two-family and multiple: one parking space for each dwelling unit.
- B. Boarding or lodging house: one parking space for each two roomers for whom accommodations are maintained.
- C. Private club or lodge: one parking space for every ten members.
- D. Church or temple: one parking space for each eight seats in the main auditorium.
- E. School (except high school or college): one parking space for each ten seats in the auditorium or main assembly room, or one space for each classroom, whichever is greater.
- F. College or high schools: one parking space for each eight seats in the main auditorium or three spaces for each class room, whichever is greater.
- G. Hospital: one parking space for every two beds.
- H. Motel: one parking space for each sleeping room or suite.
- I. Dance Hall, assembly or exhibition hall without fixed seats: one parking space for each 100 square feet of floor area used therefore.
- J. Business of professional office, studio, bank, medical or dental clinic: three parking spaces plus one additional parking space for each 400 square feet of floor area over 1000.
- K. Bowling alley: five parking spaces for each alley.
- L. Mortuary or funeral home: one parking space for each 100 square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- M. Restaurant, nightclub, cafe or similar recreation or amusement establishment: one parking space for each 100 square feet of floor area.
- N. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: one parking space for every two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
- O. Any new establishments not addressed in the above section must obtain parking requirements from the City of Fairbury. (2014-4)

ARTICLE XIV NON-CONFORMING USES

14.1 NON-CONFORMITIES: If within the districts established by this ordinance, or amendments thereto, there exist lots, structures, uses of land or structures, and characteristics of use which were lawful before the ordinance was passed or amended but which would be prohibited, regulated, or restricted, it is the intent of this ordinance to permit these non-conformities to continue until they are removed but not to encourage their survival under the terms of this ordinance. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved. (1996-21)

14.2 NON-CONFORMING LOTS OF RECORD: Where a lot of record at the time of the effective date of this Ordinance or amendments thereto has less area or width than is herein required in the district in which it is located, and the owner of such lot does not own any other parcel adjacent or contiguous thereto, said lot may be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located. However, if the owner has ownership or unified control of vacant property, conforming, or non-conforming, lots of record, adjacent or contiguous with above said lot of record, then such contiguous lots of record or at least such portion thereof as is necessary to meet or exceed the minimum lot area and width requirements of the district in which they are located shall be used and developed only as a single conforming lot. Any person who conveys property or terminates the unified control of such contiguous lots of record so as to frustrate the purpose of the foregoing proviso shall be deemed to have violated the provisions of this ordinance. (1996-21)

14.3 NON-CONFORMING USES OF LAND: Where at the time of passage of this Ordinance or subsequent more restrictive amendment thereto, a lawful use of land exists which would not be permitted by the regulations imposed, the use may be continued so long as it remains otherwise lawful, provided, (1996-21)

A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. (1996-21)

B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance. (1996-21)

C. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located. (1996-21)

D. No additional structure conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land, unless the entire property in question is brought into full conformity. (1996-21)

14.4 NON-CONFORMING STRUCTURES: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reasons of restrictions on the area, lot coverage, height, yards, its location on the lot or other zoning requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions: (1996-21)

A. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. (1996-21)

B. Whenever the use of a building shall become non-conforming through a change in zoning ordinance or in the district boundaries, such use may be continued, and if no structural alternations are made, may be

changed to another non-conforming use of the same or of a more restricted classification. (1996-21)

C. Whenever a non-conforming use of a building or portion thereof is discontinued for a continuous period of six months, any future use of such building or portion thereof shall be in conformity with the regulations of the district in which such building is located. (1996-21)

D. A non-conforming building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its market value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than fifty (50) percent of its market value, a non-conforming building may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within one year of the date of such damage. (1996-21)

14.5 TERMINATION AND REMOVAL OF NON-CONFORMING USES: The period of time during which the following non-conforming uses of buildings, structures, or land may continue or remain shall be limited to the following periods from the effective day of the ordinance or of any amendments thereto which causes the use to be non-conforming use, shall be completely removed from the premises at the expiration of the period signified, or shall be made to conform to the regulations of the ordinance. (1996-21)

A. Any non-conforming building or structure having a fair market valuation not in excess of seven hundred fifty dollars (\$750.00) on the effective date of the ordinance or amendment thereto - TWO YEARS. (1996-21)

B. All non-conforming signs, billboards and outdoor advertising structures - TEN YEARS (1996-21)

C. Any non-conforming use of land where no enclosed building is involved or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building - TWO YEARS (1996-21)

D. House trailers or mobile homes - when vacated for six months a non-conforming mobile home shall be removed. When a house trailer or mobile home is removed from a premise for any reason, it shall not be replaced with another mobile home. (1996-21)

ARTICLE XV ADMINISTRATION AND ENFORCEMENT

15.1 GENERAL PROVISIONS. The administration and enforcement of this Ordinance is hereby vested in the following officers of the City:

- A. The Zoning Administrator
- B. The Zoning Board of Appeals
- C. The Secretary of the Zoning Board of Appeals

ARTICLE XVI ZONING ADMINISTRATOR

16.1 APPOINTMENT OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

16.2 DUTIES OF ZONING ADMINISTRATOR. The Zoning Administrator shall administer and enforce this Ordinance. It shall be the duty of the Zoning Administrator to:

- A. Receive and process applications for occupancy certificates upon the completion of a structure or when there is a change of use as herein provided.
- B. Conduct inspections of structures or the use of land to determine whether there is a compliance with this Ordinance, and, in the case of any violation, to notify in writing the person or persons responsible, specifying the nature of the violation and ordering a corrective action.

C. Maintain in current status the official zoning map.

D. Maintain permanent and current records required by this Ordinance, including but not limited to occupancy certificates, inspections, and all official action on appeals, variations and amendments.

E. Prepare and have available in book, pamphlet or map form, on or before March 31 of each year:

(1) The compiled text of the zoning ordinance, including all amendments thereto through the preceding December 31, and

(2) A zoning map, or maps, showing the zoning districts, divisions, and classifications in effect on the preceding December 31.

F. Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning ordinance and amendments, and the rules of the Zoning Board of Appeals.

G. Zoning Administrator may require that building, demolishing or altering of any building or structure shall be in compliance with all codes and ordinances of the City of Fairbury. (2011-6)

H. The Zoning Code Book shall be interpreted and enforced by the Zoning Administrator. (2012-5)

I. All businesses shall register with the Zoning Administrator prior to the business's opening day. (2013-6)

J. It shall be the responsibility of each building contractor who wishes to perform work within City limits to register with the Zoning Administrator. (2013-6)

K. It shall be the Zoning Administrator's responsibility to ensure all variances granted are being maintained according to the variance that was granted. (2013-6)

16.3 COMPENSATION. By resolution the City Council may provide compensation for the Zoning Administrator.

ARTICLE XVII BUILDING AND OCCUPANCY PERMITS (2004-1)

17.1 BUILDING PERMIT REQUIREMENTS:

A. BUILDING PERMIT: To enable the Zoning Administrator to determine that the use of the land in question will comply with this ordinance, the following information may be required.

(1) A Contractor's Certification Compliance form, signed by the main contractor and subcontractors, certifying that all materials and workmanship used, and performed on said project, shall meet the applicable building codes of the City of Fairbury, International Code Council (ICC), and codes of the State of Illinois in affect at the time of completion of the project. Completed form shall be submitted with the building permit application. (2012-5)

(2) A signed certificate of licensed Architect shall be submitted with the blueprints of all Public and Multiple family dwellings to comply with the ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989.

(3) Approved blueprints may be required of all projects.

(4) A plat plan shall be required showing the location, area and height of the proposed structure, showing building line in relation to lot lines and setbacks as required by this ordinance. Plan shall be submitted with the building permit application. (2016-5)

(5) Surveyors stakes shall be exposed and marked. In the case that such stakes are not available, a

survey may be required.

(6) The build site must be clearly marked, and inspected by the City Superintendent and Zoning Administrator prior to excavation. (2016-5)

(7)*** No excavation, erection, construction, alteration or placement of any structure or fence will be allowed until a building permit is issued. No permit will become valid until signed by the following: (2012-5)

- (a) Zoning Administrator
- (b) City Superintendent
- (c) Superintendent of Streets and Alley

(8)*** A halt order shall be given to any excavation, construction, or alteration started before a permit issued.

(9)*** A record of all building permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such building permit.

(10)*** A building permit shall be valid for 12 or 18 months from date of issue. A permit may be extended, upon request, for 1 year. The extension fee shall be twice the amount of the previous permit charge. (2015-8)

(11)*** Any deviation from the issued building permit shall require an amended permit, prior to continuation of construction.

(12)*** A building permit shall be either approved or refused by the Zoning Administrator within 14 days after he receives an application therefore, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to approve an application for a building permit, he shall advise the applicant in writing of the reasons for the refusal.

B. OCCUPANCY PERMIT: The City of Fairbury will issue an Occupancy Permit only upon request. (2015-8)

(1) Every Certificate of Occupancy shall state that the new occupancy complies with all provision of this Ordinance.

(2) A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such building permit.

(3) An occupancy permit shall be either approved or refused by the Zoning Administrator within 14 days after he receives an application therefore, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to approve an application for an occupancy permit he shall advise the applicant in writing of the reasons for the refusal. No occupancy permit shall be issued until work is completed in conformance to the application.

17.2 OCCUPANCY PERMITS FOR NON-CONFORMING USES.

A. A certificate of occupancy shall be required for all non-conforming uses of land or buildings existing after the passage of this Ordinance, or any amendment thereto. Application for such certificate of occupancy for non-conforming uses shall be filed with the Zoning Administrator by the owner or occupant of the land or building occupied by such non-conforming use within one year from the effective date of this Ordinance, or amendment thereto. It shall be the duty of the Zoning Administrator to issue a certificate of occupancy for non-conforming use.

B. Any non-conforming use for which an occupancy permit has not been obtained in conformity with the

requirements of this Article shall be presumed to be operating in violation of this Ordinance and such use shall thereupon be abated.

17.3 APPROVAL OF CERTIFICATES. An occupancy permit shall be either approved or refused by the Zoning Administrator within 14 days after he receives an application therefore, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to approve an application for an occupancy permit he shall advise the applicant in writing of the reasons for the refusal. No occupancy permit shall be issued until work is completed, in conformance with the application required at section 17.3 hereof.

ARTICLE XVIII ZONING BOARD OF APPEALS

18.1 CREATION AND MEMBERSHIP. A Zoning Board of Appeals is hereby authorized to be established. The word "Board" when used in this section shall be construed to mean the Zoning Board of Appeals. Said Board shall consist of seven members appointed by the Mayor, with the consent of the City Council. The term of office of each member shall be five years; provided that the members of the first Board shall serve respectively for terms of one, two, three, four, five, six, and seven years. Thereafter, as each term expires, the successor to each member shall serve for a term of five years. One member of the Board shall be designated by the Mayor, with the consent of the City Council, as chairman of the Board, and shall hold his said office as Chairman until his successor is appointed. Vacancies shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of members. By resolution the Mayor and the City Council may provide compensation for the members of the Board.

18.2 MEETINGS. Meetings of the Board shall be held at the call of the Chairman, or any two members, and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of said Board shall be open to the public. All testimony before the Board shall be given under oath. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes in each case of a requested variance, and the reasons for granting or denying such application shall be specified. Every rule or regulation; every amendment or appeal thereof, and every order, requirement, decision or determination by the Board shall be filed immediately in the office of the Board and shall be a public record, along with the minutes of all proceedings. The Board shall adopt its own rules of procedure, and may select or appoint such officers as it deems necessary. Four members of the Board shall constitute a quorum.

18.3 POWERS AND DUTIES. The Zoning Board of Appeals shall have the following powers and duties:

A. To hear and decide appeals from any decision made by the Zoning Administrator in the enforcement of this Ordinance.

B. To grant variations from the terms of this Ordinance as provided by statute, when a property owner shows that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures, or to the use of land, by reason of exceptional narrowness, shallowness or shape thereof or by reason of exceptional topography or other extraordinary or exceptional situation, would result in peculiar or exceptional practical difficulties and clearly demonstrable hardship upon him, amounting to practical confiscation thereof and not a mere inconvenience to the owner; Provided, that any such variation shall be authorized only to the extent that justice may be done, and the variation can be granted without depreciation of the value of the neighboring property, and without substantial detriment to the public good and provided further that such variations are in harmony with the general purpose and intent of this ordinance.

The Zoning Board of Appeals may grant variations with such conditions and safeguards as it may determine in harmony with the general purpose, intent and spirit of this Ordinance so that the public health, safety and welfare shall be secured, and substantial justice shall be done.

C. To make investigations and give reports, with recommendations to the City Council on matters concerning or related to this Ordinance when so requested by the City Council.

18.4 APPEALS TO THE ZONING BOARD OF APPEALS:

A. An appeal may be taken to the Board by any person, or by any officer or department of the city, affected by any decision of the Zoning Administrator relative to this Ordinance. Such appeal shall be taken within such time as shall be prescribed by the Board of general rule, by filing with the Zoning Administrator and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record from which the action appealed from was taken.

B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with him that, by reason of the 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 Board or by a court of record, as provided, or by statute.

C. The Board shall fix a reasonable time and place for the hearing of the appeal and give due notice of the time, place and purpose thereof, and shall decide the appeal within a reasonable time. The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from as in its opinion ought to be made in the premises.

18.5 ZONING CHANGES. Any person seeking any variation from the terms of this ordinance shall file with the Secretary of the Zoning Board of Appeals an Application for a Variation, in the form and manner required by general rules adopted by the Zoning Board of Appeals. Within sixty (60) days after the filing of such Application the Zoning Board of Appeals shall hold a public hearing on such application. Within sixty (60) days after the hearing, the Zoning Board of Appeals shall grant or deny such application.

18.6 VOTE REQUIRED. In considering all appeals and all proposed variations to this Ordinance the Board shall, before making any variation from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

18.7 NOTICE. The Board shall make no determination except in a specific case and after a public hearing conducted by the Board. Notice of the time and place of such public hearing shall be published in a paper of general circulation in the City at least fifteen days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal, or of the variation sought.

18.8 APPEALS TO THE CITY COUNCIL:

A. An appeal may be taken to the City Council by any applicant for a variance from the terms of this Ordinance. Such appeal shall be presented within 30 days of the decision of the Board of Appeals, whereupon, the City Council shall schedule a hearing within 30 days of receiving such appeal. The applicant shall file a notice of appeal with the Board of Appeals and with the Fairbury City Clerk a notice of appeal, specifying the grounds thereof. The Secretary of the Zoning Board of Appeals shall thereupon transmit to the City Council a written opinion regarding the action appealed from stating: (2001-15)

(1) The decision of the Board on the Application for Variance; (2001-15)

(2) All finding of fact, setting forth in detail the specific reasons why the Application for Variance was denied. (2001-15)

When testimony has been presented at a lawful, Advertised hearing, before the Zoning Board of Appeals, and a decision has been rendered by the board, and which decision has been appealed to the City Council. No

further testimony other than that which was presented to the Board of Appeals, shall be considered by the City Council. (2001-15)

Any members of the Zoning Board of Appeals not concurring in such decision may prepare a written dissenting opinion. The Secretary of the Board shall promptly deliver such opinion and dissenting opinion to the City Council and to the person making such appeal. (2001-15)

B. Upon receipt of such Notice of Appeal the City Council should thereupon consider such matter in the ordinary course of its business and procedure. The City Council may grant a variation by Ordinance and may impose such conditions and restrictions upon the premises benefited by such variations as may be necessary to reduce or minimize the injurious effect of such variation upon other property in the neighborhood.

C. Once the City Council has heard the appeal and rendered a decision, it shall be the Zoning Administrator's responsibility to inform the petitioner of said decision. The Zoning Administrator shall, at that time, also convey to the petitioner the time frame allowed to correct the non-conformity. (2013-6)

18.9 FEES. The City Council shall establish a schedule of fees, charges and expenses for building permits, occupancy permits, appeals, copies of the zoning ordinance, maps, regulations, rules or other matters pertaining to this Ordinance. This schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in advance, no action shall be taken on any application or appeal. (2012-5)

ARTICLE XIX OFFICE OF THE SECRETARY OF THE ZONING BOARD OF APPEALS

19.1 APPOINTMENT. The Secretary of the Zoning Board of Appeals shall be appointed by the Mayor of the City of Fairbury by and with the advice and consent of the City Council of the City of Fairbury and said Secretary shall be subject to removal from office upon the sole determination of the Mayor and City Council.

19.2 DUTIES OF THE SECRETARY OF THE ZONING BOARD OF APPEALS. The secretary of the Board shall:

A. Record the minutes of the Board's proceedings and actions, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact.

B. Act as custodian of the records of the Board. With all original records filed at Fairbury City Hall. (2001-15)

C. Furnish members of the public with such blank forms for appeals and application for variations as are approved by the Board.

D. Review, on behalf of the Board, all such forms, when submitted by the appellant or applicant or his attorney.

E. Perform such other duties as may be assigned from time to time by the Board.

ARTICLE XX INTERPRETATION AND CONSTRUCTION

20.1 INTERPRETATION. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon heights of buildings or requires larger open spaces than are imposed or required by other ordinance, rules, regulations or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

20.2 SEPARABILITY:

A. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

B. Should any court of competent jurisdiction adjudge invalid the application of any provision of this Ordinance to a particular property or building, such judgment should not affect the application of such provision to any other property or building.

ARTICLE XXI VIOLATION AND PENALTY

21.1 Any person, firm, corporation, or contractor who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of the ordinance shall be fined for noncompliance after the 14 day notification as follow: (2005-3)

1st Offense: \$10.00 a day, up to 10 days.

2nd Offense: \$100.00 a day, up to 10 days.

3rd Offense: \$200.00 a day and court & attorney fees.

ARTICLE XXII ZONING BOARD OF REVIEW (1996-21)

22.1 ZONING BOARD OF REVIEW: There shall be established a zoning board of review that will meet annually during the first quarter of the year, whose responsibility will be:

- A. Review all appeals acted upon by the Zoning Board of Appeals.
- B. Address any problems, and trends that should be included in the Zoning Ordinance.
- C. Recommend to the City Council any changes that may be necessary to insure the integrity of the Zoning Ordinance.
- D. The Board of Review will be composed of the following:

(1) Zoning Administrator

(2) City Superintendent

(3) Chairman Ordinance Committee

(4) Two members from the Board of Appeals

(5) Two members from the City Planning Commission (if a planning commission exists) and if not, two members from the Association of Commerce

ARTICLE XXIII PUBLICATION AND EFFECTIVE DATE

23.1 This Ordinance shall be published and printed in pamphlet form and copies thereof shall be available at the office of the City Clerk for inspection by the parties. Additional copies may be purchased from the Clerk by anyone paying the cost thereof, as determined by the City Council.

23.2 The provisions of this Ordinance shall be in full force and effect on and after its passage and publication according to law.

Passed by the City Council of Fairbury, Illinois, this 18th day of December, AD 1968. Approved by the Mayor of the City of Fairbury, Illinois this 18th day of December, AD 1968.

Amended by Ordinance No. 747 passed by the City Council of the City of Fairbury, Illinois, this 5th day of September, AD 1973 and approved by the Mayor of the City of Fairbury this 5th day of September, AD 1973.

Amended by Ordinance No. 796 passed by the City Council of the City of Fairbury this 3rd day of May, AD 1978 and approved by the Mayor of the City of Fairbury, this 3rd day of May, AD 1978.

Amended by Ordinance No. 1985-8 passed by the City Council of the City of Fairbury this 6th day of November, AD 1985 and approved by the Mayor of the City of Fairbury, this 6th day of November, AD 1985.

Amended by Ordinance No. 1996-21 passed by the City Council of the City of Fairbury this 4th day of December, AD 1996 and approved by the Mayor of the City of Fairbury, this 4th day of December, AD 1996.

Amended by Ordinance No. 2000-7 passed by the City Council of the City of Fairbury this 21st day of June, AD 2000 and approved by the Mayor of the City of Fairbury, this 21st day of June, AD 2000.

Amended by Ordinance No. 2001-15 passed by the City Council of the City of Fairbury this 19th day of September, AD 2001 and approved by the Mayor of the City of Fairbury, this 19th day of September, AD 2001.

Amended by Ordinance No. 2003-6 passed by the City Council of the City of Fairbury this 21st day of May, AD 2003 and approved by the Mayor of the City of Fairbury, this 21st day of May, AD 2003.

Amended by Ordinance No. 2004-1 passed by the City Council of the City of Fairbury this 7th day of April, AD 2004 and approved by the Mayor of the City of Fairbury, this 7th day of April, AD 2004.

Amended by Ordinance No. 2005-3 passed by the City Council of the City of Fairbury this 6th day of April, AD 2005 and approved by the Mayor of the City of Fairbury, this 6th day of April, AD 2005.

Amended by Ordinance No. 2007-3 passed by the City Council of the City of Fairbury this 7th day of February, AD 2007 and approved by the Mayor of the City of Fairbury, this 7th day of February, AD 2007.

Amended by Ordinance No. 2010-6 passed by the City Council of the City of Fairbury this 21st day of July, AD 2010 and approved by the Mayor of the City of Fairbury, this 21st day of July, AD 2010.

Amended by Ordinance No. 2011-6 passed by the City Council of the City of Fairbury this 15th day of June, AD 2011 and approved by the Mayor of the City of Fairbury, this 15th day of June, AD 2011.

Amended by Ordinance No. 2012-5 passed by the City Council of the City of Fairbury this 5th day of July, AD 2012 and approved by the Mayor of the City of Fairbury, this 5th day of July, AD 2012.

Amended by Ordinance No. 2013-6 passed by the City Council of the City of Fairbury this 17th day of April, AD 2013 and approved by the Mayor of the City of Fairbury, this 17th day of April, AD 2013.

Amended by Ordinance No. 2015-12 passed by the City Council of the City of Fairbury this 19th day of August, AD 2015 and approved by the Mayor of the City of Fairbury, this 19th day of August, AD 2015.

Amended by Ordinance No. 2016-5 passed by the City Council of the City of Fairbury this 1st day of June, AD 2016 and approved by the Mayor of the City of Fairbury this 1st day of June, AD 2016.

Amended by Ordinance No. 2018-11 passed by the City Council of the City of Fairbury this 16th day of May, AD 2018 and approved by the Mayor of the City of Fairbury this 17th day of May, AD 2018.

Amended by Ordinance No. 2021-11 passed by the City Council of the City of Fairbury this 3rd Day of November, AD 2021 and approved by the Mayor of the City of Fairbury this 3rd day of November, AD 2021.

*Renumbered in 2000-7 includes definitions and articles starting with X

**Renumbered in 2003-6 includes definitions

***Renumbered in 2016-5 with the addition of #6

****Relocated with Council approval 2022-7-6; relocated from Article XII 12.5