

# TITLE 28-ZONING OF THE FAIRFIELD MUNICIPAL CODE

## CHAPTERS:

- 28.02 General Provisions
- 28.04 Interpretation
- 28.06 Group Housing Projects
- 28.08 Off-Street Loading and Parking
- 28.10 Removal of Non-Conforming Signs and Non-Conforming Open Land Uses
- 28.12 Zoning District Schedule
- 28.13 Special Zoning Districts
- 28.14 Special Exemptions
- 28.15 Special Exemptions-Multi-Family Dwellings
- 28.16 Enforcement and Administration
- 28.18 Board of Appeals
- 28.20 Definitions
- 28.22 Amendments
- 28.24 Fees
- 28.26 Penalties

## Chapter 28.02 GENERAL PROVISIONS

### Sections:

- 28.02.010 Zone Districts Established-Zoning District Map Made Part of Code.
- 28.02.020 Effective Date.

**28.02.010 Zone Districts Established-Zoning District Map Made Part of Code.** The City of Fairfield and territory contiguous to the City Limits, is hereby divided into zone districts as shown on the official Zoning District Map dates and filed in the Office of the City Clerk. The map and all explanatory matter thereon are hereby made a part of this ordinance. (Ord. 970 Sec. 1 8-15-72).

**28.02.020 Effective Date.** This ordinance shall take effect and be in force from and after (10) days after its passage, approval and publication as provided by law. Passed August 15, 1972. Approved August 15, 1972. (Ord. 970 Sec. 17 8-15-72).

## Chapter 28.04 INTERPRETATION

### Sections:

- 28.04.010 Uses.
- 28.04.020 Non-Conforming Uses.
- 28.04.030 Open Space and Height.

**28.04.010 Uses.** In each zone district, land and structures may be used only for purposes specified in the zoning schedule, Chapter 28.12 (Ord. 970 Sec. 2 8-15-72).

**28.04.020 Non-Conforming Uses.** Any use of structure existing at the time of enactment or subsequent amendment of this Ordinance by not in conformity with its provisions may be continued with the following limitations. Any use or building which does not conform to this Ordinance may not be: (a) changed to another non conforming use; (b) reestablished after discontinuance for two years; (c) enlarged, increased, or moved, except in conformity to this Ordinance. Any structure existing at the time of the enactment of a subsequent amendment of this Ordinance but not in conformity by reason only of setback lines or side yard lines may be rebuilt on the same lines or be built on different lines so long as it is rebuilt no closer to the property lines than the original building where such building was not in conformity to such setback lines and no closer to other property lines than is provided in Chapter 28.12 of this Ordinance. (Ord. 1045 Sec. 1, 8-10-76).

**28.04.030 Open Space and Height.** In each zone district each structure erected or altered shall be provided with the yards specified, shall be on a lot of the area and width specified, and shall not exceed the heights specified in the zoning schedule, Chapter 28.12. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure. (Ord. 970 Sec. 4 8-15-72).

## Chapter 28.06 GROUP HOUSING PROJECTS

### Sections:

28.06.010 Application to Zoning Board of Appeals Necessary When.

28.06.020 Absolute Restriction

**28.06.010 Application to Zoning Board of Appeals Necessary When.** In the case of a housing project consisting of a group of five or more buildings to be constructed on a plot ground of at least three (3) areas not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be made by the Zoning Board of Appeals in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. (Ord. 970 Pt. Sec. 5 8-15-72).

**28.06.020 Absolute Restriction.** In no case shall the Board of Appeals authorize a use or a building height prohibited in the district in which the housing project is to be located. (Ord. 970 Pt. Sec. 5 8-15-72).

## Chapter 28.08 OFF-STREET LOADING AND PARKING

### Sections:

28.08.010 Commercial Purposes-Space Required for Loading.

28.08.020 Off-Street Automobile Storage or Standing Spaces-Required Where.

28.08.030 Space Permitted on Different Lot than Principal Use-When.

**28.08.010 Commercial Purposes-Space Required for Loading.** Space for off-the-street loading of vehicles shall be provided for every building used or designed for commercial purposes in an amount considered adequate by the Zoning Officer for the proposed use for new construction, except in Old Town Area after the effective date of this ordinance. (Ord. 970 Pt. Sec. 6 8-15-72).

**28.08.020 Off-Street Automobile Storage or Standing Spaces-Required Where.** Off-Street automobile storage or standing spaces shall be provided on every lot, except in Old Town Area, on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

- Dwelling: one parking space for each unit.
- Assisted Living Facility: one parking space for every three units.
- Tourist accommodations: one parking space for each room unit offered for tourist accommodations.
- Theater, stadium, auditorium, church, or other places of public assembly: one parking space for each 10 seats, based on maximum seating capacity.
- Stores and other retail business establishments: one parking space for each 1,000 square feet of total sales area.
- Office building: one parking space for each 200 square feet of office floor area.
- Industrial, manufacturing, or wholesale establishments: one parking space for each 5 workers, based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment. (Ord. 970 Pt. Sec. 6 8-15-72).

**28.08.030 Space Permitted on Different Lot than Principal Use-When.** Where such space cannot be reasonably provided on the same lot with the principal use, the Board of Appeals may permit such space to be located on other off-street property provided such space is within 500 feet of the permitted use measured along lines of public access. (Ord. 970 Pt. Sec. 6 8-15-72).

## Chapter 28.10

### REMOVAL OF NON-CONFORMING SIGNS AND NON-CONFORMING OPEN LAND USES

### Sections:

28.10.010 After, Proper Notification-Time Limit.

**28.10.010 After Proper Notification-Time Limit:** All non-conforming signs, of all types and not exempted by the definition thereof, and all non-conforming open land uses such as storage yards, junk yards, parking lots open to public use, etc. shall be removed and made to conform to the provisions of this ordinance within a period of two years after the adoption of this ordinance and the mailing of a notice instructing such

removal by the Zoning Officer. (Ord. 970 sec. 7 8-15-72).

## **Chapter 28.12 ZONING DISTRICT SCHEDULE**

Sections:

- 28.12.010 R-1.
- 28.12.020 R-2
- 28.12.030 R-3
- 28.12.040 B-1
- 28.12.050 B-2
- 28.12.060 B-3
- 28.12.070 I
- 28.12.080 P
- 28.12.090 A.
- 28.12.100 Additional Basic Provisions.

28.12.010 thru 28.12.090 shown on the schedule below.

**28.12.100 Additional Basic Provisions.** The following are additional basic provisions that apply to the Zoning District Schedule attached hereto.

- No off site or on site signs, other than traffic signs, and other than home occupation signs, shall be permitted in R-1 and R-2 districts.
- No signs other than on site signs, not to exceed 3 units or 45 square feet per establishment, shall be permitted in B-1 and B-3 districts.
- Any use adjacent to an R-1 or R-2 district shall not create excessive noise, odor, heat or light. (Ord. 970 Pt. Sec. 8 8-15-72).

## **Chapter 28.13 SPECIAL ZONING DISTRICTS**

Sections:

- 28.13.010 Special R-3 District.
- 28.13.020 Special District – Placement, Parking and/or Storage of Box Truck Bodies and Portable Cargo Containers Prohibited.

**28.13.010 Special R-3 District.** The area from West Parkhurst Street, North to French Street, and from George Street, east to North First Street, shall be rezoned to a Special R3 Zone to permit Mobile Homes: Providing they are at least 14 feet wide, set on concrete, tied down, underpinned with either Aluminum or Vinyl, factory made underpinning, and shall have a front porch, at least six feet wide. Other requirements for a trailer permit must be complied with. (Ord. 1191 8-25-81).

**28.13.020 Special District – Placement, Parking and/or Storage of Box Truck Bodies and Portable Cargo Containers Prohibited.** In addition to the provisions listed in Ch. 28.12, placement, parking, and/or storage of box truck bodies removed from the truck chassis and portable cargo containers removed from the trailer used to transport the cargo container within the City limits of the City of Fairfield is hereby prohibited at any location which is within 250-feet of the right-of-way of Main Street, Delaware Street, Illinois Route 15, and US Route 45 within the City limits of the City of Fairfield, Illinois. (Ord. 10-1228-18).

## **Chapter 28.14 SPECIAL EXCEPTIONS**

Sections:

- 28.14.010 Special Exception by Permit Only - Application for Permit.
- 28.14.015 Special Use Permit-Publication.
- 28.14.020 Use Permit-Issuance.
- 28.14.030 Board of Appeals May Grant or Deny Application Governed by Certain Policies.
- 28.14.040 Fairfield City Council May Reverse a Decision of the Board of Appeals-When.

**28.14.010 Special Exception by Permit Only - Application for Permit.** Exceptions to the basic provisions of the Zoning District Schedule shall be permitted only after the issuance of a special exception permit. An application for a special exception permit shall be filed with the Zoning Officer on a form furnished for that purpose. The application shall be accompanied by plans and other data as prescribed on the form together with the fee as set forth in Sec. 14. (Ord. 970 Pt. Sec. 9 8-15-72).

**28.14.015 Special Use Permit-Publication.** A notice of time and place of a public hearing before the Board

of Appeals on each application for a special exception permit shall be published at least once, not more than 30 nor less than 15 days before the public hearing, in one or more newspapers published in the City of Fairfield. The notice shall contain the particular location for which the special exception permit is requested as well as a brief statement of what the proposed special exception consists.

**28.14.020 Use Permit-Issuance.** Each application for a special exception permit shall be reviewed by the Board of Appeals and approved by the concurring vote of 4 members before a use permit may be issued. (Ord. 970 Pt. Sec. 9 8-15-72).

**28.14.030 Board of Appeals May Grant or Deny Application Governed by Certain Policies.** The Board of Appeals may grant or deny any application for a special exception permit following the policy hereafter set forth. No special exception shall be granted unless the Board of Appeals shall find:

a. that the special exception will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor substantially diminish and impair property values within the surrounding neighborhood;

b. that the proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighborhood properties;

c. that the establishment of the special exception will not-impede the normal and orderly development and improvement of the surrounding property for uses predominant in the area; and

d. that the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general. (Ord. 970 Pt. Sec. 9 8-15-72).

**28.14.040 Fairfield City Council May Reverse a Decision of the Board of Appeals – When.** An applicant denied a permit may make application for a hearing before the Fairfield City Council. The Fairfield City Council may reverse a decision of the Board of Appeals if the Fairfield City Council deems the issuance of a permit is necessary for the protection of the public interest. (Ord. 970 Pt. Sec. 9 8-15-72).

## **Chapter 28.15**

### **SPECIAL EXCEPTIONS - MULTI-FAMILY DWELLINGS**

Sections:

28.15.010 Conditions for Special Exceptions.

28.15.020 Application for Permit.

28.15.030 Plans and Specifications

28.15.040 Board of Appeals May grant or deny Application Governed By Certain Policies.

28.15.050 Prior Notice by Publication.

28.15.060 Rear Yard and Total Lot Coverage and Lot Area Reductions.

28.15.070 Off Street Parking

28.15.080 Board of Appeals Concurring Vote – Objection by Persons Adversely Affected - Required Favorable Vote of City Council to Continue Passage.

28.15.090 Special Exception for Change in Use or Alteration of Structure.

28.15.100 City Council May Reverse a Decision of the Board of Appeals – When.

**28.15.010 Conditions for Special Exceptions.** Notwithstanding the provisions of Chapter 28.14, the Zoning Board of Appeals may grant a special exception in an R-2 District for the construction of new multi-family dwellings only upon the conditions set forth below. (Ord. 992 Sec. 1 1-8-74).

**28.15.020 Application for Permit.** A written application for such special exception shall be filed with the Zoning Board accompanied by the fee as is provided in Chapter 28.24, (Ord 992 Sec. 1 1-8-74).

**28.15.030 Plans and Specifications.** The applications for special exception shall be in writing, signed by the applicant and shall be accompanied by detailed plans and specifications of the multi-family dwelling to be constructed and if such special exception is granted, such structure shall substantially conform with such plans and specifications and no Certificate of Occupancy and compliance shall be issued by the Zoning Officer unless such structure does substantially comply with such plans and specifications. (Ord. 992 Sec. 1 1-8-74).

**28.15.040 Board of Appeals May Grant or Deny Application Governed By Certain Policies.** No special exception shall be granted unless the Zoning Board of Appeals finds that the granting of such special exception will promote the public health, safety and welfare of the neighborhood and the community and further finds as follows:

a. That the special exception will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor substantially diminish and impair property values within the

surrounding neighborhood;

b. That the proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighborhood properties;

c. That the establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area;

d. That the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general. (Ord. 992 Sec. 1 1-8-74).

**28.15.050 Prior Notice by Publication.** Upon the filing of an application for special exception, the Zoning Officer shall cause to be published a notice at least fifteen days prior to the hearing thereon before the Zoning Board of appeals, which notice shall be in a newspaper having general circulation in Fairfield and which notice shall give the date, time and place of such hearing, the location, including lot number and street address where such special exception is sought, a general description of the multi-family dwelling to be constructed and which notice shall state that any person having objections to the granting of such special exception may file the same with the Zoning Officer prior to such hearing. (Ord. 992 Sec. 1 1-8-74).

**28.15.060 Rear Yard and Total Lot Coverage and Lot Area Reductions.** If requested by the applicant, the Zoning Board of appeals, upon- approval of the special exception, may also reduce the rear yard to ten feet and increase the maximum lot coverage to forty percent. If the proposed multi-family dwelling is to be a two story construction, then the minimum requirements for lot area may be divided by two. (Ord. 992 Sec. 1 1-8-74).

**28.15.070 Off-Street Parking.** No such special exception shall be granted unless there is to be at least one off-street parking space for each family unit. (Ord. 992 Sec. 1 1-8-74).

**28.15.080 Board of Appeals Concurring Vote - Objection by Persons Adversely Affected - Required Favorable Vote of City Council to Continue Passage.** If at such hearing the Zoning Board of Appeals by a vote of four or more members approves such application, then such approval shall be announced, however a permit shall not be issued by the Zoning Officer until at least ten days subsequent to such approval by the Zoning Board of Appeals. If any person who would be adversely affected by the granting of such special exception shall file with the city Clerk written objections thereto within said ten days, then such special exception shall not be granted until approved by the City Council. If no such objections are filed within said ten days, then such permit shall issue. (Ord. 992 Sec. 1 1-8-74).

**28.15.090 Special Exception for Change in Use or Alteration of Structure.** No land or structure for which a special exception is granted as herein provided shall be changed in use and no structure shall be erected, altered or moved until such change, erection, alteration or move has been authorized by special exception granted by the Zoning Board of Appeals. The procedure for obtaining such special exception for such change, erection, alteration or move shall be the same as herein set fourth. (Ord. 992 sec. 1 1-8-74).

**28.15.100 City Council May Reverse a Decision of Zoning Board of Appeals - When.** An applicant denied a permit may make application for a hearing before the Fairfield City Council. The City Council may reverse the decision of the Board of Appeals if the City Council deems the issuance of a permit necessary for the protection of the public interest. (Ord. 992 Sec. 1 1-8-74).

## Chapter 28.16

### ENFORCEMENT AND ADMINISTRATION

Sections:

28.16.010 Building and Zoning Officer - Appointment.

28.16.020 Building and Zoning Officer - Powers and Duties.

28.16.030 Violations - Powers' of Zoning Officer or Others.

**28.16.010 Building and Zoning Officer Appointment.** This ordinance shall be enforced by a qualified Building and Zoning Officer, appointed by the City Council. The salary of the Zoning Officer is hereby fixed at \$210.00 per month (\$210.00). per month. (Ord. 970 Pt. Sec. 10 8-15-72).

**28.16.020 Building and Zoning Officer - Powers and Duties.** No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the Zoning Officer has issued a Building Permit certifying that the plans and intended use of land, buildings and structures are in conformity with this ordinance. No land or structure hereafter erected, moved, or altered in its use shall be used until the Zoning Officer shall have issued a certificate of Occupancy and Compliance stating that such land or structure is found to be in conformity with the provisions of this ordinance. A Certificate of Occupancy and Compliance shall be obtained annually for all home occupations. (Ord. 970 Pt. Sec. 10 8-15-72).

**28.16.030 Violation - Powers of Zoning Officer or Others.** In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the Zoning Officer or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceeding (1). to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use (2). to prevent the occupancy of the building, structure, or land, (3). to prevent any illegal act, conduct, business or use in or about the premises or (4). to restrain, correct, or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the municipality at the same time suit is begun, by serving a copy of the complaint on the mayor. No such action may be maintained until such notice has been given. (Ord. 970 Pt. Sec. 10 8-15-72).

## **Chapter 28.18 BOARD OF APPEALS**

Sections:

- 28.18.010 Established - Appointment - Term.
- 28.18.020 Who May Make an Appeal.
- 28.18.030 Hearing - Notification - Representation.
- 28.18.040 Powers of Board of Appeals.
- 28.18.050 Concurring Vote.
- 28.18.060 Rules and Conduct of Affairs and Meetings.
- 28.18.070 Record of Official Acts.

**28.18.010 Established - Appointment - Term.** There shall be a Zoning Board of Appeals consisting of 7 members. The members shall be appointed by the mayor with the approval of the Fairfield City Council for terms to be established by the City Council. (Ord. 970 Pt. Sec. 11 8-15-72).

**28.18.020 Who May Make an Appeal.** Appeals to the Board of Appeals may be taken by any person aggrieved. (Ord. 970 Pt. Sec. 11 8-15-72).

**28.18.030 Hearing - Notification - Representation.** The Board of Appeals shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, or by agent or by attorney: (Ord. 970 Pt. Sec. 11 8-15-72).

### **28.18.040 Powers of Board of Appeals.**

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer;
2. To hear and decide on appeals, special exceptions, variances and all other matters referred to it or upon which it is required to pass under this ordinance; and
3. In passing upon variances, the enforcement officer shall be present where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance to vary or modify the application of any of the regulations or provisions of this ordinance relating to the use, construction, or alteration of buildings or structure or the use of land so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

In exercising the above mentioned powers such board may reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. (Ord. 970 Pt. Sec. 11 8-15-72).

**28.18.050 Concurring vote.** The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in this ordinance, or to recommend any variation or modification in the ordinance to the corporate authorities. (Ord. 970 Pt. Sec. 11 8-15-72).

**28.18.060 Rules and Conduct of Affairs and Meetings.** The Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. (Ord. 970 Pt. Sec. 11 8-15-72).

**28.18.070 Record of Official Acts.** The Board of Appeals shall keep minutes of its proceedings,

showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. (Ord. 970 Pt. Sec. 11 8-15-72).

## **Chapter 28.20 DEFINITIONS**

### Sections:

- 28.20.010 Generally.
- 28.20.020 Accessory Use or Structure.
- 28.20.030 Dwelling, Single-Family.
- 28.20.040 Dwelling, Two-Family.
- 28.20.050 Dwelling, Multi-Family.
- 28.20.060 Family.
- 28.20.070 Home Occupations.
- 28.20.080 Lot.
- 28.20.090 Lot Frontage.
- 28.20.100 Lot Measurements.
- 28.20.110 Lot of Record.
- 28.20.112 Mobile Home.
- 28.20.114 Modular Home.
- 28.20.120 Old Town.
- 28.20.130 Parking Space, Off-Street.
- 28.20.140 Sign.
- 28.20.150 Signs, Number and Surface area.
- 28.20.160 Sign, On-Site.
- 28.20.170 Sign, Off-Site.
- 28.20.180 Special Exceptions.
- 28.20.190 Structure.
- 28.20.200 Trailer Park.
- 28.20.210 Yard.
- 28.20.220 Yard, Front.
- 28.20.230 Yard, Side.
- 28.20.240 Yard, Rear.
- 28.20.250 Box Truck Body and Portable Cargo Container.

**28.20.010 Generally.** For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed or arranged to be used or occupied.

The word lot includes the words plat or parcel.

**28.20.020 Accessory Use or Structure.** A use or structure on the same premises with, and of a nature customarily incidental and subordinate to, the principal use of the main structure.

**28.20.030 Dwelling, Single-Family.** A detached residence designed for or occupied by one family only.

**28.20.040 Dwelling, Two-Family.** A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

**28.20.050 Dwelling, Multi-Family.** A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities.

**28.20.060 Family.** One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over five members.

**28.20.070 Home Occupation.** Any occupation or activity conducted entirely within a dwelling or accessory structure and carried on only by the inhabitant thereof which is clearly incidental and secondary to the use of the dwelling for residence purposes with which there is no advertising other than an

identification sign of no more than three square feet in area. The occupation or activity shall not change the character thereof or adversely affect the uses permitted in the residential district in which it is a part. Adequate off-street parking shall be provided by the owner. (Ord. 1293 Sec. 4 1-13-87).

**28.20.080 Lot.** For zoning purposes, as covered by the ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on an improved public street, and may consist of:

1. a single lot of record;
2. a portion of a lot of record;
3. a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
4. a parcel of land described by metes and bounds provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

**28.20.090 Lot Frontage.** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

**28.20.100 Lot Measurements.**

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirement shall not apply.

**28.20.110 Lot of Record.** A lot which is part of a subdivision recorded in the office of the register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**28.20.112 Mobile Home.** A structure as defined in Illinois Revised Statutes, Chapter 67 ½, Section 502 (a), as amended, or a structure with a United States Housing & Urban Development Department Mobile Home Seal affixed thereto.

**28.20.114 Modular Home.** A structure as defined in Illinois Revised Statutes, Chapter 67 ½, Section 502 (i), as amended, or a structure with an Illinois Public Health Department Modular Seal affixed thereto.

**28.20.120 Old Town.** That territory which lies within the corporate limits of the City of Fairfield upon the effective date of this ordinance.

**28.20.130 Parking Space, Off-Street.** An off-street parking space shall comprise not less than 180 square feet of parking stall plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Any off-street parking space shall be accessible from a public way.

**28.20.140 Sign.** Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignias of any government except when displayed in connection with commercial promotion;
3. Legal notices; identification, information, or directional signs erected or required by government bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**28.20.150 Signs, Number and Surface Area.** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be

considered a single sign. The surface area of a sign shall be computed as including the entire sign area within a regular geometric form or combinations or regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

**28.20.160 Sign, On-Site.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs to not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

**28.20.170 Sign, Off-Site.** A sign other than an on-site sign.

**28.20.180 Special Exceptions.** A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions if specific provision for such special exceptions are made in Chapters 28.12 and 28.14. Special exceptions may also be granted for a variance in height, area and size of structures or spaces if all provisions of Chapter 28.14 are met.

**28.20.190 Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, among other things; structures include buildings, mobile homes, walls, billboards, and poster panels. ,

**28.20.200 Trailer Park.** A plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

**28.20.210 Yard.** A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that walls may be permitted in any yard subject to height limitations as indicated herein.

**28.20.220 Yard, Front.** A yard extending between side lot lines across the front of a lot. In any required front yard no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and ten feet.

**28.20.230 Yard, Side.** A yard extending from the rear line of the required front yard to the rear lot line.

**28.20.240 Yard, Rear.** A yard extending across the rear of the lot between inner side yard lines. (Ord. 970 Sec. 12 8-15-72).

**28.20.250 Box Truck Bodies and Portable Cargo Containers.** Box truck bodies which have been removed from the truck chassis and which are used for storage buildings and portable cargo containers used for domestic and international shipping which are used for storage. (Ord. 10-1228-18 12-28-10).

## **Chapter 28.22 AMENDMENTS**

Sections:

28.22.010 City Council has Authority to Make a Change by Ordinance.

28.22.015 Public Hearing by Zoning Board of Appeals on Amendment - Prior Notice by Publication.

28.22.020 Passage of an Ordinance Amending Zoning Title - Prior Notice by Publication-Objection by Owners - Required Favorable Vote of City Council for Passage.

**28.22.010 City Council has Authority to Make a Change by Ordinance.** The City Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by Ordinance the boundaries of districts of regulations, or restrictions established. (Ord. 970 Pt. Sec. 13 8-15-72).

**28.22.015 Public Hearing by Zoning Board of Appeals on Amendment - Prior Notice by Publication.** No change in the boundaries of districts or regulations or restrictions established under this Zoning Title shall be made without a public hearing before the Zoning Board of Appeals. Notice shall be given of the time and place of the public hearing, not more that 30 nor less than 15 days before the public hearing by publishing a notice thereof at least once in one or more newspapers published in the City of Fairfield.

**28.22.020 Passage of an Ordinance Amending Zoning Title - Prior Notice by Publication - Objection by Owners - Required Favorable Vote of City Council for Passage.** Notice shall be given of the time and place of the City Council meeting scheduled to consider an ordinance changing the boundaries of districts or regulations or restrictions established under this Zoning Title, not more than 30 nor less than 15

days before the City Council meeting by publishing a notice thereof at least once in one or more newspapers published in the City of Fairfield. In case of a written protest against any proposed amendment of the districts or regulations or restrictions established under this Zoning Title, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk of the City of Fairfield, the proposed amendment shall not be passed except by a favorable vote of two-thirds of the Aldermen of the City of Fairfield then holding office. In such cases, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

## **Chapter 28.24 FEES**

Sections:

28.24.010 Application Fee for Special Exemption Permit Established.

28.24.020 Application Fee for Building Permit Established.

**28.24.010 Application Fee for Special Exemption Permit Established.** The City Council hereby establishes a \$50.00 fee for a special exception permit as required by this ordinance. No special exception permit shall be issued until such application fee has been paid in full to the City Clerk, nor shall any action be taken on proceedings before the Board of Appeals until the application fee has been paid in full.

**28.24.020 Application Fee for Building Permit Established.** The City Council hereby establishes the following fee for a Building Permit required by Title 28 Zoning of the Fairfield Municipal Code, being Fairfield City Ordinance 970 as Amended, to-wit:

1. \$25.00 for a structure requiring such Building Permit with an estimated construction cost of \$100,000 or more; or
2. \$10.00 for any other use, or structure requiring such Building Permit.

No such Building Permit shall be issued until such Application Fee has been paid in full to the City Clerk, nor any action taken on proceedings before the Board of Appeals until such application' fee has been paid in full. (Ord. 1408 Sec. 1 10-12-93).

## **Chapter 28.26 PENALTIES**

Sections:

28:26:010 Violation Deemed Misdemeanor.

28.26.020 Continuation of Violation.

**28.26.101 Violation Deemed Misdemeanor.** The owner of a building or premises in or upon which a violation has been committed or shall exist; shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars (\$10.00) and not more than Two Hundred Fifty Dollars, (\$250.00) for each conviction thereof. (Ord. 970 Sec. 15 8-15-72)

**28.26.202 Continuation of Violation.** Any such person having been duly served with an order to remove any such violation and having failed to comply with such order within ten (10) days after such notice or continuing to violate any provision of the regulation in the respect named in such order, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days for each and every conviction thereof, or both such fine and imprisonment, in the discretion of the court. Each day such violation continues shall constitute a separate offense. (Ord. 970 sec. 15 8-15-72).

TINA HUTCHCRAFT City Clerk