

Ordinance No. 233.04
Mendon Village - Mendon, IL

BE IT ORDAINED by the President of the Board of Trustees and the Board of Trustees of the Village of Mendon, Illinois as follow:

Section 1. The Ordinance entitle "An Ordinance Regulating Minimum Lot Size" passed by the Board of Trustees of the Village of Mendon on May 18, 1976, known as Ordinance 233, is hereby repealed and vacated and there is substituted the following:

Section 2. No lot within the Village of Mendon, Illinois shall hereafter be subdivided in such a manner so as not to meet the provisions of this ordinance.

Section 3. Any person hereafter subdividing any piece or parcel of land, block, lot or sub-lot or any part thereof in the Village of Mendon shall make a map or plat thereof, and before recording the same in the Recorder's Office of Adams County, Illinois shall submit it with a duplicate thereof, to the Board of Trustees of the Village for approval or rejection. If approved, such approval shall be certified thereon, and signed by the President of the Board of Trustees and attested by the Clerk; and no such map or plat shall be valid or entitled to record until it shall have been approved as aforesaid. No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given, until such subdivision has been formally approved.

Section 4. The Village Board of Trustees is authorized in specific cases to grant a variation from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hard-ship. A variation from the terms of this ordinance shall not be granted by the village Board of Trustees unless and until:

- (a) A written application for a variation is submitted demonstrating:

- (1) That special conditions and circumstances exist which are peculiar to the lot and which are not applicable to other lots in the village;
 - (2) That literal interpretation of the provisions of this ordinance would deprive the application of rights commonly enjoyed by other properties under the terms of this ordinance;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;
 - (4) That granting the variation requested will not confer on the applicant any special privilege that is denied by this ordinance to other lots or properties.
- (b) No variation of this ordinance shall be made by the Village Board of Trustees except after a public hearing before the Village Board of Trustees of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one (1) or more newspapers with a general circulation with the village. The notice shall contain the particular location for which the variation is requested as well as a brief statement of what the proposed variation consists.
- (c) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- (d) The Village Board of Trustees shall make findings that the requirements of Section 3(a) have been met by the applicant for a variation.
- (e) The Village Board of Trustees shall further make a finding that the reasons set forth in the application justify the granting of the variation, and that the variation is the minimum variation that will make possible the reasonable use of the lot or property.
- (f) The Village Board of Trustees shall further make a finding that the granting of the variation will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (g) In granting any variation, the Village Board of Trustees may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made apart of the terms under which the variation is granted, shall be deemed a violation of this ordinance and punishable under Section 7 of this ordinance.

Section 5. Within the village there exist lots which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconforming lots to continue. A structure may be erected on any single lot of record at the effective date or adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both. If two or more lots or combinations of lots and portions of lots, with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Section 6. Minimum area requirements.

(a) Lot:

Minimum area	10,000 square feet
Minimum width at building line	80 feet

(b) Minimum Yards - Residential:

Front	25 feet
Rear	10 feet
Side from roof eve	10 feet

(c) Minimum Yards - Non-residential:

Front	25 feet
Rear	10 feet
Side	15 feet

If in *existing commercial, less side yard and less front yard.

*in existing non-residential areas, the side yards and front yard may be the same as the side yard and front yard of the adjacent non-residential property.

Section 7. The regulations and restrictions set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed.

Section 8. Violation of the provisions of the ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variations) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner or tenant of any lot or property, or part thereof, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 9. For the purpose of interpreting this ordinance, certain terms are defined as follows:

Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Lot: For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- (d) A parcel of land described by metes and bounds; provided that in no

case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Measurements:

- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the area.
- (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirement shall not apply.

Lot of Record:

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot

Types:

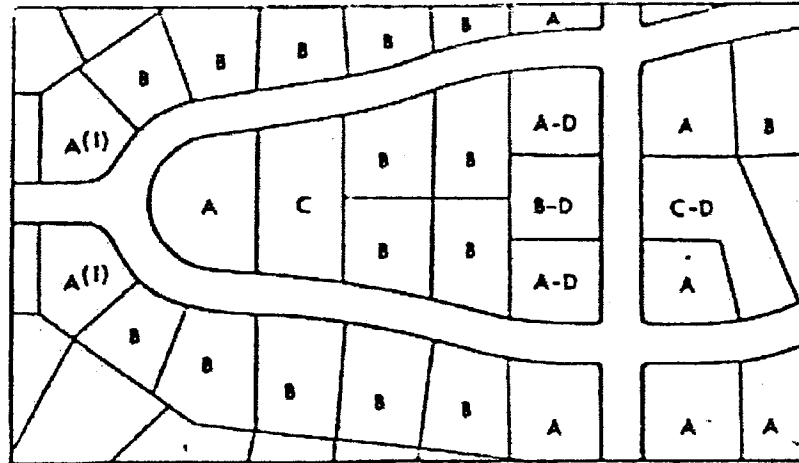


FIGURE 1

The diagram above (Figure 1) illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:

In the diagram,

a= corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A in the diagram.

b= interior lot, defined as a lot other than a corner lot with only one frontage on a street.

c= through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

d= reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (a-d in the diagram), an interior lot (b-d) or a through lot (c-d).

Variation: A variation is a relaxation of the terms of the ordinance where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variation is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variation nor shall a variation be granted because of the presence of non-conformities in other areas of the village.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard Front: is a yard extending between side lot lines across the front of a lot adjoining a public street. In the case of through lots, unless the prevailing front yard pattern on the adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lots is not in keeping with the prevailing yard pattern the village may waive the requirements for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of the corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In case of corner lots with more than two frontages, the village shall determine the front yard requirements, subject to the following limitations:

- (1) At least one front yard shall be provided having the full depth required generally in the village
- (2) No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

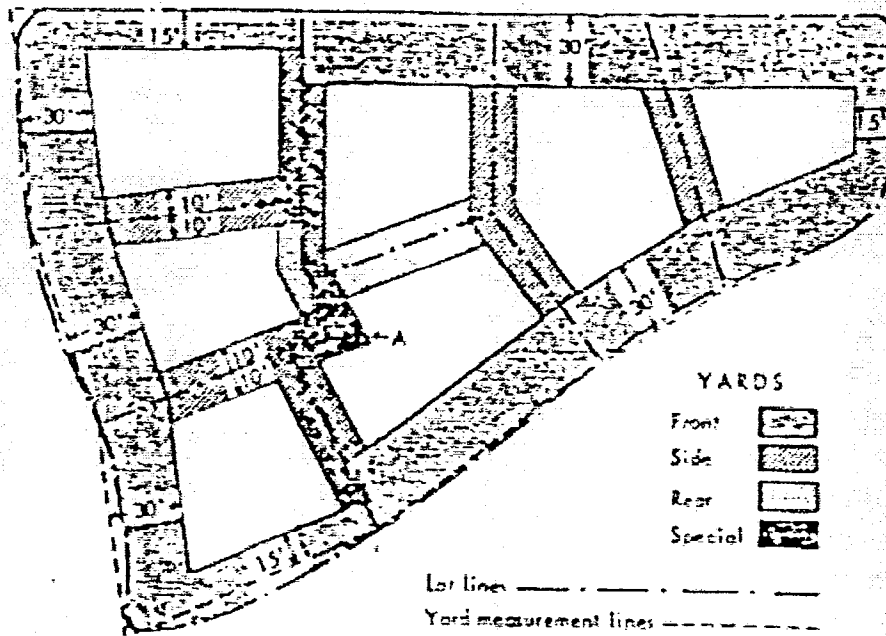
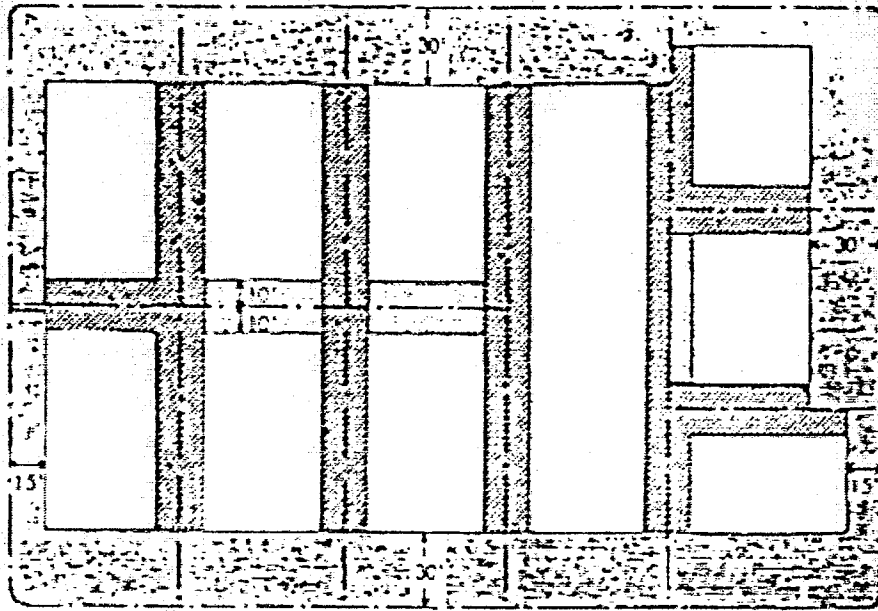
Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that

the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Special: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the village shall required a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located on the adjoining lot or lots, with due regard to the orientation and location of structures and build able areas thereon.

The diagram (figure 2 on next page) illustrates location and methods of measuring yards on rectangular and non-rectangular lots.



The illustration here assumes front yard depths required at 30 ft. (half-depth front yards 15) side yard widths 10 ft., and rear yard depths 10 ft. Note that at A, a special yard is shown, indicating treatment where usual side or rear yard terminology would be difficult to apply but purpose of the yard is clear.

LOCATION AND MEASUREMENT OF YARDS ON LOTS

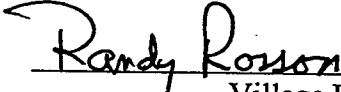
FIGURE 2

Section 10: Should any section, clause, or provision of this ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 11: This ordinance may be published in pamphlet form.

Passed this 5th Day of April, 2004.

Approved: April 5th, 2004.



Village President

ATTEST:



Village Clerk