

CHAPTER 40
ZONING CODE
ARTICLE I – GENERAL PROVISIONS

40.01 ESTABLISHED

This Code shall be known and may be cited as the Zoning Code of the City of Sesser, Illinois.

40.02 COMPLIANCE WITH REGULATIONS

Except as provided by this Code and except after a building permit shall have been issued by the Code Enforcement Officer, which permit shall state that the proposed building or use of land complies with all the provisions of this Code, it shall be unlawful within the Corporate Limits of the City of Sesser, Illinois, and in contiguous territory not more than one and one-half (1-1/2) miles beyond the Corporate Limits of said City of Sesser, Illinois:

- (A) To establish any use of a building or land either by itself or in addition to another use;
- (B) To excavate for or build any foundation;
- (C) To expand, change, or re-establish any non-conforming use;
- (D) To erect or establish a new building or part thereof, except signs of the class permitted in the "R-2" district;
- (E) To rebuild, structurally alter, add to, enlarge, or relocate any building or part thereof;
- (F) To reduce the yard space of plot area required for a building, or to include any such yard space or plot area as that required for an adjoining building; and
- (G) To erect more than one (1) main building on one lot.

40.03 ACCESSORY USES AND BUILDINGS

The uses permitted in the various zoning districts are principal uses, and a building or use that is accessory to a permitted use is allowable in connection with such a use provided:

- (A) It is located on the same lot or tract designed for the principal use or building being established or existing;
- (B) It is compatible in character and extent with the principal use and district where located;
- (C) It conforms with such other regulations as apply;
- (D) It is not prohibited; and
- (E) It shall not be erected prior to the establishment or construction of the principal use or building.

ARTICLE II - RESERVED

40.04 - 40.05 RESERVED

ARTICLE III
DISTRICTS AND BOUNDARIES THEREOF

40.06 NUMBER OF DISTRICTS

In order to classify, regulate and restrict the location of buildings erected or structurally altered for specific uses, to regulate the use of land, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, and to regulate and determine the area of yards and other open spaces about buildings, the City of Sesser, Illinois and contiguous territory not more than one and one-half (1-1/2) miles beyond the Corporate Limits of said City of Sesser, Illinois, is hereby divided into districts of which there shall be five (5) known as:

- (A) R-2 District – 1 & 2 Family Residential District.
- (B) B-2 District - Primary Commercial Business District.
- (C) B-1 District - Secondary Commercial Business District.
- (D) M-2 District - Industrial District.
- (E) A-1 District - Agricultural District.
- (F) RESERVED

40.07 ZONING MAP

The Boundaries of the Districts established in Section 40.06 of this Article III, are hereby established as shown on a map appended hereto, designated as the "Zoning Map of Sesser, Illinois". Said map, and all notations, colors, dimensions, references, legends and symbols shown thereon pertaining to said districts are hereby made a part of this Code and shall, be filed as a part of this Code with the City Clerk of Sesser, Illinois. A reproduction of such map certified as showing the districts created and approved, shall be available for public reference in the Office of the City Clerk of Sesser, Illinois, and in the Courthouse in the City of Benton, Illinois. Alterations of said map made from time to time and adopted by amendment, as hereinafter provided, shall be similarly signed, dated, published, filed and made available for public reference.

40.08 RESERVED

40.09 UNCERTAINTY OF BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning map accompanying, filed with, and made a part of this Code, the following rules shall apply:

(A) The District boundaries are the center lines of either streets or alleys or the extensions thereof unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Code are bounded approximately by street or alley lines, the center line of the street or alley, or the extension thereof 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 in tracts, blocks, and lots, the district boundaries shall be construed to be the tract and lot lines, and where the districts designated on the map accompanying and made a part of this Code are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts.

40.10 LAND SUBSEQUENTLY ANNEXED

All land which may hereafter become a part of the incorporated area of Sesser, Illinois as a result of annexation shall automatically be classified as R-2 Residential District. Within three (3) months of the date of such annexation, the Board of Appeals may call a public hearing, with Notice as required for amendments to this Code, and within thirty (30) days after such hearing, shall recommend to the Council of the City of Sesser, that this Code be amended so as to classify such property in accordance with such recommendations.

40.11 - 40.12 RESERVED

**ARTICLE IV
R-2 DISTRICT – 1 AND 2 FAMILY RESIDENTIAL DISTRICT**

40.13 USE REGULATIONS

In the R-2 District no building or land shall be used and no building shall be hereafter erected, converted, enlarged, or structurally altered, unless otherwise provided in this Code, except for one (1) or more of the following uses:

- (1) Single Family Dwelling.
- (2) Two Family or Duplex Dwelling.
- (3) Church.
- (4) School, Elementary and High.
- (5) Park and Playground.
- (6) Garden.
- (7) Home Occupation.
- (8) Multiple Family Dwelling.
- (9) Boarding and Rooming House; Tourist Home.
- (10) Group or Row Houses.
- (11) Undertaking Establishment.
- (12) Hospitals and Clinics.
- (13) Institutions of an Educational, Philanthropic, or Eleemosynary Nature.

- (14) Accessory buildings and uses when located on the same lot and not involving the conduct of business, including private garages, but if such accessory building is not attached to the main building, it shall be located not less than sixty (60) feet from the front line and not less than one and one-half (1-1/2) feet from the rear line and side-lines of the lot. Where garages and other accessory buildings are attached to the main structure or connected thereto by a breezeway, then such garages or accessory buildings shall be located not less than five (5) feet from the side-line of the lot.
- (15) One (1) sign on each lot not exceeding twelve (12) square feet in area, appertaining to the lease or sale of a building or premises.
- (16) Golf Courses, except miniature courses and driving tees operated for commercial purposes.
- (17) Farming.
- (18) Temporary buildings incidental only to the construction of a permitted use.
- (19) Home Occupations.

40.14 PARKING REGULATIONS

Whenever a building is erected, converted, enlarged or structurally altered for a use permitted in the R-2 District, there shall be provided an available and accessible off-street parking area, as shall be required by the applicable Provision of Article IX.

40.15 HEIGHT REGULATIONS

No building hereafter erected or altered shall exceed three (3) stories, nor shall it exceed thirty-five (35) feet in height, except as provided in Article IX.

40.16 RESERVED

40.17 AREA REGULATIONS

Every dwelling hereafter erected, enlarged, relocated, or reconstructed, shall be located upon lots containing the following area and yards:

40.17-1 Intensity of Use

(A) A lot on which there is erected a single family or two family dwelling shall contain an area of not less than Five Thousand (5,000) square feet, and an average width of not less than Fifty (50) feet.

(B) A lot on which there is erected a two family dwelling shall contain an area of not less than Two Thousand Five Hundred (2,500) square feet per family and an average width of not less than Fifty (50) feet.

(C) A lot on which there is erected a multiple family dwelling shall contain an area of not less than One Thousand (1,000) square feet, and an average width of not less than Sixty (60) feet except that this lot area per family shall not apply to dormitories, domiciliary or rest homes, where no cooking is done in individual rooms or apartments.

(D) Where a lot has less area or width than herein required, and was of public record at the time of the passage of this Code, that lot may be used only for one single family dwelling, or for any of the non-dwelling uses permitted by this Article.

40.17-2 Front Yard

(A) There shall be a front yard of not less than Twenty-five (25) feet; provided, however, that where lots comprising more than forty (40) percent of the frontage on the same side of the street between two (2) intersecting streets are improved with buildings, not less than the average depth of the front yards of such lots shall be maintained by all new buildings, but this regulation shall not be interpreted to require a front yard of more than sixty (60) feet.

(B) Lots having a frontage on two (2) non-intersecting streets shall have the required front yard on both streets.

(C) Where a lot is located at the intersection of two (2) or more streets there shall be a front yard on each street side of the lot, except that the buildable width of such lot shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

40.17-3 Side Yard

(A) There shall be a side yard on each side of a building having a width of not less than ten (10) feet, but in no event shall the buildable width be reduced to less than thirty (30) feet.

40.17-4 Rear Yard

There shall be a rear yard having a depth of not less than twenty-five (25) feet, or twenty (20) percent of the depth of the lot, in lots of public record, at the time of passage of this Code.

40.17-5 Two Houses on One Lot

Where two (2) houses are built on one (1) lot, there shall be twenty (20) feet between houses, and all front, side and rear yard and area requirements shall be met.

40.18 ASSESSORY GARAGE SIZE LIMITATION

The size limitation on lots in a Residential Area or District shall be a 30' x 30' x 12' garage. A larger garage will require City Council Approval.

40.19 RESERVED

**ARTICLE V
B-2 DISTRICT - PRIMARY BUSINESS DISTRICT AND
B-1 DISTRICT - SECONDARY BUSINESS DISTRICT**

40.20 USE REGULATIONS

In the B-2 District and B-1 District, no building or land shall be used and no building shall be hereafter erected, enlarged, converted or structurally altered, except for one (1) or more of the following uses:

- (1) Apartments and multiple family dwellings.
- (2) Bakery whose products are sold only at retail on the premises.
- (3) Business or commercial school, or dancing or music academy.
- (4) Filling stations.
- (5) Personal service shop, such as shoe-repair shops, beauty parlor and barber-shop, but expressly excluding those uses listed in M-2 Districts.
- (6) Professional or service office.
- (7) Restaurant, serving only within the building.
- (8) Shop or store for conduct of retail business only, but expressly excluding uses listed in M-2 Districts.
- (9) Laboratories which do not emit noxious gases, unpleasant odors, smoke, fumes, or noises, and which do not use combustible or explosive materials.
- (10) Store for collection and distribution of laundry and dry-cleaning articles, but not for the treatment, cleaning, or processing of such articles.
- (11) Private garage incidental to main use and a sign or bulletin board relating only to services.
- (12) Temporary building incidental only to construction of a permitted use.
- (13) One and two family dwellings.
- (14) Multiple family dwellings.
- (15) Hotels and Apartment Hotels (in B-2 District only)
- (16) Community buildings, museums and libraries.
- (17) Advertising signs and bulletin boards.
- (18) Hospital and clinics; Nursing Homes.
- (19) Dyeing and cleaning works, laundry.
- (20) Bakery.
- (21) Printing Shop.

- (22) Plumbing Shop.
- (23) Public garage; automobile sales-room.
- (24) Private clubs and lodges, except skeet and gun clubs.
- (25) Institutions of an educational, philanthropic, or eleemosynary nature.
- (26) Bus or taxi terminal station; railroad station.
- (27) Store for conduct of wholesale business, excluding a building the principal use of which is for a storage warehouse.
- (28) Telegraph service station.
- (29) Telephone exchange.
- (30) Theater, except open-air drive-in theater.
- (31) Taverns as limited by the Liquor Codes of the City of Sesser, Illinois.
- (32) Amusement and recreation building.
- (33) Churches, and chapels.
- (34) Undertaking Establishments.
- (35) Park and playground.
- (36) Boarding and rooming houses; tourist home.
- (37) Home occupations.
- (38) Municipal, State, or Federal Building.
- (39) Residence of watchman or guard of a permitted use.
- (40) Parking Lots.
- (41) Liquor stores as limited by the Liquor Codes of the City of Sesser, Illinois.
- (42) Gas Station (in B-1 District only)
- (43) Financial Institutions
- (44) Laundromats
- (45) Retail on the ground floor with apartment(s) above (in B-2 District only).

40.21 PARKING REGULATIONS

(A) In B-2 District, no parking spaces shall be required. On street parking shall suffice the requirements of parking.

(B) In B-1 District, The parking regulations for multiple family dwellings shall be required for such uses by the applicable provisions of Article IV hereof. No parking space shall be required in the B-1 District in other instances.

(C) The parking regulations for multiple family dwellings shall be required for such uses by the applicable provisions of Article IV hereof. No parking space shall be required in the B-1 District in other instances.

40.22 HEIGHT REGULATIONS

(A) In B-2 District, no building shall exceed six (6) stories in height, nor shall it exceed seventy-five (75) feet in height, except as otherwise provided in Article IX hereof.

(B) In B-1 District, the height regulations shall be the same as R-2 District.

40.23 AREA REGULATIONS

40.23-1 Front Yard

(A) In B-2 District, no front yard is required (zero lot line).

(B) In B-1 District, the front yard requirements are the same in the R-2 District.

(C) The front yard requirements for multiple-family dwellings are the same in the R-2 District, as for single-family and two-family dwellings.

40.23-2 Side Yard

(A) In B-2 District, no side yard is required (zero lot line), unless it abuts a single-family district in which instance, it shall be a minimum of ten (10) feet

(B) In B-1 District, the side yard requirements are the same as R-2 District.

(C) The side yard regulations for multiple-family dwellings are the same in the R-2 District, as those in the single-family or two-family dwellings.

40.23-3 Rear Yard

- (A) In B-2 District, no rear yard is required.
- (B) In B-1 District, the rear yard requirements are the same as R-2 District. In all other cases, a rear yard is not required, except as necessary to provide required off-street parking.
- (C) The rear yard regulations for multiple-family dwellings are the same as for the R-2 District, as for single-family and two-family dwellings.

40.23-4 Intensity of Use

- (A) In B-2 District, the building may be as large as the site.
- (B) In B-1 District, the intensity of use requirements are the same as R-r District.
- (C) When a lot is improved by multiple-family dwellings; the intensity of use regulations are the same as those required in the R-2 District for single-family and two-family dwellings.

40.24 - 40.25 RESERVED

**ARTICLE VI
M-2 DISTRICT - GENERAL INDUSTRIAL DISTRICT**

40.26 USE REGULATIONS

In the M-2 Districts, no land shall be used and no building shall be hereafter erected or structurally altered, except for one (1) or more of the following uses:

- (1) Any use permitted in the B-1 District, except residential buildings.
- (2) Blacksmith Shop.
- (3) Bottling Plants.
- (4) Dyeing and cleaning establishments and laundries.
- (5) Building equipment and solid fuel storage and yards, and yards for contracting equipment, maintenance or operating equipment of public agencies or public utilities, or materials or equipment of a similar nature, provided that where such storage or yards are in the open, if any part of the land so used lies within three hundred (300) feet of any residence district, or any park, or State or Federal Highway, the entire open area used shall be surrounded by a substantially built tight board or sheet-metal fence, or necessary or other wall, or dense evergreen hedge not less than eight (8) feet high.
- (6) Bulk storage of gasoline, fuel, oil, or other inflammable or explosive liquids for retail or wholesale distribution.
- (7) Creameries and milk distributing stations.
- (8) Canning, packing, preserving, or bottling of food products.
- (9) Grain Elevators.
- (10) Open-air lot for display and sale of automobiles or farm equipment expressly including auto-wrecking and junk-yards.
- (11) Warehouses and storage plants.
- (12) Truck or bus storage yards.
- (13) Ice plants or storage.
- (14) Electric transforming or converting station.
- (15) Tourist or trailer camp.
- (16) Food Locker.
- (17) Animal Hospital.
- (18) Drive-in Restaurant.
- (19) Light industrial and manufacturing plants, expressly excluding those used noted in the M-2 General Industrial Districts, and where the scale of operations and process of manufacturing or treatment of materials is such that in the opinion of the Code Enforcement Officer, the amount of dust, gas, smoke, odor, or noise resulting therefrom will not be detrimental to property or to the health of persons residing in surrounding residential districts.
- (20) Lumberyards.

- (22) Automobile wrecking yards and junk yards, if enclosed with a tight fence, not less than eight (8) feet high.
- (23) Brick, tile, glass and clay products manufacture.
- (24) Stone quarries and stone crushing, grading, washing and loading equipment.
- (25) Railroad shops and roundhouses.
- (26) Open-air Theaters.
- (27) Any heavy industrial and manufacturing use and any other use not in conflict with any Code of the City regulating nuisances; provided, however, that no building or occupancy permit shall be issued for any of the following uses, until the location of such use shall have been authorized by the Council of the City, after a public hearing conducted by the Board of Appeals, in accordance with provisions of this Code for amendments hereto:
 - a. Acid manufacture.
 - b. Cement, Lime, Gypsum or Plaster of Paris Manufacture.
 - c. Distillation of bones.
 - d. Explosives, manufacture or storage.
 - e. Fat rendering.
 - f. Fertilizer manufacture.
 - g. Garbage, offal or dead animal reduction or dumping.
 - h. Glue manufacturing.
 - i. Petroleum refining.
 - j. Smelting of tin, copper, zinc or iron ores.
 - k. Stockyards or slaughter of animals.
 - l. Radioactive materials manufacturing or storage.

40.27 PARKING REGULATIONS

Whenever a building is erected, converted, or structurally altered for a use permitted in M-2 District, there shall be provided an available and accessible off-street parking area in the following instances:

- (A) Hospitals, theaters, hotels, and places of assembly shall provide such parking area as shall be required by the applicable provisions of Article VIII hereof.
- (B) Commercial service and professional uses listed as permitted uses in Article V hereof shall provide such parking areas as shall be required for commercial and professional uses in a B-1 District, by Section 40.47 of Article VII hereof.
- (C) In all other instances, parking space shall be provided on the lot or on an adjacent lot, adequate to accommodate the cars of employees engaged on the premises, as well as trucks and other vehicles of the establishment.

40.28 HEIGHT REGULATIONS

A building designed for or occupied by uses listed as permitted in the B-1 District, shall not exceed six (6) stories, nor shall it exceed seventy-five (75) feet in height, except as otherwise provided in Article IX hereof.

40.29 AREA REGULATIONS

The front yard, side and rear yard regulations, and the intensity of use regulations are the same as in the B-1 District.

40.30 RESERVED

**ARTICLE VII
A-1 DISTRICT – AGRICULTURAL DISTRICT**

40.31 USE REGULATIONS

In the A-1 District, no land shall be used and no building shall be hereafter erected or structurally altered, except for one (1) or more of the following uses:

- (1) Single-Family Dwelling.

- (2) Two-Family or Duplex Dwelling.
- (3) Church.
- (4) School, Elementary and High.
- (5) Park and Playground.
- (6) Garden.
- (7) Home Occupation.
- (8) Multiple-Family Dwelling.
- (9) Boarding and rooming houses; tourist home.
- (10) Group or row houses.
- (11) Undertaking establishment.
- (12) Hospitals and clinics.
- (13) Institutions of an educational, philanthropic, or eleemosynary nature.
- (14) Accessory buildings and uses when located on the same lot and not involving the conduct of a business, including private garages, but if such accessory building is not attached to the main building, it shall be located not less than sixty (60) feet from the front line and not less than one and one-half (1-1/2) feet from the rear line and side lines of the lot. Where garages and other accessory building shall be located not less than five (5) feet from the side line of the lot.
- (15) One (1) sign on each lot not exceeding twelve (12) square feet in area, appertaining to the lease or sale of a building or premises.
- (16) Golf Courses, except miniature courses and driving tees operated for commercial purposes.
- (17) Farming.
- (18) Temporary buildings incidental only to the construction of a permitted use.

All sub-divisions shall comply with Article IV.

All areas outside of the Corporate Limits of the City of Sesser, Illinois, and in contiguous territory not more than one and one-half (1-1/2) miles beyond the Corporate Limits of said City of Sesser, Illinois is zoned A-1.

40.32 - 40.33 RESERVED

**ARTICLE VIII
COMPREHENSIVE PARKING - REGULATIONS**

40.34 EFFECTIVENESS

The regulations of this Article shall be part of the regulations in each District, insofar as any use referred to in this Article is a permitted use in a District.

40.35 TWO-FAMILY DWELLINGS

Whenever a structure is erected, converted, enlarged, or structurally altered for two-family dwelling use, not less than two hundred (200) square feet of all-weather surfaced parking space or garage space for each dwelling unit in the building shall be provided during the existence of the use, on the lot or on an adjoining lot, together with adequate ingress and egress from and to the public street, highway, or alley. Such surfaced parking space or garage space shall be for the sole use of the occupants of such building and visitors thereto. The surfaced parking space may be in a required rear yard.

40.36 RESERVED

40.37 MULTIPLE-FAMILY DWELLINGS

Whenever a building or part thereof is hereafter erected, converted, enlarged, or structurally altered for multiple family dwelling, apartments or group or row houses for more than two-family units, not less than two hundred (200) square feet of permanent surfaced parking space or garage space for each dwelling unit, shall be provided, during the existence of the use, on the lot or on an adjoining lot, together with adequate ingress and egress from and to the public street, highway or alley. Such surfaced parking

space shall be for the sole use of the occupants of such building or buildings and visitors thereto. The surfaced parking space may be in a required rear yard.

40.38 MOTELS, HOTELS, ROOMING HOUSES

Whenever a building is hereafter erected, converted or structurally altered or enlarged for use as a motel, hotel, apartment hotel, boarding or rooming house, or tourist home, not less than two hundred (200) square feet of all-weather surfaced parking space or garage space for each three (3) guest rooms shall be provided, during the existence of the use, on the lot or within three hundred (300) feet thereof, together with adequate ingress and egress from and to the public street, highway, or alley. Such surfaced parking space shall be for the sole use of the occupants of the building, guests thereof, and visitors thereto. The surfaced parking space may be in a required rear yard.

40.39 HOSPITALS

Whenever a building is hereafter erected, converted, enlarged, or structurally altered for a hospital or sanitarium, not less than two hundred (200) square feet of all-weather surfaced parking space shall be provided, during the existence of the use, on the lot or within three hundred (300) feet thereof for each three hundred (300) square feet of sleeping room area for patients, together with adequate ingress and egress from and to the public street, highway or alley. Such parking space shall be for the sole use of the occupants of the building and visitors thereto. Such parking space may be in a required rear yard.

40.40 THEATERS, AND PLACES OF ASSEMBLY

Whenever a building or part thereof is erected, converted, enlarged, or structurally altered for a theater, auditorium, or place of amusement or of assembly, there shall be provided, during the continuance of the use, not less than two hundred (200) square feet of all-weather surfaced parking space on the lot or within three hundred (300) feet thereof, for each five (5) seats or similar vantage accommodations provided in such building, together with ingress and egress from and to the public street, highway, or alley; provided, however, that an outdoor theater shall provide two hundred (200) square feet of surfaced parking space adjacent to the enclosure and to the public street or highway and outside the enclosure and off the street or highway for each two (2) automobile spaces within the enclosure; and PROVIDED FURTHER that in the B-1 Districts, the parking regulations for such uses shall be as required by Section 40.21 of Article V hereof.

40.41 COMMERCIAL USES IN B-1 DISTRICTS

Whenever any building is erected, converted, or structurally altered for a commercial or private service or professional use in a B-1 District, not less than two hundred (200) square feet of surfaced parking space shall be provided, during the existence of the use, on the lot or on an adjacent lot for each two hundred (200) square feet of floor space in the building, except that any restaurant or establishment whose primary use is to serve meals or refreshments to patrons, shall provide two hundred (200) square feet of permanent surface parking space on the same or adjacent lot for each one hundred (100) square feet of floor space in the building. Two (2) or more commercial establishments may provide the respective necessary permanent surfaced parking spaces upon a single lot in the B-1 Districts and within three hundred (300) feet of both establishments. There shall be provided a tight evergreen hedge or a masonry or stone wall not less than five (5) feet in height along each side of the required rear yard.

40.42 OFF-STREET PARKING- B-1 DISTRICT

In the B-1 District, parking facilities operated by the City of Sesser, when they fall within the required distance, may be used to satisfy the parking requirements.

40.43 - 40.44 RESERVED

**ARTICLE IX
HEIGHT AND AREA EXCEPTIONS**

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

40.45 RESERVED

40.46 PUBLIC BUILDINGS, HOSPITALS, SANITARIUMS, SCHOOLS OR INSTITUTIONS OF AN EDUCATIONAL, PHILANTHROPIC, RELIGIOUS, OR ELEEMOSYNARY

NATURE, in the R-2 District may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

40.47 CHIMNEYS, TOWERS, ELEVATORS BULKHEADS, MONUMENTS, STACKS, TANKS, SPIRES, CHURCH STEEPLES, ANTENNAES, AND NECESSARY MECHANICAL DEVICES

appurtenant to the principal use, may be erected to a height in accordance with existing or hereafter adopted Codes of the City of Sesser, Illinois.

40.48 REAR LOT ABUTTING ALLEY

Whenever the rear of a lot abuts upon a public alley, one-half (1/2) of the width of the public alley may be considered as a portion of the required rear yard.

40.49 UNOBSTRUCTED REQUIRED YARDS

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, cornices, chimneys, flues and ornamental features projecting not to exceed, eighteen (18) inches and except for open or latticed enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers which may project not more than five (5) feet. No required parking space shall be in a required yard except as otherwise expressly permitted by this Code.

40.50 SIDE YARD REGULATIONS

For the purpose of side yard regulations a two-family dwelling, duplex, a group house, or a multiple dwelling shall be deemed one (1) building occupying one (1) lot.

40.51 SIDE, FRONT AND REAR YARD REQUIREMENT EXCEPTIONS

The side, front, and rear yard requirements shall not apply to steps, open terraces, underground structures and fences, provided any fences or other landscape improvements located on a corner lot with the vision triangle provided by the applicable front yard and side yard requirements of the district in which the lot is located, shall preserve a clear view between points three (3) feet above the crown of each intersecting street, or highway.

40.52 RESERVED

40.53 GAS SERVICE STATION EXEMPTIONS

Gasoline pumps and air and water services of retail gas service stations in the district in which they are permitted shall be exempted from front and side yard requirements, provided the centers thereof shall, be at least twenty (20) feet from the street or highway right-of-way line.

40.54 - 40.55 RESERVED

ARTICLE X

NON-CONFORMING USES

40.56 DEFINITION

Any building or use of a building or land lawfully existing at the time of the passage of this Code which does not conform to the regulations of this Code, shall be known as non-conforming and may remain and the use or location thereof be continued, as hereinafter provided.

40.57 EXTENT OF REQUIREMENTS

No existing building which does not conform to the use, area or density regulations of the district in which such building is located shall be enlarged, extended, or structurally altered, unless such use or location is changed to a use or location permitted in the district in which such building or structure is

located. A non-conforming use occupying a part of a building shall not be extended beyond that part of a building originally designed for such use and in no case shall any addition be made which will provide for the expansion of the non-conforming use. A non-conforming use of land shall not be extended beyond that part of a building originally designed for such use and in no case shall any addition be made which will provide for the expansion of the non-conforming use. A non-conforming use of land shall not be extended.

40.58 DISCONTINUANCE OF NON-CONFORMING USE

A non-conforming use which is discontinued or its normal operation stopped for a period of twelve (12) months shall not thereafter be reestablished.

40.59 RESERVED

40.60 PERMITTED REPAIRS, ETC

Only ordinary repairs and maintenance, including replacement of roof covering, shall be permitted on any building devoted to a non-conforming use. In no case shall such repairs include structural alterations.

40.61 EXCEPTIONS

The provisions of Sections 40.63, 40.64 and 40.66 of this Article XI shall not apply to single-family or two-family dwelling that is a non-conforming use; provided, however:

- (A) No non-conforming single-family or two-family dwelling shall be changed into a use not permitted in the district in which such non-conforming dwelling is located; and,
- (B) Any extension, structural alteration, enlargement, or relocation of such single-family or two-family dwelling shall conform to the height, area, and density regulations required of such dwellings in the R-2 District.

40.62 CITY COUNCIL AUTHORIZATION OF USE

The Council of the City of Sesser, Illinois, may, after public notice and hearing, authorize in any district a structure or a premises to be used by a public service corporation or for public utility or municipal, State, or Federal purposes which it deems reasonably necessary for the public convenience and welfare. Any right-of-way or passenger station grounds now used for railroad purposes or any right-of-way now used for public utility, municipal, State, or Federal purposes in any district, shall be considered a conforming use.

40.63 CHANGE OF DISTRICTS

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

40.64- 40.71 RESERVED

**ARTICLE XI
BOARD OF APPEALS**

40.72 CREATION AND MEMBERSHIP

A Board of Appeals is hereby authorized to be established. The word "Board" when used in this Article shall be construed to mean the Board of Appeals. The Board shall consist of three (3) members of duly elected Aldermen for the Council of the City of Sesser. The Board members shall be appointed by the Mayor and consented to by the City Council. The alderman appointed and consented to shall serve on the Board for a period of two years or until their respective successors are appointed and qualified. One of the members of the Board shall be designated as Chairman of the Board by the Mayor of the City of Sesser, with the consent of the City Council and shall hold the office of Chairman until a successor is appointed. Such Chairman, or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. The City Council shall have the power to remove any alderman member of the Board for cause and after a public hearing. Vacancies upon the Board shall be filled for the unexpired

term of the member whose place has become vacant, in the manner herein provided for the appointment of such member.

40.73 MEETINGS

All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep Minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating each fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the Minutes of each case of a requested variation, and the reasons for granting or denying such variation shall be specified. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the Office of the Code Enforcement Officer and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with the Statute in such cases made and provided, and may select or appoint such officers as it deems necessary.

40.74 RESERVED

40.75 JURISDICTION

The Board shall hear and decide appeals from and revise any order, requirement, decision or determination made by the Code Enforcement Officer. The Board may reverse or affirm, wholly or partly, or may modify or amend the Order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises.

The Board shall also hear and decide all matters referred to it or upon which it is required to pass under this Code.

Where there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Code, the Board may authorize a variation in the application of the regulations of this Code in harmony with their general purpose and intent, in the following instances:

(1) To permit a front yard, a side yard, and/or a rear yard less than that required by this Code, but such variation shall not exceed twenty-five (25) percent of the depth of the front yard, or the width of a side yard, as required by this Code.

(2) To permit a building to exceed the height limit by not more than ten (10) percent of the height limit established by this Code.

(3) To permit the use of a lot less in area by not more than ten (10) percent of the lot area required by this Code.

(4) To permit the use of a lot less in width by not more than fifteen (15) percent of the lot width as required by this Code.

(5) To permit the use of a lot adjacent to a commercial or multiple-dwelling use as parking space for such use provided that such lot shall have the area required by this Code for parking space for such use.

In considering all proposed variations to this Code, the Board shall, before making any variation from the Code in a specific case, first determine and make a finding of fact, that the proposed variation will not (a) impair an adequate supply of light and air to adjacent property; (b) increase the congestion in public streets; (c) increase the danger of fire or endanger the public safety; and, (d) unreasonably diminish or impair established property values within the surrounding area.

The concurring vote of two (2) members of the Board shall be necessary to reverse an Order, requirement, decision or determination of the Administrative Official charged with the enforcement of this Code, or to decide in favor of the applicant any matter upon which the Board is authorized by this Code to render a decision.

40.76 RESERVED

40.77 APPEAL AND REVIEW

Any person aggrieved by any decision or order of the Code Enforcement Officer in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Board of Appeals.

(A) Filing; Record Transmittal. Every appeal shall be made within ten (10) days of the matter complained of by filing with the Code Enforcement Officer and the City Clerk a written notice specifying the grounds for appeal. The fee for filing an appeal shall be Fifty Dollars (\$50.00) plus cost. Not more than five (5) working days after the notice of appeal has been filed, the Code Enforcement Officer shall transmit to the Board of Appeals all records pertinent to the case.

(B) Stay of Further Proceedings. An appeal stays all further action on the matter being appealed unless the Code Enforcement Officer certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the circuit court grants a restraining order for due cause, and so notifies the Code Enforcement Officer.

(C) Hearing; Decision by the Board of Appeals: The Board of Appeals shall publicly hear each appeal following the submission of the Code Enforcement Officer's records. Each public meeting will be scheduled by the Board of Appeals as each appeal is filed. Notice of the meeting date and times shall be provided in writing to those filing appeals. Any interested party may appear at the hearing and testify, either in person or by duly authorized agent or attorney. The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. They may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner they deem appropriate.

(D) All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof and the rules adopted pursuant thereto.

40.78- 40.79 RESERVED

**ARTICLE XII
OCCUPANCY PERMITS**

40.80 ISSUANCE OF CERTIFICATE OF OCCUPANCY

Subsequent to the effective date of this Code no change in the use of land, nor any change of use in an existing building shall be made, nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the Code Enforcement Officer, stating that the building and use comply with the provisions of this Code.

40.81 APPLICATION

(A) Certificates of Occupancy shall be applied for coincidentally with the application for a building permit, and shall be issued within seven (7) days after the lawful erection or alteration of such building or buildings shall have been completed.

(B) No permit for excavation for, or the erection or alteration of any building shall be issued before application has been made for a Certificate of Occupancy.

(C) No building or premises shall be occupied until such Certificate has been issued.

40.82 RECORDS OF CERTIFICATES

A record of a Certificate of Occupancy shall be kept on file in the office of the Code Enforcement Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such Certificate of Occupancy.

40.83 - 40.84 RESERVED

**ARTICLE XIII
BUILDING PERMIT, SPECIAL USE ZONING PERMITS AND VARIENCES**

40.85 BUILDING PERMIT REQUIRED

(A) No building shall be erected or structurally altered until a building permit has been issued by the Code Enforcement Officer.

(B) Each application for a building permit shall be accompanied by a Plat, in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the building or buildings to be erected or altered, and such other information as may be necessary to provide for the enforcement of this Code.

(C) No building permit shall be issued until the Code Enforcement Officer has determined that building conforms to this Code. A careful record of such Applications and Plats shall be kept in the Office of the Code Enforcement Officer.

40.86 SPECIAL USE ZONING PERMIT

(A) A special use zoning permit is required when a property owner proposes to use the land for purposes other than those permitted by the current zoning classification.

(B) A written application must be submitted to the Code Enforcement Officer by the owners of more than 50% of the ownership of the subject property. Each application for a special use must be accompanied by a plat survey (to scale) that accurately reflects the current conditions, a site plan (to scale) showing all dimensions, plans or graphic drawings of the proposal, and proof of ownership (tax bill will not be accepted as proof of ownership). The application fee must be paid at the time of application.

(C) Every application must be filed with the Code Enforcement Officer and the City Clerk. The fee for filing an application shall be Fifty Dollars (\$50.00) plus cost. Not more than five (5) working days after the application has been filed, the Code Enforcement Officer shall transmit to the Board of Appeals all records pertinent to the request.

(D) The Board of Appeals shall publicly hear each application for a special use zoning permit following the submission of the Code Enforcement Officer's written review of the request. Each public meeting will be scheduled by the Board of Appeals as each application is filed. Notice of the meeting date and times shall be provided in writing to those filing applications. Any interested party may appear at the hearing and testify, either in person or by duly authorized agent or attorney. The Board of Appeals shall render a decision on the application within a reasonable time after the hearing.

(E) The Board of Appeals shall determine whether the reasons set forth in the application and the evidence provided at the public hearing justify the granting of the special use permit. The Board of Appeals shall make a recommendation to the City Council for or against the special use, and may also recommend additional conditions as are deemed appropriate or necessary for the public health, safety and welfare and to carry out the purposes of the Zoning Code.

(F) In addition to any conditions imposed by the City Council, a special use authorized by the City Council is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other more restrictive regulations are specifically approved. Special uses are also subject to the regulations pertaining to parking and access which are applicable for the use and district, and to the following additional requirements, unless otherwise specifically stated in the terms of the special use.

(G) Unless otherwise specifically stated by the City Council, the special use approval shall be valid until the special use is discontinued. Valid written special use approval is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year of approval the special use permit shall no longer be valid.

(H) Violation of the terms and conditions of the special use shall be deemed a violation of this Code, subject to the revocation or cancellation of the permit. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the special use may be approved only by the City Council. Any such extension or change which is not so authorized shall be deemed a violation of this Code as provided above.

(I) In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

(J) All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof and the rules adopted pursuant thereto.

40.87 ZONING VARIANCE

(A) A zoning variance may be requested by a property owner in specific cases where strict enforcement of a zoning regulation would cause unnecessary or unusual hardship.

(B) A written application must be submitted to the Code Enforcement Officer by the owners of more than 50% of the ownership of the subject property. Each application for a zoning variance must be accompanied by a surveyed plat and a statement of the unusual circumstances or unique physical characteristics which would cause an unreasonable hardship on the applicant with the strict enforcement of the requirements of the Zoning Code. These may include exceptional narrowness, shallowness, size, or topographic conditions of the property. The application fee must be paid at the time of application.

(C) Every application must be filed with the Code Enforcement Officer and the City Clerk. The fee for filing an application shall be Fifty Dollars (\$50.00) plus cost. Not more than five (5) working days after the application has been filed, the Code Enforcement Officer shall transmit to the Board of Appeals all records pertinent to the request.

(D) The Board of Appeals shall publicly hear each application for zoning variance following the submission of the Code Enforcement Officer's written review of the request. Each public meeting will be scheduled by the Board of Appeals as each application is filed. Notice of the meeting date and times shall be provided in writing to those filing applications. Any interested party may appear at the hearing and testify, either in person or by duly authorized agent or attorney. The Board of Appeals shall render a decision on the application within a reasonable time after the hearing.

(E) The Board of Appeals shall determine whether the reasons set forth in the application and the evidence provided at the public hearing justify the granting of the zoning variance. The Board of Appeals shall make a recommendation to the City Council for or against the variance, and may also recommend additional conditions as are deemed appropriate or necessary for the public health, safety and welfare and to carry out the purposes of the Zoning Code.

(F) Violation of the terms and conditions of the variance shall be deemed a violation of this Code, subject to the revocation or cancellation of the variance.

(G) In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

(H) All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof and the rules adopted pursuant thereto.

ARTICLE XIV FEES

40.88 ESTABLISHED BY CITY COUNCIL

Fees for Building Permits, Certificate of Occupancy, Appeals to the Board of Appeals, and Petitions for Amendments, shall be as established by action of the Council of the City of Sesser, from time to time.

Such fees shall be paid to the Code Enforcement Officer of the City of Sesser, who shall give a receipt therefor and account for same at regular intervals to the Council of the City.

40.89 RESERVED

ARTICLE XV INTERPRETATION AND PURPOSE

40.90 INTENT AND PURPOSE

It is not intended by this Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of Law or Code relating to the use of buildings or premises, now in force and effect in relation thereto; nor is it intended by this Code to interfere with, abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Code imposes a greater restriction upon the use of buildings or premises than are imposed or required by such existing provision of Law, Code, rules, regulations, permits, easements, covenants, or agreements, the provisions of this Code shall control.

40.91 - 40.92 RESERVED

**ARTICLE XVI
AMENDMENTS**

40.93 REGULATIONS

The regulations imposed and the districts created under this Code may be amended by Code, but no such amendments shall be made without a hearing before the Board of Appeals, created pursuant to Code.

At least fifteen (15) days' notice of the time and place of such meeting shall be published in a paper of general circulation in the City of Sesser, said notice to contain the particular location for which the amendment is requested as well as a brief statement describing the proposed amendment. In case of written protest against the proposed amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, as to such regulations or district, filed with the Code Enforcement Officer, such amendment shall not be passed, except by the favorable vote of two-thirds (2/3) of all of the members of the Council of the City of Sesser, Illinois.

40.94 RESERVED

**ARTICLE XVII
ENFORCEMENT AND PENALTY**

40.95 ENFORCEMENT

It shall be the duty of the Chief of Police of the City of Sesser, Illinois to enforce this Code.

40.96 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 Code, shall, upon conviction, be fined not more than Two Hundred Dollars (\$200.00) for each offense. Each day that a violation shall exist shall constitute a separate offense.

40.97 RESERVED

40.98 PROCEEDINGS AGAINST VIOLATORS

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 Code, the Code Enforcement Officer, in addition to other remedies, may institute any proper action or proceedings in the name of the City of Sesser, Illinois 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, or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

40.99 RESERVED

**ARTICLE XVIII
VALIDITY**

40.100 EXTENT OF INVALIDITY

Should any section or provision of this Code be declared by a Court of Competent Jurisdiction to be invalid such decision shall not affect the validity of the Code as a whole or any part thereof, other than the part so declared to be invalid.

**ARTICLE XIX
(FORMERLY ADDENDUM B)
GARBAGE**

40.101 DEFINITIONS

Definitions as used in this code, of the words garbage, refuse and ashes have the following meanings:

(A) Garbage - Waste resulting from the handling, preparing, cooking, and consumption of food; waste from the handling, storage, and sale of produce.

(B) Refuse - Combustible trash, including, but not limited to, paper cartons, boxes, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding. Non-combustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral wastes. Street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles.

But refuse does not mean earth and waste from building operations, nor shall it include solid waste resulting from industrial processes and manufacturing operations, such as food processing wastes, boiler house cinders, lumber, scraps, and shavings.

(C) Ashes - Residue from fires used for cooking and for heating buildings.

40.102 ENFORCEMENT

The Code Enforcement Official shall be responsible for the enforcement of the provisions of this code for the purpose of properly preparing, storing, collecting and disposing of garbage, refuse and ashes referred to in this code.

40.103 GARBAGE, REFUSE AND ASHES

(A) It shall be unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place or premises, owned or occupied by such person, any garbage, refuse, or ashes, so as to cause such yard, lot, premises, or the street, alley or sidewalk adjacent thereto to be, or remain in such condition as to cause or create a nuisance or offensive odor or atmosphere or rodent harborage or thereby to be or become, or cause or create a public nuisance.

(B) It shall be unlawful to fail or refuse to dispose of all garbage, refuse, and ashes within the City.

(C) It shall be unlawful to fail or refuse to place such garbage, refuse, and ashes in the containers hereinafter described by this code until the contents are removed from the premises and disposed of.

(D) It is hereby declared unlawful to collect or to permit to be collected by anyone, the garbage, refuse or ashes in the City of Sesser by persons other than the individual or firm authorized by the Mayor and City Council. Excepting here from the owner or occupant of the premises from which such removal is made where he properly and legally disposes of his garbage, refuse and ashes, and as long as he abides by sanitation laws, codes, and statutes on the subject.

(E) Also Chapter 25 Article III.

40.104 REFUSE CONTAINERS

(A) Containers shall be made of metal or plastic, equipped with suitable handles and tight-fitting lids or covers, and shall be water-tight, having a capacity of not more than thirty (30) gallons.

(B) Each and every owner, tenant, housekeeper, or other person or persons occupying any room, dwelling, house, apartment, mobile home, trailer or other building or portion thereof, and producing garbage or rubbish shall provide and renew when necessary a sufficient number of the above herein described containers to hold the garbage or rubbish accumulating on the premises between collections. Such containers shall be kept in a sanitary condition.

40.105 STORAGE OF REFUSE

(A) All garbage shall be daily deposited in a garbage can or container hereinabove required. Garbage cans shall be kept closed at all times, except when it is necessary to lift the cover to deposit garbage in the garbage can or container.

(B) The collector shall replace lids after emptying the containers and shall also remove any debris left around the receptacle so as to leave the premises in a neat and clean condition.

40.106 POINTS OF COLLECTION

(A) On the scheduled day of collection only, garbage and refuse containers at residences shall be placed next to, but not in, the street which fronts the place of residence as determined by the plat of the City of Sesser.

(B) Residents, whose place of abode is situated on a corner lot, may, if it is mutually agreeable with the collector, place garbage containers next to the street at the side of their property on collection day. Business places on Main Street (Franklin Avenue) shall have alley collection.

40.107 AVAILABILITY AND EXTENT OF SERVICE

All garbage must be taken from dwellings at least once a week and from business establishments as frequently as the Mayor and City Council may require.

40.108 COLLECTION FEES

(A) Fees and rates for the collection of garbage, refuse, and ashes shall be set by the Mayor and City Council. The fees for collection are hereby set by resolution.

(B) Fees shall be collected by the city as a line item of the resident's monthly water bill.

40.109 PENALTIES FOR VIOLATION

(A) See Chapter 25 Article XX.

(B) The fact that garbage, refuse or ashes remains on any occupant's premises in the City in violation of this code shall be prima facie evidence that the occupant of such premises is responsible for the violation of the code occurring.

(C) In the event the collector authorized by the Mayor and Council fails to perform the service to which this code and his signed contract with the City bind him, he may be fined not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00) for each offense; and a separate offense may be deemed committed on each day during or in which a violation occurs or continues.

40.110 RESPONSIBILITIES OF THE AUTHORIZED COLLECTOR

(A) The individual or firm authorized by the Mayor and City Council shall enter into a contract with the City for the doing of the work. Said contract shall be for a period of not less than one (1) year nor more than three (3) years. In this contract it shall be explicitly stated that the collector will comply with all the laws, codes, rulings and orders of the United States, the State of Illinois, the County of Franklin, and the City of Sesser; that he shall make payment to all persons to whom he may become indebted to by reason of this contract; that he will pay all damages to the City of Sesser which may arise from injury to person or property resulting from any negligence on the part of himself or his authorized helpers or employees; and that he shall replace any receptacle or lid damaged by himself or his agents.

(B) The authorized collector shall also file with the City Clerk a personal bond in the amount of One Thousand Dollars (\$1,000.00) with individual surety to be approved by the Mayor, and shall provide insurance in an amount and to an extent reasonably agreeable to the City affording coverage to the City where appropriate. Such insurance shall include public liability, property damage insurance, and workmen's compensation insurance. Certificates evidencing the issuance of such insurance must be filed with the City Clerk.

(C) At any time during the term of the contract between the collector and the City of Sesser the contractor shall, when requested, submit to the City a written statement showing completely and truly the entire operations of the business under said contract and a complete and accurate financial and profit and loss statement on such business operation.

**ARTICLE XX
HOME OCCUPATION**

40.111 DEFINITION

Any occupation or business use conducted entirely within a dwelling or an accessory structure or both by a resident of the property, and which is clearly incidental to the residential use of the building.

40.112 GENERAL REQUIRMENTS

All home occupations shall comply with the following conditions:

(A) There will be no exterior evidence, other than a permitted sign, to indicate that the building is being used for any purpose other than that of a dwelling or an accessory structure. This does not include cars with company license plates or company logos.

(B) No retail sales or services, other than goods grown, produced or assembled on the premises, shall be conducted on the premises; however, retail sales of products not produced on the premises are permitted when these sales are only incidental to and part of the primary function of the business.

(C) Additional off-street parking will be provided not less than two hundred (200) square feet. If there is a question as to the use and corresponding parking, the Code Enforcement Officer shall make the determination.

(D) The home occupation shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.

(E) There will no outdoor storage of equipment, material or stock.

(F) There will be no storage on the premises of explosives or highly flammable or extremely hazardous materials as defined by the U.S. Environmental Protection Agency.

(G) A full-time resident of the property must conduct the business.

(H) Home occupations located on properties utilizing a common drive shall be required to give notice of home occupation use to adjoining property owners by registered or certified mail. Proof of notification is required.

(I) Any interior structural alterations to accommodate the home occupation will require the issuance of a building permit.

40.113 HOME OCCUPATION WITH NO IMPACT

Home occupations with no impact are a permitted accessory use upon completion of the home occupation form from the office of the Code Enforcement Official. Home occupation owners must comply with the general home occupation standards and the following conditions:

(A) No more than 5 business-related vehicle visits per day at the premises, or no more than 20 per week, whichever is greater, excluding delivery vehicles, are permitted.

(B) Deliveries are only permitted by public or private delivery services that customarily make residential deliveries.

(C) No non-resident employees (full-time or part-time) are permitted to work on the premises.

(D) In R-2 District, no more than 600 square feet of an accessory structure may be used for home occupation purposes.

(E) There is no limit to the amount of square footage that can be utilized within the principal structure provided the home occupation remains incidental to the residential use.

(F) Application fee shall be Ten Dollars (\$10.00).

(G) Occupancy Permit shall be Ten Dollars (\$10.00).

40.114 HOME OCCUPATION WITH MINOR IMPACT

Home occupations with minor impact must obtain a zoning certificate through the Office of the Code Enforcement Officer. Home occupation owners must comply with the general home occupation standards and the following conditions:

(A) No more than 5 business-related vehicle visits per day at the premises, or no more than 20 per week, whichever is greater, excluding delivery vehicles, are permitted.

(C) Deliveries are only permitted by public or private delivery services that customarily make residential deliveries.

(D) Non-resident employees (full-time or part-time) are permitted to work on the premises.

(1) Additional employees may be approved by the Code Enforcement Officer depending on the type of home occupation being conducted.

(F) In R-2 District, no more than 600 square feet of an accessory structure may be used for home occupation purposes.

(G) There is no limit to the amount of square footage that can be utilized within the principal structure provided the home occupation remains incidental to the residential use.

(H) Hours of Operation shall be limited to the hours between of 8 a.m. and 5 p.m.

(I) Application fee shall be Fifteen Dollars (\$15.00).

(J) Occupancy Permit shall be Ten Dollars (\$10.00).

40.115 HOME OCCUPATION NOT CONFORMING TO 40.113 AND 40.114

Any home occupation which does not meet the standards of Section set forth above may be permitted or permitted on a trial basis by the Board by Special Permit, the length of which shall be determined by the Board, provided that it is determined that:

- (A) Excessive traffic shall not be generated, and
- (B) The tranquility of the immediate area shall not be unduly disturbed, and
- (C) The residential character of the site and principal single family structure is not altered.
- (D) Application fee shall be Twenty Dollars (\$20.00).
- (E) Occupancy Permit shall be Ten Dollars (\$10.00).

40.116 HOME OCCUPATION SIGNAGE

(A) In R-2 District, the sign is limited to one (1) at a maximum of 2 feet in width. The sign must be attached to the structure.

**ARTICLE XXI
EFFECTIVE DATE AND PUBLISHING OF CODE**

40.117 EFFECTIVE DATE

The provisions of this Chapter shall be effective beginning on the date of approval and adoption by the City Council.

**ARTICLE XXII
EFFECTIVE DATE AND PUBLISHING OF CODE**

40.118 EFFECTIVE DATE

The provisions of this Chapter shall be effective beginning on the date of approval and adoption by the City Council.

40.119 PUBLISHING OF CODE

This code shall be published within ten (10) days of its enactment as provided by Section 1-2-4 of the Illinois Municipal Code and shall be effective ten (10) days after it is so published.