

**VILLAGE OF HOMER
CHAMPAIGN COUNTY, ILLINOIS**

ORDINANCE NO. 091216

**AN ORDINANCE AMENDING THE 2002 ZONING ORDINANCE
OF THE VILLAGE OF HOMER, ILLINOIS**

**Passed by the Board of Trustees and
Approved by the President
of
Village of Homer, Illinois
on September 12, 2016**

**Published in pamphlet form by authority of the President and Board of
Trustees of the Village of Homer, Champaign County, Illinois, this 13th day of
September, 2016.**

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OF THE VILLAGE OF HOMER, ILLINOIS**

WHEREAS, the Village of Homer, a municipality in Champaign County, Illinois, did, pursuant to state law and the Village ordinances and procedures, adopt the 2002 Zoning Ordinance of the Village of Homer, Illinois; and

WHEREAS, the 2002 Zoning Ordinance of the Village of Homer, Illinois, recodified all Zoning Ordinances then existing; and

WHEREAS, said 2002 Zoning Ordinance has been amended from time to time; and

WHEREAS, the President and Board of Trustees have authority to amend the Zoning Ordinance from time to time after due notice and public hearing; and

WHEREAS, the following proposed zoning amendments were the subject of a duly published newspaper notice on August 26, 2016, and a duly conducted public hearing by the President and Board of Trustees, sitting as the Zoning Board of Appeals, there being no appointed Homer Board of Appeals on September 12, 2016; and

WHEREAS, the President and Board of Trustees have determined that it is in the public interest that the following amendments to the 2002 Zoning Ordinance, as earlier amended, be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HOMER, ILLINOIS, AS FOLLOWS:

1. Section 1.02, "Definitions" is hereby amended to read in its entirety as follows:

SECTION 1.2 "DEFINITIONS"

- 1.201 Except where specifically defined herein, all words used in this Ordinance shall carry their customary legal meaning. Words used in the present tense include the future tense, and the plural includes the singular; the word "person" includes a firm, partnership, association or corporation as well as the individual; the word "lot" includes the words "plot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is always mandatory; the word "used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, arranged or designed to be used or occupied".
- 1.202 Accessible means of egress: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.
- 1.203 Accessory building and uses: A structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot.
- 1.204 Addition: An extension or increase in floor area or height of a building or structure.
- 1.205 Agricultural, Building: A structure designed and constructed to house farm implements, hay, grain, poultry, live-stock or other horticultural products. This structure shall not be a place of human habitation or place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
- 1.206 Alley: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
- 1.207 Alteration: Any construction, retrofit or renovations to an existing structure other than repair or addition that requires a permit. Also,

a change in a building, electrical, gas, mechanical or plumbing system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

- 1.208 Assisted living Facilities: A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal services. The occupants are capable of responding to an emergency situation without physical assistance from staff.
- 1.209 Awning: An architectural projection that provides weather protection, identify or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.
- 1.210 Basement: A story that is not a story above grade plane. (See “Story above grade plane”)
- 1.211 Basement wall: The opaque portion of a wall that encloses one side of a basement and has an average below grade wall area that is 50 percent or more of the total opaque and nonopaque area of that enclosing side.
- 1.212 Block Front: All the property on one side of a street between two (2) other adjacent intersecting streets or between an intersecting street and the dead end of a street, measured along the line of the street.
- 1.213 Boarding House (Lodging, Bed & Breakfast): A building other than a hotel where, for compensation, meals or lodging and meals are provided for not more than twelve (12) persons.
- 1.214 Building: A structure or structures that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof, intended for supporting or sheltering any use of occupancy and shall include accessory structures thereto.
- 1.215 Building Height of: The vertical distance from the grade (elevation of curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the

deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

- 1.216 Building, existing: A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.
- 1.217 Ceiling height: The clear vertical distance from the finished floor to the finished ceiling.
- 1.218 Commission: A Planning Commission.
- 1.219 Conditioned area: That area within a building pervaded with heating or cooling systems or appliances capable of maintaining, through design or heat loss or gain, 68° F during the heating season or 80° F during the cooling season, or has a fixed opening directly adjacent to a conditioned area.
- 1.220 District: A section or sections of the Village and all contiguous territory not more than one and one half (1 ½) miles beyond the corporate limits of the Village and not included within any municipality, for which the regulations governing the use of buildings and premises, intensity of use are uniform.
- 1.221 Dwelling: Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
- 1.222 Dwelling, Single-Family: A building designed for use or occupied exclusively by one family.
- 1.223 Dwelling, Two-Family: A building designated for use or occupied exclusively by two (2) families.
- 1.224 Dwelling, Multiple: A building designed for use or occupied by three (3) or more families.
- 1.225 Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- 1.226 Exterior wall: An above-grade wall that defines the exterior boundaries of a building. Includes between-floor spandrels,

peripheral edges of the floors, roof and basement knee walls, dormer walls, gable end walls, walls enclosing a mansard roof and basement walls with an average below-grade wall area that is less than 50 percent of the total opaque and nonopaque area of the enclosing side.

- 1.227 Family: One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises.
- 1.228 Fire lane: A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.
- 1.229 Floor Area: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings but not including cellar, garage or basement space not used for retailing and not including accessory off-street parking or loading space.
- 1.230 Garage, private: An accessory building used for the housing of motor vehicles.
- 1.231 Garage, Public: A garage other than a private garage.
- 1.232 Grade: The finished ground level adjoining the building at all exterior walls.
- 1.233 Habitable space: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable space.
- 1.234 Height, building: The vertical distance from grade plane to the average height of the highest roof surfaces.
- 1.235 Home Occupation: Any occupation which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a dwelling by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than one square foot in area and no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; and in connection with which not more

than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.

- 1.236 Institution: A building occupied by a nonprofit establishment for public use.
- 1.237 Load-bearing wall: A wall supporting any vertical load in addition to its own weight.
- 1.238 Lodging House or Rooming House: A building or place where lodging is provided by prearrangement for definite periods for compensation for three (3) or more, but not exceeding twelve (12) individuals.
- 1.239 Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, and the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street. A tract or parcel of land comprising a lot within the meaning of this Title may consist of 1) a portion of a platted lot; 2) a platted lot; 3) more than one platted lot; 4) an unplatted lot; or 5) any combination of the foregoing.
- 1.240 Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.
- 1.241 Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
- 1.242 Lot line: A line dividing one lot from another or from a street or any public place.
- 1.243 Lot of Record: A lot or parcel of land, the plat, map or deed to which has been recorded in the office of the County Recorder of Champaign County, Illinois, prior to the adoption of said original Zoning Ordinance 4-15-74.
- 1.244 Major Street: A street designated as a major street or master street on the Official Plan.

- 1.245 Motel: A building or group of buildings in which lodging and individual automobile parking space in close proximity are provided for transients traveling by motor vehicle.
- 1.246 Nonbearing wall: A wall supporting no load other than its own weight.
- 1.247 Nonconforming Use: Any building or land lawfully occupied by a use at the time of passage of Zoning Ordinance 4-15-74 and all amendments hereto which does not conform with the use regulations of the district within which it is located.
- 1.248 Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.
- 1.249 Parking Space: A surface area, enclosed or unenclosed, sufficient in size to store one automobile (not less than nine (9) feet wide and twenty (20) feet long) connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.
- 1.250 Permanent swimming pool: A cement, tile, or heavy plastic pool above or below ground structure that stays up all year around.
- 1.251 Permit: An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.
- 1.252 Plat, Lot: A map, plan or layout of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this Ordinance.
- 1.253 Premises: A lot or tract of land together with all buildings and structures thereon.
- 1.254 Shall: The term, where used in the code, is construed as mandatory.
- 1.255 Sign: Any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any letter, word model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not

include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant or insignia any nation or association or nations, or of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

- 1.256 Sign Area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building or part of the roof, shall not be included in the sign area.
- 1.257 Special Use: A use which may be permitted in a district pursuant to, and in compliance with, procedures specified herein.
- 1.258 Stair: A change in elevation, consisting of one or more risers.
- 1.259 Stairway: One or more flights of stairs, either interior or exterior, with the necessary landings and connecting platforms to form a continuous and uninterrupted passage from one level to another within or attached to a building, porch or deck.
- 1.260 Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
- 1.261 Story above grade plane: Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is either of the following:
1. More than 6 feet above grade plane.
 2. More than 12 feet above the finished ground level at any point.
- 1.262 Story, Half: A space under a sloping roof which has a line of intersection of roof decking and wall space not more than three feet (3') above the top floor level, and in which space not more than sixty percent (60%) of the floor area is habitable.

- 1.263 Street: Any public or private way set aside as a permanent right-of-way for street purposes.
- 1.264 Street line: A dividing line between a lot, tract or parcel of land and contiguous street.
- 1.265 Structural Alterations: Construction in a building which may change any supporting members, such as bearing walls or nonbearing walls, columns, beams or grinders, floor joists, or any substantial change in the roof or in the exterior walls, or movement from one location or position to another, but does not increase the overall area of dimensions of the building.
- 1.266 Structure: Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures included buildings, walls, fences, billboards and signs.
- 1.267 Townhouse: a single-family dwelling unit constructed in a group of three or more attached units in which unit extends from foundation to roof and with a yard or public way on not less than two sides. Is limited to three stories and each unit must have independent egress to the exterior and cannot be stacked.
- 1.268 Yard: An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and main building.
- 1.269 Yard, Front: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 1.270 Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.
- 1.271 Yard, Side: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear lot line and

being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.

- 1.272 Zero lot line: The location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.
- 1.273 Zero lot line development: A development of single-family detached structures where the location of each building on a lot is situated in such a manner that one or more of the buildings is located without any setback from the lot line.

2. Section 1.802, "Building Permits", is hereby amended to read in its entirety as follows:

SECTION 1.802 "BUILDING PERMITS."

A. Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, move, demolish or change the occupancy of a building structure, shall first make application to the Zoning Commissioner and obtain the required permit.

B. Work exempt from permit.

- 1. Sidewalks and driveways that are being replaced or repaired in kind(same or similar material).
- 2. Temporary, prefabricated swimming pools.
- 3. Swings and other playground equipment.
- 4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting surcharge.
- 5. Painting, siding, roofing, installing gutters or anything cosmetic to a single or two-family dwelling, accessory structure or commercial building.

C. Application. Applications shall be submitted in such form so that the Zoning Commissioner may review it. The application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its authorized agent. The application shall describe briefly the proposed work and shall give additional information as may be required by the Zoning Commissioner for an understanding of the proposed work, estimated building cost and describe the uses to be

established or expanded. Other items along with application shall include:

1. Plans - approximately to scale.
 - a. Address
 - b. The size, shape, and locations of the use to be established in the structure or accessory structure to be constructed.
 - c. Construction cost of the building or item being applied for.
 - d. New one and two-family dwellings. Plans shall reference the (815 ILCS 670/) Illinois Residential Building Code act. The plans shall indicate which municipal residential building code or county residential building code within 100 miles of the location of the new home it plans to construct to.
 - e. Include any accessory structure or use established or constructed at the same time, the main or principal structure or main principal use established or constructed.
 - f. Each building permit for a main or principal structure or main principal use shall also cover any accessory structure or accessory use established or constructed at the same lot or tract of land.
 - g. The water supply and sewage disposal facilities, if any new construction will affect the design and layout of permanent underground facilities outside of the existing building floor plan.
 - h. Other information that may be necessary to provide for the proper administration and enforcement of this Ordinance.
 - i. Townhouses. New townhouses must follow the Illinois Department of Professional Regulation under the Illinois Architecture Practice Act. An Architect seal and a signature must be included on the plans and include how the separation between the zero lot line meets the proper rating for Townhouses. Plans shall reference the (815 ILCS 670/) Illinois Residential Building Code act.
 - j. Multi-family and all other commercial buildings. New, alterations, additions and change of occupancy shall meet the Illinois Department of Professional Regulation under the Illinois Architecture Practice Act. An Architect seal and a signature must be included on the plans. Also shall meet the Illinois General Assembly Act 096-0704 on only new building structures.
 - k. A permanent swimming pool and a temporary prefabricated pool 24" or more in depth. The homeowner or owner of the property shall provide one of the following:
 1. The ladder or steps shall be capable of being secured, locked or removed to prevent access.

- 2. A barrier shall be 48 inches above grade and all access gates shall be accommodated with a locking device and self-latching device.
- 3. A powered safety cover in compliance with ASTM INTERNATIONAL F1346.

- 2. Site plan – approximately to scale.
 - a. The actual dimensions of the lot to be built upon.
 - b. The size, shape and location of all existing structures, accessory use structures and uses on the lot.

- D. Expiration of Building Permit. A permit shall expire if the work covered by the permit is not completed within the following period.
- 1. One and two-family dwellings, multifamily, townhouses and all other commercial building permits – 1 year from the date of permit issuance.
 - 2. All other permits – 90 days from the date of permit issuance.

E. Extension of permits. The Zoning Commissioner is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

3. Section 1.804 “Fees” is hereby amended to read in its entirety as follows:

SECTION 1.804 “FEES”.

Special use requests -	\$50.00
Variances -	\$50.00
New Permanent (asphalt or concrete) driveway extensions -	\$25.00
Building permit with Building compliance certificate:	
House -Residential	\$150.00
Addition	\$ 50.00
Garage	\$ 50.00
Accessory structure under 120sq ft	\$
25.00	
Accessory structure over 120sq ft or higher	\$
50.00	
Commercial per thousand dollar cost of structure (minimum fee \$250.00)	\$ 2.00
Fence	\$ 15.00
Pools	\$ 10.00

4. Except as herein provided, all provisions of said 2002 Zoning Ordinance, as heretofore amended, shall remain in full force and effect.
5. If any provision of this 2016 Amendatory Ordinance is determined to be invalid or unenforceable by a court, then the other provisions of this 2016 Amendatory Ordinance shall remain in full force and effect, unless the finding of invalidity requires otherwise.
6. The provisions of this Ordinance shall be effective upon its passage, approval and publication in pamphlet form pursuant to law.

PRESENTED, PASSED, APPROVED, AND ADOPTED by the President and Trustees of the Village of Homer, Illinois, at a duly conducted meeting thereof this 12th day of September, 2016.

APPROVED:

Raymond K. Cunningham, Jr.
President of the Board of Trustees

ATTEST:

Sharon Jeffers
Village Clerk

VOTING ON SAID ORDINANCE NO. 091216

Trustee	Aye	Nay
Charles Montgomery, Trustee	_____	_____
Guy James, Trustee	_____	_____
Kevin Knott, Trustee	_____	_____
Mike Johnson, Trustee	_____	_____
Roy Woodmansee, Trustee	_____	_____
Zach Wells, Trustee	_____	_____
Raymond K. Cunningham, Jr., President	_____	_____

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

CERTIFICATE

I, Sharon Jeffers, certify that I am the duly appointed and acting municipal clerk of the Village of Homer, Champaign County Illinois.

I further certify that on September 12, 2016, the Corporate Authorities of such municipality passed and approved Ordinance No. 091216 entitled:

**AN ORDINANCE AMENDING THE 2002 ZONING ORDINANCE
OF THE VILLAGE OF HOMER, ILLINOIS**

I further certify that the attached copy of said ordinance is a true and correct copy of said ordinances, as appears from the records of the Village of Homer, Illinois.

The pamphlet form of Ordinance No. 091216, including the Ordinance and a cover sheet thereof was prepared, a copy of such ordinance was posted in the municipal building, commencing on September 13, 2016, and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Homer, Illinois, this 23rd day of September, 2016.

Sharon Jeffers
Village Clerk
Village of Homer, Illinois