

ARTICLE III – GENERAL ZONING REGULATIONS

**40-3-1**      **ESTABLISHMENT OF DISTRICTS.** In order to implement this Code, and to achieve the objectives in Article I, the entire municipality is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>
One & Two Family Residence District	R-1
Multi-Family Residence District	R-2
Mobile Home Residence District	MH
Commercial District	C
Industrial District	I

**40-3-2**      **ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the zoning map of this Village. The zoning map, including all notations and other information thereon, is hereby made a part of this Code by reference. Official copies of the zoning map shall be kept on file in the office of the Zoning Administrator or other appropriate official.

**40-3-3**      **ANNUAL PUBLICATION.** In accordance with State Law, the Administrator shall publish the Village's zoning map not later than **March 31st** of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations. (See 65 ILCS Sec. 5/11-13-19)

**40-3-4**      **DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:

(A)      Where a district boundary as indicated on the zoning map approximately follows the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- |   |                                    |
|---|------------------------------------|
| (1)      Center line of any street,<br>alley or highway | Such centerline.                   |
| (2)      Lot line                                       | Such lot line.                     |
| (3)      Railroad tracks                                | Right-of-way line of<br>such track |

(B)      Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) All territory (including bodies of water) that lies within the zoning jurisdiction of this municipality, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the most restrictive adjoining district.

**40-3-5**      **GENERAL PROHIBITION.** No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code.

(A)      **Agricultural Exemption.** The provisions of this Code shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this Code shall apply to that portion.

**40-3-6**      **UNLISTED USES PROHIBITED.** Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Village Board, following consultation with the Zoning Administrator finds that the unlisted use is similar to and compatible with the listed uses, they may amend this Code in accordance with **Section 40-8-8** to allow such use. The Board's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

**40-3-7**      **TEMPORARY USES.** Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. Applications for temporary use permits shall be treated in the same way as applications for special use permits. A temporary use permit shall be valid for not more than one (1) year unless it is properly renewed (See **Section 40-8-7**).

**40-3-8**      **ONE BUILDING AND ALL YARDS ON ONE LOT.** Except as specifically provided otherwise:

(A) Only one principal building or structure shall be permitted on any residential lot; and

(B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use.

**40-3-9 ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street.

**40-3-10 FRONT SETBACKS - CORNER/THROUGH LOTS.** Every lot with multiple frontages (such as corner or through lots) shall attempt to meet the front setback requirements of the district in which it is located on every side having frontage. Although where applicable, this provision may force a lot to be made unbuildable, then the applicant, upon approval from the Zoning Board of Appeals, shall only meet from setback requirements.

**40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.** Except as specifically provided otherwise, in the Residential zoning district and in the Community Business district, where lots having fifty percent (50%) or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than ten (10) feet, the minimum required front setback on that block shall be the average of the existing front setbacks; provided however, that in any built-up area, no front setback shall be less than fifteen (15) feet, nor shall any front setback greater than fifty (50) feet be required.

**40-3-12 INTRUSIONS INTO YARDS.** Except where principal buildings are commonly attached (for example, in the downtown business area), no part of a principal building on one lot shall be closer than ten (10) feet from any part of a principal building located on an abutting lot. However, so long as this overriding constraint is observed, certain intrusions into required yards are permitted as indicated below:

<u>FEATURES</u>	<u>MAXIMUM INTRUSIONS</u>
(A) Cornices, chimneys, planters or similar architectural features	Two (2) feet. Four (4) feet.
(B) Fire escapes	Six (6) feet.
(C) Patios	
(D) Porches and stoops, if enclosed, and/or unroofed, and at no higher than two (2) steps above ground level	Six (6) feet.

- (E) Balconies, decks, porches
- (F) Canopies, roof overhangs

Four (4) feet.  
Four (4) feet.

**40-3-13**

**EXCEPTION TO HEIGHT LIMITS.**

(A) **Necessary appurtenances.** Chimneys, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the Village.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by the street lines that are **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2) and ten (10) feet** above the level of the adjacent street.

**40-3-14**

**ACCESSORY USES.** An "accessory use" means any structure or

use which is:

- (A) Subordinate in size or purpose to the principal structure or use which it serves;
- (B) Necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served; and
- (C) Located on the same lot as the principal structure or use served.

If an accessory use is attached to the principal structure, it shall be considered part of that principal structure. Roof overhangs on accessory structures not attached to the principal structure shall not encroach more than **two (2) feet** into the required setback distance.

**40-3-15**

**SPECIFICALLY PROHIBITED ACCESSORY USES.** The following accessory uses are strictly prohibited unless expressly permitted in particular zoning district(s):

- (A) Use of an accessory structure as a dwelling.

**40-3-16**

**LIMITATIONS.** See Schedules (Sections 40-3-18 and 40-3-19) for limitations and Schedule listings located at the end of this Code.

**40-3-17**

**SEWERS, SEPTIC TANKS.** In all districts, property owners of all buildings and places where people live, work or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

**Keyesport Village Code**

(A) Whenever the municipal or public sanitary sewerage system is reasonably available, all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the municipal or public sewerage system is not reasonably available, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, (Ill. Comp. Stat., Ch. 225; Sec. 225/1 through 225/23) as now or hereafter amended; and
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as now or hereafter amended; and
- (3) Pertinent, current regulation issued by the Illinois Environmental Protection Agency; and
- (4) Applicable codes and regulations of the Village.

The Administrator shall not issue any temporary certificate of zoning compliance unless he is satisfied that these requirements will be met.

**40-3-18 SCHEDULE: AREA AND BULK REGULATIONS; PARKING REQUIREMENTS.** (See Schedule 14 located at the end of this Code)

(A) To facilitate public understanding of this Code and for the better administration and convenience of use thereof, the regulations limiting the dwelling unit density, the heights, bulk and arrangement of buildings, and requiring minimum off-street parking for each of the districts established by Section 40-3-1 hereof (or specified use), are set forth in Schedule 14 hereof. Such Schedule 14 is hereby adopted and declared to be an integral part of this Code, and it may be amended in the same manner as any other part of this Code.

**40-3-19 SCHEDULE: PERMITTED USES AND ACCESSORY USES; SPECIAL USES; PROHIBITED USES.** (See Schedule 15 located at the end of this Code)

(A) To facilitate public understanding of this Code and for the better administration and convenience of use thereof, the regulations designating permitted uses, permitted accessory uses, special uses and specifically prohibited uses for each of the districts established by Section 40-3-1 hereof, are set forth in Schedule 15 hereof. Such Schedule 15 is intended and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code.

(B) Each column refers to a specific district which lists the permitted uses, permitted accessory uses, special uses and specifically prohibited uses, and are read vertically under a district column.

# Keyesport Village Code

(C) Limitations and requirements in Schedule 15 as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for the district referred to. Where reference is made in Schedule 15 to another section or provision of this Code, such section or provision referred to shall thereby be incorporated as an integral part of the requirements including such reference. All provisions of this Code shall apply as integral parts of this Section although not specifically cited as a column.

(D) Schedule: Permitted Uses; Permitted Accessory Uses; Special Uses; Specifically Prohibited Uses; Use Limitations (See Schedule 15 located at the end of this Code).

ARTICLE IV

SUPPLEMENTARY ZONING REGULATIONS

**40-4-1**      **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail.

**40-4-2**      **CAMPING TRAILERS.** The regulations of this Section do not apply to camping trailers or other similar recreational vehicles parked in a permitted camping trailer park. Permitted camping trailer parks are allowed in the Village of Keyesport as a Recreational Commercial Zoning and under the jurisdiction of the Illinois Department of Public Health and Safety and State law (210 ILCS 95/1,2,3). The requirements of paragraphs (A), (C), and (D) do not apply to camping trailers or other similar recreational vehicles parked on a permitted camping trailer sales lot.

(A)            Not more than one (1) camping trailer or other similar recreational vehicle per dwelling shall be parked on any lot.

(B)            No camping trailer or other similar recreational vehicle shall be used as living quarters (other than in a camping trailer park).

(C)            No camping trailer or other similar recreational vehicle shall be used as an office or for any other commercial purpose.

(D)            No camping trailer or other similar recreational vehicle shall be parked on any front yard, except on a driveway.

**40-4-3**      **FENCES, WALLS.**

(A)            No barbed wire or electrically charged fence, and no sharp-pointed fence less than eight (8) feet high, shall be erected or maintained anywhere in this Village.

(B)            All electrically charged fences are prohibited.

(C)            No fence, wall, or other obstruction shall be erected within any public right-of-way without the written approval of the Zoning Administrator.

(D)            No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code (70 ILCS 605/2-1 through 605/2-12)

(E)            Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See Section 40-3-13(B).) No fence, wall or other obstructions in any required front yard area shall exceed four (4) feet in height or in any required rear or side yard exceed six (6) feet in height.

**40-4-4      FILLING STATIONS.**

- (A) All gasoline pumps and other service facilities shall be located at least twenty-five (25) feet from any street right-of-way line, side lot line, or rear lot line.
- (B) Every access way (curb cut) shall be located at least two hundred (200) feet from any fire station, school, public library, church, park, or playground.
- (C) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

**40-4-5      HOME OCCUPATIONS.** A "home occupation" means any business, profession, or occupation (excluding retail sales, beauty salons, and barber shops) for gain or support entirely within a residential building or on residential premises. Within this Municipality every home occupation shall be considered a special use. No home occupation shall be established except in conformity with the following regulations.

- (A) **Unrelated Employees.** A home occupation shall employ no more than one (1) individual who is unrelated to the family residing on the premises.
- (B) **Floor Space.** The total area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
- (C) **Dwelling Alterations.** In any residential district a principal building shall not be altered—to accommodate a home occupation—in such a way as to materially change the residential character of the building.
- (D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.
- (E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the lot lines.
- (F) **Signs.** A home occupation, being a special use, is subject to conditions established by the Village Board. A sign may be displayed by the home occupation based upon the recommendations and at the discretion of the Village Board. The sign shall be a maximum of three (3) square feet in size and shall not be illuminated or detract from the general character of the neighborhood.

**40-4-6      HOSPITALS, NURSING HOMES.**

- (A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of five (5) acres.
- (B) The lot on which any nursing home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of one and one-half (1.5) acres.

Keyesport Village Code**40-4-7 JUNK YARDS.**

(A) No part of any junk yard--which includes any lot on which any three (3) or more inoperable vehicles are stored--shall be located closer than five hundred (500) feet to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least eight (8) feet high and of sufficient density to block the view from adjacent property.

**40-4-8 SANITARY LANDFILLS.**

(A) All sanitary landfills shall conform to the rules and regulations adopted by the Illinois Pollution Control Board pursuant to Sections 5, 22, and 27 of the Environmental Protection Act and consistent with the policy and purposes expressed in Section 20 thereof. Such rules and regulations contained within "Solid Waste Rules and Regulations", State of Illinois, Environmental Protection Agency.

(B) After the effective date of this Code, no sanitary landfill shall be operated within this Village without having first obtained a permit to operate from the Illinois Environmental Protection Agency.

**40-4-9 SCHOOLS.**

(A) The lot on which any school is situated shall have the minimum area indicated below:

<u>Type of School</u>	<u>Minimum Lot Area</u>
Nursery, Day Care Center	Twenty thousand (20,000) square feet, plus at least one hundred (100) square feet of fenced outdoor play area per child.
Other (elementary, junior high, senior high)	As required by State law (Ill. Comp. Stat., Chap. 105, Sec. 5/35-8) --normally four (4) acres, plus one (1) additional acre for every one hundred fifty (150) students in excess of two hundred (200).

(B) The principal building of any school shall be located at least twenty-five (25) feet from all lot lines.

**40-4-10 SWIMMING POOLS.** Every swimming pool, whether public or private, shall be enclosed by a wall or fence at least six (6) feet in height and must have

a gate that shall be locked when the pool is not in use. An above-the-ground pool, **four (4) feet** or higher, need not have a fence with a gate, so long as the ladder is removed when not in use.

**40-4-11**      **UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A)            Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B)            In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.

(C)            Every such facility shall be screened by close-planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

**40-4-12**      **MOBILE HOMES.** The following requirements are supplementary to the Illinois Mobile Home Parks laws as contained in the Illinois Compiled Statutes and the Rules and Regulations adopted by the Illinois Department of Public Health pursuant thereto.

(A)            **Mobile Homes – Individual.**

(1)            All mobile homes shall be located in mobile home parks or courts.

(2)            Mobile homes shall be utilized only as a dwelling unit for owner or renter occupancy.

(3)            No mobile home shall be brought into or placed anywhere on individual lots within the Residential District.

(4)            (a)           All mobile homes will be required to be skirted and anchored. Specifically, skirted with fire resistant material. Skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home; and

(b)            Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. The anchors shall be firmly

06

attached to straps which extend over the mobile home at each end. The straps shall consist of material capable of stabilizing the dwelling during high winds. Straps shall be firmly attached to the mobile home. Every mobile home shall be securely tied down to anchors.

- (5) All mobile homes shall be connected to all available public utilities in accordance with all requirements for any residential structures in the Village, shall be appropriately skirted, and shall conform to all requirements that are applicable to conventionally constructed dwelling units in the "R" District.
- (6) Existing mobile homes may be replaced provided:
  - (a) It is replaced within **twelve (12) months** of removal of the existing trailer.
  - (b) The replacement mobile home may not be older than **ten (10) years** old.

(B)

**Mobile Home Parks and Courts.**

- (1) After the effective date of this Code, no mobile home park and/or court shall be operated within this Village without having first obtained a permit to operate from the Illinois Department of Public Health.
- (2) Mobile home parks and/or courts shall be permitted by a special use permit only and shall meet the following requirements:
  - (a) shall be located on a tract of land not less than **two (2) acres**.
  - (b) shall contain at least **three (3) mobile homes**.
  - (c) **Minimum Lot Size and Setback Requirements.**  
Individual mobile home spaces shall be considered as lots and shall meet the following requirements:
    - (i) Minimum lot size: 6,000 sq. ft.
    - (ii) Minimum lot depth: 100 ft.
    - (iii) Minimum lot width: 50 ft.
    - (iv) Minimum setback requirements:
      - from front lot line 20 ft.
      - from rear lot line 20 ft.
      - from side lot line 10 ft.
    - (v) Minimum distance to a building on an adjacent lot 16 ft.
  - (d) shall be skirted and anchored as per **Section 40-4-12(A)(4)**.
  - (e) **two (2) off-street parking spaces** shall be provided per mobile home.

- (f) No access way may dead-end except as a cul-de-sac with appropriate turn-around space for emergency vehicles.

**40-4-13**      **PUBLIC BUILDINGS.** In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least **twenty (20)** feet from front and back lot lines and **ten (10)** feet from side lot lines.

(B) In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6)** feet in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25)** feet from any front or side property line.

**40-4-14**      **KENNELS.**

(A) The lot on which any kennel is situated shall have a minimum area of **three (3)** acres.

(B) Every kennel shall be located at least **two hundred (200)** feet from the nearest dwelling, and at least **one hundred (100)** feet from any lot line.

**40-4-15**      **AGRICULTURAL ACTIVITIES.**

(A) **Farm Animals.** The Village of Keyesport has an existing ordinance which prohibits many domestic animals which includes livestock. All agricultural zones areas must conform with existing Village ordinance.

**40-4-16**      **LIGHTING CONTROLS.** Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.

**ARTICLE V**

**SUPPLEMENTARY OFF-STREET PARKING  
AND LOADING REGULATIONS**

**40-5-1**      **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

**40-5-2**      **EXISTING PARKING/LOADING FACILITIES.**  
(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, additional off-street parking and loading facilities need not be provided, but parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such increase in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

**40-5-3**      **PARKING DESIGN AND MAINTENANCE STANDARDS.**  
(A) **Spaces.**

(1) Each required parking space shall be at least ten (10) feet wide and twenty (20) feet long, and shall have at least seven (7) feet of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(2) For multi-family, business and industrial uses, markings shall be laid and restored as often as necessary to clearly delineate each parking space.

(B) **Interior Aisles.** Aisles within parking lots in Business and Industrial Districts shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least twenty-two (22) feet wide. One-way aisles designed for sixty (60) degree parking shall be at least eighteen (18) feet wide.

(C)

Access Way.

- (1) Parking areas in the Business and Industrial Districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- (2) No access way to any parking area shall be located within thirty (30) feet of any corner formed by the intersection of the rights-of-way of two (2) or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.
- (3) The access way to every parking lot located in any business and industrial zoning district shall be at least twenty-four (24) feet wide unless two (2) one-way drives, each twelve (12) feet wide, are provided.
- (4) The access way to every parking area located in any residential zoning district shall be at least ten (10) feet wide; but if the parking area contains more than eight (8) parking spaces or if the access way is longer than one hundred (100) feet, access shall be provided either by one 2-way drive at least twenty (20) feet wide or by two 1-way drives, each at least ten (10) feet wide.

(D)

Lighting. Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable.

**40-5-4** LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

(A)

For Dwellings.

- (1) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
- (2) All parking spaces accessory to permitted non-dwelling uses located in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within two hundred (200) feet of the use served.

(B) Business And Industrial Districts.

- (1) Parking spaces accessory to any dwelling located in any business district shall be located within two hundred (200) feet of the dwelling. Parking spaces accessory to any other conforming use located in any business or industrial district shall be located within five hundred (500) feet of the use served.
- (2) No parking space accessory to any use located in business or industrial district shall be located in any residential district except by special use permit; and in no case shall any such parking areas extend more than five hundred (500) feet into a residential district.
- (3) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

**40-5-5** PARKING SURFACES. All parking areas and parking lots shall be graded and improved with either a compacted stone base at least four (4) inches thick, surfaced with at least two (2) inches of asphalt, or four (4) inches of concrete.

**40-5-6** DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

(A) Size Of Space. Every required off-street loading space shall be at least twelve (12) feet wide and forty-five (45) feet long exclusive of aisle and maneuver space, and shall have vertical clearance of at least fourteen (14) feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) Access Way. Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve (12) feet wide.

(C) Location. Every off-street loading space, whether required or not, shall be located on the same parcel of land as the use served, and not closer than fifty (50) feet to the intersection of the rights-of-way of two (2) or more streets, and not on any required front yard.

**ARTICLE VI**

**NONCONFORMITIES**

**40-6-1**      **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various residential, business, and industrial districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. **The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.** However, the Keyesport Zoning Code recognizes, due to its unique situation of how the Village developed, there exists many irregularly sized and shaped lots. It is not the intent of this Article, to make such lots unbuildable or unlivable.

**40-6-2**      **NONCONFORMING LOTS.** Any vacant lot that does not conform to one or more of the lot size requirements of the district in which it is located may be used in the manner indicated in **Sections 40-6-3 and 40-6-4** if it:

- (A)            is of record on the date of the adoption or amendment of this Code; and
- (B)            has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
- (C)            is at least thirty (30) feet wide.

**40-6-3**      **RESIDENTIAL.** On any such lot located in any district, any permitted structures may be erected, provided all the bulk (see definitions) and setback regulations of the particular district are observed.

**40-6-4**      **OTHER DISTRICTS.** On any such lot located in the business or industrial districts, any structure permitted in the particular district may be erected if the bulk and setback requirements of that district are met.

**40-6-5**      **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If two (2) or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the date of the enactment or amendment of this

Code, and if one (1) or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel for purposes of this Code. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

**40-6-6      NONCONFORMING STRUCTURES.** Any lawful structure which exists on the date of the enactment or amendment of this Code, but which could not be erected under the terms of this Code because of restrictions on lot size, height, setbacks, lot coverage, or other characteristics of the structure, or its location on the lot, may lawfully remain, subject to the following provisions:

(A)      Enlargement, Alterations. No such structure shall be enlarged or altered in any way which increases its nonconformity.

(B)      Relocation. No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C)      Reconstruction. No such structure which is destroyed or damaged by any means shall be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds fifty percent (50%) of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Zoning Administrator determines the estimated cost of reconstruction is less than fifty percent (50%) of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently prosecuted to completion.

A bona fide construction contractor shall make the reconstruction cost estimate, and a licensed real estate appraiser shall determine the structure's market value at the time of loss. The owner of the damaged structure shall be responsible for transmitting these estimates to the Zoning Administrator.

**40-6-7      NONCONFORMING USES OCCUPYING A STRUCTURE.** If any lawful use occupying a structure exists on the date of the enactment or amendment of this Code, but would not be allowed under the terms of this Code, such a use may lawfully continue, subject to the following provisions:

(A)      Maintenance. Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B)      Enlargement, Alteration, Reconstruction, Relocation. No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C)      Extension of Use. No nonconforming use may be extended to any part(s) of the structure not intended or designed to be devoted to such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) Change of Use. A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.

(E) Discontinuance of Use. When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

**40-6-8** NONCONFORMING USE OF LAND. For information specific to mobile homes refer to Section 40-4-12. Any lawful use of land existing on the date of the adoption or amendment of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) Intensification or Extension of Use. A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the date of the adoption or amendment of this Code.

(B) Relocation. No nonconforming use of land shall be moved, in whole or in part, unless, upon relocation, such use will conform to all pertinent regulations of the district in which it will be located.

(C) Change of Use. A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.

(D) Discontinuance. When a nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

**40-6-9** NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of structure or of land for which a permit was issued prior to the enactment of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.