

- B. Interpretation Of Uses Listed In Definitions: Nothing contained in Section 9A-1-1 of this Title shall be construed to be a listing of permitted or special uses; uses which are contained among the several definitions are not necessarily found within any of the particular sections devoted to permitted or special uses, and to the extent that such uses are defined but not found in any particular section devoted to permitted or special use, such defined use shall be expressly prohibited.
- C. Interpretation Of Use Lists: The Village Board may allow land uses (permitted or special) which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such unlisted uses shall not be approved by the Village Board until an application for such use has been received and approved by the Plan Commission and the Plan Commission submits a written recommendation to such application to the Village Board. The Village Board upon taking final action on the request may accept, modify or reject the Plan Commission recommendation. All uses which are not listed but which have been approved by the Village Board shall be added by ordinance to the appropriate use list at the time of periodic updating and revision of this Chapter. Provided, further, that in the case of a special use all hearing and notice requirements pertaining to special uses under this Title must be followed. (Ord. 90-0-18, 8-9-1990)

CHAPTER 4 RESIDENTIAL DISTRICTS

9A-4-1: R-1 RESIDENCE DISTRICT:

A. Permitted Uses; Accessory Buildings And Uses; Special Uses:

1. Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the R-1 residence district for any purpose other than the following and the accessory uses and special uses set forth in subsections A2 and A3 of this section:

Home occupations as defined in section 9A-1-1 of this title.

One single-family detached dwelling per lot.

2. Subject to the area requirements set forth below, only one each of the following buildings or structures shall be permitted as accessory uses within the R-1 residence district:

Automobile garages.

Children's playhouses and play equipment.

Gazebos and similar structures.

Private basketball and tennis courts.

Private greenhouses.

Private swimming pools for the use of the lot owners and their guests.

Sheds, tool houses or similar nonresidential buildings customarily incidental to the residential use of the principal structure.

Storm water detention facilities and ponds not used for recreational purposes.

3. Only the following special uses may be allowed within the R-1 residence district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-1 of this title.

Religious institutions and their accessory uses.

The following educational institutions: public and private elementary and high schools.

The following public service facilities:

a. Fire and police station.

b. Municipal administration buildings, excluding public works garage or storage facilities.

c. Storm water detention and retention facilities.

d. Public parks or playgrounds.

e. Public libraries. (Ord. 19-O-2004, 7-8-2004)

B. Uses Expressly Prohibited: No person shall keep or maintain in an R-1 district any livestock animal whose usual habitat is outside a residence, including, but not limited to, horses, cattle, sheep, pigs, goats and the like. (Ord. 83-0-7, 7-14-1983)

C. Height: No building shall hereafter be erected or altered to exceed thirty five feet (35') in height, or two (2) stories.

D. Area:

1. Rear Yard: There shall be a rear yard having a depth of not less than fifteen percent (15%) of the depth of the lot, provided such rear yard be not less than fifteen feet (15'), and need not exceed twenty five feet (25') in depth.

2. Side Yard: There shall be a side yard on each side of the building having a width of not less than fifteen percent (15%) of the width of the lot, provided no side yard be less than seven feet and six inches (7' 6") in width. (Ordinance 13-O-2008) 4-24-08.

3. Setback: The setback line shall be thirty feet (30') from the front lot line. (Ord. 86-0-17, 8-28-1986)

E. Intensity Of Use Of Lot: No building with its accessory buildings shall occupy in excess of sixty percent (60%) of the area of an interior lot, nor in excess of seventy five percent (75%) of the area of a corner lot. (Ord., 1-9-1964)

F. Minimum Lot Size: No lot within the R-1 residence district shall contain less than:

1. Except as provided in subsection F2 of this section, nine thousand (9,000) square feet in area;

2. Any subdivided lot of record, which subdivided lot of record existed on or before January 9, 1964, shall only be required to have a minimum seven thousand five hundred (7,500) square feet in area;

3. A minimum frontage of sixty five feet (65'), except when:

a. Two (2) subdivided lots of record as of October 18, 1994, with each of said lots containing a minimum twenty five feet (25') of frontage, are combined to create one lot with a minimum frontage of fifty feet (50'); or

b. A subdivided lot of record, which existed as of October 18, 1994, contains a minimum frontage of fifty feet (50'), but less than sixty five feet (65'); and

4. Minimum lot depth of one hundred feet (100'). (Ord. 97-0-1, 1-9-1997)

G. Limitations On Accessory Structures:

1. No detached garage shall:

a. Exceed a height of fifteen feet (15') measured at the highest point of the garage;

b. Incorporate the use of gambrel or mansard roofs; or

c. Contain an interior floor area in excess of six hundred fifty (650) square feet for a two (2) car garage or in excess of eight hundred fifty (850) square feet for a three (3) car garage.

2. No decks shall:

a. Extend into any front yard beyond the main building;

- b. Extend into any required side yard; or
- c. Extend into an easement. (Ord. 94-0-3, 2-24-1994)

9A-4-2: R-2 RESIDENCE DISTRICT:

A. Permitted Uses; Special Uses:

1. Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the R-2 residence district for any purpose other than the following and the special uses set forth in subsection A2 of this section:

Apartment buildings containing two (2) or more dwelling units, provided that each such dwelling unit shall contain a minimum eight hundred (800) square feet of living space.

2. Only the following special uses may be allowed within the R-2 residence district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-1 of this title.

Religious institutions and their accessory uses.

The following educational institutions: public and private elementary and high schools.

The following public service facilities:

- a. Fire and police stations.
- b. Municipal administration buildings, excluding public works garage or storage facilities.
- c. Storm water detention and retention facilities.
- d. Public parks or playgrounds.
- e. Public libraries. (Ord. 19-O-2004, 7-8-2004)

B. Uses Expressly Prohibited: No person shall keep or maintain in an R-2 district any livestock animal whose usual habitat is outside a residence, including, but not limited to, horses, cattle, sheep, pigs, goats and the like. (Ord. 83-0-7, 7-14-1983)

C. Height: No building hereafter erected or altered shall exceed thirty five feet (35') in height or two (2) stories.

D. Area: