

**CHAPTER 21
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**SECTION 1
GENERAL ZONING PROVISIONS**

21-1-1: PURPOSE

This chapter is for the purpose of securing adequate light, pure air and safety from fire and other dangers, conserving the taxable value of land and buildings throughout the Village, lessening or avoiding traffic congestion in the public streets; and promoting the public health, safety, comfort, morals and welfare.

**SECTION 2
ZONING ADMINISTRATION**

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21-2-1: PLATS

Each application for a building permit shall be accompanied by a sketch in duplicate, or duplicate prints thereof, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the size, shape and location of any existing buildings, and such other information as may be necessary to provide for the enforcement of this Chapter. A record of applications and plats shall be kept in the office of the Village Clerk.

21-2-2: PURPOSE

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter, 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 Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances, agreements, or covenants, the provisions of this Chapter shall control.

21-2-3: JURISDICTION

The Zoning Chairperson shall enforce the provisions of this chapter, and, in addition have the following authority:

(A) Examine and approve any application pertaining to the use of land, buildings or structures to determine if the application conforms with the provisions of this chapter.

(B) Issue all zoning certificates, building permits and certificates of zoning compliance.

(C) Conduct such inspections of buildings, structures and uses of land as are necessary to determine compliance with the terms of this chapter.

(D) Receive, file and forward for action to the Zoning Board of Appeals all applications for appeals, variations, special uses pertaining to the regulations of this chapter.

(E) Issue certificates of zoning compliance for nonconforming uses which have been approved through the Zoning Board of Appeals.

(F) The Zoning Chairperson shall be a member of the Village Board of Trustees and appointed by the Village President with approval of the board of Trustees.

21-2-4: ZONING BOARD OF APPEALS

GENERAL PROVISIONS

These rules are supplementary to the provisions of the Zoning Ordinance of the Village of Lena as they relate to the procedures of the Zoning Board of Appeals.

Any member of the Zoning Board of Appeals who has any interest in a matter before the Board shall not vote thereon and shall remove himself/herself from any meeting or hearing at which said matter is under consideration.

The Village Attorney shall be consulted in cases where the powers of the Board are not clearly defined. No Zoning Board of Appeals member shall discuss matters before the Board from any application or citizen at any time except at a scheduled meeting/hearing.

CREATION AND MEMBERSHIP

A Zoning Board of Appeals (ZBA) is hereby authorized to be established consistent with the terms and provisions set forth in this section. The acronym "ZBA" when used in this section shall be understood to mean the Zoning Board of Appeals.

Members and officers of the ZBA shall be made up of residents of the Village of Lena and maintain at least 7 members. ZBA board members and the ZBA Chair are appointed by the President of the Village with approval of the Village Board of Trustees. Members of the ZBA will have terms of 4 years, running concurrently with the term of the Village President, Village of Lena. The President of the Village shall have the authority to remove any member of the ZBA for cause, but only after a public notification at a scheduled Village Board meeting. Vacancies on the ZBA shall be filled for the unexpired term of the member whose place has become vacant, in the manner detailed in this section regarding the appointment of ZBA members.

OFFICERS AND DUTIES

The officers of the Zoning Board of Appeals shall consist of the Chairperson, Vice Chairperson and Secretary.

The duties of the Chairperson are as follows:

1. Supervise the affairs of the Board of Appeals;
2. Preside at all meetings/hearings of the Board;
3. Provide for the oath to be administered of all witnesses in cases before the Board;

The Vice Chairperson, in the absence or disability of the Chairperson, shall perform all of the duties and exercise all the powers of the Chairperson.

The duties of the Secretary are as follows:

1. Record and maintain permanent minutes of the ZBA's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact;
2. Keep records of its meetings and hearings and other official actions;
3. Summarize accurately the testimony of those appearing before the ZBA or keep verbatim transcript of all hearings and a permanent tape recording;
4. Record the names and addresses of all persons appearing before the ZBA;
5. Subject to the ZBA and Chairperson, conduct the correspondence of the ZBA;
6. File said minutes and records in the office of the Village Clerk, of which minutes and records shall be public record.

PROCEDURES AND HEARINGS

Regular meetings shall be held as needed at Lena Village Hall. All hearings of the ZBA shall be open to the public.

Meetings may be cancelled by the Chairperson at his or her discretion, or upon the request of two (2) or more members, provided that forty eight (48) hours of notice is given to each member and the meeting is properly posted as required by the Illinois Open Meetings Act.

All meetings of the ZBA shall proceed as follows:

1. Call to order
2. Roll call and declaration of quorum
3. Reading and approval of minutes of previous meeting
4. Communications

5. Hearing of cases on agenda

Participants sworn in and prepared to speak are asked to observe the following rules:

1. Each person making a statement will be asked to state his or her name and address and be sworn in.
2. The applicant will state his or her case fully and furnish the ZBA with information concerning the appeal.
3. Refrain from repeating what has been previously stated, and please don't involve personalities.
4. Be as factual as possible.
5. The ZBA reserves the right to question any speaker.

Each sworn speaker will have an opportunity to speak his or her case and present his or her evidence to the ZBA. Speakers will not be permitted to cross examine or offer rebuttal to statements presented by other speakers at the appeals hearing. The function of the hearing is to gather facts, not facilitate a debate.

The Chair may ask for a motion to be made by a ZBA member.

The vote is taken and the decision/recommendation forwarded.

Failure of Applicant to Appear:

1. The Chairperson may entertain a motion from the ZBA to dismiss the cases for want of a prosecution. In the absence of a motion by the ZBA, the chair shall rule.
2. The applicant shall have seven (7) days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the ZBA for reinstatement. Reinstatement shall be at the discretion of the Chairperson for good cause shown.
3. In all cases, reinstatement in the above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

DECISIONS AND RECOMMENDATIONS

The ZBA shall conduct its deliberations and vote on all matters in public sessions at the meeting in which evidence is concluded, unless the ZBA considers additional time for deliberation necessary. Should additional time be needed, a second public meeting will be scheduled within 30 days of the initial hearing in order to investigate the matter further. The matter will be officially concluded at the follow up hearing.

A concurring vote of four (4) members of the ZBA shall be necessary to recommend any variation of modification in the ordinance to the corporate authorities.

All deliberations and decisions of the ZBA shall be made at a public meeting by motion made and seconded and by the Chairperson polling membership by a roll call vote. The motion which decided the issues shall be in the form of findings of fact and shall state the reasons for the findings by the ZBA. If conditions are posed in recommending the granting of a variation or special use by the corporate authorities, such conditions shall be included in the motion.

The transcript of the case shall be acknowledged as to the accuracy by the Chairperson and the Secretary and shall be a part of the public record of the ZBA.

Notice of the decision of the ZBA shall be given to the applicant, the Lena Village Board of Trustees and other interested parties after the decision is reached. If a variance is granted by the ZBA the recommendation will be forwarded to the Lena Village Board of Trustees for review at the next scheduled Village Board meeting. If the appeal is denied it will not move to the Village Board for approval and the denial of the ZBA will be considered the final decision on the appeal.

CONTINUED CASES

All cases which have previously appeared on the agenda of the ZBA constitute continued cases. A request for a further continuance will be considered upon application by the party or his/her representative at the time the case is called, and upon showing:

1. That the applicant has given reasonable notice in writing to all persons who have filed an appearance in the matter, and
2. That the applicant will be unable to proceed with his or her evidence at the scheduled hearing.
3. The ZBA may issue a continuance if it is felt that a resolution to the appeal could not be agreed upon at the appeal hearing.

The Chairperson shall be considered a voting member of the ZBA at all times.

APPEALS

A denied application for a variance cannot be re-applied for under the same conditions presented at the original application. Should the applicant wish to re-apply for the variance a modified version must be presented. All application procedures must be followed for each variance appeal application.

RECORDS

All documents presented at ZBA hearings will be made a part of the official record and kept by the Clerk of the Village as records of the ZBA. All records of the ZBA shall be of public record.

21-2-5: CONDITIONAL USES

The development and execution of this Section is based upon the division of the Village of Lena which is subject to Village zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location.

1. Any individual, firm, or corporation having a possessory interest entitled to exclusive possession in land, or several such owners acting jointly having such interest in parcels of land comprising one contiguous tract, may file an application for one or more conditional uses as provided in this Section.
2. An application for a conditional use shall be filed with the Village Clerk and thereafter entered into the records of the first meeting thereafter of the Board of Trustees. A copy of such application shall thereafter be forwarded by the Village Clerk to the Zoning Board of Appeals with a request to investigate and submit to the Board of Trustees a report of its findings and recommendations in writing.

3. Prior to the granting of a conditional use, the Zoning Board of Appeals may recommend and the Board of Trustees may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this paragraph. In cases in which a conditional use is granted, the Board of Trustees may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this section.

4. The Board of Trustees, upon report of the Zoning Board of Appeals and after public hearing, may grant or deny any proposed conditional use, or may refer it back to the Zoning Board of Appeals for further consideration and recommendations.

5. In case a written protest against any proposed conditional use signed and acknowledged by owners of Twenty percent of the frontage proposed to be altered, or by the owners of Twenty percent of the frontage immediately adjoining, or by owners of Twenty percent of the frontage directly opposite the frontage to be altered, is filed with the Village Clerk, the conditional use cannot be passed except on the favorable vote of two-thirds of all members of the Board of Trustees.

6. No order of the Village Board of Trustees granting a conditional use shall be valid for a period longer than Six months from the date of such order unless the building or other required permit is obtained within such period and the erection or alteration of a building, structure or land improvement is started or the use is commenced within such period.

21-2-6: CHANGES AND AMENDMENTS

The regulations imposed and the districts created by this Chapter may be amended from time to time, but no such amendments shall be made without a public hearing before the President and Board of Trustees. At least fifteen days notice of the time and place of such hearing shall be published in a recognized paper of general circulation in the Village of Lena. In case of written protest against any proposed amendment, signed and acknowledged by the owners of Twenty percent of the frontage proposed to be altered or by the owners of Twenty percent of the frontage immediately adjoining or across an alley there from, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered as to such regulations or district, and filed with the Clerk of the Village, such an amendment shall not be passed except by the favorable vote of Two-thirds of all the members of the Board of Trustees of the Village of Lena.

21-2-7: PENALTY

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 Chapter shall, upon conviction, be fined not more than Two hundred Dollars for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

21-2-8: AUTHORIZED ACTIONS TOWARD PENALTIES

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 Chapter, the Administrative Official, in addition to other remedies, may institute any proper action or proceedings in the name of the Village of Lena to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure of land, or to prevent any illegal act, conduct, business or use in or about said premises.

21-2-9: ENFORCEMENT

It shall be the duty of the person designated by the President of the Board of Trustees as the Administrative Official to enforce this Chapter. Appeal from the decision of the Administrative Official may be made to the Zoning Board of Appeals.

SECTION 3 RULES AND DEFINITIONS

21-3-1: Rules for Construction

21-3-2: Definitions

21-3-1: RULES FOR CONSTRUCTION

For the purpose of this chapter, certain terms and words are hereby 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" and the word "shall" is mandatory and not directory.

21-3-2: DEFINITIONS

- Accessory Building:** A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises.
- Accessory Use:** A use which is incidental to the main use of the premises.
- Alley:** A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
- Apartment House, R2:** A building used or intended to be used as a residence for not more than four families in separate apartments. Each apartment unit must have a minimum storage area of 7'Lx6'Wx7'H within the building with main floor access or common area for tenant use only. Each apartment unit must have an outside storage area for tenant use only. (Amended 08/12/19) (Amended 01/13/20)
- Apartment House, R3:** A building used or intended to be used as a residence for not more than eight families in separate apartments. Each apartment unit must have a minimum storage area of 7'Lx6'Wx7'H within the building with main floor access or common area for tenant use only. Each apartment unit must have an outside storage area for tenant use only. (Amended 08/12/19) (Amended 01/13/20)
- Apartment House, R4:** A building used or intended to be used as a residence for not more than ten families in separate apartments. Each apartment unit must have a minimum storage area of 7'Lx6'Wx7'H within the building with main floor access or common area for tenant use only. Each apartment unit must have an outside storage area for tenant use only. (Amended 08/12/19) (Amended 01/13/20)
- Basement:** A story having part but not more than one half (1/2) of its height below grade.
(a) A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Boarding House:	A building other than a hotel where, for compensation pursuant to previous arrangement, meals, or lodging and meals, are provided for more than three persons.
Building:	Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property. (a) Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
Cellar:	A story having more than one half (1/2) of its height below grade. (a) A cellar is not included in computing the number of stories for the purpose of height measurement.
District:	A section or sections of the Village for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
Dwelling:	Any building or portion thereof which is designed and used for residential purposes exclusively.
Dwelling, Single Family:	A building having accommodations for and occupied exclusively by one family.
Dwelling, Two Family:	The use of a building for dwelling by two families. Typical uses include duplexes, condominiums and townhouses.
Dwelling, Multiple:	The use of a building for dwelling by three or more families. Typical uses include triplexes, fourplexes, apartments, residential condominiums, and townhouses.
Family:	One or more persons occupying a premises and living as a single house-keeping unit, and related to each other by birth, adoption or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.
Filling Stations:	Any building or premises used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels or oils. (a) When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
Frontage:	All the property on one side of a street between two intersection streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
Garage, Private:	An accessory building housing motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one of the vehicles may be a commercial vehicle of not more than one and one half (1½) tons capacity.
Garage, Public:	Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles.

- Garage, Storage:** Any building or premises used for housing only of motor driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired or sold.
- Home occupation:** Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate not more than one square foot in area, and no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.
 (a) Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of the profession.
- Hotel:** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.
- Institution:** A building occupied by a non-profit corporation or a non-profit establishment for public use.
- Lodging House:** A building or place where lodging is provided (or which is equipped regularly to provide lodging) by prearrangement for a definite period and for compensation, for more than three persons in contradistinction to hotels open to transients.
- Lot:** A parcel of land occupied or intended for occupation by a use permitted in this chapter, including one main building together with its accessory buildings or uses, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an official approved place.
- Lot, Corner:** A lot abutting upon two or more streets at their intersection.
- Lot, Depth of:** The mean horizontal distance between the front and rear lot lines.
- Lot, of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Stephenson County, Illinois; or a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds.
- Mobile Home:** A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.)
- Non-Conforming Use:** Any building or land lawfully occupied by a use at the time of passage of this chapter or amendment thereto, which does not conform after the passage of this Chapter or amendment thereto with the use regulations of the district in which it is situated.

Nursing Home, Rest Home

Convalescent Home:	A private or public home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders but not including facilities used primarily for the treatment of sickness or injuries or for surgical care.
Parking Space:	An area surfaced with gravel, bituminous or similar material, sufficient in size to store one standard automobile and, if the space is unenclosed, comprising an area not less than 160 square feet, exclusive of the drive connecting the parking space with the street or alley.
Place:	An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.
Rooming House:	See Lodging House
Signs:	A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building structure or piece of land and which directs attention to an object, product, place, activity, institution, organization or business.
Sign, attached:	A sign attached to a building.
Sign, freestanding:	A sign which is supported by one or more uprights or braces in or upon the ground.
Sign, flashing:	A sign which has the option of illuminating artificial light which is not kept consistent in intensity at all times in which the sign is in use. This includes LED signs and those with blinking lights.
Street:	All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public or private easement therefore.
Story:	That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
Story, Half:	A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than sixty percent of the floor area is finished off for use. (a) A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.
Street Line:	A dividing line between a lot, tract or parcel of land and a contiguous street.
Structure:	Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.
Structural Alterations:	Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.
Yard:	An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

(a) 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 mean horizontal distance between the lot line and the main building shall be used.

Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps, entranceway, unclosed balconies or open porch.

Yard, Rear: A yard extending across the rear of a lot, measured between the side lot 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.

(a) On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

(b) On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

SECTION 4 ZONING DISTRICTS AND BOUNDARIES

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- 21-4-4: Extensions
- 21-4-5: Boundaries of Districts
- 21-4-6: Restrictions

21-4-1: ESTABLISHMENT OF DISTRICTS

In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the area of yards, courts and other open spaced within and surrounding such building, the Village of Lena is hereby divided into districts known as:

- “R” Residential District
- “R2” Apartment House District
- “R3” Apartment House District
- “R4” Apartment House District
- “MH” Mobile Home District
- “C” Commercial District
- “M1” Light Industrial District
- “M2” Heavy Industrial District

21-4-2: DISTRICT MAP

The boundaries of the districts are shown upon the map which is designated as the “District Map”. The district map and all the notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Clerk of the Village of Lena, Illinois.

21-4-3: ANNEXATION

All territory which may hereafter be annexed to the Village of Lena, Illinois, shall be considered as being in the "R" Dwelling District until otherwise changed by ordinance after a public hearing.

21-4-4: EXTENSIONS

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

21-4-5: BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Chapter, the following rules apply;

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

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

(C) In any unsubdivided property the district boundary lines on the District Map shall be determined by use of the scale appearing on the map.

21-4-6: RESTRICTIONS

Except as hereinafter provided: (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 minimum yards and other open spaces, including lot area per family, required by this chapter, for each and every building existing at the time of passage of this chapter or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this chapter. (5) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this chapter.

SECTION 5 "R" RESIDENTIAL DISTRICT

21-5-1: Purpose

21-5-2: Permitted Uses

21-5-3: Accessory Buildings

21-5-4: Minimum Requirements

21-5-1: PURPOSE

A single or two family residential district is hereby established in order to promote public safety, convenience and welfare of residents. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this section, are the district regulations in the "R" Residential Districts.

21-5-2: PERMITTED USES

- (A) Churches, Parsonages and Rectories
- (B) Condominiums – 2 Unit
- (C) Golf courses and private clubs, except miniature golf courses and practice, driving tees and similar commercial enterprises.
- (D) Institutions of a eleemosynary or philanthropic nature, but not penal or mental institutions.
- (E) Parks, playgrounds, and community buildings owned or operated by public agencies.
- (F) Private clubs and lodges where the chief activity of which is a service not customarily carried on as a business.
- (G) Public libraries.
- (H) 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.
- (I) Single-family dwellings.
- (J) Townhouses – 2 Unit
- (K) Truck gardens and nurseries.
- (L) Two-family dwellings.

21-5-3: ACCESSORY BUILDINGS

Including a private garage and accessory uses, customarily incident to the above uses (not involving the conduct of a business) including home occupation and the use of a lot or portion thereof for a vegetable garden or flower garden.

- (A) Any accessory building that is not a part of the main structure shall be located not less than sixty feet from the front lot line and not less than ten feet from any portion of the main building.
- (B) Accessory buildings shall also include church or public building bulletin boards and temporary signs appertaining to the lease, hire or sale of a building or premises, not exceeding ten square feet in area.

21-5-4: MINIMUM REQUIREMENTS

Building Height: No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five feet in height.

Front Yard: There shall be a front yard having a depth of not less than twenty-five feet, unless thirty percent or more of the frontage is improved with buildings that have observed a greater or less depth of front yard in which instance no building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure or, if there be residences upon only one side, then beyond the straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than One Hundred feet, nor to permit a front yard of less depth than that of the nearest building.

Front Yards on Corner Lots: On a corner lot there shall be a front yard on each street side of such lot, except that the buildable width of such lot need not be reduced to less than Twenty-eight feet. No accessory building shall project beyond the front yard line on either street.

Side Yard: Expect as hereinafter provided in the following paragraph or elsewhere in this Chapter, there shall be a side yard on each side of a building having a width of not less than five feet on either side.
Wherever a lot of record existing at the time of the passage of this Chapter has a width of less than fifty feet, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than three feet.

Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than twenty-five feet.

Lot Size: Every lot upon which a dwelling is erected shall have an area of not less than Five Thousand square feet, except that any of the uses permitted in this district may be erected, converted, or constructed on a smaller lot of record.

SECTION 6 R2, R3 AND R4 APARTMENT AND HOUSE DISTRICT

- 21-6-1: Purpose
- 21-6-2: Permitted Uses
- 21-6-3: Minimum Requirements

21-6-1: PURPOSE

A multi family District is hereby established in order to promote affordable residential options while preserving the desirable characteristics of the single family residential district. The regulations set forth in this section or set forth elsewhere in this Chapter, when referred to in this section, are the district regulations in the "R2", "R3" and "R4" Apartment House Districts.

21-6-2: PERMITTED USES

Any use permitted in the "R" residential districts.

- (A) "R2" apartment houses to be occupied by not more than four families.
- (B) "R3" apartment houses to be occupied by no more than eight families.
- (C) "R4" apartment houses to be occupied by no more than ten families. (Amended 08/14/19)
(Amended 01/13/20)

21-6-3: MINIMUM REQUIREMENTS

- Height: No "R2" building shall exceed two stories in height.
No "R3" building shall exceed four stories in height.
No "R4" building shall exceed four stories in height.
- Front Yard: The front yard regulations are the same as those in the "R" residential districts.
- Side Yard: There shall be a side yard on each side of a building with a width of not less than Fifteen feet.
- Rear Yard: The rear yard regulations are the same as those in the "R" residential district.
- Lot Size: Any building erected in this district shall occupy not more than forty percent of the area of the lot, exclusive of parking space.
- Parking: The owner of each apartment building erected in this district shall provide two parking spaces on the premises for each apartment in the building.

**SECTION 7
"MH" MOBILE HOME DISTRICT**

- 21-7-1: Purpose
- 21-7-2: Permitted Uses
- 21-7-3: Minimum Requirements

21-7-1: PURPOSE

A Mobile Home District is hereby established with the intent of providing separate areas for mobile home development. Separate areas are provided because of the different construction design standards than conventional dwelling units and the mixture of the two has a destabilizing effect on both housing types. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "MH" Mobile Home district.

21-7-2: PERMITTED USES

(A) Any use permitted in the "R" Residential Districts.

Mobile Homes.

(B) No mobile home shall be occupied or used for living or sleeping unless it is located in a mobile home designated district, provided that a mobile home is not being used as an office for a construction project, carnival, residence for a watchman on a construction site or other situation of a temporary nature relating to construction or a temporary event.

21-7-3: MINIMUM REQUIREMENTS

- Front yard: The front yard regulations are the same as those in the "R" Residential Districts.
- Side yard: The side yard regulations are the same as those in the "R" Residential Districts.
- Rear Yard: The rear yard regulations are the same as those in the "R" Residential Districts.
- Parking: The owner of any premises in this district shall provide two parking spaces on the premises for each dwelling unit thereon.

SECTION 8
“C” COMMERCIAL DISTRICT

- 21-8-1: Purpose
- 21-8-2: Permitted Uses
- 21-8-3: Minimum Requirements
- 21-8-4: Use Intensity

21-8-1: PURPOSE

A commercial district is designated to provide a cohesive grouping of commercial activity at appropriate locations oriented toward retail sales, and professional, commercial and personal service establishments. The regulations set forth in this section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations in the “C” Commercial Districts.

21-8-2: PERMITTED USES

1. Retail stores, offices and services establishments including:
2. Art galleries and stores selling objects of art.
3. Bakery whose products are sold at retail on the premises.
4. Banks and saving and loan offices.
5. Barber shops and beauty shops.
6. Bicycle shops.
7. Billiard parlors, Pool rooms, Bowling alleys.
8. Blueprint and Photostat shops.
9. Bookstores and rental libraries.
10. Business or commercial schools or dancing or music academies.
11. Candy Stores.
12. Chiropody, massage or similar personal service shop.
13. Clothing and custom clothing repair.
14. Department Stores.
15. Drug store or pharmacy.
16. Electrical appliance, sale or repair.
17. Filling Stations.
18. Florist and garden supply store provided that all equipment, supplies and merchandise other than display items shall be kept in a completely enclosed building and that fertilizer and other chemicals shall be sold in package form only.
19. Furniture/interior decorating stores.
20. Funeral Homes
21. Garage and body shops.
22. Gift, antique, jewelry and specialty collectors shops
23. Hardware, locksmith and sporting goods stores.
24. Hobby stores.
25. Hospital and clinic for animals, but not open kennels on premises.
26. Hotels and motels.
27. Leather goods and luggage.
28. Laundromats.
29. Medical, dental and optician clinics.
30. Messenger and telegraph service station.
31. Music stores.
32. Offices and business machine stores.
33. Off-street parking lots for the parking of automobiles.
34. Photography studio and supply stores.
35. Plumbing shop.
36. Printing shop.

37. Real estate offices.
38. Receiving store for dry or steam cleaning, which cleaning shall be done elsewhere.
39. Restaurants.
40. Rooming and boarding house.
41. Taverns and bars
42. Theater.
43. Travel agencies.
44. Tobacco and cigar stores.
45. Used car sales or storage lots.
46. Variety stores.
47. Accessory buildings and uses customarily incident to the above uses.
(Amended 01/13/20)

21-8-3: MINIMUM REQUIREMENTS

- Storage Area: Any building used primarily for the above enumerated purposes may have not more than forty percent of the floor area, exclusive of any basement area, devoted to storage purposes incidental to such primary use.
- Building Height: No building shall exceed three stories or shall it exceed Forty-five feet in height, except as otherwise provided in this Chapter.
- Front Yard: No front yard is required except where the frontage on one side of a street between two intersecting streets is partly in the “C” Commercial District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply.
- Side Yard: The side yard regulation for the dwellings are the same as those in the “R” Dwelling Districts, and in all other cases a side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than Five feet.
- Rear Yards: The rear yard regulations for dwellings are the same as in the “R” Dwelling Districts. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard with a depth of not less than Fifteen feet.

21-8-4: USE INTENSITY

(A) When a lot is improved with a single family dwelling or a two-family dwelling, the intensity of use provisions shall be the same as those required in the “R” Dwelling District.

(B) Where a lot of record contains less area than herein required, it may be occupied by a single-family dwelling. (Amended 01/13/20)

SECTION 9 “M1” LIGHT INDUSTRIAL DISTRICT

- 21-9-1: Purpose
- 21-9-2: Permitted Uses
- 21-9-3: Performance Standards
- 21-9-4: Minimum Requirements
- 21-9-5: Use Intensity

21-9-1: PURPOSE

The purpose of the light industrial district is to provide suitable areas for a variety of low intensity manufacturing, processing, assembly and distribution and research uses which utilize materials that generally are already in a processed form and which do not emit unacceptable or harmful levels of noise, dust, odors, smoke bright light, vibration or involve dangerous or explosive materials. This district also provides for a limited range of professional, business and administrative offices, commercial uses and other activities which are accessory to permitted industrial uses. Because of the limited industrial nature of the district the light industrial district may be located in close proximity to residential neighborhoods. The regulations set forth in this section, or set forth elsewhere in this Chapter when referred to in this Section, are the district regulations in the "M1" Light Industrial Districts.

21-9-2: PERMITTED USES

Any use permitted in the "C" commercial districts.

1. Any production, servicing, testing, repair or storage of materials, goods or products.
2. Wholesaling and warehousing houses.
3. If conducted within a building combining, assembly or packaging of pharmaceuticals, toiletries and cosmetics. Small equipment such as medical and dental, drafting, household items and electrical equipment.
4. Light manufacturing including: manufacturing of ceramics, electronic and light electrical equipment.
5. Professional, business, research or administrative offices and laboratories.
6. Trade Schools.
7. Data processing, storage or computer services.
8. Distribution facilities excluding those distributing flammable or explosive material.
9. Agricultural uses.

21-9-3: PERFORMANCE STANDARDS

Industrial and Manufacturing plants where the process of manufacturing or treatment of materials is such that a minimum amount of dust, odor, gas, smoke or noise is emitted, and where the operations are conducted in one or more buildings and not more than ten percent of the lot or tract is used for the open storage of products, materials or equipment. The total area occupied by the building and storage shall not represent more than seventy-five percent of the lot.

21-9-4: MINIMUM REQUIREMENTS

- Building Height: No building shall exceed three stories or fifty five feet in height, except as otherwise provided herein.
- Front Yard: The front yard regulations are the same as those in the "C" commercial districts.

Side Yard: The side yard regulations are the same as those in the “C” commercial districts.

Rear: The rear yard regulations are the same as those in the “C” commercial districts.

Outdoor lighting: Outdoor lighting fixtures shall be directed and shielded so the light element is not visible from any point in a residential district or public rights of way, roads and streets.

21-9 -5: USE INTENSITY

The intensity of use regulations are the same as those in the “C” commercial districts.

**SECTION 10
“M2” HEAVY INDUSTRIAL DISTRICT**

- 21-10-1: Purpose
- 21-10-2: Permitted Uses
- 21-10-3: Performance Standards
- 21-10-4: Minimum Requirements
- 21-10-5: Use Intensity

21-10-1: PURPOSE

The industrial district is hereby established to provide adequate space for high quality, manufacturing, transportation, warehousing and wholesaling uses that are compatible with a variety of office and service uses. The regulations set forth in this section, or set forth elsewhere in this Chapter when referred to in this Section, are the district regulations in the “M2” Heavy Industrial Districts.

21-10-2: PERMITTED USES

Any use permitted in the “C” commercial districts.

1. Production, processing, cleaning, servicing, testing and repair including the following uses and manufacturing of the following products: Asphalt, chemicals.
2. Storage including: Grains, goods used in or produced by manufacturing activities, peat and top soil,
3. Bottling works.
4. Dyeing and cleaning establishments.
5. Laundries.
6. Milk distribution station.
7. Lumber, coal or building materials yard.
8. Public utility substations and facilities.
9. Storage warehouses.

10. Wholesale warehouse or business.

11. Contractor's storage yard.

21-10-3: PERFORMANCE STANDARDS

Industrial and manufacturing plants where the process of manufacturing or treatment of materials is such that a minimum amount of dust, odor, gas, smoke or noise is emitted, and where the operations are conducted in one or more buildings and not more than ten percent of the lot or tract is used for the open storage of products, materials or equipment. The total area occupied by the building and storage shall not represent more than Seventy-five percent of the lot.

21-10-4: MINIMUM REQUIREMENTS

- Building Height: No building shall exceed three stories or fifty five feet in height, except as otherwise provided herein.
- Front Yard: The front yard regulations are the same as those in the "C" commercial districts.
- Side Yard: The side yard regulations are the same as those in the "C" commercial districts.
- Rear: The rear yard regulations are the same as those in the "C" commercial districts.
- Outdoor lighting: Outdoor lighting fixtures shall be directed and shielded so the light element is not visible from any point in a residential district or public rights of way, roads and streets.

21-10 -5: USE INTENSITY

The intensity of use regulations are the same as those in the "C" commercial districts.

**SECTION 11
NON-CONFORMING USE**

- 21-11-1: Intent
- 21-11-2: Continuance of Use
- 21-11-3: Discontinuance of Use
- 21-11-4: Special uses
- 21-11-5: Permitted Special Uses

21-11-1: INTENT

The lawful use of a building or land existing at the time of the adoption of this Chapter may be continued, although such does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use of [or] to a conforming use, such use shall not thereafter be changed to a less restricted use.

21-11-2: CONTINUANCE OF USE

Any building, structure or lot of record, described in the foregoing paragraphs of this section, may continue to operate at the level of operation on the effective date hereof subject to the following:

(A) No non-conforming structure that was erected, converted or structurally altered in violation of the provisions of the Chapter shall be validated by the adoption of the Chapter and such violations or any violations of this Chapter may be ordered, removed or corrected by the proper officials at any time.

21-11-3: DISCONTINUANCE OF USE

The following occurrences shall cause a loss of legal status. All subsequent buildings or structures must conform to regulations of the district in which is located under this Ordinance.

(A) No building which has been damaged by fire, explosion, Act of God or the public enemy, to the extent of more than Sixty percent of its assessed value, shall be restored except in conformity with the regulations in this chapter.

(B) In the event that a non-conforming use of any building and premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

21-11-4: SPECIAL USES

The President and Board of Trustees of the Village may, by special permit, after public hearing and subject to such protective restrictions that are deemed necessary, authorize the location, extension or structural alteration of any of the following buildings or uses, or an increase in their height, in any district from which they are prohibited or limited by the Chapter.

21-11-5: PERMITTED SPECIAL USES

(A) Any public building erected and used by any municipal county, state or federal governments.

(B) Hospitals, clinics and institutions, except institutions for criminals and those for persons who are mentally ill or have contagious diseases; provided, however, that such buildings may occupy not over Fifty percent of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property; and, provided, further, that the buildings shall be set back from all yard lines heretofore established an additional distance of not less than One foot for every foot of building height, and that adequate off street parking space will be provided.

(C) Cemetery or Mausoleum.

(D) Landing field, or landing strip for aircraft.

(E) Greenhouses, provided that any structures shall not be less than One Hundred feet from all property lines.

(F) Nurseries.

(G) Roadside stands, commercial amusement or recreational development for temporary or seasonal periods.

(H) Removal of gravel, top soil, or similar materials.

(I) Riding stables.

(J) Parking lots on land not more than Three Hundred feet from the boundary of any commercial, business or industrial district under such conditions as will protect the character of surrounding property.

(K) Areas for the dumping or disposal of trash.

(L) Radio towers and radio broadcast stations.

(M) Garages to be used for storage.

SECTION 12 SIGNS

The Village of Lena Signs Ordinance is located in Chapter 20 of the Village of Lena Municipal Code

SECTION 13 FENCES

21-13-1: Permit
21-13-2: Types of fencing
21-13-3: Regulations

21-13-1: PERMIT

It shall be unlawful to erect or construct any fence without obtaining a permit:

21-13-2: TYPES

Chain Link: Man made fences resembling a wire netting constructed of galvanized steel wire in which at least 75 percent of vision from bottom to the top is see through.

Privacy Fences: Man made fences which obstruct at least 75 percent of vision from the bottom of the structure to the top

Barbed Wire and Electrical: A fence equipped with or having barbed wire, spikes or any similar device or any electric charge sufficient to cause shock, within seven feet of ground level.

21-13-3: REGULATIONS

Residential and non-residential districts:

Front yards: All types of fences are prohibited within any front yard

Side Yards: In side yards fences may not extend beyond the front portion of the property's principal building.

Rear yards:

Lot lines: Fences must remain on the property and not extend beyond the property line at any time.

Corner Lots:

Height: The maximum height of any fence within the side or back yard shall be four feet for any chain length fences matching the description above and 6 feet for any privacy fences matching the description above.

It shall be unlawful to erect or maintain anywhere in the residential district a fence equipped with or having barbed wire, spikes or any similar device or any electric charge sufficient to cause shock, within seven feet of ground level.

SECTION 14 REGULATIONS OF THE USE, HEIGHT AND AREA

21-14-1: Purpose

21-14-2: Exceptions and Restrictions

21-14-1: PURPOSE

The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.

21-14-2: EXCEPTIONS AND RESTRICTIONS

(A) Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding Sixty feet, and churches and temples may be erected to a height not exceeding Seventy Five feet if the building is set back from each yard line at least one foot for each Two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

(B) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the Village of Lena.

(C) Accessory buildings 150 square feet or less may be built in a required rear yard, but such accessory buildings shall not be within Five feet of any yard line, nor shall any such accessory building occupy more than Thirty percent of the required rear yard or exceed Twenty feet in height.

(D) Whenever a lot abuts upon an alley, one-half of the width of the alley may be considered as a portion of the required rear yard.

(E) 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.

(F) 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 inches.

(E) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Administrative Official for a distance of not more than Five feet and where the same are so placed as not to obstruct light and ventilation.

(F) An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding Ten feet, but this shall not be interpreted to include or permit fixed canopies.

(G) For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as One building occupying one lot, without regard to the actual number of lots of record that are occupied by the dwelling.

(H) 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 such temporary buildings shall be removed upon completion of the construction work.

(I) More than one industrial, commercial, multiple dwelling, or institutional building may be erected upon a single lot or tract provided they are developed as a unit, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of use regulations.

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

(K) Existing railroads and utilities may continue to be operated and maintained in dwelling and business districts, but no new railroad or utility facility shall be erected in such districts except in accordance with the provisions of Section 10 of this Chapter.

SECTION 15 SUBDIVISIONS

The Village of Lena Subdivision Ordinance is located in Chapter 23 of the Village of Lena Municipal Code

SECTION 16 GUEST HOUSES

- 21-16-1: Application Process
- 21-16-2: Definitions
- 21-16-3: Guest Houses
- 21-16-4: General Characteristics of the Building
- 21-16-5: Number of Guest Rooms Permitted
- 21-16-6: Guest House Regulations
- 21-16-7: Application Contents

21-16-1: APPLICATION PROCESS

Any landowner in the Village desiring to operate a Guest House or “Bed and Breakfast Establishment” must apply to the Village for a Conditional use permit under section 18.

21-16-2: DEFINITIONS

(A) A Guest House, also known as a “Bed and Breakfast Establishment” is defined as an operator-occupied residence providing overnight guest room accommodations for a charge to the public in operation for more than ten (10) nights in a twelve (12) month period. Guest House establishments are not lodging houses, motels, boarding house or food service establishments; provided, however, that breakfast may be provided to guests only. A guest house may also be a building or buildings detached from the owner-occupied principal residence but on the same zoning lot, or on a lot contiguous thereto and under the same ownership.

(B) An “Operator” shall mean the owner of the Guest House, or the owner’s agent.

(C) A “guest room” shall mean a sleeping room intended to accommodate no more than two (2) transient guests per night.

(D) “Charge” as used herein shall mean any form of remuneration such as cash, goods or services, barter, donations, forgiveness of indebtedness, or like payment.

21-16-3: GUEST HOUSES

A Guest House is defined in Section 21-16-2 hereof. For a Guest House to be permitted within a residential district, it must substantially meet the following criteria and standards;

21-16-4: GENERAL CHARACTERISTICS OF THE BUILDING

(A) The Guest House and/or its environs must have historic and/or architectural significance and/or particular characteristics to be of general interest to overnight guests.

(B) The guest house should afford to its guests an opportunity to visit with the owner-operator and other guests in a home-like environment.

(C) A Guest House Special Use Permit should not be granted for a building detached from the operator-occupied principal residence but on the same zoning lot, or on a lot contiguous thereto and under the same ownership if such a building has been traditionally used as a single family residence and has no unusual characteristics which would make it unattractive for use by a single family of an average size, it being the stated intention of the Village of Lena to encourage the use of such single family residential structures for single family residential purposes in order to maintain the residential integrity of residential neighborhoods.

21-16-5: NUMBER OF GUEST ROOMS PERMITTED

(A) Number of Guest Rooms Permitted. No more than a maximum of five (5) guest rooms shall be permitted in any Guest House within a residential district. It is the stated intention of the Village of Lena that a guest house shall not significantly change the character and tranquility of any particular residential neighborhood or section thereof. A Guest House should not impact a neighborhood or section thereof much more than would a typical family having house guests for a few days at a time. To this end, the following criteria will be used as a guide for determining the number of guest rooms to be permitted in a guest house.

(B) House size. Overall house size shall be considered. A house of modest size shall be appropriated for one (1) guest room scaling up to mansions which shall be appropriate for the maximum of five (5) guest rooms.

(C) Original Bedrooms. The number of original bedrooms indigenous to a particular house design will be used as a guide in determining the number of guest rooms to be permitted in a Guest House.

(D) Size and nature of zoning lot. The capacity of a particular zoning lot to absorb the impact of a Guest House shall be considered and consideration shall be given to a lot size, natural topography and vegetation, setback requirements relating to parking, the location of the Guest House on the zoning lot and the proximity of the Guest House to neighboring houses in determining the number of guest rooms to be permitted in a Guest House.

1. The number of guest rooms permitted in a particular guest house should relate to the size of the zoning lot on which such guest house is located, such that the smaller the zoning lot, the fewer the guest rooms that should be permitted. As an example, a Guest House with one (1) or two (2) guest rooms might be permitted on a lot of 5,000 square feet, whereas a lot of 20,000 square feet would normally be required to accommodate a Guest House with five (5) guest rooms.

(E) Availability and Impact of Parking. The availability of on-street and off-street parking shall be considered.

1. The physical and aesthetic impact of off-street parking locate on the zoning lot shall not be detrimental to the existing character of said lot and the surrounding neighborhood.

2. Generally the capacity of a zoning lot to accommodate off-street parking should be related to the size and nature of the lot, as stated in section 4 above.

21-16-6: GUEST HOUSE REGULATIONS

(A) The specific period of time for which the Conditional Use Permit shall be granted.

(B) That no Guest House shall commence doing business until a Guest House license has been issued by the Village of Lena.

(C) That proof of registration with the Illinois Department of Revenue and Stephenson County for the purpose of collecting and submitting hotel/motel Tax shall be given to the Village Clerk within ninety (90) days after issuance of the Guest House license.

(D) That the Guest House operator maintain a guest register listing the name, complete address and automobile license plate number of each guest who has stayed in the Guest House, which register must be maintained for each such guest for a period of at least three (3) years after such guest has stayed in the Guest House.

1. An automobile license number shall not be required as to any guest who has not driven an automobile to the Guest House.

2. Such register shall be made available for inspection by any village, county or state official charged with monitoring compliance with village, county or state regulations relating to Guest Houses.

(E) That the Guest House operator shall comply with the minimum standards relating to serving breakfast and the minimum standards relating to linen, towels, wash clothes and soaps, as set forth in the Illinois Bed and Breakfast Act.

(F) That failure by the holder of the Special Use permit to comply with all applicable state, county and village laws and ordinances relating to the Guest House shall be grounds for revocation of the Conditional Use Permit.

21-16-7: APPLICATION – CONTENTS

An application for a Guest House Conditional Use Permit shall include such information as the Village Clerk or Zoning Board of Appeals may require, but at a minimum shall include the following:

(A) A site plan depicting all existing conditions of and any proposed modifications to buildings, walks, drives, parking, berming, planting, fencing, signage and lighting.

1. Pertinent elevations or perspective drawings may be requested for more accurate review of various details.

(B) Photographs of the proposed Guest House, accessory buildings and zoning lot.

(C) Floor plan of the proposed Guest House showing all rooms and the designation of room usage.

SECTION 17
PARKING AND LOADING REGULATIONS

- 21-17-1: Purpose
- 21-17-2: General Provisions
- 21-17-3: Additional Parking Facility Regulations
- 21-17-4: Required Parking Spaces
- 21-17-5: Parking Lot Improvements
- 21-17-6: Procedures for Constructing a Parking Lot
- 21-17-7: Regulations for Loading Facilities

21-17-1: PURPOSE

The purpose of this section is to provide minimum standards for off-street parking and loading facilities and alleviate or prevent congestion of the public streets, thereby promoting the safety and welfare of the residents of the Village of Lena.

21-17-2: GENERAL PROVISIONS

Scope of regulations. The off-street parking provisions of this section apply as follows:

(A) Parking Required. All structures and uses established after the effective date of this section shall be provided with the amount of parking and, if required, loading facilities specified for that use. However, where a building permit has been issued prior to the effective date of this section, and provided that construction is begun within one hundred and twenty (120) days of such effective date and diligently pursued to completion, parking and loading facilities as required hereinafter need not be provided.

(B) Expansion. When the intensity of use of any building, structure or premises shall be increased or enlarged, parking as required herein shall be provided for such intensity of use, unless the expansion of the use is fifty percent (50%) or more, then parking and loading facilities shall meet the requirements of this section for the entire use.

(C) Existing Parking. Existing parking and loading facilities which were established prior to the effective date of this section shall not hereafter be reduced below the number required by this section for that use. Off-street parking, existing at the time a new use or change in use is made, may be considered by the Zoning Board of Appeals in granting a variation no more than twenty-five percent (25%) of the off-street parking requirements.

(D) Control of Land. When parking facilities are provided on land other than the zoning lot on which the building or use serviced by such facility is located, they shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory, but in no case at a distance in excess of three hundred (300) feet for a use in a residential district and in the case of a use in a commercial or industrial district, the off-street parking shall be within five hundred (500) feet from the use, unless otherwise approved by the Village Board.

(E) Use of Parking Facilities. Off-street parking facilities shall be used solely for passenger vehicles or other vehicles owned by the occupants or by their guests. They may not be used for the storage of commercial vehicles.

(F) Joint Parking Facilities. Off-street parking facilities may be provided collectively in a non-residential zoning district for different buildings, structures, or uses, or for mixed uses, provided that the total number of spaces is equal to the sum required for the separate uses combined.

21-17-3: ADDITIONAL PARKING FACILITY REGULATIONS

(A) Location:

1. In the residential zoning districts, no parking shall be permitted in the required front or side yard except on an asphalt, brick or concrete driveway.
2. In all non-residential zoning districts no parking shall be permitted on any street or drive, or on any lot at any place other than the paved parking area.
3. Parking for other than single-family dwellings or two-family dwellings shall be designed so that no vehicles are required to back into a public street or alley.

(B) Size of Space. Parking stalls shall be nine (9) feet by eighteen (18) feet, with a vertical clearance of no less than seven (7) feet.

(C) Maintenance. All parking areas shall be kept in a dust-free condition at all times and maintained in a good condition, free of potholes.

(D) Computation and Required Spaces. The number of required spaces for a particular use is determined by the gross squared footage of the building or structure, and the number of employees as specified. For uses not listed, the Planning and Zoning Committee shall determine the most similar use as a basis for the number of required spaces. In an (a) determination of total parking requirements, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one parking space.

21-17-4: REQUIRED PARKING SPACES

Schedule of Parking Requirements:

<u>USE</u>	<u>REQUIRED PARKING</u>
Residential:	
Single-family.....	2 spaces per dwelling unit
Two-family.....	2 spaces per dwelling unit
Multi-family unit.....	2 spaces per dwelling unit, 1 space per dwelling unit for senior citizen complexes (Amended 08/12/19) (Amended 01/13/20)
Industrial District Uses:	
Manufacturing, auto and body repair, furniture repair, upholstery shops.....	1 space per 500 square feet
Truck Terminal.....	1 space per truck normally parked on the premises plus 1 space per employee on the largest shift plus 1 space per 3 patrons based upon maximum capacity
Warehouses, wholesale establishment, storage and distribution centers.....	1 space per 2,000 square feet and 1 space per employee
Retail and Service Uses:.....	(based upon gross floor area)
Retail and service uses except as listed.....	1 space per 250 square feet
Auto maintenance facilities-fast service.....	2 stacking spaces plus 3 parking spaces per service bay

Auto Repair Facilities.....	6 parking spaces per repair/service bay plus 1 per employee
Drive-up Bank facilities.....	5 stacking spaces per window plus 1 parking space for each 2 employees
Drive-up ATM's.....	3 stacking spaces per window
Fast-food/Drive in restaurants.....	8 stacking spaces for each pick up window and 1 parking space per 100 square feet
Restaurants, convenience stores and other establishments dispensing food or beverages for consumption on the premises.....	1 space per 65 square feet
Passenger vehicle sales and other motor vehicle sales.....	1 space per 1500 square feet of display area plus the required number of spaces for any associated uses
Car Washes:	
Self service manual.....	3 stacking spaces plus 1.5 spaces for each bay and 1 for each employee
Self-service automatic.....	5 stacking spaces plus 1.5 spaces for each bay
With internal drying operation.....	8 stacking spaces plus one space for each employee
Offices and Clinics:	
Medical, dental, and optical offices and medical clinics.....	1 space per 150 square feet plus 1 per every 2 employees
Other professional business offices.....	1 space per 300 square feet
Community Service Uses:	
Churches.....	1 space per 2.5 seats of maximum capacity
Schools:	
Elementary and Junior high.....	1 space per teacher and staff member, plus 1 space per 5 students
Senior High.....	1 space per 600 square feet
Hospitals.....	1 space per 500 square feet
Libraries, art galleries, museums.....	1 space per 250 feet
Nursing Homes.....	1 space per patient bed plus one space per every 2 employees
Recreational buildings, or community centers.....	1 space for each 3 seats or 1 space per 75 square feet based upon maximum capacity

Stadiums, arenas, auditoriums, skating rinks theaters, convention halls.....	Spaces shall be based on the sum of the individual uses
Planned Mixed-Use Developments.....	Spaces shall be based upon the most similar use listed or as determined by the Planning and Zoning committee
Other Uses Not Listed.....	Spaces shall be based upon the most similar use listed or as determined by the Planning and Zoning committee.

Physically Impaired Parking Stalls. Handicapped stalls which are to be sixteen (16) feet wide and eighteen (18) feet long, shall be computed as follows:

<u>TOTAL SPACES REQUIRED</u>	<u>HANDICAPPED SPACES</u>
1 TO 20	1
21 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1000	2% of the total number
Over 1000	20, plus 1 for each 100 over 1000

Additional regulations on handicapped parking can be found in the Illinois Administrative Code Width of Aisles. Aisle widths shall be that specified below for the angle of the stalls:

<u>DEGREE OF ANGLE</u>	<u>ONE-WAY AISLE</u>	<u>TWO-WAY AISLE</u>
30	12 FT.	22 FT.
45	16 FT.	22FT.
60	22FT.	22FT.
75	24 FT.	22FT.
90	24FT.	24FT.

21-17-5: PARKING LOT IMPROVEMENTS

(A) Surfacing: All driveways and open off-street parking areas and driveways, including the apron between the existing road improvement and the property line, shall be improved with a bituminous or Portland cement concrete surface. A cross section of the pavement design shall be submitted to the Village Engineer for review and approval.

(B) Drainage: All parking lots and open sales areas shall be graded and drained so as to dispose of storm water run-off in a manner approved by the Village Engineer prior to construction. No run-off shall be allowed to drain on an adjacent property or across sidewalks.

(C) Striping the Wheel Stops: To provide for orderly and safe parking and storage of vehicles, each parking space shall be delineated with striping. Wheel stops shall be placed to prevent any portion of a vehicle from encroaching into adjacent areas, lots, public ways or landscaped areas, or from damaging trees.

(D) Curb and Gutter: All parking lots shall have combination concrete curb and gutter, IDOT standard M-6. 18, unless an alternative design is reviewed by the Village Engineer and approved by the Village Board. Depressed curbs shall be provided at all driveways.

(E) Driveway Approaches: Driveway approaches shall be constructed of a minimum six (6) inch concrete with a minimum four (4) inch compacted gravel aggregate base course or minimum one (1) inch bituminous surface and one and one-half (1.5) inch bituminous binder with a twelve (12) inch aggregate course.

(F) Lighting: Any lighting of parking lots shall be shaded and directed away from residential uses or public roadways and the light rays shall not shine into the sky or over the property line onto adjacent properties. High pressure sodium luminaries are preferred and shall be used unless specific authorization is granted by the Village Board to use another type of luminary.

(G) Landscaping: All parking lots shall be buffered with the minimum landscape screening requirements as specified in Section 18.

21-17-6: PROCEDURES FOR CONSTRUCTING A PARKING LOT

(A) Building Permit.

1. A building permit application is required to construct a parking lot. Prior to approval of the building permit application, a site plan shall be submitted to the Village for review and approval. The site plan, drawn to scale, shall include a footprint of the structure, parking stalls, access drive, detailed landscaping information, fencing, signs and lighting. The manner of draining storm water runoff shall also be indicated for approval by the Village Engineer.

(B) Access.

2. If the proposed use includes drive-up lanes, the required number of stacking spaces shall also be shown on the site plan. If access is from a right-of-way under State or County jurisdiction, an access permit shall first have been obtained from that authority.

21-17-7: REGULATIONS FOR LOADING FACILITIES

(A) Location.

1. Loading berths and maneuvering areas shall be located on the same zoning lot as the use served.

2. A loading berth shall be located no closer than fifty (50) feet to a residential district unless it is completely screened by a masonry wall not less than six (6) feet or more than eight (8) feet in height.

3. A berth shall not be located within thirty (30) feet of an intersection of two streets. Loading berths shall be located so that backing into a public street or alley will not be required.

4. Loading berths shall not be located in the required front yard or corner side yard.

(B) Size and Number.

1. The size and number of required loading facilities are based on the square footage of the use to be served. Refer to the table at the end of this article.

(C) Surfacing.

1. Loading and maneuvering areas shall be improved with a minimum of twelve (12) inch crushed stone base and three (3) inch bituminous material or six (6) inches of concrete with a minimum four (4) inch compacted gravel aggregate base course.

(D) Landscaping.

1. The location of a loading berth on a street side of a structure or on property adjoining a residential district requires that the loading berth and maneuvering areas be densely screened with evergreen plant materials a minimum of six (6) feet tall at the time of planting.

SECTION 18 LANDSCAPING, BUFFERING REGULATIONS

21-18-1: Purpose

21-18-2: General provisions

21-18-3: General off Street Parking Landscaping Requirements.

21-18-4: Landscape Buffers

21-18-5: Minimum Standards

21-18-6: Approval Process, Enforcement and Maintenance

21-18-7: Relief from Requirements

21-18-8: Plant Species List

21-18-1: PURPOSE

(A) The purpose of this section is to reduce to a minimum the unaesthetic and unsightly views created by certain developments that generate groups of parked vehicles or "seas of asphalt".

(B) These regulations encourage tree and shrub planting to reduce the incompatibility between zoning districts of different intensities and type and, lessen the adverse impact of more intense land uses upon residential areas.

(C) The enhancement of the visual character of the Village of Lena intends to safeguard property values and investment and promote high-quality development within the community. These regulations discourage the unnecessary clearing and disturbing of land so as to preserve whenever possible the existing natural vegetation that is indigenous to the area.

21-18-2: GENERAL PROVISIONS

Scope of Regulations. The landscaping, buffering regulations of this section apply as follows:

(A) All parking and asphalt covered areas, public or private, containing more than five (5) parking spaces.

(B) All open sales lots, outside storage lots, truck storage and equipment yards, terminals, and other vehicular maneuvering areas.

(C) When the intensity of use of any existing building, structure or premises is increased through the addition of one or more dwelling units, or the gross floor area of a building is increased such as to require the construction of one or more additional off-street parking spaces to meet the parking requirement.

(D) A landscape buffer shall be required between the use to be screened and the property line adjacent to any street, alley, right-of-way; and any land use or zoned for residential purposes.

(E) When any building or use is damaged or destroyed by fire, collapse, explosion, or other cause in excess of fifty percent of the cost of reconstruction of the building or use.

(F) When a Conditional Use Permit is required or a Variance is requested for a use other than a single-family home or a two-family dwelling.

21-18-3: GENERAL OFF-STREET PARKING LANDSCAPING REQUIREMENTS

(A) Perimeter Landscaping: The perimeter landscaping requirements shall consist of perimeter landscape strips and/or landscape buffering and/or open greens spaces, and shall be located on subject property along the boundary of the lot.

1. Shade trees and shrubs shall not be planted within the right-of-way area, but shall be located adjacent to the right-of-way within the first ten (10) feet of lot depth.

2. One (1) shade tree shall be planted for every fifty (50) lineal feet, or fraction thereof, of frontage a property has on each street right-of-way.

3. Perimeter landscape strips shall be planted with intermittent shrub masses. The minimum number of shrubs planted shall be equal to one shrub per six linear feet of perimeter parking lot.

4. Unpaved portions of the right-of-way shall be established in turf by either hydro-seeding or sodding. All open areas of the perimeter landscape area shall be sodded.

(B) Interior Landscaping: All lots which are required to be landscaped shall provide interior landscaping located within the perimeter of the paved area.

1. One (1) shade tree, ornament and/or evergreen tree shall be planted for every ten (10) parking spaces or fraction thereof. A minimum of one-half (1/2%) percent of the required trees shall be shade trees.

2. The minimum size for all interior planting islands shall be one hundred and five (105) square feet with a minimum width of six (6) feet. If an interior planting bed is to include a shade or evergreen tree, the minimum size shall be one hundred forty (140) square feet, with a minimum width of eight (8) feet. These dimensions shall not include curbing.

3. An interior planting islands is one which is surrounded on three (3) or more sides with pavement and edged with concrete curbing.

4. Low shrubs or live ground cover shall be used over 70% of the island area; mulch, cobblestone or other decorative hard surface material may be used on the remainder of the island area.

5. The interior planting islands shall be located and designed so as to protect parked vehicles and assist with vehicular traffic circulation, snow removal, and drainage. Interior planting islands or traffic islands, should be located at intersections of traffic aisles for this purpose.

(C) Foundations and Miscellaneous Plantings: Additional landscape plantings are required in all commercial and industrial zoning districts to provide shade, visual interest and integrate the structure into the surrounding area. The addition of shade and ornamental trees, and shrubs around the foundation of new structures will soften the visual harshness which often occurs as a result of grading and clearing during the construction process.

21-18-4: LANDSCAPE BUFFERS

(A) Incompatible uses: All open off-street parking areas, separation islands and access drives for five (5) or more vehicles shall be effectively screened by walls, solid fences, earth berms, or densely-planted, compact evergreen trees/hedge along any side which adjoins, or is across a street or alley from a residential use.

1. No berm, wall fence or hedge exceeding three (3) feet in height shall be erected in the front yard area, but may include a combination of shade trees and evergreen shrubs.
2. Hedges shall be at least six (6) feet in height at time of initial installation.
3. Walls and solid fences shall be six (6) feet in height.
4. Fences or walls: Refer to section 13 regarding fence regulations
5. Earth berms shall use additional plant material to maintain a six (6) foot solid screen. A six (6) foot high sight-obscuring fence may be placed on the berm.
6. Earth berms banked on both sides or with one side banked toward the yard boundary line and retaining wall shall have a maximum side slope ratio of 3 to 1 for ease of maintenance.
7. The earthen berm shall be a minimum of three (3) feet high and shall be sodded to prevent erosion. The embankment ratio shall be indicated on the required landscape plan.

(B) Screening of Refuse Disposal Areas: All refuse storage, grease storage containers and compactors, and recycling containers shall be screened from view of adjacent properties or streets on a minimum of three sides by a solid commercial grade wood fence, masonry wall or equivalent material to a height of 6 feet.

1. A refuse disposal area shall not be located in front of a building.
2. The open side of said enclosures shall be oriented so that, to the greatest extent possible, it does not face towards an abutting property or street.
3. All refuse disposal, grease storage containers and compactors shall be located on a concrete slab.

21-18-5: MINIMUM STANDARDS

(A) Plant Material Standard: All plant material shall conform to the "American Standards for Nursery Stock", latest edition which is published by the American Association of Nurserymen.

(B) Size: The minimum size of plantings required shall be as follows:

1. Evergreen trees shall be minimum of six (6) feet in height or greater when planted.
2. Shrubs shall be a minimum of eighteen (18) inches in height or spread when planted.
3. Shade trees shall have a minimum caliper of two and one-half (2.5) inches measured six (6) inches above grade.
4. Ornamental trees shall have a minimum caliper of one and one-half (1.5) inches measured six (6) inches above grade.

(A) Grade: Unless otherwise allowed for specific reasons, all trees shall have comparatively straight trunks, well developed leaders and tops, and roots characteristics of the species, cultivar, or variety showing evidence of proper nursery pruning. All plants must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.

(B) Installation: All shade and evergreen trees shall be ball and burlap, and staked and guyed in accordance with American Association of Nurserymen's Standards. Trees may also be transplanted with use of a tree spade. All shrubs shall be ball and burlap, or potted.

21-18-6: APPROVAL PROCESS, ENFORCEMENT AND MAINTENANCE

SITE PLAN: As part of the site plan a detailed landscape plan including the following information shall be submitted to the Chairman of the Zoning and Planning Committee or his designee for review and approval:

1. The name and address of the property owner, the landscape architect or designer who prepared the plan.
2. The name of the proposed project.
3. The date of the landscape plan preparation and any revision thereto.
4. A graphic scale and a north point.
5. A legal description of the property.
6. A certified survey map, or a sketch drawn to scale approved by the chairman of the Zoning Committee.
7. The location and caliper (size) of all existing shade trees five (5) inches or larger in diameter at breast height (dbh), all existing evergreen trees ten (10) feet or greater in height, and the boundaries of any existing woodlots.
8. Identification of all trees to be moved or destroyed.
9. The location of all proposed plantings.
10. A planting schedule showing all symbols intended to represent plantings, quantities of plant materials, common and botanical names of plant materials, size and caliper of plant materials, root specifications, and special planting instructions.
11. Typical sections and details of fences, tie walls, planting boxes, retaining walls, berms, and other landscaping improvements.
12. Typical sections of planting islands and landscape strips identifying materials to be used.
13. Details of planting beds and foundation plantings.
14. Delineation of sodden areas and seeded areas, materials to be used, and seed mixtures.

All landscape plans shall be integrated with other required grading, drainage, buffer, screening, lighting, site and parking plans.

(A) APPROVAL OR DISAPPROVAL: Any development subject to the provisions of this Section shall provide a landscape plan to be approved by the Chairman of the Zoning and Planning Committee or his designee.

(B) INSURANCE OF PERMITS: No certificate of occupancy shall be issued by the Building Commissioner or the Chairman of the Zoning and Planning Committee, as the case may be, unless the landscaping improvements have been completed or a completion bond, or irrevocable letter of credit meeting the approval of the Village Attorney and/or a certified check in an amount equal to the contract bid price as submitted to the property owner by a reputable contractor.

(C) COMPLETION OF IMPROVEMENTS: All landscaping improvements shall be completed prior to the occupancy of any building or the commencement of use of the land. In the event of adverse weather conditions, the Village Board may authorize a one-time extension of not more than six (6) months, provided the property owner shows intent to complete the improvements as evidenced by a valid contract for completion of the required improvements.

(D) MAINTENANCE: The owner, tenant, or agent, if any shall be jointly and severably responsible to maintain all landscaping material in a healthy and growing condition. Maintenance shall include, among other things, adequate watering, pruning, and mowing. Plantings shall be replaced when necessary and kept free from weeds, refuse and debris. All planting material which is dying or damaged beyond recovery shall be replaced within six (6) months or by the next planting season, whichever comes first.

21-18-7: RELIEF FROM REQUIREMENTS

When the landscaping required pursuant to this section for an existing development will interfere with required off-street parking, loading, or driveway; or the site is dimensionally deficient to provide landscaping pursuant to this Section, the Chairman of the Zoning and Planning Committee or his designee with the concurrence of the Village Board may require alternate landscaping requirements.

21-18-8: PLANT SPECIES LIST

Listed below are suggested plant species for Shade Trees, Evergreen Trees, Ornamental Trees, shrubs, and other plant materials suited for the use in required landscape plantings of this Ordinance. This list is not conclusive and is not intended to be restrictive. Each landscape site needs to be evaluated individually in regard to plant section.

Shade Trees: (Mature size 35' to 90' or more in height)

Norway Maple, Sugar Maple, River Birch, Common Hackberry, White Ash, Seedless Green Ash, Ginko, Thornless Common Honey locust, Sargent Cherry, Golden Larch, Bradford Callery Pear, White Oak, Swamp White Oak, Red Oak, Chinese Elm

Evergreen Trees: (Mature size 35' to 90' or more in height)

Balsam and Fraser Fir, Chinese Juniper, Eastern Red cedar, Norway Spruce, White Spruce, Colorado Spruce, Austrian Pine, Eastern White Pine, Scotch Pine, Douglas Fir, American Arborvitae

Ornament Trees: (Mature size 15' to 35' in height)

Amur Maple, Trident Maple, European Alder, Eastern Redbud, Dogwood (tree species), Hawthorne, Crabapple, Cherry Plum, Japanese Lilac, Viburnum

Deciduous Shrubs: (Mature size 3' to 15' in height)

Chokecherry, Barberry, Dwarf Flowering Quince, Dogwood (shrub variety, Cotoneaster, Burning Bush, Hydrangea, Common Winterberry, Northern Bayberry, Glossy Buckthorn, Shrub Rose, Spirea Shrub, Lilac Shrubs, Viburnum Shrub

Evergreen Shrubs: (Mature size 3' to 15' in height)

Littleleaf Boxwood, Wintercreeper Euonymus, Meserve Holly, Spruce, Mugho Pine, Shrub and Dwarf variety Pine, Rhododendron cultivars, Yew, Arborvitae

Perennial Plants: (Mature size 1' to 3' or more in height)

Astilbe species, Coneflower, Ferns, Grasses, Daylily varieties, Coral Bells, Hosta

Groundcover Plants: (Mature size 3" to 24" in height)

Blue Fescue, Creeping Juniper and cultivars, Creeping Phlox, Stonecrop, Vinca, Pachysandra, Lily-of-the-Valley, Low-growing Cotoneaster, Euonymus

SECTION 19 SOLAR PANEL USE AND REGULATIONS

21-19-1: Purpose

21-19-2: 5 Types of Solar Panel Installations

21-19-3: Allowable Uses per Zoning Classifications

21-19-4: Standards of Solar projects which need to be met

21-19-5: Certificate of Occupancy

21-19-6: Fees

21-19-1: PURPOSE

(A) It is the intent of this article to define the use of solar panels within the corporate limits of the Village of Lena, to designate which type of solar panel installations are permissible within the Village's zoning classifications, to establish a fee structure for solar panel installation, and to define the procedures necessary to obtain an occupancy permit allowing the installation of solar panels. A solar panel is defined as a structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create useable electrical energy. A solar collector is defined as a device, structure or part of a device or structure in which a substantial purpose is used to transform solar energy into thermal, mechanical, chemical, or electrical energy.

21-19-2: FIVE TYPES OF SOLAR PANELS

(A) Behind the Meter Residential Rooftop Solar. Defined as a solar panel system installed on the roof of a residence or accessory building.

(B) Behind the Meter Commercial and Industrial Solar. Defined as a solar panel system installed on the customer's property either on roof or on the ground. Limited to 2 acres.

(C) Community Solar. Defined as a larger solar panel system where a combination of several entities (residents, businesses, governments) have partial interest in the output of a system. Limited to 10 acres.

(D) Brownfield Solar. Defined as a solar panel system that is located on blighted land that is not suitable for redevelopment such as closed landfills or Superfund sites. Limited to 10 acres.

(E) Utility Scale Solar. Defined as large solar panel system that do not serve an individual customer and are located near electrical infrastructure. Limited to 25 acres.

21-19-3: ALLOWABLE USES PER ZONING CLASSIFICATIONS

(A) Behind the meter residential rooftop solar is allowed in zoning classifications R, R1, R2, R3, and R4. All installations shall be on a rooftop of the main structure or auxiliary building. The solar panels must be flush with the roof or a maximum of 12 inches off the roof and parallel with the roof. A drawing needs to be submitted when applying for an occupancy permit. A Certificate of Occupancy is required.

(B) No solar panel installations are allowed in zoning classification MH.

(C) Behind the Meter Commercial and Industrial solar panel installations are allowed in zoning classifications C, M1, and M2. Any installation must be 50 feet from adjoining property and a distance of 250 feet from any adjoining property that is zoned residential, and limited to 2 acres. Rooftop installation is allowed. A drawing needs to be submitted when applying for an occupancy permit. A Certificate of Occupancy is required.

(D) Community Solar projects are permissible only in zoning classifications M1 and M2. Any installation must be 50 feet from adjoining property and 250 feet from any property zoned R, R1, R2, R3, R4, MH, and C, and are limited to 10 acres. A Certificate of Occupancy is required.

(E) Brownfield Solar projects are not applicable to the Village of Lena.

(F) Utility Scale Solar projects are permissible only in zoning classification M1 and M2. Any installation must be 50 feet from adjoining property and 250 feet from property zoned R, R2, R3, R4, MH, and C, and are limited to 25 acres. A Certificate of Occupancy is required.

(G) Any unit of local government that has property zoned residential is exempt from section 21-19-2-A. Any solar panel installation on property owned by a unit of local government shall be a behind the meter installation and shall be 50 feet from adjoining property. There shall be no fee charged to the unit of local government, however a Certificate of Occupancy is required.

21-19-4: COMMUNITY SOLAR PROJECTS AND UTILITY SCALE SOLAR PROJECTS WILL MEET THE FOLLOWING STANDARDS:

(A) If lighting is required, it shall be installed for safety and security purposes only, and all lighting shall be shielded so that no glare extends beyond the boundaries of the solar plant.

(B) An erosion control plan shall be provided prior to issuing a Certificate of Occupancy.

(C) A storm water management plan shall be provided prior to issuing a Certificate of Occupancy.

(D) All areas occupied by solar panels that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade-tolerant grass or other vegetation for the purpose of soil stabilization.

(E) If a solar project ceases to produce electricity on a regular basis for 12 months, it will be the responsibility of the company operating the solar panels to remove the solar panels and restore the property to its original condition at no cost to the owner of the land or to the general public.

(F) When applying for a Certificate of Occupancy the applicant shall provide a drawing showing access points from any public street or highway, the location of a solar collector if one is proposed, and shall show the intended route for connecting to the power grid and any alternative location of any substation that may be installed.

(G) All hazardous materials related to the construction, operation, and maintenance of a Community Solar project or a Utility Scale Solar project shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal regulations.

(H) Within 60 days after completion of construction of a solar project, the owner shall prepare a plat showing the metes and bounds description including access points, and record the plat and deliver a copy of it to the Stephenson County Assessment Officer. Upon receiving a copy of the plat, the Stephenson County Assessment Officer shall issue a separate parcel identification number or numbers for that property.

SECTION 21-19-5: CERTIFICATE OF OCCUPANCY

(A) The Village Clerk will have a form available for applying for a Certificate of Occupancy. When the form is completed the Village Clerk shall notify the Village President and Zoning Administrator and provide copies to each. Upon review by the Zoning Administrator indicating approval by his or her signature, a Certificate of Occupancy shall be issued by the Village Clerk. A copy of the Certificate of Occupancy shall be sent by the Village Clerk to the Stephenson County Assessment Officer.

SECTION 21-19-6: FEES

- (A) All fees must be paid prior to the issuance of a Certificate of Occupancy.
- (B) The fee for the installation of solar panels in section 21-19-2-A shall be \$10.00
- (C) The fee for the installation of solar panels in section 21-19-2-B shall be \$25.00
- (D) The fee for the installation of solar panels in section 21-19-2-C shall be \$50.00 per acre
- (E) The fee for the installation of solar panels in section 21-19-2-E shall be \$75.00 per acre
- (F) There is no fee for the installation of solar panels in section 21-19-2-G

SECTION 20 MOBILE STORAGE CONTAINERS – PODS (PASSED 09/13/21)

SECTION 21-20-1: DEFINITIONS

(A) Temporary Portable Storage Containers shall be defined as: a container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for the storage of items, including but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise. This definition shall also include accessory buildings used for temporary storage.

(B) Temporary Portable Storage Containers also include, but not limited to storage box shipping containers, storage moving “pods” or any other similar portable containers, whether with or without wheels, or whether with or without chassis.

SECTION 21-20-2: PERMITTED USES

(A) Mobile Storage Containers/Pods are not allowed on any property zoned Residential. Pods will be allowed on property zoned residential for up to 5 days when used by a moving company, and these pods must be on private property. Pods will be allowed on property zoned residential by a construction company when building a new residence, and these pods must be on private property.

(B) Mobile Storage Containers/Pods may be used in areas zoned Commercial by permit only. Cost of the permit shall be \$250.00. Permits are for a 30 day time period. Only one permit issued for a property zoned Commercial in a calendar year. Permits shall be approved by the Zoning Chairman.

SECTION 21-20-3: GENERAL PROVISIONS

(A) There shall be only one Container/Pod per parcel at any time. Stacking of containers is prohibited.

(B) Containers/Pods cannot be larger than 8 feet tall, 8 feet wide, and 24 feet long.

(C) The Container/Pod must be placed on a driveway or other hard surface. The Container/Pod cannot be placed on public property or in a location that obstructs traffic.

(D) The Container/Pod cannot have signage on them other than the name, address, and telephone number of the person or firm engaged in the business or renting or placing the containers.

(E) Container/Pods are to be in a good state of repair, free from rust, peeling paint, and any other forms of visible deterioration. Containers/Pods must be neutral in color.

(F) The Container/Pod shall not be used for the purpose of conducting business or selling merchandise.

(G) Containers/Pods shall not be used for human occupancy, sleeping or housing animals, storage of flammable liquids or other hazardous materials, storage of firearms and ammunition, storage of fireworks or storage of any materials that are unlawful to possess.

SECTION 21-20-4: PENALTY

1. Any person, firm, or corporation violating this Chapter shall be subject to a fine of not less than \$50.00 to \$500.00 per day, and each day of violation shall constitute a separate offense.