

## **ARTICLE ONE: GENERAL PROVISIONS**

### **Section 1.1 Short Title**

This Ordinance shall be known and may be cited as the "ZONING AND USE REGULATIONS ORDINANCE, VILLAGE OF TOLONO, ILLINOIS."

### **Section 1.2 Purpose**

The purpose of this Ordinance is to implement the policies of the Comprehensive Plan as adopted from time to time by the Village Board. Specific policies intended to be implemented by this Ordinance include, but are not limited to, the following:

- A. To promote and protect the public health, safety, comfort, and general welfare of the people;
- B. To provide adequate light, air, and ventilation to occupants of structures;
- C. To conserve and protect neighborhood stability and protect property values in the Village;
- D. To maintain and preserve the character of neighborhoods by promoting development that is compatible with adjacent land uses and preventing the encroachment of inappropriate uses in residential areas;
- E. To protect residential areas from the adverse impact from activities of more intense uses;
- F. To provide a balance of land uses and sufficient opportunities for the various demands of residential, commercial, industrial, recreational, conservation, and public uses;
- G. To promote the orderly, safe and sound development of residential, commercial, and industrial areas to facilitate the provision of services;
- H. To promote more efficient use of land and compact development with regulations that allow a creative approach to site planning;
- I. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health and safety;

- J. To preserve key tracts of land with access to highway, rail, and air transportation facilities for commercial and industrial use;
- K. To require adequate off-street parking and loading facilities in order to meet the parking demands of employees, residents, and visitors;
- L. To establish standards so parking and loading facilities are designed to minimize traffic conflicts, promote overall traffic flow, and meet the accessibility needs of all users;
- M. To encourage infill development and the redevelopment of vacant or underutilized parcels;
- N. To facilitate the preservation of sites, areas, and structures of historic, architectural, or cultural significance;
- O. To provide for the gradual elimination of nonconforming uses of land, buildings and structures which adversely affect the existing character and value of desirable development in each district;
- P. To promote use of visual aesthetics through landscaping, design, and overall character of the development as well as to prevent visually disruptive elements visible from public areas;
- Q. To provide incentives to promote a higher quality of development;
- R. To recognize areas of unique character and accommodate those features that contribute to its sense of place;
- S. To allow signage, providing adequate visibility for business identification and to establish sign regulations that avoid the uncontrolled proliferation of signs, that encourage unobtrusive signs, that regulate against potential traffic hazards, and that preserve the attractive character of the Village;
- T. To prevent blighting influences that may contribute to the deterioration of the neighborhood;
- U. To insure that construction is completed in accordance with the restrictions and limitations imposed under this Ordinance;
- V. To allow a variety of housing choices and promote affordable housing opportunities;
- W. To promote unified developments that use land and services more efficiently and are sensitive to the surrounding area;

- X. To prevent the overcrowding of land and undue concentration of structures that may create unsafe public conditions or may over burden the ability to provide services to an area;
- Y. To discourage practices that may threaten air and water quality in the area;
- Z. To encourage development and construction that promote security;
- AA. To aid in traffic control, lessen traffic congestion, and improve traffic safety for all modes of transportation and pedestrian use;
- AB. To limit height, density, and uses that are out of scale with the surrounding uses in order to project visual harmony;
- AC. To promote the maintenance and upkeep of existing properties;
- AD. To minimize the hazards resulting from the accumulation of storm runoff and flood waters;
- AE. To encourage development that is sensitive to environmental impacts on the site and the surrounding community;
- AF. To preserve natural features and provide open space in the community.

### **Section 1.3 Scope of Regulations**

- A. The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided. Wherever the requirements of this Ordinance are at variance with the provisions in another part of a Village ordinance, the most restrictive or that imposing the higher standards, shall govern.
- B. All buildings or structures erected hereafter, all uses of land, buildings or structures established hereafter, all structural alteration, enlargement, or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such building, structure, uses, or land shall be located.
- C. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

- D. No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.
- E. The provisions of this Ordinance are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.
- F. Certain paragraphs in this Ordinance are bracketed by the following characters: “[” and “]”. The language between the brackets is considered a commentary, and is intended to help interpret and explain the Ordinance. It does not represent or replace actual Ordinance language. It does represent the writer’s thoughts and intentions regarding certain requirements of the Ordinance.

**Section 1.4 Separability**

It is hereby declared to be the intention of the Village Board of Tolono that the several provisions of this Ordinance are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance or amendments thereto to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement. To the extent that any portion of this Ordinance judicially is invalidated by a Court of competent jurisdiction, the balance of the Ordinance shall remain in full force and effect to the extent permitted by law.

**Section 1.5 General Prohibitions**

- A. No person shall do or perform any one or more of the following acts except in compliance with the provisions of this Ordinance:
  - 1. Conduct the use or arrangement or relocation of construction of a building, structure, or improvement to land does not conform with that authorized by approved plans.
  - 2. Construct an improvement or conduct a use that is operating without obtaining the appropriate permits or zoning approval.

3. Conduct the use of a building or land that is nonconforming, unless such use has been established in accordance with Article Eleven.
  4. Conduct the use of a building or land which is a conforming use but does not meet the applicable district performance standards, or other requirements of this Ordinance, unless otherwise provided for in Article Eleven.
  5. Conduct the use of the building or land which does not comply with conditions or standards enumerated in a provisional, or special use approval.
  6. Execute the sale, conveyance, or use of any portion of a lot that is sold, conveyed, or used which reduces the following:
    - a. The lot area below the minimum area requirements of this Ordinance.
    - b. The lot area to the extent that the floor area ratio is greater than the maximum permitted by this Ordinance.
    - c. The usable open space areas below the open space ratio and usable open space requirements of this Ordinance.
    - d. The depth or width of a yard to less than the minimum depth or width required by this Ordinance.
    - e. The number and size of parking spaces on the lot is reduced below the minimum number of such spaces required by this Ordinance.
    - f. The subdivision of land was not executed in accordance with the Village's Subdivision Ordinance.
  7. Erect more than one principal structure on one lot.
  8. Have more than one principal use on one lot, unless otherwise provided for in Article Three.
  9. Establish, expand, enlarge, relocate, or change any use of building, structure, or land.
  10. Establish, expand, enlarge, relocate, extend the termination of, or change any nonconforming use.
- B. No person shall violate the provisions of this Ordinance.

## **Section 1.6 Official Zoning Map**

- A. The zoning district boundaries shall be adopted as part of this Ordinance and from time-to-time as provided in this Ordinance. The zoning district boundaries shall be shown on the “Zoning Map, Incorporated Areas” adopted from time-to-time by the Village Board and shall be referred to herein as the “Official Zoning Map”. The Official Zoning Map shall also indicate the locations of all approved planned developments and special uses.
- B. The Official Zoning Map shall be signed and dated by the Village Clerk. All notations, colors, dimensions, references, legends, and symbols shown thereon, shall be part of this Ordinance as if fully described herein, and shall be filed as part of this Ordinance with the Village Clerk.

## **Section 1.7 Annual Zoning Map Update**

- A. At least once annually, no later than December 31 of each year, the Village Board shall authorize the publication of an Official Zoning Map, which shall include any changes affecting district boundary lines or other matter portrayed on the Official Zoning Map, accomplished by amendment to this Ordinance or otherwise, during the last calendar year. Unless otherwise provided in the Ordinance amending the boundaries of any district, the classification of any lot or the regulation of uses within a district, annexation of any land, any change affecting the boundaries or the classification shall be in full force and effect ten days after the adoption of the amendatory Ordinance regardless of whether such a change has yet been incorporated into the Official Zoning Map. Copies of all amendatory ordinances shall be made available for public reference in the offices of the Village. If no changes in the Official Zoning Map have been made within the year, a new map need not be prepared.

## **Section 1.8 Zoning Map Interpretation**

The boundaries of the districts as shown on the Official Zoning Map are generally intended to coincide with the center lines of streets and alleys or with lot lines. If, on the map, the zoning district boundary line of a district:

- A. Approximates the line of a street or alley, the boundary line shall be construed to be the center line of the street or alley.
- B. Approximates the boundary line of a platted lot, the district boundary line shall be construed to be the lot line.

- C. Boundaries indicated as following railroad lines, shall be construed to be the center line of the railroad right-of-way.
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A. through C. above, shall be so construed.
- E. Where a district boundary divides a platted lot or unplatted or unsubdivided property into district parts, the district boundary lines shown on the map shall be determined by the scale appearing on the Official Zoning Map.

Where physical features on the ground are at variance with those shown on the Official Zoning Map, or other circumstances exist not covered by this section, the Zoning Administrator shall interpret the district boundaries.

**END OF ARTICLE ONE.**