

VILLAGE  
COPY

ZONING ORDINANCE  
VILLAGE OF CLAYTON, ILLINOIS

ZONING ORDINANCE  
VILLAGE OF CLAYTON, ILLINOIS

Adopted: \_\_\_\_\_1987

C. Anderson, J. Kershner,  
Institute for Regional, Rural,  
and Community Studies  
W.I.U., under contract to the  
Two Rivers Regional Council

MINUTES  
of a  
Public Hearing for a Proposed  
CLAYTON, ILLINOIS ZONING ORDINANCE  
7:00 p.m., November 12, 1987

A public hearing advertised in the Clayton Enterprise on October 27, 1987 was called to order at 7:05 P.M. by the Clayton, Illinois Zoning Commission to hear comment on a draft ordinance proposed for submission to the Clayton Village Board of Trustees by the Zoning Commission. Copies of the ordinance as proposed were available to the public at the Community Building after the public notice publication date.

Other than Village Trustees and members of the Zoning Commission, one member of the general public attended the hearing. A comment suggested that boarding houses, sheltered care facilities and nursing homes be included as permitted special uses in the Residential Districts. The Village Board President asked Zoning Commission members present if the phrase "and boarding homes, etc." could be added to the article concerning "additional uses" at Article 15, Section 1, Number 8., to read as follows:

"8. Hotels and motels, and boarding houses, sheltered-  
care homes, and nursing homes." (Added phrase underlined.)

There were no objections to this change.

Tom Fentem of the The Two Rivers Regional Council of Public Officials was directed to amend Article 15, Section 1, Number 8. Members of the Zoning Commission present voted to transmit the proposed ordinance with the suggested change to the Village Board of Trustees.

In answer to a question from Fentem, Village President Ronald Huber said that the village attorney had been consulted. The attorney's opinion was that the ordinance as proposed would probably be legally valid.

The public hearing was adjourned at 7:40 P.M.



The CLAYTON  
**ENTERPRISE**

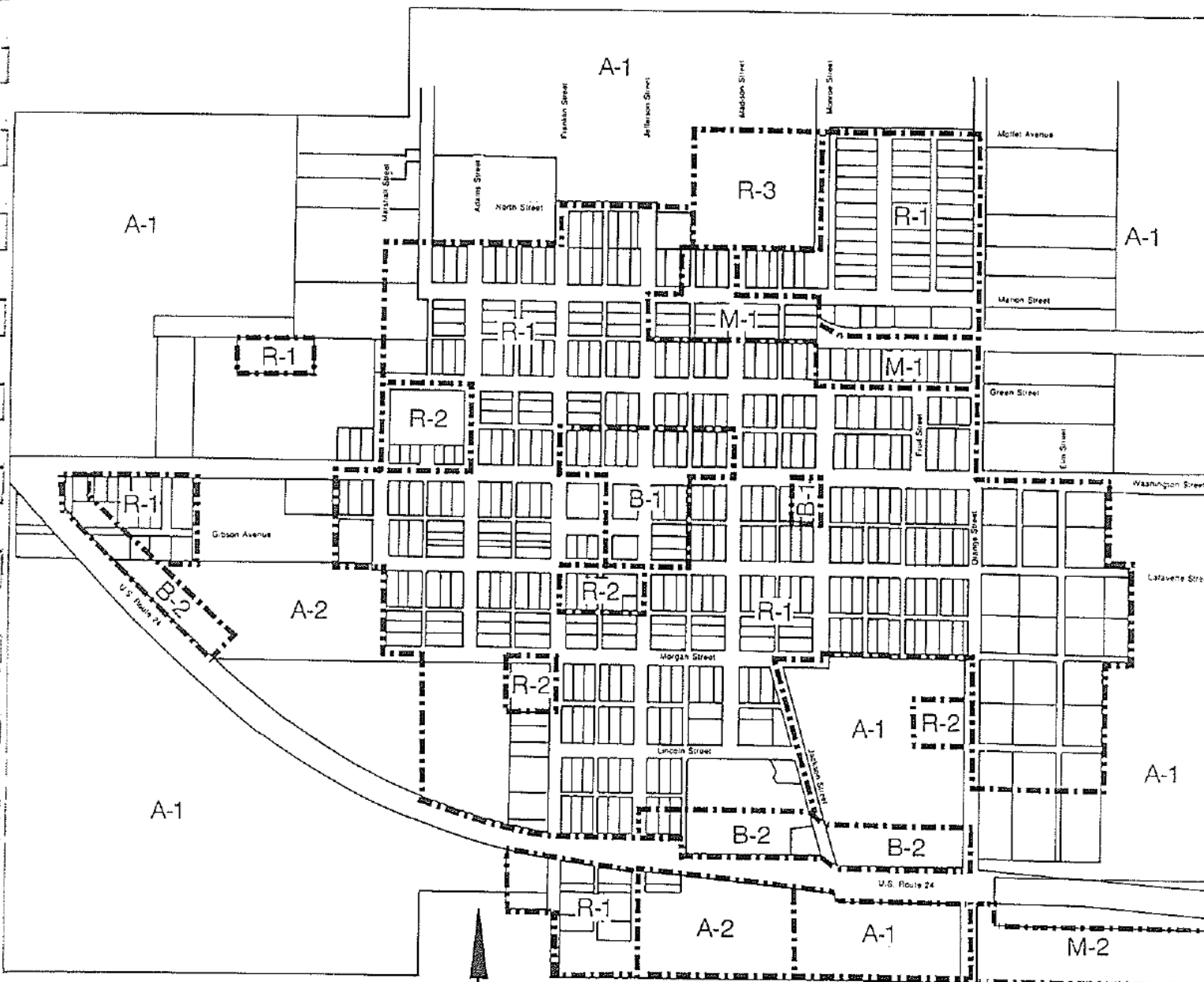
Vol. 98, No. 44  
Tuesday, October 27, 1987

**PUBLIC NOTICE**

A public hearing will be held at 7:00 p.m., November 12, 1987, at the Clayton Village Hall. The purpose of the hearing is to receive comment on a proposed, draft zoning ordinance for the Village of Clayton, as developed by the Clayton Zoning Commission for consideration by the Clayton Village Board.

Copies of the proposed ordinance are available for inspection at the Clayton Village Hall. All interested persons are invited to attend the hearing.





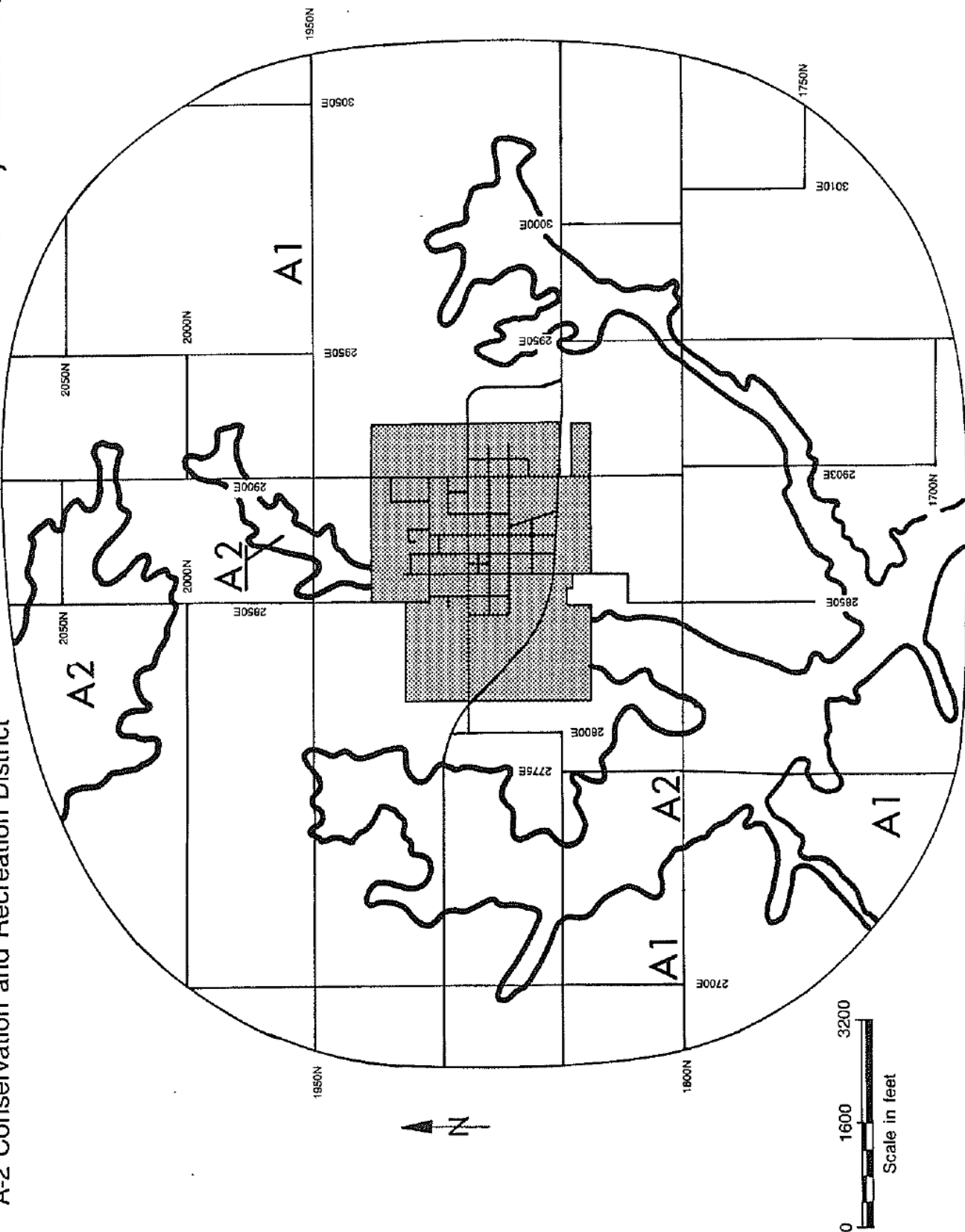
- R-1 Single Family Residence
- R-2 Multiple Family Residence
- R-3 Mobile Home Park District
- B-1 Business - Commercial District
- B-2 Highway Business District
- M-1 Light Industrial District
- M-2 General Industrial District
- A-1 Agriculture District
- A-2 Conservation and Recreation District

# ZONING DISTRICTS, CLAYTON, ILLINOIS

1987 Two Rivers Regional Council

# ZONING DISTRICTS, CLAYTON, ILLINOIS

A-1 Agriculture District  
A-2 Conservation and Recreation District



# VILLAGE OF CLAYTON ZONING ORDINANCE

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## ARTICLE 1. TITLE AND PURPOSE

This ordinance may be cited as "The Zoning Ordinance," and any reference shall be construed to mean the entire ordinance and its amendments.

The purposes of this ordinance are as follows: to classify, regulate, and restrict the location of businesses and industries, and the location of buildings designed for specified industrial, commercial, residential, and other uses; to regulate and limit the height and bulk of buildings hereafter erected; to regulate and limit the intensity of the use of lot areas; to regulate and determine the area of yards, courts, and other open spaces within and surrounding buildings; 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 by the ordinance; to provide for the gradual elimination of nonconforming uses of land, building, and structures; to prescribe penalties for the violation of the ordinance; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to conserve the taxable value of land and buildings throughout the Village; and, to promote the public health, safety, and welfare.

## ARTICLE 2. DEFINITIONS

### Section 1

For the purpose of this ordinance, the following terms and words are defined: words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory.

1. Accessory Building: A subordinate building, or a portion of the main building, whose use is incidental to that of the dominant use of the main building or premises. A mobile home shall not be permitted to function as an accessory building.
2. Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use. An accessory use includes, but is not limited to, the following:
  - a. A children's playhouse, garden house, and private greenhouse.
  - b. A civil defense shelter serving not more than two (2) families.

- c. A garage, shed, or building for domestic storage.
  - d. Incinerators incidental to residential use.
  - e. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
3. Agricultural Use: The use of land for agricultural purposes. This includes necessary buildings and structures used for agriculture including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing produce, provided, however, that the operation of any such accessory uses should be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons not engaged in agricultural operations shall not be considered to be used for agricultural purposes.
  4. Alley: A public thoroughfare which affords only a secondary means of access to abutting property.
  5. Alteration: A change or rearrangement of the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or by a change in use from that of one district classification to another, of a building or structure.
  6. Apartment House: See Dwelling, Multiple.
  7. Board: The duly appointed Board of Appeals as established in Article 18 of this ordinance.
  8. Board of Appeals: The duly appointed Board of Appeals as established in Article 16 of this ordinance.
  9. Boarding House: A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.
  10. Building: Any structure for the shelter, support or enclosure of persons, animals, or property, of any kind. When separated by dividing walls without openings, each portion of the building shall be deemed a separate building. Trailers or mobile homes as defined in this section shall not be considered a building.
  11. 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 average height of the highest gable of a pitch or hip roof.

12. District: Any section of the Village of Clayton with uniform regulations governing the use of buildings and premises or the height and area of buildings.
13. Dwelling: Any building or ~~part of a~~ building which is designed or used exclusively for residential purposes.
14. Dwelling, Single Family: A building designed for occupancy by one (1) family.
15. Dwelling, Two-Family: A building designed for occupancy by two (2) families.
16. Dwelling, Multiple: A building or part of a building designed for occupancy by three (3) or more families.
17. Dwelling Unit: A building or part of a building providing complete housekeeping facilities for one family.
18. Family: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from persons living in a boarding house, lodging house, hotel, or motel as those structures are defined in this ordinance.
19. Filling Station: Any building or premises used principally for the storing, dispensing, or sale of automobile fuels or oils.
20. Floor Area (of a Dwelling Unit or Lodging Room): The sum of gross horizontal areas of the rooms in a dwelling unit or lodging room, including closets, baths, utility rooms, enclosed porches and hallways, when accessible only to the occupants of the dwelling unit or lodging room and not accessible to other occupants of the building or to the general public, and only when the rooms, walls or other areas are an integral part of said dwelling unit or lodging room. Floor area shall be measured from the interior faces of the outermost walls defining the dwelling unit or lodging room, but shall not include an unfinished space or finished space having a head room of less than five (5) feet.
21. Frontage: The property abutting one side of a road, street, or place between two (2) intersecting roads or places (crossing or terminating), or, if the road, street or place is a dead end, then the property abutting on one side between an intersecting road, street, or place and the dead end of the road, street, or place.
22. Garage, Private: An accessory building designed or used for the storage of not more than five (5) motor-driven vehicles licensed for road use owned and operated by the occupants of a building.

23. Garage, Public: A building or part of a building other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.
24. Garage, Storage: A building or part of a building designed or used exclusively for housing four (4) or more motor-driven vehicles.
25. Grade: Grade may be determined as follows:
- a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
  - b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
  - c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.
26. Home Occupation: Any occupation or profession carried on by a member of a family, residing on the premises, in connection with which there may be used one sign not more than two (2) feet square in area, provided that no person is employed other than a member of the immediate family residing on the premises, and provided that the occupation shall not be conducted in a way that is objectionable to surrounding residents.
27. Hotel: A building used as the dwelling place of more than twenty (20) persons who are lodged with or without meals for compensation.
28. Lot: A parcel of land occupied or intended for occupancy by one main building together with its accessory building or buildings, and uses customarily incidental to the lot, including the open spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.
29. Lot, Corner: A lot adjoining two (2) or more streets at their intersection.
30. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.
31. Lot, Interior: A lot other than a corner lot.

32. Lot, Reversed Frontage: A lot having frontage at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
33. Lot Line, Front: In the case of an interior lot, a line separating the lot from the road, street or place. In the case of a corner lot, a line separating the narrowest frontage of the lot from the street.
34. Lot Line, Rear: That boundary of a lot which is the most distant from, and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be the line ten (10) feet in length, within the lot, parallel to, and at the maximum distance from, the front lot line.
35. Lot Lines: The lines bounding a lot.
36. Lot of Record: A lot which is part of a subdivision, whose map has been recorded in the office of the Recorder of Deeds of Adams County, Illinois, or a lot described by metes and bounds, whose description has been recorded in the office of the Recorder of Deeds of Adams County, Illinois.
37. Lot Width: The dimension of a lot measured between side lot lines on the building line and at right angles to the depth of the lot.
38. Mobile Home: Any structure used for living, sleeping, or storage purposes, which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, or which has been designed to be equipped with wheels or other devices for transporting the structure from place to place whether by motor power or other means, and whether located or proposed to be located on a permanent foundation or other foundation of any type.
40. Mobile Home Park: An area of land divided into two (2) or more lots or parking berths platted and laid out to provide sites for mobile homes (trailers) permanently attached to the land.
41. Modular Home (Modular Dwelling): Any dwelling with fifty (50) percent of its construction complete prior to the time such structure is to be permanently assembled and attached to a foundation.
42. Motel: See Hotel as defined herein.



43. Nonconforming Use: The use of any premises contrary to the use provisions of this ordinance for the district where the premises are located.
44. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
45. Parking Space: A surfaced or gravelled area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley.
46. Place: An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to adjoining property.
47. Rooming House: See Boarding House.
48. Sign, Signboard, or Billboard: Any structure, or portion of a structure situated on private premises, on which lettered, figured, or pictorial matter is, or is intended to be, displayed for advertising purposes, other than the name and occupation of the user of, or the nature of, the business conducted, or the products primarily sold or manufactured on the premises. This definition does not include real estate signs advertising the sale or rent of property on which it stands.
49. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling.
50. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ( $2/3$ ) of the floor area is finished off for use. A half-story containing an independent apartment or living quarters shall be counted as a full story.
51. Street: All property dedicated or intended for public or private street purposes or subject to public easements.
52. Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having a permanent location on the ground.
53. Trailer: See Mobile Home.
54. Trailer Park: See Mobile Home Park.

55. Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not include a nonconforming use.
56. Use, Accessory: See Accessory Use.
57. Use, Principal: The main use of land, building, or structure as distinguished from a subordinate or accessory use.
58. Use, Special: Any building, structure or use, which, on the effective date of this ordinance complies with the regulations governing special uses in the individual zoning districts.
59. Yard: An open space at grade 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 in this ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and that portion of the main building which is closest to the lot line shall be used and no eaves, or roof overhang, or any other portion or part of the building or structure shall be closer to the lot line than the minimum width of the yard as provided in this ordinance.
60. Yard, Front: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, in all cases, the rear yard shall be at the opposite end of the lot from the front yard.
61. Yard, Side: A yard between the building and the side line of the lot extending from the front lot line to the rear lot line.
62. Zoning Administrator: The duly appointed or employed officer whose duty is to enforce the provisions of any zoning ordinance established by the village of Clayton.
63. Zoning Commission: The duly appointed Zoning Commission of the village of Clayton.
64. Zoning District Map(s), Municipal: Zoning district maps for the village of Clayton, Illinois, within Adams County which zoning district map shows the boundaries of the zoning districts for the area inside the limits of the village and within one and one-half (1 1/2) miles of the corporate limits. Zoning district maps are part of the zoning ordinance.

### ARTICLE 3. DISTRICTS AND THEIR BOUNDARIES

#### Section 1

In order to classify, regulate, and restrict the locations of businesses, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding buildings, the village of Clayton, Illinois, and the area within one and one-half (1 1/2) miles of the corporate limits is divided into the following nine (9) districts.

- "R-1" Single-Family Residence
- "R-2" Multiple-Family Residence
- "R-3" Mobile Home Park District
- "B-1" Business-Commercial District
- "B-2" Highway Business District
- "M-1" Light Industrial District
- "M-2" General Industrial District
- "A-1" Agricultural District
- "A-2" Conservation and Recreation District

#### Section 2

The boundaries of the districts are shown on the maps that are part of this ordinance, and the districts are described in the text of this ordinance. The original of each district map shall be properly attested to and filed, along with the official signed and attested copy of the zoning ordinance, in the office of the Clayton Village Clerk. No amendment, new zoning district map, new boundary, boundary changes, or any entries are to be made or become effective in the future after final adoption of this ordinance until after the amendment, new zoning district map, new boundary, boundary changes or entries have been recorded, changed, or entered on the original official zoning district map adopted as a part of this ordinance.

### Section 3 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts shown on the zoning district maps, the following rules shall apply.

1. Where indicated, the center lines of streets or highways, street lines, or highway right-of-way lines, shall be district boundaries.
2. Where indicated, lot lines, township lines, section lines, half-section lines, quarter-section lines and one-eighth section lines, shall be district boundaries.
3. Where indicated, lines approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways shall be considered as being parallel to, and at a distance from, as shown on the zoning district maps. If no distance is given, the dimension of the district shall be determined by the use of the scale shown on the zoning district maps.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the railroad line.
5. Where the boundary of any zoning district follows a stream, lake, or other body of water, the district boundary line shall be the same as for the jurisdictional limit of the village of Clayton, unless otherwise indicated.
6. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map(s) 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.
7. 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(s) 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(s).
8. In unsubdivided property, the district boundary lines on the map(s) accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map(s).

#### Section 4 Annexation

It shall be the responsibility of the village of Clayton Zoning Commission prior to or at the time of annexation to establish the zoning district classification for the territory proposed for annexation.

#### Section 5 Vacated Areas

Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar area shall be extended automatically to the center of vacated area and all the area included in the vacated area shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated shall be extended automatically to include all the vacated area.

#### Section 6 Application

The provisions of this zoning ordinance shall apply to the entire village of Clayton and that area within one and one-half (1 1/2) miles of the corporate limits of the village of Clayton.

#### Section 7 Except as provided in subsequent articles and sections

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. The yard regulations and density of population provisions required by this ordinance are minimum regulations for each and every building existing at the effective date of this ordinance and for any building subsequently erected or structurally altered. No land required for yards or other open spaces about an existing building or any building subsequently erected or structurally altered shall be considered a yard or lot area for more than one (1) building.

5. Every building subsequently erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot.

## ARTICLE 4. "R-1", SINGLE-FAMILY RESIDENTIAL

### Section 1

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the "R-1" Single Family Residential district regulations.

### Section 2 Use Regulations - "Permitted Principal Uses," "R-1"

1. Single family detached dwellings.
2. Single family detached modular homes.
3. Single family detached, permanently anchored mobile homes with a minimum of eight-hundred (800) square feet floor space and meeting all the Mobile Home Park District requirements (see Article 6).
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
5. Signs, defined as follows:
  - a. A sign or signboard not exceeding eight (8) square feet in area, appertaining to the sale or lease of the premises or trespassing.
  - b. A church or public building bulletin board not exceeding twenty (20) square feet in area.
  - c. Name plate, not exceeding two (2) square feet in area.

### Section 3 Use Regulations - Permitted Accessory Uses; "R-1"

1. Accessory buildings and uses customarily incidental to permitted principal uses, including private garages. Any accessory building that is not a part of the main structure shall be located behind the building setback line of the main structure and not less than five (5) feet from any other street line. Accessory uses shall not include the raising of poultry, pets, or livestock on a scale that would be objectionable because of noise or odor to surrounding residents. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced. Accessory buildings may be constructed on a lot adjoining a lot having a principal building when both lots have the same owner.

2. Private swimming pools appurtenant to a dwelling on the same lot, when meeting yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or property on which it is located is adequately fenced to prevent access of small children, and meets all applicable health and sanitary requirements.
3. The office or studio of a physician, surgeon, dentist, musician, lawyer, architect, teacher, beauty parlor operator, gift shop operator, mortician, or other member of a recognized profession in his place of abode, including an instructor in an individual musical instrument, limited to a single pupil at a time, provided that one (1) sign may be used not to exceed two (2) square feet, and provided further, that not more than the equivalent of one-half (1/2) of the individual's living unit shall be used for office or studio space, and that no more than one (1) paid assistant is employed on the premises.

#### Section 4 Use Regulations --Permitted-Special Uses, "R-1"

1. Nurseries, truck gardening.
2. Parks, playgrounds, and community buildings owned and operated by a public agency.
3. Churches, provided that any church constructed on a new site shall provide off-street parking space upon the lot or within two hundred (200) feet of the lot, which space is adequate to accommodate one (1) car for every ten (10) persons for which seating is provided in the main auditorium of the church, exclusive of the seating capacity of Sunday school and other special rooms.
4. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.
5. Golf courses, except courses illuminated for night use or miniature courses and driving tees operated for commercial purposes.

#### Section 5 Use Regulations - Prohibited Uses, "R-1"

1. All commercial and industrial uses with the exception of home occupations and agricultural uses are prohibited in the "R-1" Single-Family Residential District.



## Section 6 Parking Regulations

Off-street parking facilities shall be provided in the ratio of one (1) space per single family residential unit. Required parking space shall not be located in required front or required side yards.

## Section 7 Height Regulations

1. No single family detached dwelling or modular home shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in Article 15.
2. No mobile home shall exceed the height requirements set forth for a Mobile Home Park District, "R-3," Section 6 of this ordinance.

## Section 8 Area Regulations

### 1. Front Yard:

- a. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each side of a corner lot, provided, however, that the buildable width of a lot of record at the time of passage of this ordinance need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along a side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard: Except as provided for in Article 14, there shall be a side yard on each side of a building having a width of not less than five (5) feet or ten (10) percent of the average width of the lot, whichever amount is smaller, provided that no side yard shall have a width of less than three (3) feet.
3. Rear Yard: Except as provided for in Article 14, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

## Section 9 Intensity of Use

All buildings including accessory buildings shall cover not more than forty (40) percent of the area of the lot. Every "R-1" residential lot shall have an area of not less than seven thousand (7,000) square feet per family, and shall have an average width of not less than fifty (50) feet, except that if a lot of record has less area or width than required and has been duly recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this article.

Lot Area	Lot Width	Lot Frontage
7,000 sq. ft./ dwelling unit	50 feet	50 feet
Yard Requirements	Height Requirements	Off-Street Parking
Front: 25 feet Side: 5 feet or 10 percent of average lot width Rear: 30 feet or 20% 20 percent of lot depth, whichever is less Corner: 25 feet on each street side or a corner lot	2 1/2 stories or 35 feet	1 space/dwelling unit

## Section 10 Special Requirements, "R-1"

1. In the "R-1" district, there shall be not more than one (1) principal detached residential building on a lot nor shall a principal detached residential building be located on the same lot with another principal building.
2. No mechanical device designed for the purpose of controlling the internal environment of any structure shall be permitted in any front yard or within eight (8) feet of any lot line in the "R-1" district.
3. No accessory structures shall be constructed closer than eight (8) feet to any lot line nor in any side or front yard except a fence not exceeding four (4) feet in height along a lot line, or a driveway not closer than two (2) feet along a lot line.

## ARTICLE 5. "R-2," MULTIPLE FAMILY RESIDENTIAL

### Section 1

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the "R-2" Multiple-Family Residential district regulations.

### Section 2 Use Regulations - Permitted Principal Uses, "R-2"

1. Single-family detached dwellings.
2. Single-family detached modular homes.
3. Single-family detached mobile homes as permitted in "R-1" districts.
4. Multiple-family residential dwelling units.
5. Single-family attached dwellings (row houses and town houses) not to exceed ten (10) dwelling units or apartments per structure.
6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
7. Signs, as defined in Article 4, Section 2, Number 5(a), (b), and (c) of this ordinance.

### Section 3 Use Regulations - Permitted Accessory Uses, "R-2"

1. Permitted accessory uses shall be identical to those set forth for the "R-1" Single-Family-Residential district in Article 4, Section 3 of this ordinance, except that storage garages accessory to hospitals or institutional buildings shall be located not less than sixty (60) feet from the front lot line and not less than five (5) feet from any other street line when such storage garages are not a part of the main building.

### Section 4 Use Regulations - Permitted Special Uses, "R-2"

1. Parks, playgrounds, and community buildings owned and operated by a public agency.
2. Non-profit hospitals and clinics, but not animal hospitals, animal clinics, or mental hospitals.
3. Non-profit religious, educational, and philanthropic institutions, but not penal, or mental treatment institutions.

4. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.
5. Churches, subject to the provisions set forth in Article 4, Section 4, Number 3 of this ordinance.
6. Boarding houses as defined in Article 2, Section 1, Number 9 of this ordinance, providing that such houses shall contain no more than eight (8) sleeping rooms.
7. Private clubs, fraternities, sororities, and lodges, excepting those whose chief activity is a service customarily carried on as a business.

#### Section 5 Parking Regulations, "R-2"

1. Each single family detached dwelling, two-family detached dwelling, private club, fraternity, sorority, lodge, or boarding house shall provide off-street parking in the ratio of one (1) space per living unit. Required parking space shall not be located in required front or required side yards.
2. Single family attached dwellings and multiple family attached dwellings shall provide off-street parking in the ratio of two (2) spaces per living unit. Required parking space shall not be located in required front or required side yards.

#### Section 6 Height Regulations, "R-2"

1. No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided in Article 14 of this ordinance.
2. The height regulations set forth in the "R-1" Single Family Residence district regulations of this ordinance shall apply to single family detached dwellings, to single family detached modular homes, and two-family detached residential dwellings in the "R-2" Multiple Family Residence district.
3. The height regulations of Mobile Home Park District, "R-3" shall apply to all mobile homes in the "R-2" Multiple Family Residence district.
4. No single family attached or multiple family dwelling in the "R-2" Multiple Family Residence district shall exceed three (3) stories or forty-five (45) feet.

## Section 7 Area Regulations, "R-2"

### 1. Front Yard:

- a. There shall be a front yard having a depth of not less than twenty (20) feet.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each side street of a corner lot, provided, however, that the buildable width of a lot of record at the time of passage of this ordinance need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along a side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

### 2. Side Yard: Except as provided for in Article 14, there shall be a side yard on each side of a building having a width of not less than five (5) feet or ten (10) percent of the average width of the lot, whichever amount is smaller, provided that no side yard shall have a width of less than three (3) feet.

### 3. Rear Yard: Except as provided for in Article 14:

- a. Lots on which a two-family detached dwelling, single family attached dwelling (row house or town house), fraternity, sorority, lodge, or boarding house is situated shall have a rear yard of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.
- b. Lots on which a multiple family dwelling is situated shall have a rear yard of not less than twenty (20) feet.

## Section 8 Intensity of Use

Except as subsequently provided, all dwellings erected, enlarged, converted, relocated, or reconstructed shall be located on lots containing the following areas:

1. A lot on which a two family detached residential dwelling unit is situated shall have an area of not less than three thousand five hundred (3,500) square feet per living unit.
2. A lot on which a single family attached dwelling is situated shall have an area of not less than two thousand five hundred (2,500) square feet per living unit.

3. A lot on which a private club, fraternity, sorority, lodge, or boarding house is situated shall have an area of not less than seven thousand (7,000) square feet.
4. Multiple family dwellings shall be located on lots which provide two (2) minimum buildable lot areas per dwelling unit, as follows:
  - a. Efficiency apartments: one-thousand (1,000) square feet
  - b. Apartments with one (1) bedroom: one-thousand two-hundred (1,200) square feet
  - c. Apartments with two (2) or more bedrooms: one-thousand five-hundred (1,500) square feet
5. No multiple family or single family attached dwelling shall be constructed with a total lot area of less than eleven-thousand (11,000) square feet.

Minimum Lot Area	Minimum Average Lot Width	Minimum Lot Frontage
Single family attached: 2,500 square feet	Single family attached: 30 feet/living unit	Single family attached: 30 feet
Fraternities, sororities, lodges, private clubs, rooming houses: 7,000 square feet	Fraternities, sororities, lodges, private clubs, rooming houses: 80 feet	Fraternities, sororities, lodges, private clubs, rooming houses: 20 feet
Multiple family: See Section 8, Numbers 4 & 5 -this Article		

Minimum Yard Requirements	Maximum Height Requirements	Off-Street Parking
Front: 20 feet	Three stories or 45 feet	Single family detached, two family detached, private clubs, lodges, rooming houses, etc. one space/living unit
Corner: 20 feet on each side street of a corner lot		
Side: 5 feet or 10% of average depth, whichever is smaller		Other residential units: two spaces/living unit
Rear: 30 feet or 20% of the average lot depth, whichever is smaller		
Exception: Multiple family dwellings: 20 feet		

## ARTICLE 6. "R-3," MOBILE HOME PARK

### Section 1

The regulations set forth in this article, set forth elsewhere in this ordinance, when referred to in this article, are the "R-3" Mobile Home Park District regulations.

### Section 2 Use Regulations - Permitted Principal Uses, "R-3"

1. Mobile homes (trailers) to be used as single family dwellings placed on a lot on a permanent foundation, permanently anchored to the ground for a period of at least sixty (60) days and meeting the requirements listed below.

### Section 3 Use Regulations - Permitted Accessory Uses, "R-3"

1. Private recreational and hobby uses such as swimming pools, tennis courts, gardens, and greenhouses.
2. Canopies, carports, and awnings.
3. Accessory units or expansion units, but only when specifically designed for mobile home use.
4. Management and maintenance offices including storage facilities for grounds-keeping equipment.
5. Individual tenant storage facilities, either located on the lot, or in compounds located not more than five hundred (500) feet from the mobile home lot.
  - a. Such storage facilities shall be designed in a manner that will enhance the appearance of the mobile home park and shall be constructed of suitable weather-resistant materials.
  - b. There shall be a minimum of ninety (90) cubic feet provided for general storage for each mobile home lot.

### Section 4 Use Regulations - Permitted Special Uses, "R-3"

1. The use of any mobile home as temporary living or office space while a building or structure is under construction.



## Section 5 Parking Regulations, District "R-3"

Two (2) off-street parking spaces for each mobile home dwelling shall be provided. No motor vehicle parked on a mobile home lot shall be parked nearer than ten (10) feet to any adjoining mobile home. Paved areas for guests shall be provided in the ratio of one (1) space for every four (4) dwelling unit lots.

## Section 6 Height Regulations, "R-3"

No building, structure, or dwelling in a mobile home park shall exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

## Section 7 Area Regulations, "R-3"

### 1. Front Yard:

- a. There shall be a front yard having a depth of not less than twenty (20) feet.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot.

2. Side Yard: There shall be a side yard on each side of a mobile home having a depth of not less than ten (10) feet.

3. Rear Yard: Each lot on which a mobile home dwelling is placed shall have a rear yard of not less than twenty (20) feet.

## Section 8 Intensity of Use Regulations, "R-3"

1. Each mobile home dwelling, including accessory buildings, garages, and porches, shall cover no more than seventy (70) percent of each mobile home park lot, or of each private lot.

2. Minimum floor area. Each mobile home placed upon a mobile home park lot shall have a total ground floor area of not less than five hundred (500) square feet as measured from the outside of exterior walls, including utility rooms, but excluding open porches, breezeways, and garages.

3. Every mobile home (trailer) park shall be platted on not less than five (5) acres of land.
4. Every mobile home (trailer) placed in a park shall be on a lot having an area of not less than two thousand one hundred (2,100) square feet.

Minimum Mobile Home Park	Minimum Lot Area	Minimum Lot Frontage
5 acres	4,000 square feet/ mobile home	20 feet

Minimum Yard Requirements	Height Requirements	Off-Street Parking Requirement
Front: 20 feet	All buildings, structures, dwellings:	2 spaces for each mobile home dwelling
Side: 10 feet	2 1/2 stories or 35 feet	1 space for every 4 dwelling unit lots
Rear: 20 feet		
Corner: 20 feet on each side of lot		

#### Maximum Lot Coverage

70 percent of each park lot or  
of each private lot

### Section 9 Special Requirements, "R-3"

1. Setback from Center Line of Major Highway.
  - a. Each mobile home placed upon a mobile home park lot fronting upon a major highway shall be set back from the center line of the highway a minimum of eighty (80) feet to the building line.

2. Dwelling Standards. Each mobile home dwelling placed upon a mobile home park lot shall have a total ground floor area of not less than five hundred (500) square feet, measured from the outside exterior walls, including utility rooms, but excluding open porches, breezeways, and garages. Each mobile home dwelling shall be anchored to a permanent foundation.
3. Additions to Mobile Home Dwellings. No permanent or semi-permanent structure shall be attached to any mobile home as an addition to such mobile home, nor shall any accessory structure be permitted on any mobile home lot or in any mobile home park except those structures permitted by this article and those structures designed for use with a mobile home such as a canopy, carport, awning, or any expansion unit or accessory structure specifically manufactured for mobile homes.
4. Design of Mobile Home Park.
  - a. All lots shall front upon an interior street within the park.
  - b. Entrances onto public roads or streets shall be limited to those approved by the Clayton Village Board upon recommendation of the Zoning Commission.
5. Required Screen Plantings in a Mobile Home Park.
  - a. A Mobile Home Park Periphery Abutting Residential Use. All mobile home park sites shall provide a planting strip planted with trees or shrubs at least six (6) feet high, to provide a screen within four (4) years effective at all times along the periphery of any "R-3" Mobile Home Park District abutting any "R-1" or "R-2" district.
  - b. Interior Lots and Service Areas. Adequate screen planting shall be provided to screen objectionable views including laundry and drying areas, storage structures, and refuse receptical.
  - c. Alternate Screening. Wherever screen planting fails to fulfill the provisions of Subsection b above, fencing designed for the function intended and constructed to withstand conditions of soil, weather and use shall be installed at the height of six (6) feet.
6. Fuel System Standards:
  - a. Liquified Petroleum Gas as Fuel. When liquified petroleum gas is used, the containers for such gas shall be the liquified petroleum gas container approved by the Interstate Commerce Commission for its intended purpose and shall be integrally attached to the mobile home in a manner as approved by the Liquified Petroleum Gas Association or other appropriate safety authority including the

appropriate safety authorities of Adams County.

- b. Fuel Oil Supply. Fuel oil supply systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks, or cylinders and piping to the mobile home shall be securely fastened in place and protected against physical damage.
  - c. Natural Gas System. Natural gas piping systems shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of each mobile home gas outlet.
7. License: A written license issued by the community health authority allowing a person to operate and maintain a mobile home park under the provision of these standards and regulations.
8. Permanent Facilities and Resident Services. The following permanent facilities shall be installed and available to and for each mobile home in a mobile home park.
- a. Streets shall be installed and paved to a minimum width of twenty-four (24) feet.
  - b. Sanitary drinking water system, inspected and approved by the Department of Public Health, providing adequate pressure with appropriate water connections for domestic usage. At least one (1) cold water supply outlet shall be provided within three-hundred (300) feet of every dependent mobile home.
  - c. For fire protection, sanitary water under adequate pressure in standard fire hydrants, which hydrants shall be located within four-hundred (400) feet of every individual lot within a park.
  - d. Sanitary sewage disposal system, inspected and approved by the Department of Public Health, with appropriate water and odor tight sewerage connections for each mobile home. Connection between storm water drainage system and sewage disposal system shall not be permitted.
  - e. Lateral storm drains for each lot connected to the main storm water drainage system.
  - f. Refuse disposal receptacles, watertight, or incinerators located within two-hundred (200) feet of each lot as approved by the zoning officer. Disposal shall create neither a menace to health nor a nuisance.

- g. Insect and rodent control measures shall be employed to maintain healthful and sanitary conditions.
- h. Public utilities, having building code and ordinance approved connection boxes, including but not limited to electricity, gas, and telephone. In addition, each mobile home shall have a separate and independent public utility connection including but not limited to electricity, gas, and telephone.
- i. Management and maintenance offices including storage facilities for grounds-keeping equipment.

## Section 10 Standards for Continuing Operations

- 1. A register record shall be kept of all mobile home owners or occupants situated within a park. The register, which shall be kept within the management office, shall contain the name and address of each occupant. The register shall not be destroyed for a period of six (6) years.
- 2. Supervision. The owner or duly authorized attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the owner for the violation of any provision of these standards to which the licensee or permittee is subject.
- 3. Exception. Nothing in this ordinance shall be construed to prohibit the storage of any travel trailer for any length of time when it is not used for living or sleeping purposes.
- 4. Posting of License and Transfer. The license certificate and certificate of occupancy shall be conspicuously posted in the office or on the premises of the mobile home park at all times. Operating licenses shall not be transferable without the written consent of the licensor.
- 5. Maintenance, Repair, and Sanitation. The owner or operator shall maintain and repair all facilities, services, roads and driveways and keep all of same in a sanitary and safe condition within the park. Occupants of mobile homes therein, who violate sanitation or safety standards or standards identified herein, or who willfully or maliciously damage the facilities within the park, shall be prosecuted or ejected.

## Section 11 Administration Procedures

The division and allocation of land for the construction, location, and operation of proposed mobile home parks shall be governed by the procedures and design standards specified in this regulation. The design standards shall be found and determined by

the Clayton Village Board to be a necessary element of this regulation and essential to accomplish the objectives of the regulations.

## ARTICLE 7. "B-1," BUSINESS-COMMERCIAL

### Section 1

The regulations set forth in this article, or set forth elsewhere in this ordinance, which are referred to in this article, are the regulations for the "B-1" Business Commercial District.

### Section 2 Use Regulations - Prohibited Uses, "B-1"

1. All residential use in this district is prohibited, with the exception of residential units above the first floor as provided for in Section 5, Number 8 of this article.
2. The manufacture or production of any good is prohibited except as noted in Section 5, Number 1 of this article.
3. All business, service, storage, merchandise display, repair, and processing shall be conducted wholly within a completely enclosed building.

### Section 3 Use Regulations - Permitted Principal Uses, "B-1"

1. The sale of retail goods such as hardware, food, wearing apparel, home furnishing, books, jewelry, cafes, and restaurants.
2. Business and professional offices, including banks, medical, dental, and chiropractic clinics, and veterinary clinics without open kennels.
3. The sale of services such as barber shops, beauty parlors, bicycle repair, appliance repair, photography studios, plumbing shops, tailoring, shoe repair, upholstery repair, undertaking establishments, food storage lockers, business, dancing, or music schools.
4. Recreational uses such as bowling alleys, billiard parlors, and game arcades, when conducted wholly within a completely enclosed building.
5. Other retail uses similar in bulk, scale, and intensity.

### Section 4 Use Regulations - Permitted Accessory Uses, "B-1"

1. Uses clearly incidental to, but necessary to, the principal uses.

## Section 5 Use Regulations - Permitted Special Uses, "B-1"

1. The production of goods for sale on the premises such as bakeries and printing establishments.
2. Furnace, heating, and sheet metal shops or stores. Not more than ten (10) percent of the lot or tract of land occupied by the establishments shall be used for the open and unenclosed storage of materials or equipment.
3. Storage, sales, or repair of new or used automobiles.
4. Hotels, tourist homes, and motels.
5. Tire store sales and service, including vulcanizing.
6. Retail dyeing and cleaning works, laundries and launderettes, including self-service establishments.
7. Filling stations and motor vehicle servicing facilities, and the sale and storage of fuels and petroleum products, provided that all volatile fuels kept on the premises incident to such uses shall be stored below grade level.
8. Residential dwelling units above the first floors of buildings.
9. Taverns and retail package liquor stores.

## Section 6 Parking Regulations, "B-1"

1. Dwelling units. No dwelling unit, including those in hotels, tourist homes, and motels, shall be erected or reconstructed unless there is provided the same lot or within three-hundred (300) feet thereof off-street parking in the ratio of one (1) space per dwelling unit.

## Section 7 Height Regulations

No building shall exceed four (4) stories or sixty (60) feet in height, except as otherwise provided in Article 14.



## Section 8 Area Regulations

1. Front Yard. No front yard is required unless a block is partly in residential district and partly in the "B-1" Business-Commercial District in which case the front yard regulations of the residential district shall apply.
2. Side Yard. A side yard is not required except on the side of a lot adjoining residential district, in which case there shall be a side yard of not less than five (5) feet.
3. Rear Yard. No rear yard shall be required except where a lot abuts on an "R" residential district, in which case there shall be a rear yard of not less than ten (10) feet.

## Section 9 Intensity of Use

The intensity of use regulations shall apply to living facilities above stores and to other commercial uses as well as to residential buildings and shall be the same as those of the "R-2" Multiple Family Residential District.

1. Minimum Lot Area: The minimum lot area in the "B-1" Business-Commercial District shall be one-thousand (1,000) square feet.
2. Minimum Lot Width: The minimum lot width in the "B-1" Business-Commercial District shall be twenty (20) feet.
3. Minimum Lot Frontage: The minimum lot frontage in the "B-1" Business-Commercial District shall be twenty (20) feet.

Minimum Lot Area	Minimum Lot Width	Minimum Lot Frontage
1,000 square feet	20 feet	20 feet
Yard Requirements	Height	Off-Street Parking
If adjoining an "R" residential district	Four (4) stories or 60 feet in height. Exceptions for public, semi-public buildings, and schools, hospitals, institutions.	One (1) space per dwelling unit.
Front: 25 feet		
Rear: 10 feet		
Side: 5 feet		
Corner: 25 feet		

## ARTICLE 8. "B-2," HIGHWAY BUSINESS

### Section 1

The regulations in this article, or elsewhere in the ordinance and referred to in this article, are the regulations for the "B-2" Highway Business District.

### Section 2 Use Regulations - Prohibited Uses, "B-2"

All uses prohibited in the "B-1" Commercial-Business District.

### Section 3 Use Regulations - Permitted Principal Uses, "B-2"

All uses permitted in the "B-1" Commercial-Business District.

### Section 4 Use Regulations - Permitted Accessory Uses, "B-2"

Uses clearly incidental to, but necessary to the principal uses.

### Section 5 Use Regulations - Permitted Special Uses, "B-2"

All uses permitted in the "B-1" Commercial-Business District.

### Section 6 Parking Regulations, District "B-2"

1. Commercial buildings shall provide permanent off-street parking lot in the ratio of one (1) parking space for each three-hundred (300) square feet of floor space in the building.
2. No theatre or auditorium shall be erected unless there is provided on the same lot, a space of off-street parking which contains an area adequate to accommodate one (1) automobile for every four (4) seats in the theatre.
3. Dwelling units. No dwelling unit, including those in hotels, tourist homes, and motels, shall be erected or reconstructed unless there is provided on the same lot, off-street parking in the ration of one (1) space per dwelling unit.

### Section 7 Height Regulations

All uses permitted in the "B-1" Business-Commercial District.

Section 8 Area Regulations

All uses permitted in the "B-1" Business-Commercial District.

Section 9 Intensity of Use

All uses permitted in the "B-1" Business-Commercial District.

## ARTICLE 9. "M-1", LIGHT INDUSTRIAL

### Section 1

The regulations in this article, or elsewhere in this ordinance, when referred to in this article, are the "M-1" Light Industrial District regulations.

### Section 2 Use Regulations - Prohibited Uses, "M-1"

1. All commercial and residential uses are prohibited unless the uses are provided for elsewhere in this article.
2. Any manufacturing or processing activity which is not conducted entirely within closed buildings is prohibited in "M-1" unless otherwise provided in this article.
3. Heavy industrial activities, including, but not limited to, activities such as chemical refining or manufacturing; gasoline, petroleum, tar, creosote, or other flammable liquids manufacture, treatment or storage; foundaries, coke ovens or forges; ore reduction or smelting; stone milling or quarrying; cement, lime, mortar, gypsum or plaster manufacturing or mixing at a central plant; brick, tile, pottery or terra cotta manufacture (excluding handicrafts); rendering, distillation or reduction of animal products, coal or wood; reduction or dumping or garbage, offal, or dead animals; glue, size, gelatine, tallow, grease, or lard manufacture; the slaughter of animals or fowls; tanning, curing or storage of raw hides or skins; manufacture of soap other than liquid soap; operation of stockyards or confinement facilities; fertilizer manufacture; vehicle wrecking; bag cleaning; boiler works; arsenals; planing mills, rolling mills, and other uses which are noxious or offensive by reason of the emission of smoke, dust, fumes, gas odors, noises or vibrations beyond the confines of the building, are prohibited in "M-1".

### Section 3 Use Regulations - Permitted Principal Uses, "M-1"

1. Limited manufacturing and processing activities, such as bottling plants, warehousing, research installations, truck terminals and cartage facilities, contractor's yards, sheet metal shops, welding or machine shops, canneries, printing plants, packaging plants, dairies, wholesale storage, building materials yards where no mill work is done, cabinet making establishments using motors no larger than ten (10) horsepower, optical goods factories, and other uses of similar scale and intensity.

### Section 4 Use Regulations - Permitted Accessory Uses, "M-1"

1. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
2. Uses clearly incidental, but necessary to, the principal use.

#### Section 5 Use Regulations - Permitted Special Uses, "M-1"

1. Utility substations.
2. Communications towers and stations.
3. Commercial establishments.

#### Section 6 Parking Regulations, "M-1"

1. Light industrial and commercial establishments shall provide permanent off-street parking on the lot in a ratio of one (1) parking space for each two (2) employees, plus one (1) parking space for each company vehicle.

#### Section 7 Height Regulations, "M-1"

1. No building or structure shall exceed four (4) stories or sixty (60) feet in height above grade, except as provided in Article 14.

#### Section 8 Area Regulations, "M-1"

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as provided for in Article 14.
  - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
2. Side Yard: Except as provided in Article 14, there shall be a side yard on each side of a principal building, which shall have a width of not less than fifteen (15) feet.
3. Rear Yard: Except as provided for in Article 14, there shall be a rear yard having a depth of not less than twenty-five (25) feet.

4. Front Yards on Corner Lots: Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard having a depth of not less than twenty-five (25) feet on each street side of the lot, provided that the buildable width lot of record is not reduced to less than thirty-five (35) feet, except where necessary to provide a yard along a side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

#### Section 9 Intensity of Use Regulations, "M-1"

1. Minimum Lot Area: The minimum lot area in the "M-1" Light Industrial District shall be one-half (1/2) acre.
2. Minimum Lot Width: The minimum lot width in the "M-1" Light Industrial District shall be one hundred and fifty (150) feet.
3. Minimum Lot Frontage: The minimum lot frontage in the "M-1" Light Industrial District shall be one hundred (100) feet.

#### Section 10 Special Requirements, "M-1"

1. "M-1" properties within one hundred and fifty (150) feet of residential or business-commercial districts shall provide effective screening around open areas if the areas are used for storage or for any industrial purpose other than transportation of goods between buildings. The screening shall consist of densely planted trees, shrubs, or hedge, not less than ten (10) feet in height, or of a ten (10) foot high wall or fence. This planting strip shall be at least six (6) feet wide and shall be considered part of the required yard.

Lot Area	Lot Width	Lot Frontage
1/2 acre (21,780 square feet)	150 feet	100 feet

Yard Requirements	Height	Off-Street Parking
Front: 25 feet	4 stories or 60 feet	One (1) space for two (2) employees, plus one (1) space for each company vehicle.
Rear: 25 feet		
Side: 15 feet		
Corner: 25 feet		



## ARTICLE 10. "M-2," GENERAL INDUSTRIAL

### Section 1

The regulations in this article, or elsewhere in this ordinance, when referred to in this article, are the "M-2" General Industrial District regulations.

### Section 2 Use Regulations - Prohibited Uses, "M-2 "

- . Commercial and residential uses are prohibited unless otherwise provided for in this article.

### Section 3 Use Regulations - Permitted Principal Uses, "M-2 "

- . Permitted principal uses in the "M-2" General Industrial District shall be identical to the permitted principal uses for the "M-1" Light Industrial District in Article 10, Section 3 of this ordinance.

### Section 4 Use Regulations - Permitted Accessory Uses, "M-2 "

- . Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
- . Uses clearly incidental, but necessary to, the principal use.

### Section 5 Use Regulations - Permitted Special Uses, "M-2 "

Any building or premises may be used for any purpose not in conflict with any ordinance of the village of Clayton regulating nuisances. However, no building permit shall be issued for any of the following uses until and unless the location of the use shall have been approved by the Clayton Village Board after a report by the Clayton Zoning Commission.

- . Utility substations.
- . Communications towers and stations.
- . Commercial establishments.
- . Acid manufacture.
- . Cement, lime, mortar, gypsum, or plaster manufacturing or mixing at the central plant.
- . Slaughter of animals or fowl.

7. Rendering, distillation or reduction of animal products.
8. Tanning, curing, or storage of raw hides or skins.
9. Operation of stockyards or confinement facilities.
10. Reduction or dumping of garbage, offal, or dead animals.
11. Manufacture or storage of explosives.
12. Fertilizer manufacture.
13. Gas manufacture.
14. Glue manufacture.
15. Refining or storage of petroleum or its products.
16. Junk, iron, or rag storage or baling.
17. Other uses of similar scale and intensity.

#### Section 6 Parking Regulations, "M-2 "

1. Business-Commercial, Light Industrial, and General Industrial establishments in the M-2 District shall provide permanent off-street parking on the lot in the ratio of one (1) parking space for each two (2) employees, plus one (1) parking space for each company vehicle.

#### Section 7 Height Regulations, "M-2 "

1. No building or structure shall exceed four (4) stories or sixty (60) feet in height above grade, except as provided in Article 14 of this ordinance.

#### Section 8 Area Regulations, "M-2 "

1. Area regulations for the "M-2" General Industrial District shall be identical to the area regulations for the "M-1" Light Industrial District as set forth in Article 10, Section 8 of this ordinance, except that there shall be no minimum rear yard depth requirement in the "M-2" District.

## Section 9 Special Requirements, "M-2"

1. District "M-2" properties within one hundred and fifty (150) feet of residential or Business-Commercial districts shall provide effective screening around open areas, if the areas are used for any industrial purpose other than the transportation of goods between buildings. The screening shall consist of densely planted trees, shrubs, or hedge, not less than ten (10) feet in height, or of a ten (10) foot high wall or fence. This planting strip shall be at least six (6) feet wide and shall be considered part of the required yard.

Lot Area	Lot Width	Lot Frontage
1/2 acre (21,780 square feet)	150 feet	100 feet

Yard Requirements	Height	Off-Street Parking
Front: 25 feet	4 stories or 60 feet	One (1) space for each two (2) employees, plus one (1) space for each company vehicle.
Rear: None		
Side: 15 feet		
Corner: 25 feet		

## ARTICLE 11. "A-1", AGRICULTURE

### Section 1

The regulations in this article, or elsewhere in this ordinance, when referred to in this article, are the regulations for the "A-1" Agriculture district.

### Section 2 Use Regulations - Permitted Uses, "A-1"

1. Single family residential dwellings associated with authentic agricultural uses included within the district.
2. Farms for the growing of the usual farm products such as vegetables, fruit, trees, grain, and their storage on the area. The term farming includes the operating of the area for one or more of the above uses, including the necessary accessory uses for the treating or storage of produce. However, the operation of the accessory uses shall be secondary to that of normal farming activities, and further farming shall not include the extraction of minerals.
3. Roadside stands offering for sale only farm products produced on the premises, provided that the stands are located not less than fifty (50) feet from a street or highway right-of-way.
4. Open-air recreational uses such as parks and playgrounds.
5. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
6. Home occupations, as defined in Article 2, Section 1, Number 26 of this ordinance.
7. Private recreational and hobby uses such as swimming pools, tennis courts, gardens, and greenhouses.
8. Sale of nursery and greenhouse products where production or growth of products takes place on the premises.

### Section 3 Use Regulations - Permitted Accessory Uses, "A-1"

1. Billboards and sign boards subject to the following restrictions:
  - a. No billboard or sign board shall be located within four hundred (400) feet of any "R" district.
  - b. No billboard or sign board shall contain more than three hundred (300) square feet of surface area nor exceed in height twenty-five (25) feet above the average grade.

- c. Billboards or signs may have constant or flashing illumination, provided that any such sign located in the direct line of vision of any traffic control signalling device shall not have contrasting or flashing intermittent illumination of red, green, or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any part of any existing state or federal highway right-of-way, or existing residential structure in any "R" district.

2. Signs are defined as follows:

- a. Signs accessory to roadside stands shall be limited to two (2) per lot with no sign larger than forty (40) square feet and set back thirty feet (30) from the right-of-way. The signs shall be less than fifteen (15) feet in height and pertain to agricultural products offered for sale and identification of the stand.
- b. A real estate sign of a temporary nature, not exceeding two (2) in number per lot nor exceeding forty (40) square feet in area. The signs shall be fifteen (15) feet or less in height and set back thirty (30) feet from any highway, street, or road right-of-way.
- c. Small announcement signs, not exceeding four (4) square feet in area placed no closer than twenty (20) feet from any right-of-way. An announcement sign or bulletin board not over twelve (12) square feet in area, set back twenty (20) feet from right-of-way may be erected in connection with any nonresidential permitted principal use in the "A-1" Agriculture district.
- d. A sign or signs flat against the building appertaining to a nonconforming use on the premises, not exceeding in the aggregate fifty (50) square feet in area, except as may be authorized by the Clayton Village Board.

3. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

Section 4 Use Regulations - Permitted Special Uses, "A-1"

- 1. Farms for raising the usual farm poultry and farm livestock such as horses, cattle, sheep, and swine, and including dairy farms with the necessary accessory uses for treating and storing the produce. However, no poultry or livestock can be housed closer than one-thousand (1,000) feet from any lot in any "R", "B", "M", or "A-2" districts or any lot occupied by a dwelling or by any school, church, or institution for human care.
- 2. Cemeteries.

3. Radio and television studios or transmitting stations.
4. Pasturing, provided that livestock feeding facilities or terminal facilities are no closer than one-thousand (1,000) feet to any lot in any "R", "B", "M" or "A-2" districts or to any lot occupied by a dwelling, or by a riding school, church, or institution for human care.
5. Riding stables and the keeping of small animals, provided, that buildings housing animals be at least one-hundred (100) feet from all property lines, that the lot has an area of not less than ten (10) acres, and that the lot is located on a road having a pavement at least twenty (20) feet wide.
6. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, provided that such buildings shall not be located upon sites containing an area of less than five (5) acres, shall occupy not over ten (10) percent of the total area of the lot, and that buildings shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.
7. Open air fisheries when ponds or properties on which ponds are located are adequately fenced to prevent access of small children.

#### Section 5 Parking Regulations, "A-1"

1. Off-street parking facilities shall be provided in the ratio of one (1) space per single family residential unit.

#### Section 6 Height Regulations, "A-1"

1. There shall be no restriction on the height of buildings in the "A-1" Agriculture district.

#### Section 7 Area Regulations, "A-1"

1. No minimum yard areas shall be required for the "A-1" Agriculture district except a front yard of eighty (80) feet along state or federal highways and a front yard of sixty (60) feet along state aid highways and other public roads.

#### Section 8 Intensity of Use, "A-1"

1. Except as otherwise provided in this ordinance, every lot on which a dwelling is erected shall have an area of not less than five (5) acres, except that if a lot has less area than

required and was on record on the effective date of this ordinance, that lot may be used for single family dwelling purposes or for the other nondwelling uses permitted in this article.

2. Public schools, elementary and high schools, or private schools, having a curriculum similar to that ordinarily given in a public elementary school or public high school, including religious instruction in parochial schools shall conform to the following minimum standards.

- a. Elementary school - Five (5) acres plus one (1) acre per one-hundred (100) student design capacity
- b. Junior high school - Ten (10) acres plus one (1) acre per one-hundred (100) student design capacity
- c. Senior high school - Fifteen (15) acres plus one (1) acre per one-hundred (100) student design capacity.

Minimum Lot Area	Lot Width	Lot Frontage
Five acres per single family dwelling	None	None

Yard Requirements	Height	Off-Street Parking
Front: 80 feet setback state, federal right-of-way; 60 feet setback from state aid highways and other public roads	None	One (1) space per single family dwelling

## ARTICLE 12. "A-2", CONSERVATION AND RECREATIONAL

### Section 1

The regulations in this article, or elsewhere in this ordinance, when referred to in this article, are the regulations for the "A-2" Conservation and Recreation district.

### Section 2 Use Regulations - Permitted Principal Uses, "A-2"

1. All uses permitted in the "A-1" Agriculture district.
2. Parks and open space areas.
3. Recreational uses such as golf courses, swimming pools, and playgrounds.
4. Bathing beaches and bath houses.
5. Boat docks and marinas.
6. Picnic shelters and facilities.

### Section 3 Use Regulations - Permitted Accessory Uses, "A-2"

1. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
2. Storage facilities.
3. Uses clearly incidental, but necessary to, the permitted principal uses.

### Section 4 Use Regulations - Permitted Special Uses, "A-2"

1. Private recreational clubs.
2. Riding stables.
3. Zoos.

### Section 5 Parking Regulations, "A-2"

1. Parking regulations for District "A-2" shall be developed by the Clayton Planning Commission at the time of the project proposal in accordance with the projected amount of traffic generated.



Section 6 Height Regulations, "A-2"

1. No building or accessory structure shall be constructed closer than fifty (50) feet to any public right-of-way nor closer than fifteen (15) feet to any lot line in an adjoining zoning district.

Lot Area	Lot Width	Lot Frontage
N/A	N/A	N/A
Yard Requirements	Height	Off-Street Parking
N/A	Four (4) stories or 60 feet	Varies

## ARTICLE 13. NONCONFORMING USES

### Section 1

The lawful use of land for storage or other purposes where no buildings exist, and which does not conform to the provisions of this ordinance shall be governed by strict interpretation of the nuisance ordinance.

### Section 2

The lawful use of a building existing at the time of adoption of this ordinance may be continued, although the use does not conform with the provisions of this ordinance, and the use may be extended throughout the building provided no structural alterations are made, except those required by law or ordinance. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts subsequently changed to a more restricted use or to a conforming use. The use cannot then be subsequently changed to a less restricted use.

### Section 3

No building which has been damaged by fire, explosion, act of God, or public enemy, to the extent of more than seventy-five (75) percent of its assessed value, shall be restored except in conformity with the regulations of this ordinance.

### Section 4

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one hundred eighty (180) days, the use of the building or premises shall subsequently conform to the regulations of the district in which it is located.

### Section 5

No existing building or premises devoted to a use not permitted by this ordinance in the district in which the building or premises is located, except when required by law or ordinance, shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one permitted in the district in which the building or premises is located.

## ARTICLE 14. ADDITIONAL HEIGHT AND AREA REGULATIONS

The district regulations in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in the ordinance.

### Section 1

Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

### Section 2

Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, radio and television towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height not exceeding one-hundred (100) feet.

### Section 3

Accessory buildings may be built in a rear yard, but the accessory buildings shall not occupy more than thirty (30) percent of a rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line, and except that a garage that is located closer than ten (10) feet to the main building shall provide the side and rear yards required for the main building.

### Section 4

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 for dwelling purposes.

## Section 5

Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.

## Section 6

A basement or cellar may be occupied for residential purposes for a period of not more than two (2) years from the date of issuance of the building permit.

## Section 7

Open lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projection of chimneys and flues into the required rear yard may be permitted by the building inspector of a distance of not more than three and one-half (3 1/2) feet where the same do not obstruct light and ventilation.

## Section 8

An open unenclosed porch or paved terrace may project into the required front yard. An enclosed vestibule containing not more than forty (40) square feet may project into the required front yard for a distance not to exceed four (4) feet.

## Section 9

Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required yard, provided these projections be at least two (2) feet away from the adjacent side lot line.

## Section 10

For the purpose of the side yard regulations, a two family dwelling, or a multiple family dwelling, shall be considered as one (1) building occupying one (1) lot.

## Section 11

Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but the temporary buildings shall be removed upon completion of the construction work.

## Section 12

Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when the buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

## Section 13

In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for residential, institutional, hotel, or motel purposes, there may be more than one (1) main building on the lot, provided that open space between the buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) story buildings, or forty (40) feet for three (3) story buildings.

## Section 14

Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) story buildings, and forty (40) feet for three (3) story buildings.

## Section 15

No side yards are required where dwelling units are erected above commercial and industrial structures.

## Section 16

Buildings that are to be used for storage purposes may exceed the maximum number of stories that is permitted in the district in which they are located, but the buildings shall not exceed the number of feet of building height permitted in the districts.

## Section 17

The front yards previously established shall be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than required, new buildings shall not be erected closer to the street than the front yard established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have not observed a front yard as described above, then:
  - a. Where a building is to be erected on a parcel of land that is within one-hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent buildings on the two (2) sides; or,
  - b. Where a building is to be erected on a parcel of land that is within one-hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

## ARTICLE 15. ADDITIONAL USE REGULATIONS

### Section 1

The Village Board may, by special permit after public hearing, authorize the location of any of the following buildings or uses in a district where they are prohibited by this ordinance, and may also permit an increase in the height of any of the buildings.

1. Any public building erected or used by any department of the village, school district, county, state, or federal government.
2. Private schools, including nursery, pre-kindergarten, kindergarten, play, and special schools.
3. Hospitals, clinics, and institutions, including educational, religious, and philanthropic institutions, and convalescent homes, provided that the buildings occupy not more than forty (40) percent of the total area of the lot and will not have any serious and depreciating effect upon the value of surrounding property, providing further that the buildings shall be set back from all yard lines a distance of not less than one (1) foot for each foot of building height, and that adequate off-street parking space is provided.
4. Cemetery.
5. Community building or recreation field.
6. Airport or landing field.
7. Greenhouses and nurseries.
8. Hotels and motels.
9. Trailer or tourist camps, but only in the "A-1" and "A-2" Districts provided that:
  - a. The number of trailers or tourist cabins, or both shall not exceed the number obtained by dividing the total square foot area of the site by twelve-hundred (1,200).
  - b. A distance of at least twenty (20) feet be maintained between buildings, between trailers, and between trailers and buildings.
  - c. Each tourist cabin unit have a minimum enclosed floor area of two-hundred (200) square feet, and be provided with heating facilities, a lavatory, toilet, and tub or shower with hot and cold running water. Sanitary and water supply facilities installed shall be subject to approval of the village health officer.

- d. Each trailer or tourist camp shall provide sanitary facilities and water supply in accordance with the standards of and meeting the approval of the village health officer. All permits for trailer or tourist camps shall be valid only during the period that the camp complies with the requirements of the village health officer. No permit for a camp shall be granted until the plans have been approved by the village health officer.
10. Private recreational uses where buildings do not cover more than five (5) percent of the area of the site.
  11. Riding stables and private stables.
  12. Roadside stands and recreational activities for temporary or seasonable periods.
  13. Radio and television towers and broadcasting stations.
  14. Extraction of sand, gravel, rock, and other raw materials.
  15. Parking lots on land not more than three-hundred (300) feet from the boundary of any business district.
  16. Clubs and semi-public buildings.

Before issuance of any special permit for any of the above uses, the Village Board shall refer the proposed application to the Zoning Commission, and the Commission shall be give thirty (30) days in which to make a report regarding the effect of the proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, public safety, and general welfare. No action shall be taken on a proposed building or use until and unless the report of the Zoning Commission has been filed provided that no report is received from the Zoning Commission within thirty (30) days, it shall be assumed that approval of the application has been given by the Zoning Commission.

## Section 2

Locating the main entrance of any residential dwelling until located or constructed in the village of Clayton so that the main entrance faces an alley is expressly prohibited.



## ARTICLE 16. BOARD OF APPEALS

### Section 1 Creation and Membership

A Board of Appeals is authorized and established. The word Board, when used in this section, means the Board of Appeals. The Board shall consist of seven (7) members appointed by the Village Board, and at least one (1), but not more than three (3) members of the Board shall reside in the one and one-half (1½) mile zone outside the corporate limits of Clayton, but within the boundaries of this zoning ordinance. The members of the Board shall serve respectively for the following terms (or until successors are appointed and qualified), one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed shall serve for a term of five years. One of the members of the Board shall be designated by the Village Board as Chairman of the Board and shall hold the office as Chairman until a successor is appointed. The Chairman, or in his or her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Village Board shall have the power to remove any members of the Board for cause and after a public hearing. Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant in the manner provided here for the appointment of such member.

### Section 2 Meetings

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. No hearing shall be conducted without a quorum of the Board being present which shall consist of a majority of all the members. All hearings conducted by the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this ordinance or with the Illinois statutes in such case made and provided.

### Section 3 Appeal

An appeal may be taken to the Board of Appeals by any person or by any officer, department, board or bureau of the Village or the one and one-half (1 1/2) mile zone affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals, by filing with the building inspector and with the Board of Appeals a notice of appeal, specifying the grounds of the appeal. The building inspector shall transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Appeals after the notice of appeal has been filed with him, that a stay, in his opinion, would cause imminent peril to life or property, in which case the proceedings shall not be stayed by other than a restraining order, which may be granted by the Board of Appeals or by a court of record on application, on notice to the building inspector and on due cause shown.

The Board shall select a reasonable time and place for the hearing or the appeal and give due notice of the hearing to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

### Section 4 Jurisdiction

The Board of Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the building inspector.

It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

The Board may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises, and to that end the Board shall also have all the powers of the officer from whom the appeal is taken.

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 the use of land imposes upon him practical difficulties or particular hardship, then the Board may make such variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent, when the Board is satisfied under the evidence heard before it, that a granting of such variation will not merely serve

as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created and set forth, in the following instances:

1. To permit the extension of a district where the boundary line of a district divides a lot of single ownership as shown on record.
2. To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed by fire or act of God, where the Board shall find some compelling public necessity requiring a continuance of the nonconforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
3. To make a variance where, by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.
4. To interpret the provisions of this ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is made a part of this ordinance.
5. 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 village of Clayton. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or to decide in favor of the applicant any matter upon which it is authorized by this ordinance to render decision, or to effect any variance.

The Board of Appeals does not have the power or authority to alter or change the zoning ordinance; such power and authority is reserved to the Village Board.

## Section 5 Notice

The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. A notice of the time and place of the hearing shall be published in a paper of general circulation in the Village of Clayton at least once, not more than thirty (30) days or less than fifteen (15) days previous to the hearing. Such notice shall contain the particular 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, and of what the proposed variance consists.

## Section 6 Miscellaneous

No order of the Board permitting the erection or alternation of a building shall be valid for a period of longer than six (6) months, unless the use is established within such period, provided that where such use as permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if such building permit for the erection or alteration is obtained within such period and the erection or alteration is started and preceeds to completion in accordance with the terms of the permit.

## ARTICLE 17. BUILDING INSPECTOR

### Section 1 Duties

It shall be the duty of the Village Board to enforce this ordinance. The Village Board shall receive applications required by this ordinance, issue permits, and furnish the prescribed certificates. The building inspector shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of this ordinance are complied with. He or she shall, when requested by the Mayor or Village Board, or when the interests of the Village so require, make investigations in connection with matters referred to in this ordinance and provide written reports of these investigations. For the purpose of enforcing compliance with laws, the Village Board shall issue such notices or orders as may be necessary.

### Section 2 Inspections

Inspection shall be made by the building inspector or a duly appointed assistant.

### Section 3 Records

1. The Village Clerk shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. The Village Clerk shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they are related may be in existence.
2. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Village Clerk.

### Section 4 Rules

For carrying into effect its provisions, the building inspector may adopt rules consistent with this ordinance.

### Section 5 Reports

The building inspector shall make a report to the mayor once each month, or more often if requested, including statements of permits and certificates issued and orders promulgated.

## ARTICLE 18. PERMITS

### Section 1

When required, it shall not be lawful to construct, alter, repair, remove, or demolish, or to commence the construction, alteration, removal, or demolition of a building or structure, without first filing with the Village Clerk an application in writing and obtaining a formal permit.

### Section 2 Form

1. An application for a permit shall be submitted in such a form as the building inspector may prescribe.
2. The application shall be made by the owner, lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application.
3. The application shall contain the full names and addresses of the applicant and of the owner, and if the owner is a corporate body, of its responsible officers.
4. The application shall describe briefly the proposed work and shall give all additional information as may be required by the building inspector of an intelligent understanding of the proposed work.

### Section 3 Plans

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, including floor plans, sections, elevations, and structural details, as the building inspector may require.

### Section 4 Plot Diagrams

There shall be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction, or, in the case of demolition, of such construction as is to be demolished and of all existing buildings and structures that are to remain.

## Section 5 Amendments

Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. The amendment, after approval, shall be filed with and be deemed a part of the original application.

## Section 6 Completion of Existing Buildings

Nothing in this ordinance shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been previously issued or which has been otherwise lawfully authorized, and the construction of which shall have begun within ninety (90) days after this ordinance becomes effective and for which the entire building shall be completed, as authorized, within two (2) years.

## Section 7 Action on Application

It shall be the duty of the Zoning Board to examine applications for permits within a reasonable time after filing. If, after examination, there is found no objection to the application and it appears that the proposed work will be in compliance with the applicable laws and ordinances, the Zoning Board shall approve the application and issue a permit for the proposed work as soon as practicable. If examination reveals otherwise, the Zoning Board will reject the application, noting its findings in a report to be attached to the application and delivering a copy to the applicant.

## Section 8 Approval in Part

Nothing in this section shall be construed to prevent the Zoning Board from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of the building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this ordinance.

## Section 9 Conditions of the Permit

1. All work performed under a permit issued by the Zoning Board shall conform to the approved application and plans, and their approved amendments.
2. The location of all new construction as shown on the approved plot diagram or an approved amendment to it, shall be strictly adhered to.

3. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved. However, this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

#### Section 10 Signature to Permit

Every permit issued by the Zoning Board under the provisions of this ordinance shall have the building inspector's signature affixed to it, but this shall not prevent him from authorizing a subordinate to affix his signature.

#### Section 11 Limitation

A permit under which no work is commenced within one (1) year after issuance, shall expire by limitation.

#### Section 12 Posting of Permit

1. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until its completion.
2. The Village Board may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to its completion.
3. The building inspector shall be given at least twelve (12) hours notice of the starting of work under a permit.

#### Section 13 Revocation

The Village Board may revoke a permit or approval issued under the provisions of this ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.



## ARTICLE 19. INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirement for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this ordinance imposes a greater restriction, this ordinance shall control.

## ARTICLE 20. AMENDMENTS AND CHANGES

### Section 1

The Village Board may from time to time amend this ordinance in the manner prescribed by the statutes of the State of Illinois.

No such amendment shall be made until it shall have been referred to the Zoning Board and report received from the Board of the effect of the amendment upon the village and the one and one-half (1 1/2) mile area beyond the corporate limits of the Village, and within the jurisdiction of this ordinance, and its inhabitants. The Zoning Board shall hold one (1) public hearing upon the amendment as required by law and is the body designated to hold such hearings. If no report is received from the Zoning Board in sixty (60) days, it may be assumed that the Board has approved the amendment.

## ARTICLE 21. VALIDITY

### Section 1

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the declaration shall not affect the validity of the ordinance as a whole or any part of the ordinance, other than the part so declared to be invalid.

## ARTICLE 22. WHEN EFFECTIVE

### Section 1

This ordinance shall be in full force and effect upon its passage, approval, and publication according to law.

## ARTICLE 23. VIOLATION AND PENALTY

### Section 1

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, be fined not less than ten dollars (\$10), nor more than two-hundred dollars (\$200) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### Section 2

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the proper authorities of the Village of Clayton, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, maintenance or use, or to enjoin, restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land to prevent any illegal act, conduct, business or use in or about such premises.

## ARTICLE 24 . CONFLICTING ORDINANCE REPEALED

### Section 1

All ordinances in conflict with this ordinance are repealed.

*Published 7/29/97*

Ordinance No. 2 1997-1998

Clayton Illinois

An ordinance establishing minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal maintenance and use of all buildings and structures; providing for the issuance of permits, collection of fees, making inspections; providing penalties for violation thereof; hereby known and referred to as the Building Code; and repealing ordinance number Article 2 18.201 Chapter 18 of The Municipal Code of the Village of Clayton, State of Illinois.

Section 1. That a certain document of which is on file for official use and public examination at the Village office. Being marked and designated as the "BOCA National Building Code, thirteenth Edition 1996" as published by the Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Building Code of the Village of Clayton Illinois; for the the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 3 of this Ordinance.

Section 2. Inconsistent Ordinances Repealed.

That Ordinance No. 18.201 Of the Village of Clayton Illinois entitled Building Code and all other Ordinances or parts thereof in conflict herewith are hereby repealed.

Section 3. Additions, Insertions and Changes.

That the following sections are revised as follows.

Section 101.1 Village of Clayton, Illinois.

Section 112.3.1 \$25.00

Section 116.4. Penalties of \$10.00 to \$200.00 per day depending upon the severity of such offense and cooperation and compliance given in the abatement

thereof .Unless such violations of whtich may be of immediate and threatening to the health and safetey of the public and including building residents,that require summary measures to resolve by the Village. All daily penalties shall be imposed after a Ten Day notification and remain in effect until compliance has been satisfied. Imposition of penalties and associated costs incurred by the Village in Summarily rendering a situation safe shall be in effect from the first day.

Section 117.4.Fines for NON-Compliance.

Fine of not less than \$50.00 or more than \$500.00.

Section 3408.2 Effective Date August 1, 1997.

Section 4. Saving Clause.

That nothing in this ordinance or in the building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance herb repealed as cited in section 2 of this ordinance; nor shall any legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. Effective Date

That this Ordinance official adapted by the President and Board of Trustees at the regular meeting on July 1, 1997 shall be published in the Clayton Enterprise and become effective and in full force and effect on August 1, 1997.

Be it hearby ordained by the Board of Trustees of the Village of Clayton that this Ordinance Be Adopted This Day of July 1, 1997

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Village Clerk

ORDINANCE NO. 3 1993-1994  
CLAYTON, ILLINOIS

AN ORDINANCE amending Chapter 18, Section 18.102 and replacing it with a new Chapter 18, Section 18.102.

BE IT ORDAINED by the Board of Trustees of the Village of Clayton, Adams County, Illinois, as follows:

Section 1. That Chapter 18, Section 18.102 be and it is hereby amended as follows:

Section 18.102 Fees --- Fees for such permit shall be \$25.00 for any new building or structure; or for any major alteration, relocating, or addition of or to any structure involving or effecting plumbing, heating or electrical systems.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Adopted: March 1, 1994

Approved: April 5, 1994

Ronald H. Huber  
President, Board of Trustees

ATTEST:

Marguerite L. Wilson  
Village Clerk

3 -  
ORDINANCE NO. 2010- 2011

**ORDINANCE PROHIBITING THE PLACEMENT OF  
WIND FARMS AND ELECTRIC GENERATING WIND DEVICES  
WITHIN THE CORPORATE LIMITS OF CLAYTON AND  
WITHIN 1 ½ MILES SURROUNDING CLAYTON**

**WHEREAS**, Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, provides that the municipality may regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction; and

**WHEREAS**, the residents of Clayton and the residents located within 1 ½ miles of Clayton have voiced concerns about the placement of wind farms and electric generating wind devices within 1 ½ miles of the Village of Clayton; and

**WHEREAS**, concerns have been raised regarding the potential impact to health and safety, reduction in property values, and regarding the potential economic development and expansion of Clayton; and

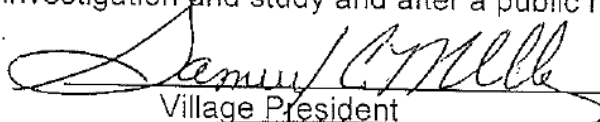
**WHEREAS**, the Adams County Board is conducting an extensive investigation and study into the uses and possible ramifications of the placement of wind farms and electric generating wind devices within Adams County; and

**WHEREAS**, the Trustees of the Village of Clayton believe it is in the best interest of the residents of Clayton and the residents within a 1 ½ mile radius would be best served by prohibiting the placement of any wind farms or windmill devices within its zoning jurisdiction until the investigation is complete and a public hearing is held thereon.

**NOW, THEREFORE, BE IT ORDAINED** by the Trustees of the Village of Clayton, Adams County, Illinois, as follows:

1. The Village of Clayton hereby exercises its authority under Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, to regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction.

2. The development of wind farms and the installation of electric generating wind devices within the Village's zoning jurisdiction and within the 1 ½ mile radius surrounding the Village's zoning jurisdiction shall not be permitted until further action by the Village which shall not occur at least until Two (2) month(s) after the County of Adams has completed its investigation and study and after a public hearing is held by the ~~Village~~ Village of Clayton.

  
Village President

ATTEST:

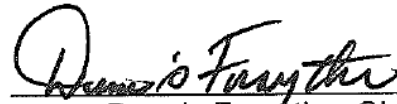
  
Village Clerk

**RESOLUTION RECOMMENDING THE VILLAGE TRUSTEES  
AMEND THE ZONING ORDINANCE OF THE VILLAGE OF CLAYTON**

**RESOLVED**, after hearing public comment and considering the proposed zoning amendment including its effect on public safety and property values, the Clayton Zoning Board of Appeals recommends to the Board of Trustees of the Village of Clayton that the Trustees adopt an ordinance amending the zoning ordinance of the Village of Clayton to reflect a reclassification of a block just south of the Town Park from Residential (R-1) to Business (B-1).

Ayes 1

Nays 0



Dennis Forsythe, Chairman

ATTEST: *March 31, 2008*

  
Clerk of the Zoning Board of Appeals

typed &  
paper  
8/22/97

**ORDINANCE NO. 6, 1997-1998**  
**CLAYTON, ILLINOIS**

**AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE VILLAGE OF CLAYTON**

WHEREAS, the Board of Trustees of the Village of Clayton believes it is in the best interest of the Village of Clayton that all additional mobile homes be restricted mobile home parks;


NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Trustees of the Village of Clayton, Illinois that the zoning ordinance of the Village of Clayton be amended by repealing the following paragraphs:

Paragraph 3 of Section 2 of Article IV  
Paragraph 2 of Section 7 of Article IV  
Paragraph 3 of Section 2 of Article V  
Paragraph 3 of Section 6 of Article V

ADOPTED THIS 5th day of August, 1997.

  
President

ATTEST:

  
Clerk

Red  
Zoning Book



ORDINANCE NO. 2, 1993-1994  
CLAYTON, ILLINOIS

AN ORDINANCE amending Article 4, Section 8, Paragraph 1.a.  
of the Zoning Ordinance and replacing it with a new Paragraph  
1.a. of Section 8, of Article 4.

BE IT ORDAINED by the Board of Trustees of the Village of Clayton, Adams  
County, Illinois, as follows:

Section 1. That Article 4, Section 8, Paragraph 1.a. is hereby amended as follows:

1. Front Yard:

a. There shall be a front yard having a depth of not less than 25 feet or the  
front yard shall be consistent with the frontage of the existing neighborhood if the frontage of the  
existing neighborhood is less than 25 feet.

Section 2. This ordinance shall be in full force and effect from and after its  
passage, approval, and publication as provided by law.

Adopted: March 1, 1994

Approved: April 5, 1994

Ronald H. Huber  
President, Board of Trustees

ATTEST:

Marguerite L. Wilson  
Village Clerk

Red  
Zoning Book

ORDINANCE NO. 3-2009-2010

CLAYTON, ILLINOIS

AN ORDINANCE AMENDING  
CHAPTER 18, ARTICLE II AND CHAPTER 18, ARTICLE IV  
OF THE VILLAGE CODE OF THE VILLAGE OF CLAYTON

BE IT HEREBY ORDAINED by the Board of Trustees of the Village of Clayton, Adams County, Illinois, that Chapter 18, Article II be amended as follows:

**Section 18.201 Adoption of International Building Code (2009)** --- The Village of Clayton hereby adopts and incorporates herein by this reference as fully as if set out herein, as criteria for the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures within the corporate limits of the Village of Clayton, all contiguous unincorporated territory to the extent and as provided by the zoning ordinance of the Municipal Code of the Village of Clayton (hereafter referred to as "MCVC") and all properties subject to annexation by the Village of Clayton by covenant or operation of law, the provisions of the International Building Code, 2009, as published by the International Code Council, Inc. (hereinafter referred to as "IBC"). All such construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance shall conform to the IBC. One (1) copy of the IBC hereby adopted has been filed and is to remain on file in the office of the Village Clerk for public use, inspection and examination. Adoption of the IBC is subject to the following:

(1) (a) Subsection IBC-101.1 (Title) shall have inserted herein "Village of Clayton" where provision is made for the name of the jurisdiction adopting said code.

(b) Any reference to the name of the date or the state shall mean the State of Illinois.

(c) Any reference to the code official shall refer to the Building Inspector or any other official authorized by the Director of Planning and Development of the Village of Clayton.

(d) That all sections thereof in conflict with the MCVC or applicable state laws, as now or hereafter amended and existing, are hereby specifically deleted.

(2) IBC-101.4.1 (Electrical) is not hereby adopted, providing in lieu thereof that any reference to an electrical code in the IBC shall refer to the National Electric Code, 2005 Edition, NFPA 70-2004 as adopted and hereafter amended by the National Fire Protection Association and approved by the American National Standard Institute and the Village of Clayton.

(3) IBC-101.4.4 (Plumbing) is not hereby adopted, providing in lieu thereof that any reference to a plumbing code in the IBC shall refer to the Minimum Code of Plumbing Standards as adopted and hereafter amended by the Illinois Department of Public Health (which code is hereby adopted by this reference) or other applicable provisions of the MCVC.

(4) IBC-103 (Department of Building Safety) is not hereby adopted, providing in

lieu thereof that any reference to the Department of Building Safety in the IBC shall be to Section 10.401 *et seq.* (Department of Planning and Development) of the MCVC.

**Section 18.202** --- It is hereby made the duty of the Building Inspector to administer and enforce the provisions of this ordinance.

**Section 18.203** ---It shall be unlawful for any person, firm or corporation to erect, use, occupy or maintain any building or structure in violation of any provision of this ordinance or of the International Building Code hereinabove adopted, or to cause, suffer or permit any such violation to be committed. Any such person, firm or corporation shall, upon conviction, be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each provision thus violated. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day such violation is permitted to continue shall constitute a separate offense.

**BE IT HEREBY FURTHER ORDAINED** by the Board of Trustees of the Village of Clayton, Adams County, Illinois, that Chapter 18, Article IV be amended as follows:

**Section 18.401 Adoption of the International Property Maintenance Code (2009) ---**

There is hereby adopted by and for the Village of Clayton, for the purpose of establishing housing and property maintenance standards for the Village, the provisions of the "International Property Maintenance Code, 2009" (hereafter referred to as the "IPM") is fully set forth in this ordinance, and any subsequent cumulative supplement thereto, one (1) copy of which is on file in the office of the Village Clerk, provided:

(1) (a) Subsection IPM-101.1 (Title) shall have inserted therein "Village of Clayton" where provision is made for the name of the jurisdiction adopting said code.

(b) Any reference to the name of the state or the state shall mean the State of Illinois.

(c) Any reference to the code official shall refer to the Building Inspector or other official authorized by the Department of Planning and Development of the Village of Clayton.

(2) IMP-103 (Department of Property Maintenance Inspection) is not hereby adopted, providing in lieu thereof that any reference to Department of Property Maintenance Inspection shall refer to Section 10.401 *et seq.* (Department of Planning and Development) of the MCVC.

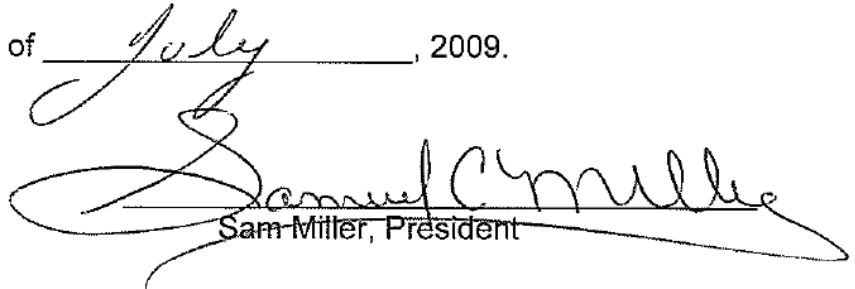
**Section 18.402** --- It is hereby made the duty of the Building Inspector to administer and enforce the provisions of this ordinance.

**Section 18.403** --- It shall be unlawful for any person, firm or corporation to erect, use, occupy or maintain any building or structure in violation of any provision of this ordinance or of the Proposed Housing Ordinance hereinabove adopted, or to cause, suffer or permit any such violation to be committed. Any such person, firm or corporation shall, upon conviction, be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each provision thus violated. It shall be the responsibility of the

offender to abate the violation as expeditiously as possible, and each day such violation is permitted to continue shall constitute a separate offense.

**BE IT FURTHER ORDAINED** that this ordinance shall take effect on August 1, 2009, upon its Publication.

Adopted this 7 day of July, 2009.

  
Sam Miller, President

ATTEST:


  
Village Clerk

ORDINANCE NO. 2-2010-2011


**AN ORDINANCE APPOINTING MEMBERS TO THE  
VILLAGE OF CLAYTON ZONING BOARD OF APPEALS**

**BE IT ORDAINED**, by the President and Village Board of Trustees of the Village of Clayton that the following persons shall be appointed to the Village of Clayton Zoning Board of Appeals for the respective terms.

	Name	Address	Term of Years
1.	Larry Flint	PO Box 202, Clayton, IL	4
2.	Matt Hilgenbrinck	PO Box 66, Clayton, IL	5

  
President, Village of Clayton

Attest:

  
Clerk, Village of Clayton

Ayes: 4

Nays: 0

**ORDINANCE PROHIBITING THE PLACEMENT OF  
WIND FARMS AND ELECTRIC GENERATING WIND DEVICES  
WITHIN THE CORPORATE LIMITS OF CLAYTON AND  
WITHIN 1 ½ MILES SURROUNDING CLAYTON**

**WHEREAS**, Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, provides that the municipality may regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction; and

**WHEREAS**, the residents of Clayton and the residents located within 1 ½ miles of Clayton have voiced concerns about the placement of wind farms and electric generating wind devices within 1 ½ miles of the Village of Clayton; and

**WHEREAS**, concerns have been raised regarding the potential impact to health and safety, reduction in property values, and regarding the potential economic development and expansion of Clayton; and

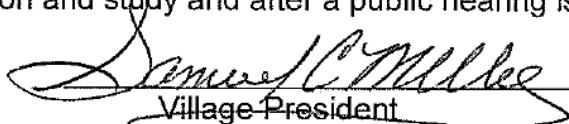
**WHEREAS**, the Adams County Board is conducting an extensive investigation and study into the uses and possible ramifications of the placement of wind farms and electric generating wind devices within Adams County; and

**WHEREAS**, the Trustees of the Village of Clayton believe it is in the best interest of the residents of Clayton and the residents within a 1 ½ mile radius would be best served by prohibiting the placement of any wind farms or windmill devices within its zoning jurisdiction until the investigation is complete and a public hearing is held thereon.

**NOW, THEREFORE, BE IT ORDAINED** by the Trustees of the Village of Clayton, Adams County, Illinois, as follows:

1. The Village of Clayton hereby exercises its authority under Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, to regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction.

2. The development of wind farms and the installation of electric generating wind devices within the Village's zoning jurisdiction and within the 1 ½ mile radius surrounding the Village's zoning jurisdiction shall not be permitted until further action by the Village which shall not occur at least until two (2) month(s) after the County of Adams has completed its investigation and study and after a public hearing is held by the Village of Clayton.

  
Village President

ATTEST:

  
Village Clerk

**ORDINANCE PROHIBITING THE PLACEMENT OF  
WIND FARMS AND ELECTRIC GENERATING WIND DEVICES  
WITHIN THE CORPORATE LIMITS OF CLAYTON AND  
WITHIN 1 ½ MILES SURROUNDING CLAYTONS ZONING  
JURISDICTION**

**WHEREAS**, Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, provides that the municipality may regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction; and

**WHEREAS**, the residents of Clayton and the residents located within 1 ½ miles of Clayton have voiced concerns about the placement of wind farms and electric generating wind devices within 1 ½ miles of the Village of Clayton; and

**WHEREAS**, concerns have been raised regarding the potential impact to health and safety, reduction in property values, and regarding the potential economic development and expansion of Clayton; and

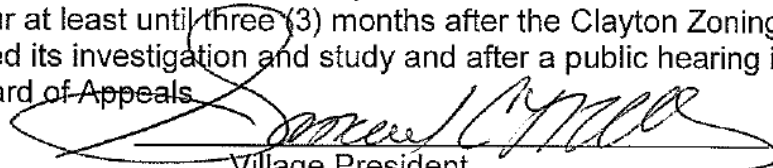
**WHEREAS**, the Clayton Zoning Board of Appeals is conducting an extensive investigation and study into the uses and possible ramifications of the placement of wind farms and electric generating wind devices within Clayton and Claytons 1 ½ mile zoning jurisdiction; and

**WHEREAS**, the Trustees of the Village of Clayton believe it is in the best interest of the residents of Clayton and the residents within the 1 ½ mile radius surrounding its zoning jurisdiction would be best served by prohibiting the placement of any wind farms or windmill devices within its jurisdiction until the investigation is complete and a public hearing is held thereon.

**NOW, THEREFORE, BE IT ORDAINED** by the Trustees of the Village of Clayton, Adams County, Illinois, as follows:

1. The Village of Clayton hereby exercises its authority under Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, to regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction.

2. The development of wind farms and the installation of electric generating wind devices within the Village's zoning jurisdiction and within the 1 ½ mile radius surrounding the Village's zoning jurisdiction shall not be permitted until further action by the Village which shall not occur at least until three (3) months after the Clayton Zoning Board of Appeals has completed its investigation and study and after a public hearing is held by the Clayton Zoning Board of Appeals.

  
Village President

ATTEST:

  
Village Clerk

10-5-10

**ORDINANCE NO. ~~2011~~- 8-2010-11**

**ORDINANCE AMENDING ZONING ORDINANCE**

**WHEREAS**, Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, provides that a municipality may regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction, and

**WHEREAS**, the Village Trustees of the Village of Clayton has determined that it is in the best interest of the Village and its residents for the Village to exercise its authority to regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction, and

**WHEREAS**, the Village Zoning Board duly held and conducted a public hearing after due and proper notice thereof, and at which meeting a quorum was present, the regulations of wind farms and electric-generating wind devices within the Village's zoning jurisdiction and within the 1.5 mile radius surrounding the Village's zoning jurisdiction, and

**WHEREAS**, the Village Zoning Board did duly hold and conduct a public hearings on August 9, 2010, and October 25, 2010, after due and proper notice thereof, at which meeting a quorum was present, to consider the amendment of the Village Zoning Ordinance to regulate wind farms and electric-generating wind devices within the Village's zoning jurisdiction and within the 1.5 mile radius surrounding the Village's zoning jurisdiction, and

**WHEREAS**, the Village Board did, by a unanimous vote, recommend amending the Village of Clayton Zoning Ordinance as provided in this Ordinance, and



**WHEREAS**, the Village Trustees of the Village of Clayton has determined that the development of wind farms and the installation of electric-generating wind devices within the Village's zoning jurisdiction and within the 1.5 mile radius surrounding the Village's zoning jurisdiction would be detrimental to the orderly growth of the Village of Clayton and to residential, commercial and industrial development in and around the Village of Clayton, and that, accordingly, the development of wind farms and the installation of electric-generating wind devices within the Village's zoning jurisdiction and within the 1.5 mile radius surrounding the Village's zoning jurisdiction should not be permitted, and

**WHEREAS**, the Village Trustees of the Village of Clayton has determined that the following amendments to the Village Zoning Ordinance should be adopted.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Trustees of the Village of Clayton, Adams County, Illinois as follows:

Section 1. That the above and foregoing finds are incorporated herein as if set forth verbatim herein.

Section 2. That the Village of Clayton hereby exercises its authority under Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, to regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction.

Section 3. That the Village of Clayton Zoning Ordinance is hereby amended by adding Article 14A entitled "WIND FARMS and ELECTRIC-GENERATING WIND DEVICES" which shall read and provide as follows:

Section 1: Wind Farms and Electric-Generating Wind Devices.

Unless otherwise noted, the development of wind farms and the installation of electric-generating wind devices within the Village's zoning jurisdiction and within the 1.5 mile radius surrounding the Village's zoning jurisdiction shall not be permitted.

Section 2:

This ordinance does not prohibit the installation of electric-generating wind devices or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line.

Section 4. This Ordinance shall be effective immediately upon passage, approval and publication in pamphlet form as provided by law.

Motion made by Greg Johnson, seconded by Bert Jansen  
that the above Ordinance be passed.

VOTES:    YEA: 4  
              NAY: 0  
              ABSENT: 0 2  
              NOT VOTING: 0

Passed and approved this 2 day of March, 2011.

Samuel C. Malt  
Village President

ATTEST:

Lynette P. Carroll  
Village Clerk

## VILLAGE OF CLAYTON

ORDINANCE NO. ~~2011~~-9-2010-11

### AN ORDINANCE PROHIBITING THE PLACEMENT OF WIND FARMS AND ELECTRIC GENERATING WIND DEVICES WITHIN THE CORPORATE LIMITS OF CLAYTON AND WITHIN 1 ½ MILES SURROUNDING CLAYTON

Adopted by the  
President and Board of Trustees  
of the  
Village of Clayton  
This 2<sup>nd</sup> day of March, 2011

Published in pamphlet form by authority of the  
President and Board of Trustees of the Village of  
Clayton, Adams County, Illinois, this \_\_\_\_ day  
of \_\_\_\_\_, 2011.

**WHEREAS**, Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, provides that a municipality may regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction; and

**WHEREAS**, the residents of the Village of Clayton have voiced concerns about the placement of wind farms and electric generating wind devices within 1 ½ miles of the Village of Clayton; and

**WHEREAS**, concerns have been raised regarding the potential impact to health and safety, reduction in property values, and regarding the potential economic development and expansion of Clayton; and

**WHEREAS**, the Trustees of the Village of Clayton and the Village Zoning Board have held two public hearing to receive comments on the potential regulation of the development of wind farms and the installation of electric generating wind devices within the Village's corporate limits and within the 1 ½ mile radius surrounding the Village's zoning jurisdiction; and

**WHEREAS**, the Trustees of the Village of Clayton believe it is in the best interests of the residents of Clayton to prohibit the placement of any wind farms or electric generating wind devices within its zoning jurisdiction and within its 1 ½ mile radius.

**NOW, THEREFORE, BE IT ORDAINED** by the Trustees of the Village of Clayton, Adams County, Illinois, as follows:

1. The Village of Clayton hereby exercises its authority under Section 11-13-26 of the Illinois Municipal Code, 65 ILCS 5/11-13-26, to regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a 1 ½ mile radius surrounding its zoning jurisdiction.


2. The development of wind farms and the installation of electric generating wind devices within the Village's corporate limits and within the 1 ½ mile radius surrounding the Village's corporate limits shall not be permitted and are prohibited.

YEAS: 4

NAYS: 0

RECUSED: 0

PASSED and APPROVED this 2 day of March, 2011

  
Village President

ATTEST:

  
Village Clerk

ORDINANCE NO. 5 07 08

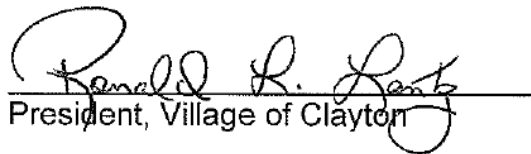
**AN ORDINANCE APPOINTING MEMBERS TO THE  
VILLAGE OF CLAYTON ZONING BOARD OF APPEALS**

**BE IT ORDAINED**, by the President and Village Board of Trustees of the Village of Clayton that the following persons shall be appointed to the Village of Clayton Zoning Board of Appeals for the respective terms.

	Name	Address	Term of Years
1.	Dennis Forsythe	300 W. Marion, Clayton IL	7
2.	Ted Parker	2970 N. 2050 <sup>th</sup> Ave, Clayton, IL	6
3.	Ron Huber	PO Box 201, Clayton, IL	5
4.	Steve Spann	PO Box 374, Clayton, IL	4
5.	Paul Patton	PO Box 313, Clayton, IL	3
6.	Denise Ferrell	PO Box 41, Clayton, IL	2
7.	Anita Hopson	PO Box 373, Clayton, IL	1

**BE IT FURTHER ORDAINED**, that Dennis Forsythe shall be designated as the Chairman of the Zoning Board of Appeals and shall hold such office as Chairman until a successor chairman is appointed; and

**BE IT FURTHER ORDAINED**, that the Chairman, the Acting Chairman and the Zoning Board of Appeals shall have all powers granted by statute and ordinance and shall have the authority to enact or set forth its own rules of conduct and procedure consistent with law.

  
\_\_\_\_\_  
President, Village of Clayton

Attest:

  
\_\_\_\_\_  
Clerk, Village of Clayton

Ayes: 5

Nays: 0

ORDINANCE NO. 6 07 08

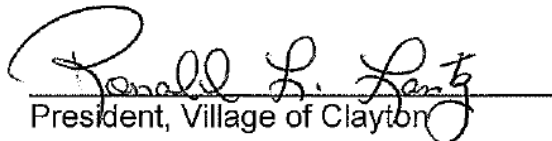
**AN ORDINANCE RECOMMENDING THAT THE  
CLAYTON ZONING BOARD OF APPEALS HOLD A PUBLIC HEARING  
TO CONSIDER AMENDING THE ZONING ORDINANCE  
OF THE VILLAGE OF CLAYTON**

**BE IT ORDAINED**, by the President and Village Board of Trustees of the Village of Clayton that the Zoning Board of Appeals consider the Board's recommendation to amend the Zoning Ordinance of Clayton by reclassifying certain areas within the corporate limits of the Village from Residential (R-1) to Business (B-1) as more particularly described as Exhibit A attached to this Ordinance; and


**BE IT FURTHER ORDAINED**, that the Zoning Board of Appeals shall hold a public hearing to seek input from the public regarding the proposed amendment and to consider whether or not such amendment could be in the best interest of the public and consistent with the Zoning Ordinance; and

**BE IT FURTHER ORDAINED**, that the Village Clerk shall cause to be published in a newspaper of general circulation in and for the Village of Clayton at a time directed by the Chairman of the Board of Appeals a notice of public hearing of said amendment; and

**BE IT FURTHER ORDAINED**, that the Zoning Board of Appeals shall make its recommendation to the Village Board of Trustees at or before the next regularly scheduled meeting of the Village Board in April of 2008 so that the Village may consider and if appropriate, amend the Zoning Ordinance of the Village of Clayton.

  
\_\_\_\_\_  
President, Village of Clayton

Attest:

  
\_\_\_\_\_  
Clerk, Village of Clayton

Ayes: 5

Nays: 0

ORDINANCE NO. 8 2007-08  
CLAYTON, ILLINOIS

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE VILLAGE OF CLAYTON**

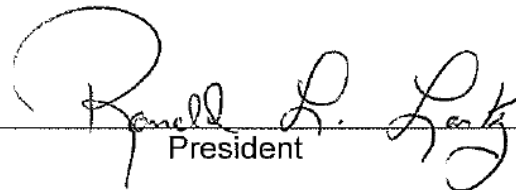
**WHEREAS**, the Board of Trustees of the Village of Clayton, believe it is in the best interest of the Village of Clayton that certain portions of the zoning maps should be reclassified from Single Family Residence to Business Commercial District; and

**WHEREAS**, the Zoning Board of Appeals has held a public hearing regarding said proposed amendment and recommends the same;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Board of Trustees of the Village of Clayton, Illinois, that the zoning ordinance of the Village of Clayton be amended by reclassifying a city block bounded by South Park, South Franklin, West LaFayette and East Park from Residential (R-1) to Business (B-1); and

**BE IT FURTHER ORDAINED** by the Board of Trustees of the Village of Clayton, Illinois, that the boundaries of the district as shown on the maps attached to the zoning ordinance shall be amended to reflect the amendment and boundary changes shall be recorded as provided by ordinance and law.

Adopted this 1<sup>st</sup> day of April, 2008.

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Clerk