

City of Loves Park Illinois



Zoning Ordinance
Adopted August 24, 1998
with amendments through November 30, 2011

**Loves Park Community Development
Department
100 Heart Boulevard
Loves Park, Illinois 61111**

Chapter 102
ZONING*

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ARTICLE I. IN GENERAL

Sec. 102-1. Objectives

This chapter is adopted to protect and to promote the public health, safety, morals, peace, comfort, convenience, prosperity and general welfare. More specifically, this chapter is adopted in order to achieve the following objectives:

1. To implement the policies and proposals of the city area comprehensive plan adopted by the city council.
2. To divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, commercial, industrial and other specified uses, thereby providing a framework upon which the community can develop in a very orderly manner.
3. To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.
4. To prevent additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed under this chapter.
5. To prevent the overcrowding of land and undue construction of structures so far as possible and appropriate in each district by regulating the use and bulk of buildings in relation to land surrounding them.
6. To promote the public health, safety, morals, comfort, peace and general welfare of the people by the regulation of land uses as appropriately deemed necessary to limit congestion on the public streets and traffic and pedestrian conflicts.
7. To minimize bodily harm to the person and damage to personal property or chattels by fire, explosion, toxic fumes and other hazards.
8. To apply the zoning district in such a manner as to stabilize established residential, commercial, or industrial areas thereby preventing intrusion of incompatible or nuisance uses and encouraging the reconstruction of and the rehabilitation of areas by property owners with uses permitted within the district.

(Ord. No. 795, § 100, 5-13-74; Ord. No. 2987-03 § 1, 4-28-03)

Sec. 102-2. Nature of chapter.

This chapter shall consist of a zoning map designating certain districts and a set of regulations controlling the uses of land; the density of population; the uses and locations of structures; the height and bulk of structures; the open spaces about structures; the appearance of certain uses and structures; the areas and dimensions of sites; and the location, size and illumination of signs and requiring the provision of usable open space, screening and landscaping, and off-street parking and off-street loading facilities.

(Ord. No. 795, § 101, 5-13-74)

Sec. 102-3. Interpretation.

- (a) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. No provision of this chapter is intended to repeal, abrogate, annul, impair or interfere with any existing ordinance of the city, except as is specifically repealed in this chapter, provided that where this chapter imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures, or greater areas of dimensions of sites than is imposed or required by an existing ordinance, this chapter shall control.
- (b) This chapter is not intended to abrogate, annul, impair or interfere with any easement, or other agreement between parties, provided that where this chapter imposes a greater restriction on the use of land or structures or greater areas or dimensions of sites than is imposed or required by deed restriction, covenant, easement or other agreement, this chapter shall control.

(Ord. No. 795, § 102, 5-13-74)

Sec. 102-4. Application.

This chapter shall apply to all property except railroad rights-of-way, underground utility lines and facilities, telephone cable and supporting poles, and electric distribution lines excluding transmission lines, whether owned by private persons, firms, corporations, or organizations; by the United States of America or any of its agencies; by the state or any of its agencies or political subdivisions; by any city or county, including this city or any of its agencies; or by any authority or district organized under the laws of the state.

(Ord. No. 795, § 103, 5-13-74)

Sec. 102-5. Establishment of districts.

In order to carry out the purposes of this chapter, the following districts are established:

1. RU Rural-urban residential district;
2. R1 One-family residential district;
3. R2 Two-family residential district;
4. R3 Multiple-family residential district;
5. R3A Four family residential district;
6. R4 Multiple-family residential district;
7. CN Neighborhood commercial district;
8. CR Retail commercial district;
9. CO Commercial office district;
10. CG General commercial district;
11. IL Light industrial district;
12. IH Heavy industrial district; and
13. IG General industrial district.

(Ord. No. 795, § 104, 5-13-74)

Sec. 102-6. District boundaries.

Whenever any uncertainty exists as to the boundary of a district as shown on the zoning maps, the following regulations shall control:

1. Where a boundary line is indicated as following a street, alley or watercourse, it shall be construed as following the centerline thereof.
2. Where a boundary line follows or coincides approximately with a lot line or property ownership line, it shall be construed as following the lot line or property ownership line.
3. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.
4. Where further uncertainty exists, the zoning board of appeals, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of this chapter and the purposes set forth in the district regulations.

(Ord. No. 795, § 105, 5-13-74)

Sec. 102-7. Conformity required.

1. No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the district in which the site or structure is located.

2. No structure shall be erected and no existing structure of use shall be moved, altered, or enlarged except in conformity with the regulations for the district in which the structure or use is located.
3. No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.
4. No yard, court, or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for the district in which the yard, court, or open space is located.
5. No site held in one ownership as of May 13, 1974, or any time thereafter shall be reduced in any manner below the minimum area, frontage, width or depth prescribed for the district in which the site is located.
6. All nonconforming uses shall be governed by the provisions of division 2 of article II of this chapter.

(Ord No. 795 § 106, 5-13-74)

Sec. 102-8. Intent regarding severability.

It is hereby declared to be the intention of the city that the provisions of this chapter are separable in accordance with the following:

1. If any court of competent jurisdiction shall declare any provision of this chapter to be invalid, such ruling shall not affect any other provision of this chapter not specifically included in the ruling.
2. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular property, building or other structure, such ruling shall not affect the application of such provision to any other property, building or structure not specifically included in the ruling.

(Ord. No. 795, § 1700, 5-13-74)

Sec. 102-9. Definitions

- (a) For the purposes of this chapter, certain words and terms used in this chapter are defined as follows:

All words in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all words in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise; the word "shall" is mandatory and not discretionary.

Abandonment means a voluntary action to give up one's rights or interest in property.

Accessory building and/or accessory structure means one which:

1. Is subordinate to and serves a principal building or principal use served.
2. Is subordinate in area, extent or purpose to the principal building or principal use served.
3. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
4. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Accessory use means and includes, and is limited to the following:

1. A child's playhouse, garden house and private greenhouse.
2. A garage, carport, shed or building for domestic storage.
3. Incinerators incidental to residential use.

4. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
5. Storage of goods used in or produced by manufacturing activities, unless such storage is excluded by the district regulations.
6. A non-paying guesthouse or rooms for guests with an accessory building, provided such facilities are used for the occasional housing of guests of the occupant of the principal building and not for permanent occupancy.
7. Servants' quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his/her family) of the occupants of the principal dwelling.
8. Swimming pool, private, for use by the occupant and his/her guests.
9. Off-street motorcar parking areas, and loading and unloading facilities.
10. Signs, other than advertising signs, as permitted and regulated in each district incorporated in this chapter.
11. Public utilities facilities; Telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

Adult cabaret means any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:

1. Persons who appear nude or semi-nude;
2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
3. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

Advertising device means an advertising sign, billboard, or poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such advertising device is located or to which it is affixed, but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Alley means a public way used as a secondary means for vehicular access to the rear or side of properties otherwise abutting on a street.

Apartment means a room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

Arterial street means a public street designed to provide primary access to and through an area carrying large amounts of through traffic and normally controlled by traffic signs, signals, and/or limited access.

Automobile repair, major means engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and painting of vehicles.

Automobile repair, minor means incidental repairs, replacement of minor parts and motor service to automobiles, but not including any operation specified under the definition of *Automobile repair, major*.

Automobile service station means a place where gasoline, stored only in underground tanks, kerosene, lubricating oil, or grease, for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles; but not including major automobile repairs; and including washing of automobiles where not chain conveyor, blower or steam-cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of an automobile

service station, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers, new or used.

Automobile wrecking yard means any place where motor vehicles, not in running condition or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise.

Automobiles and trailer sales area means an open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Basement means a portion of a building or structure partly underground designed for human occupancy. A basement shall be counted as a story for purposes of height measurement.

Best management practices, Stormwater management means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. Best management practices also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Also referred to as “BMPs.”

Block means a tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

Boardinghouse means a building other than a hotel or restaurant where meals are provided for compensation to not more than four guests who are not members of the keeper’s family.

Boulevard means a street with a landscaped median, generally serving as an arterial or collector street.

Brick material means brick material that is used for masonry construction shall meet the following guidelines: be hard fired (kiln fired) clay, calcium silicate (sand/lime), shale or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. No unfired or under fired brick shall be permitted.

Buildable area means the space remaining on a lot after the minimum open space, yards and setback requirements of this chapter have been complied with.

Building means any structure having a roof supported by columns or walls for the sheltering or enclosure of persons, animals, chattels or property of any kind. Any structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered as buildings.

Building elevation means an architectural plan drawn to a recognized scale showing the dimensions, materials, colors, and attachments on all exterior walls of a proposed building.

Building height means the vertical distance measured from the grade to the roof of the structure exclusive of architectural appurtenances.

Building setback line means a line parallel to the street line at a distance from it, regulated by the setback requirements set up in this chapter.

Bulk means the size and setbacks of buildings or structures, and location of same with respect to one another and includes the following:

1. Size and height of buildings.
2. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
3. Gross floor area of buildings in relation to lot area (floor area ratio);
4. All open space uses allocated to the buildings;

5. Amount of lot area per dwelling unit; and

6. Required parking areas.

Child care facility means any facility designed for the care of preschool or school-age children which meets the requirements and criteria for licensing set forth in the various standards for such facilities issued by the state department of children and family services.

Clinic, medical or dental means a building or complex in which an organization of physicians or dentists, or both, work cooperatively and have their offices in a common building. A clinic shall not include inpatient care.

Club or lodge, private means a non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or portion, thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room, and provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and city laws.

Collector street means a public street designed to disperse traffic in an area, collect traffic from minor streets, and carry moderate amounts of traffic with or without access controls.

Commercial establishment means any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

Commercial or business use means a commercial or business shall include any of the uses as permitted by the commercial district; however, any building primarily used for any of the enumerated uses may not have more than 40 percent of the floor area devoted to storage or purposes incidental to such primary use.

Comprehensive plan means the plan for the physical development of the City, adopted by the City pursuant to Illinois Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities

Concrete masonry units means concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Loadbearing Concrete Masonry Units (hollow and solid); ASTM C129, Standard Specification for Nonloadbearing Units (hollow and solid). Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish, integrally colored, subject to approval by Loves Park Community Development Department. Concrete masonry units shall be prohibited in any residential building or structure as an exterior finish.

Concrete panel construction means concrete panel construction used for masonry construction shall be concrete finish, pre-cast panel or tilt wall construction, fluted, or exposed aggregate. Other architectural concrete finishes that incorporate the use of striping, accenting, trim, cornices, fenestration, banding or any concrete finish architectural techniques used to create aesthetic appeal that are comparable to the aforementioned, will be subject to approval by Loves Park Community Development Department. Concrete panel construction shall be prohibited for use in any residential building or structure as an exterior finish.

Curb bulb-out means an extension of a curb and sidewalk into the roadway used to decrease the length of a pedestrian crossing.

Density means a term used to describe the number of dwelling units per acre of land within a development, but not necessarily the size of individual lots.

District means an area or section of the city within which certain uniform regulations and requirements of various combinations thereof apply under provisions of this chapter.

Drive-in restaurant means any establishment where food, frozen dessert, and/or beverages are sold to customers for consumption in an automobile parked upon the premises.

Drive-in type use means sales or service use which offers goods or services to customers waiting in parked vehicles, such as, but not limited to, drive-in restaurants, drive-in banks, and automated car washes. Such uses have a tendency to create numerous vehicular conflict points thereby increasing potential traffic hazards. This chapter specifically defines such uses with the intent of limiting their location to areas with adequate road accessibility and with a minimum of traffic conflict.

Driveway means a hard-surfaced, dust-free area used for direct access from a thoroughfare to an off-street parking space or private garage located on property in compliance with all other applicable provisions. The width of which is defined by the cuts allowed in the curb.

Dwelling means a building, or portion thereof, but not including a house trailer, mobile home, or camp car designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, boarding houses or lodging houses.

Dwelling, attached means a dwelling which is joined to another dwelling at one or more sides by a party wall.

Dwelling, detached means a dwelling which is entirely surrounded by open space on the same lot.

Dwelling, multiple-family means a building, or portion thereof, designed or altered for occupancy by three or more families living dependently of each other with separate kitchen facilities.

Dwelling, one-family means a dwelling unit designed exclusively for use and occupancy by one family.

Dwelling, two-family means a building designed or altered to provide dwelling units for occupancy by two families living independently of each other with separate kitchen facilities.

Dwelling, townhouse means an attached dwelling consisting of three or more dwelling units, each for occupancy by one family living independently of any other with separate kitchen facilities, where the dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Also referred to as a "row dwelling."

Dwelling unit means one or more rooms which are arranged, designed or used as living quarters for one family only. Complete single kitchen facilities, bathroom facilities and sleeping facilities shall always be included for each dwelling unit.

Educational institution means public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

Elderly housing unit means a dwelling unit designed specifically for the elderly which qualifies under title II, section 231 of the U.S. Housing Act of 1937, as amended.

Environmental corridor means a generally linear network of environmentally sensitive lands, typically (but not always) focused along waterways and drainageways and typically (but not always) including wetlands, floodplains, and/or steep slopes. Environmental corridors have high environmental, ecological, passive recreational, stormwater management, groundwater protection and recharge, wildlife habitat, and scenic value; and severe limitations for building development.

Escort means a person who for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Façade means the face or front of a building or portion of a building adjacent to a public street.

Family means a single housekeeping unit in which the composition and number of persons shall be consistent with prevailing community standards of a family, which generally consists of person who are related by blood, marriage, adoption or as foster children as in the R1 zoning district.

Fast service; carryout restaurants means fast service carryout restaurants are distinguishable from normal cafes and restaurants by the fact that the food is served in cafeteria line style in disposable containers. The speedy vehicular conflict points and resultant increases in traffic hazard conditions, especially in areas where the immediate roads cannot provide adequate accessibility. This chapter specifically defines such uses with the intent of limiting their location to areas with adequate road accessibility and with a minimum of traffic conflict.

Fence, solid means a fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

Floodway means all land along the Rock River subject to inundation, all lands within 150 feet of any drainage-way that drains 500 acres or more, and in addition thereto, all land less than five feet above the thalweg of any such drainage-way, all shown on the official floodway map of the city.

Floor area, gross, means for the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement of off-street parking spaces shall not include: floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

General Development Plan (GDP) means a conceptual site plan for neighborhood development plan, which indicates existing and proposed major public streets, private drives, and paths; different land use areas by proposed type and density; and proposed recreational, open space, and generalized stormwater management areas and facilities.

Glass walls means an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework. Shall include glass curtain walls or glass block construction. Glass wall construction shall be prohibited in any residential building or structure as an exterior finish.

Gross land area means the total land area located within a single lot or development, including land within all easements; parks, rights-of-way, and other lands to be dedicated to the public; and environmentally constrained land such as floodplains and wetlands.

Guesthouse means living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

Hospital or sanitarium means an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions.

Hotel, motel, inn or auto court means an establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests, with no provision in such accommodations for cooking in any individual room or suite. Facilities provided may include mail service, laundering of linen used on the premises, telephone and secretarial or desk service.

Intertrack wagering facility means a building or premises at which Intertrack Wagering, as define in 230 ILCS 5/3.71, is conducted.

Junkyard means an open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, based, packed, disassembled, or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

Kennel, commercial means any lot or premises, or portion thereof, on which more than four dogs, cats and other household domestic animals, over four months of age, are kept, or on which more than two such animals are boarded for compensation or kept for sale.

Landscape plan means an overhead plan for a land or building development proposal, drawn to scale, that shows existing and proposed landscape plantings with relation to other features shown on a site plan for a lot proposed for development.

Lessee or mobile sign lessee means any person who rents or leases a mobile sign from a mobile sign lessor.

Lessor or mobile sign lessor means any person engaged in the business of leasing mobile signs and delivering same to the site of display.

Limited access highway means a trafficway, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the trafficway, except at such points only in such manner as may be determined by the public authority having jurisdiction over such roadway.

Live-work units means a dwelling unit combining residential occupancy by one household with commercial or light assembly use types, provided that not more than one person who does not reside in the dwelling unit is employed in the unit.

Loading and unloading space or berth, off-street means an obstructed, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors, and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, 35 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space.

Lodging house means a building or premises other than a hotel, motel, inn or auto court where lodging is provided for compensation for four or more persons but not exceeding 20 persons.

Lodging room means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as a lodging room.

Lot area means the area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

Lot, corner means a lot situated at the junction of and abutting on two or more intersecting streets.

Lot coverage means the area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot depth means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot frontage means the front of a lot shall be that boundary of a lot along a public street. For a corner lot, the owner may elect either street line as the front lot line.

Lot of record means an area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

Lot, reversed corner means a corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, through means a lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot width means the mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

Marquee or canopy means a roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way, and is designed and intended to protect pedestrians from adverse weather conditions.

Median refuge means a raised median in the middle of a roadway with a cut for a crosswalk.

Metal walls means and shall include profiled panels, deep ribbed panels and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards. The use of corrugated metal, plastic, or fiberglass panels shall be prohibited. The use of galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finish shall be prohibited. Metal walls shall be prohibited in any residential construction as an exterior finish, and shall be prohibited on the first floor or story of any commercial building or structure as an exterior finish.

Mini-warehouse means an individual self-contained storage unit, either alone or in combination, no such unit to exceed 800 square feet in area; and all units to be accessible by paved driveways.

Minor street means a street designed primarily to provide access to individual properties, carry low to moderate volumes of traffic, and allow on-street parking.

Mobile home means a single-family living unit designed for transportation after fabrication on streets and highways on its own wheels, or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a living unit complete and ready for occupancy, except for main and incidental unpacking and assembly operations, location on jacks or permanent foundations connected to utilities and erected in accordance with prevailing city laws but which structure is not approved under the adopted building codes of the city.

Mobile home park means a parcel of land upon which two or more mobile homes are harbored either free of charge or for revenue and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the site.

Mobile home subdivision means a parcel of land subdivided consistent with adopted city subdivision regulations, provided the subdivision complies with zoning regulations as are provided for in article VIII of this chapter.

Mobile sign means any sign built upon a chassis, wheels, flatbed or similar device designed to be transported or towed from one location to another. Any sign not permanently affixed to a wall, or permanently installed in the ground by anchoring below the frost line or installation in concrete.

Neighborhood development plan means a City, developer, or property owner prepared plan for the future development of a part of the community, and including the proposed land use pattern, zoning, street alignments, lot patterns, locations of utilities and public buildings, parks, open spaces, environmental corridors, trails, and a development phasing timetable.

Nonconforming lot means a lot of record existing as of May 13, 1974, which does not have a minimum width or contain the minimum area for the zone which it is located.

Nonconforming structure means a lawful structure which existed as of May 13, 1974, or upon the amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, or its location on the lot.

Nonconforming use means any building, structure or land lawfully occupied by a use or lawfully established as of May 13, 1974, or amendments hereto with the use regulations of this chapter.

Nude model studio means any place where a person who appears in the state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pays money or any form of consideration.

Nudity or a state of nudity means the appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

Nursing home, rest home, convalescent home means a private home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

Office means a unit in which a business, professional or technical activity is conducted, and where retail sales and industrial uses are not the principal use.

Open sales lot means any land used or occupied for the purpose of buying and selling new or secondhand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft and monuments, and for the storing of same prior to sale.

Outdoor storage means any and all equipment materials and supplies that are used in the usual and ordinary course of business and in the day-to-day operations of the business. Such definition does not include inoperable motor vehicles, unused and/or inoperable equipment, the stockpiling of junk, garbage, debris and the like. Any and all outdoor storage shall be in a neat, clean, orderly and uniform manner and shall be concealed from public view.

Parking area, private means an open, hard-surfaced area, other than a street or public-way, designed, arranged, and made available for the storage of private passenger automobiles only of occupants of the building for which the parking area is developed and is accessory.

Parking area, public means an open, hard surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under 1-1/2 tons capacity and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking space, off-street means a usable off-street area with independent access, not included within the established front yard setbacks, at least 9 feet by 20 feet for diagonal and perpendicular vehicle parking or at least 8 feet by 22 feet for parallel vehicular parking.

Passive Solar Design means a design and construction technique that provides heating, cooling, and lighting by non-mechanical means.

Permanent sign means a sign permanently affixed to a building, structure or ground in accordance with all applicable codes and regulations.

Planned community development means a development occupying not less than 30 acres which shall include all land within the project boundaries, plus one-half of all adjacent public rights-of-way involving a related group of associated uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit.

Planned unit development means a residential planned unit development is a development occupying three or more gross acres, including all land within the project boundaries, plus one-half of all adjacent public rights-of-way, to be constructed by a single owner or group of owners acting jointly; located on a single tract approved as a subdivision; involving a related group of residences and associated uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots.

Porch, covered means a roofed structure, projecting out from the walls of a main structure and commonly open to the weather in part.

Portable sign means a sign which is not permanently affixed to a building, or to the ground, so that such sign may be readily moved from place to place, including banner signs and teepee signs.

Precise Implementation Plan (PIP) means a specific detail plan of all, or a portion of, the traditional neighborhood development as represented in an approved GDP.

Principal building means the building(s) that contains the principal use on the lot.

Principal use means the main use of land or buildings, as distinguished from a subordinate or accessory use.

Public open space means any publicly owned open area, including, but not limited to, the following; parks, playgrounds, forest preserves, beaches, waterways, parkways, and street.

Public utility means any person, firm, corporation, or municipal department duly authorized to furnish, under public regulation to the public, electricity, gas, steam, telephone, communications, transportation, or water.

Satellite earth station means any dish-shaped accessory structure capable of receiving radio, television or other signals from transmitters located in earth orbit.

Semi-nude means a state of dress or undress in which clothing covers no more than the human genitals, pubic region, anus and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

Sexually oriented arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas.

Sexually oriented bookstore or *sexually oriented video store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas, or
2. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as a sexually oriented bookstore or sexually oriented video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

Sexually oriented business means a sexually oriented arcade, a sexually oriented bookstore or sexually oriented video store, an escort agency, a nude model studio or an adult cabaret.

Sidewalk means any paved walk designated for pedestrian, use, whether public or private property.

Sign means any identification, description, illustration, or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, floating or illuminated device, or temporary sign designed to advertise, identify or convey information, with the exception of national flags. For the purpose of removal, signs shall also include all sign structures.

Sign, abandoned means a sign which no longer correctly identifies or directs, advertises a business lessor, owner, product or activity conducted on premises when in fact such business, etc., is no longer available at that location.

Sign, advertising means a sign which directs attention to a commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, attached means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.

Sign business means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.

Sign, directional means any sign which serves solely to designate the location or direction of any place or area. Such signs shall direct pedestrian or vehicular traffic to a specific area of a lot or parcel and shall not include names and/or identity of any establishment.

Sign, flashing means an illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times in which such sign is in use. For the purpose of this chapter, a moving, illuminated sign shall be considered a flashing sign.

Sign, freestanding means a sign which is supported by one or more uprights or braces in or upon the ground.

Sign, gross area of means the entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part of display.

Sign, moving means a permanent, streaming, whirling disc, or other moving device attracting attention.

Sign, projecting means a sign attached to the building which extends more than 18 inches from the face of such building.

Site plan means an overhead plan for a land or building development proposal, drawn to scale, that shows existing and proposed buildings, other structures, parking areas, and other existing and proposed features on a lot proposed for development.

Special needs housing means housing specifically designated for individuals requiring special accommodations due to medical conditions, including but not limited to community living arrangements and assisted living facilities.

Specified anatomical areas means any of the following:

1. Less than completely and opaquely covered human genitals; pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Specified sexual activities means and includes any of the following:

1. Less than completely and opaquely covered human genitals; pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

Stone material means stone material used for masonry construction may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone, dimensioned stone, and manufactured stone products are acceptable.

Story means that portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Street means a public way other than an alley, which affords a primary means of access to abutting property.

Structural alteration means any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.

Structure means anything constructed or erected which requires permanent location on the ground, including a fence or freestanding wall. A sign, billboard or other advertising medium shall be construed to be a structure as well as "drop boxes" whose purpose is to collect clothes and donations from the public, whether said "drop box" is a permanent or temporary structure.

Temporary sign means a sign of a temporary nature advertising an event, service, sales promotion, etc., including real estate sign, garage and rummage sale sign, political signs, and construction signs.

Traditional neighborhood development means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other; with interconnected circulation and open space systems; with careful attention to the design, layout, and relationships between different land uses; and meeting the standards of Section 102-336. In the context of that section, also referred to as a “TND” or as a “project.”

Traditional neighborhood development, Small means a traditional neighborhood development that includes fewer than 100 building sites, each intended for occupancy by a separate principal building regardless of use.

Traditional neighborhood development, Large means a traditional neighborhood development that includes 100 or more building sites, each intended for occupancy by a separate principal building regardless of use.

Travel trailer or motor home means a vehicular portable structure built on a chassis, with or without complete kitchen, toilet, bath and shower facilities, designed to be used for temporary human habitation for travel, recreational, and vacation uses. A travel-trailer used as a permanent dwelling unit is expressly prohibited.

Truck parking area or yard means any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceed 1-1/2 tons in capacity.

Yard or setback means an open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this chapter, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard or setback, front means the area extending along the full length of the front lot line between the side lot lines.

Yard or setback, rear means the area extending along the full length of the rear lot line between the side lot lines.

Yard or setback, side means the area extending along a side lot line from the front yard to the rear yard.

Zoning lot means a single tract of land located within a single block, which, at the time of filing for a zoning certificate, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

Zoning map means the map incorporated into this chapter as a part thereof, designating zoning districts.

- (b) Words not defined in this section shall be interpreted in accordance with definitions contained in Webster’s Dictionary.

(Ord. No. 795, § 107, 5-13-74; Ord. No. 1136, § 1, 5-12-80; Ord. No. 1140, § 1, 7-14-0; Ord. No. 1179, § 1, 3-16-81; Ord. No. 1181, § 1, 3-16-81; Ord. No. 1420, §§ 1, 2, 3-12-84; Ord. No. 1518, § 1, 7-8-85; Ord. No. 1586, § 4, 9-22-86; Ord. No. 1615, § 5, 3-9-87; Ord. No. 224-2, 11-16-92; Ord. No. 2088-93, § 2, 8-30-93; Ord. No. 2474-98, § 2, 3, 3-2-98; Ord. No. 2713-00, §§ 1, 2, 4-10-00; Ord. No. 2766-00, §§ 1,2, 11-13-00)

Cross reference- Definitions generally, § 1-2.

Secs. 102-10 thru 102-30. Reserved.

ARTICLE II ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 102-31. Zoning board of appeals.

- (a) *Creation and membership.* A zoning board of appeals is hereby created, such board to consist of seven members appointed by the mayor with the consent of the city council. The word “board”, when used in this section, shall be construed to mean the zoning board of appeals. All members of the board shall be residents of the city. No voting member of the zoning board shall hold an elective office on the city council.
- (b) *Terms; appointments; removal; vacancies.* The members of the board shall serve for the following terms until their respective successors are appointed and qualified:
1. One for a term of one year.
 2. One for a term of two years.
 3. One for a term of three years.
 4. One for a term of four years.
 5. One for a term of five years.
 6. One for a term of six years.
 7. One for a term of seven years.

Thereafter, as their terms expire, each new appointment shall be for a term of five years. One of the members so appointed shall be designated by the mayor as chairperson and shall hold his/her office as such chairperson during this term of his/her appointment as a member of the board. The city council shall have the power to remove any member of the board for cause and after a public hearing. Vacancies upon the board shall be filled for the unexpired term of the member whose place has become vacant, in the manner proved in this section for the appointment of such members.

- (c) *Meetings and rules.* All meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. All hearings conducted by the board shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and request the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board shall be filed immediately in the office of zoning and shall be a public record. The board shall adopt its own rules of procedure not in conflict with this chapter or with the applicable state statutes, a copy of which shall be filed in the office of zoning.
- (d) *Offices.* The city council shall provide suitable offices for the holding of hearings and the presentation of records, documents and accounts.
- (e) *Appropriations.* The city council shall appropriate funds to carry out the duties of the board, and the board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized in this section.
- (f) *Compensation.* The members of the board shall be compensated as determined by the city council.
- (g) *Jurisdiction.* The board of appeals is hereby vested with the following jurisdiction and authority:
1. To hear and decide appeals from any order, requirement, decision, or determination made by the zoning officer under this chapter. The board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the board may decide

to be fitting and proper in the premises, and to that end, the board shall also have all the powers of the officer from whom the appeals are taken.

2. To hear and decide all matters referred to it or upon which it is required to pass under this chapter.
 3. To hear and pass upon applications for special use permits and variations from a strict application of the terms of this chapter, in the manner and subject to the standards set out in this chapter.
 4. No rehearing shall be held on a denied appeal or application for a variation or special use permit for a period of 12 months from the date of the denial.
- (h) *Decisions.* The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning officer or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render decisions. All final administrative decisions of the board of appeals shall be subject to judicial review pursuant to the provisions of 735 ILCS 5/3-101 et seq. and all amendments and modifications thereof, and the rules adopted pursuant thereto.
- (i) *Additional powers and duties.* The zoning board of appeals is hereby authorized to perform any and all duties and is delegated all powers heretofore granted and/or assigned to the planning commission, either by this Code or by state statute, including, but not limited to, the following:
1. To prepare and recommend to the corporate authorities a comprehensive plan of public improvements looking to the present and future development of the city.
 2. If such plan shall be adopted by the corporate authorities, the zoning board of appeals may from time to time recommend changes thereof to the corporate authorities.
 3. To include in the plan reasonable requirements with reference to streets, alleys, and public grounds in unsubdivided land situated within the limits of the city or in contiguous territory not more than one and one-half miles beyond the limits of the city and not included in any other municipality.
 4. To prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official plan.
 5. To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects and generally to promote the realization of the official plan.
 6. To exercise such other powers, consistent with the powers hereinabove set forth, as may be conferred by the corporate authorities.
- (j) *Subdivisions to comply with the comprehensive plan.* After an official plan has been adopted in the manner prescribed in this article no map or plat of any subdivision presented for record, affecting land within the corporate limits of the city or within contiguous territory which is not more than one and one-half miles beyond the corporate limits of the city and not included in any municipality, shall be entitled to record or shall be valid unless the subdivision shown thereon provides for streets, alleys, public ways, ways for public service facilities, storm water and floodwater runoff channels and basins, and public grounds in conformity with the applicable requirements of the official plan.

(Ord. No. 795, § 1500, 5-13-74; Ord. No. 2987-03, § 2,4-28-03)

Sec. 102-32. Appeal.

- (a) *Scope of appeals.* An appeal may be taken to the zoning board of appeals by any person, firm, corporation, or office, department, board, or bureau affected by a decision of the office of the zoning officer. Such appeal shall be taken within such time as shall be prescribed by the board by general rules adopted by it, and shall be taken by filing with the zoning officer a notice of appeal, specifying the ground thereof, together with such plats and exhibits as are reasonably necessary. Such appeal shall be taken upon forms provided by the board. The zoning office shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed was taken.

- (b) *Stay of proceedings.* The appeal shall stay all proceedings and furtherance of the action appealed from, unless the zoning officer certifies to the board of appeals, after notice of appeal has been filed with him/her that be reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such a case, the proceedings shall not be stayed other than by a restraining order which may be granted by the board of appeals or by court of record on application, with notice to the officer from whom the appeal is taken, and all due causes show.
- (c) *Hearing of appeals.* The board shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear and decide the appeal within a reasonable time. At the hearing, parties of interest may appear in person or by agent or attorney to testify.

Sec. 102-33. Office of zoning.

- (a) *Creation.* The office of zoning is hereby created and, under the direction of a zoning officer, shall have the responsibility of administering and enforcing the provisions of this chapter.
- (b) *Powers and duties.* The office of zoning shall enforce the provisions of this chapter, and in addition thereto and furtherance of such authority shall:
 1. Examine and approve any application pertaining to the use of land, buildings or structures to determine if the application conforms with the provisions of this chapter.
 2. Issue all zoning certificates, and keep permanent records thereof.
 3. Issue all certificates of zoning compliance and transmit permanent records thereof to the city clerk.
 4. Conduct such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the terms of this chapter.
 5. Receive and forward for action all applications for appeals, variations, special uses and amendment to this chapter which are filed and transmitted to the office of city clerk.
 6. Initiate, direct and review, from time to time, a study of the provisions of this chapter and make reports of his/her recommendations to the zoning board of appeals and the city council not less frequently than once a year.
 7. Revoke certificates of zoning compliance where provisions of this chapter are being violated.
 8. Issue certificates of zoning compliance for nonconforming uses existing at the time of passage of this chapter or any amendment thereto.
 9. Maintain permanent and current records of this chapter including all maps, amendments, special uses, and variations with the office of the city clerk.
 10. Provide and maintain public information relative to all matters arising out of this chapter.
- (c) *Remedies deemed cumulative.* All remedies provided for in this section shall be cumulative and not exclusive.

(Ord. No. 795, § 1502, 5-13-74; Ord. No. 2987-03, § 3,4-28-03)

Sec. 102-34. Enforcement

- (a) *Permits, certificates and licenses.* All officials, departments and employees of the city vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate, or license which conflicts with the provisions of this chapter. Any permit, certificate, or license issued in conflict with the provisions of this chapter shall be void.
- (b) *Duties of zoning officer.* The zoning officer shall be the official responsible for the enforcement of this chapter. The zoning officer may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or his/her authorized agent, on a tenant, or on an architect, builder, contractor, or other persons who commits or participates in any violation. The zoning officer may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this chapter, and the city attorney is hereby authorized to institute

appropriate actions to that end. The zoning officer may call upon the chief of police and his/her authorized agents to assist in the enforcement of this chapter.

(c) *Violations; penalties.* Penalties for violations shall be as follows:

1. Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$500.00. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued, or permitted by the person and shall be punishable as provided in this section.
2. Any structure or sign erected, moved, altered, enlarged, or maintained and any use of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and the city attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign, or use and restrain or enjoin the person from erecting, moving, altering or enlarging the structure or sign or using the site contrary to the provision of this chapter.
3. The city may also take other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 795, § 1503, 5-13-74)

Secs. 102-35 thru 102-45. Reserved.

DIVISION 2. NONCONFORMING BUILDINGS AND USES

Sec. 104-46. Continuance of use.

- (a) Any lawfully established use of a building or land, on the effective date of Ordinance No. 795, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided in this section.
- (b) Any legal nonconforming building or structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted in this section.
- (c) Any building for which a permit has been lawfully granted prior to the effective date of Ordinance No. 795, or of amendments hereto, may be completed in accordance with the approved plans, provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

Sec. 102-47. Discontinuance of use.

- (a) Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this chapter, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming.
- (b) Whenever a nonconforming use of a building, structure, or part thereof, has been discontinued, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use for a period of six consecutive months, or in such cases where the owner had applied for and obtained an extension of time not to exceed six additional months by the granting of a special use permit as authorized by article VIII of this chapter, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.
- (c) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.

(Ord. No. 795, § 302, 5-13-74)

Sec. 102-48. Change or conversion of nonconforming use.

The nonconforming use of any building, structure, or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may not be occupied by an other similar or less intense nonconforming use except by the granting of a special use permit as authorized by article VIII.

(Ord. No. 795, § 202, 5-13-74)

Sec. 102-49. Termination and removal of nonconforming uses, buildings and structures in residential districts.

The period of time during which the following nonconforming uses of buildings, structures or land may continue or remain in residential districts shall be limited to two years from the effective date of this Ordinance No. 795, or of any amendment hereto which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the two-year period.

1. Any nonconforming use of a building or structure having an assessed valuation not in excess of \$250.00 on the effective date of Ordinance No. 795.
2. Any nonconforming signs, billboards and outdoor advertising structures.
3. Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building.

(Ord. No 795, § 303, 5-13-74)

Sec. 102-50. Repairs and alterations.

- (a) Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- (b) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - 1. When the alteration is required by law.
 - 2. When the alteration will actually result in eliminating the nonconforming use.
 - 3. When a building in a residential district containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

(Ord. No. 795, § 304, 5-13-74)

Sec. 102-51. Damage and destruction.

If a building or other structure containing a nonconforming use is damaged or destroyed by fire or act of God, to an extent of:

- 1. No more than 50 percent of its replacement value, the building or structure may be restored only to its original condition and floor area, and the occupancy or use of such building may be continued which existed at the time of such partial destruction.
- 2. More than 50 percent but less than 75 percent of its replacement value, the building or structure may be restored only to its original condition and floor area, and the occupancy or use of such building may be continued which existed at the time of such partial destruction only if an approved special use permit is applied for and secured from the city in accordance with the provisions of article VIII.
- 3. More than 75 percent of its replacement value, the building or structure may be rebuilt and used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. When the provisions of subsections (1) and (2) of this section are applicable, the restoration or repair of the building or other structure must be started within a period of six months from the date of damage or destruction and diligently pursued to completion. Failure to exercise the options provided in this section within the time specified shall be considered a voluntary abandonment and buildings and structures may be rebuilt and used thereafter only for a conforming use and in compliance with provisions of the district in which it is located.

(Ord. No. 795, § 305, 5-13-74)

Sec. No. 102-52. Additions and enlargements.

- (a) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
- (b) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- (c) No conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of Ordinance No. 795, or to displace any conforming uses in the same building or on the same parcel.
- (d) A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk regulated by this chapter shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

(Ord. No 795, § 306, 5-13-74)

Sec. 102-53. Removal and alteration of certain signs.

- (a) *Alteration of signs.* Nonconforming signs may remain in place as is. Hhowever, if a nonconforming sign is altered, including but not limited to, changes in colors, letters, words, numbers, objects or symbols, structurally or other wise, or enlarged, the sign must then conform with this chapter and all other ordinances and/or regulations in force at the time of the alterations.
- (b) *Change of sign owner or user.* Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign user, owner, or new property shall notify the administrator of the change. Any existing nonconforming sign must be made to conform at this time.
- (c) *Removal of certain signs.* Any sign now or hereafter existing which advertises a business no longer being conducted or a product no longer being sold, shall be removed by the permittee, or by the owner, agent or person having the beneficial use of the premises upon which sign may be found, within 20 days after written notification from the building inspector. Upon failure to comply with such notice, the building inspector is authorized to remove such sign at the expense of the permittee or the owner, agent or person having the beneficial use of the premises.

(Ord. No. 795, § 307, 5-13-74; Ord. No 1327, § 1, 11-8-82)

Secs. 102-54 thru 102-65. Reserved.

DIVISION 3. DETERMINATION AS TO USES NOT LISTED

Sec. 102-66. Purpose and initiation.

In order to ensure that this chapter will permit all similar uses in each district, the zoning board of appeals, upon its own initiative or upon written request, shall determine whether a use not specifically listed as a permitted use or a special use in a residential or commercial district shall be deemed a permitted use or a special use in one or more districts on the basis of similarity to uses specifically listed.

(Ord. No. 795, § 400, 5-13-74)

Sec. 102-67. Application.

Application for determination that a specific use should be included as a permitted use or a special use in a residential or commercial district shall be made in writing to the zoning officer, and shall include a detailed description of the proposed use and such other information as may be required by the zoning board of appeals to facilitate the determination.

(Ord. No. 795, § 401, 5-13-74)

Sec. 102-68. Investigation.

The zoning board of appeals shall make or have made such investigations as it deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this chapter, and to make a determination of its classification.

(Ord. No. 795, § 402, 5-13-74)

Sec. 102-69. Determination.

The determination of the zoning board of appeals shall be rendered in writing within 60 days upon receipt of application unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion.

(Ord. No. 795, § 403, 5-13-74)

Sec. 102-70. Effective date of determination.

Within five days following the date of a decision of the zoning board of appeals on a request for a determination as to a use not listed, the secretary of the board of appeals shall transmit to the city council written notice of the decision. A decision shall become effective ten days following the date on which the determination was made or on the day following the next meeting of the city council, whichever is later, unless an appeal has been taken to the city council, or unless the city council shall elect to review the decision of the zoning board of appeals.

(Ord. No. 795, § 403, 5-13-74)

Sec. 102-71. Appeal to the city council.

Within ten days following the date of a decision of the zoning board of appeals on a request for a determination as to a use not listed, the decision may be appealed to the city council by the applicant or by any other person. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the zoning board of appeals or wherein its decision is not supported by the evidence in record.

(Ord. No. 795, § 405, 5-13-74)

Sec. 102-72. Determination by city council.

The determination of the city council shall be rendered in writing within 60 days unless the applicant consents to an extension of the time period and shall include findings supporting the conclusions.

(Ord. No. 795, § 406, 5-13-74)

Sec. 102-73 thru 102-85. Reserved.

DIVISION 4. ZONING PERMIT AND CERTIFICATE OF ZONING COMPLIANCE

Sec. 102-86. Purpose.

This division provides procedures under which any construction or alteration of a building or other structure and any new use of land or a building shall be cleared with the zoning officer to make certain that it is in compliance with this chapter. The purpose of this requirement is to ensure effective enforcement of zoning and also to afford protection to owners and users of whether a proposed development or use will be in compliance with this chapter. In order to lessen the burden upon property owners and to avoid unnecessary administrative duplication, the procedures under this division are, wherever possible, combined with already existing procedures.

(Ord. No. 795, § 1600, 5-13-74)

Sec. 102-87. Permit definitions.

- (a) *Zoning permit.* A zoning permit is a statement issued by the zoning officer stating the existing zoning provisions which apply to a given parcel or parcels of property. The following should be specifically stated in the zoning permit:
1. Zoning districts within which the property is located.
 2. Any additional regulations which apply to the subject property such as those specified by special use permit, variation, or other action by the zoning board of appeals, or the city council also including judiciary action.
 3. Status of any nonconformities which exist on the subject property.
 4. If a specific use is proposed and the extent of the proposed use is indicated and accompanied by plans and additional information as necessary then applicable parking, sign, and other regulations should be stipulated.
- (b) *Certification of zoning compliance.* A certificate of zoning compliance is a written statement issued by the zoning officer stating to the best of his/her ability that existing buildings or structures and the proposed use of the buildings or structures and/or the proposed use of the subject property is in compliance with all of the provisions of this chapter and any amendments, variations, special use permits granted, or any zoning board of appeals, city council or court action related thereto.

(Ord. No 795, § 1601, 5-13-74)

Cross reference – Definitions generally, § 1-2.

Sec. 102-88. Application and issuance of a zoning permit.

Application for a zoning permit shall be made on a form prescribed by the zoning board of appeals and shall be accompanied by plans and additional information as necessary, in the opinion of the zoning officer, to demonstrate conformity with ordinance. The zoning officer shall, upon receipt of all necessary information, check the application and all data submitted with it to see that all provisions of this chapter will be complied with. If a proposed development does not comply with the provisions of this chapter, a zoning permit shall not be issued; however, the aspects of the proposed development or use which do not comply shall be specified.

(Ord. No. 795, § 1603, 5-13-74)

Sec. 102-89. Issuance of building permit.

Except as heretofore provided, no building permit or other permit pertaining to the construction of buildings or the use of land or buildings shall be issued by an officer, department or employee of the city unless the application for such permit has been examined by the zoning officer and has affixed to it a zoning permit stating that the proposed building or structure and use thereof complies with all the provisions of this chapter.

(Ord. No. 795, § 1603, 5-13-74)

Sec. 102-90. Applications and issuance of a certificate of zoning compliance.

- (a) Application for a certificate of zoning compliance shall be made on a form prescribed by the zoning officer and shall be accompanied by a plat and plot plan as specified in section 102-91.
- (b) No certificate of zoning compliance shall be issued until construction has been completed or the use established but not operationalized and has been inspected and certified by the zoning officer to be in compliance with all provisions of this chapter. A certificate of zoning compliance shall be issued or written notice shall be given to the applicant stating the reasons why the zoning officer will not issue a certificate of zoning compliance.
- (c) No building or addition thereto, constructed after the effective date of Ordinance No. 795, and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of Ordinance No. 795 shall be used for any purpose until a certificate of zoning compliance has been issued by the zoning officer. No change in use to the production, processing, or storage of materials or goods and no change in use from the production, processing or storage of one kind of materials or goods to another kind shall be made until a certificate of zoning compliance has been issued by the zoning officer. Every certificate of zoning compliance shall state that the use or occupancy complies with all the provisions of this chapter.

(Ord. No. 795, § 1604, 5-13-74)

Sec. 102-91. Required plat and plot plans.

- (a) *Plat.* Every application for a certificate of zoning compliance shall be accompanied by a plat legally recorded under the laws of the state and county, giving a description including a reference to a piece or parcel of land, lots, blocks, or parts or portions thereof legally recorded pursuant to the laws of the state and county.
- (b) *Plot Plan.* Every application for a certificate of zoning compliance shall be accompanied by a plot plan drawn to scale in such form as may, from time to time, be prescribed by the zoning officer. Such plot plan shall show the ground area, height and bulk of the building or structure; the building setback lines in relation to lot lines; the use to be made of the building or structure or land; and such other information as may be required by the zoning officer for the proper enforcement of this chapter.

(Ord. No. 795, § 1605, 5-13-74)

Sec. 102-92. Issuance of certificate of occupancy.

No certificate of occupancy as required in the building codes shall be issued by the building officer until a certificate of zoning compliance has been issued.

(Ord. No. 795, § 1606, 5-13-74)

Sec. 102-93 thru 102-130. Reserved.

ARTICLE III. DISTRICTS

DIVISION 1. GENERALLY

Sec. 102-131. Basic requirements for all districts.

- (a) *Generally.* This article prescribes the basic site, yard bulk, usable open space and screening and landscaping regulations and exceptions that shall apply in all districts. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent articles of this chapter.
- (b) *Other required provisions.* All permitted or conditionally permitted uses provided for by this chapter shall:
 - 1. Provide off-street parking as prescribed in article V of this chapter.
 - 2. Provide off-street loading as prescribed in article V of this chapter.
 - 3. Erect or place no sign, outdoor advertising structure of any character except as prescribed in article VI of this chapter.

(Ord. No. 795, § 200, 5-13-74)

Sec. 102-132. Site area and dimensions; requirements and exceptions.

- (a) *Measurement.* Measurement in all districts shall be accomplished as follows:
 - 1. Required yards shall be measured as the minimum horizontal distance from the interior line of the site or street line parallel thereto on the site, provided that where an official street right-of-way has been adopted by the city council, site area and required yards shall be measured from the future right-of-way line, and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line and provide further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.
 - 2. On a site which is not rectangular or approximately rectangular in shape, required yards shall be measured in the manner prescribed by the zoning board of appeals.
 - 3. On a corridor access lot with an average width that exceeds its average depth, the longer dimension may be considered the depth for purposes of measuring front, side and rear yards.
- (b) *Exemptions; nonconforming sites.* A site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to May 13, 1974, or amendment to this chapter, and which had a legal area, frontage, width, and depth at the time that the subdivision map, deed, or contract of sale was recorded, may be used for any permitted use, but shall be subject to all other regulations for the district in which the site is located.
- (c) *Side and rear yards; requirements and exceptions.* Requirements and exceptions for side and rear yards are as follows:
 - 1. On a reversed corner lot, the minimum rear yard may be not less than the side yard prescribed in this chapter, provided that the side yard adjoining the street shall be not less than the required front yard on the adjoining key lot.
 - 2. Where the side or rear lot line of the site of a use other than a residential use adjoins or is across a street from a residential district, the minimum side or rear yard adjoining or opposite the residential district shall be at least ten feet greater than the minimum yard prescribed in this chapter.

3. Architectural features including projecting balconies, sills and chimneys, cornices and eaves may extend into a required side yard or a space between structures not more than 18 inches and may extend into a required front or rear yard not more than four feet, provided that no projection shall extend into a public utility easement.
4. Open, unenclosed, uncovered metal fire escapes may project into any required yard or space between buildings not more than three feet, provided that no projection shall extend into a public utility easement.
5. Fences, walls and edges not over six feet in height; walks, driveways, and retaining walls may occupy a required side or rear yard; fences, walls and hedges not over four feet in height may occupy front yards.
6. Open, unenclosed, uncovered balconies, landings, porches, stairways, terraces and decks, located in all residential districts, shall require a minimum rear setback of 15 feet and a minimum side setback of six feet. Open, unenclosed, uncovered, porches, terraces and decks, no part of which is more than five feet above the grade of the ground, may extend into a required front yard not more than eight feet.

(d) *Vision clearance; corner lot.*

1. Fences, walls, and hedges measuring a maximum of four feet in height are permitted up to the property line, as measured from curb level, except at the intersection of two streets, an intersection of a street and an alley or where two alleys intersect, then the fence height shall be limited to three feet for a distance of 30 feet from that property corner. An exception is allowed for chain link type fencing, which may be four feet in height up to any intersection, providing that the chain link is kept free of all vegetation or any other sight restriction.
2. Fences, walls and hedges measuring a maximum of six feet in height are permitted up to the property line along an arterial street if the lot has frontage on a second parallel street and the residence faces the second street. Height is measured from curb level.

(e) *Fencing regulations.* All fences shall be installed with the finished side facing the adjacent property and fence posts facing the property on which the fence is placed. There shall be no height restrictions for open mesh type fencing used to enclose publicly owned parks, recreation areas or school sites.

(f) *Depth adjoining freeway or railroad.* No site rearing on a freeway or railroad right-of-way shall have a depth of less than 130 feet.

(g) *Refuse disposal and recyclable material storage areas.* Provisions shall be made in all multifamily complexes five units and up and commercial and industrial uses for the temporary storage of refuse and recyclable materials produced on site, subject to the following requirements:

1. Such storage shall be placed within a building or in an exterior fenced enclosure. Such enclosures shall be screened by a solid fence or wall adequate to shield all containers within the enclosure, and material within the fenced enclosure shall not extend above the height of the fence or wall. The area shall be secured by a solid gate. The use of chain link fences with slats shall be prohibited.
2. Locations of all refuse and recyclable material storage enclosures shall be generally to the rear of buildings or in areas where minimal exposure to public streets will exist.
3. All recyclable materials and other equipment such as grease containers, shall not be placed outside of exterior fenced enclosures.
4. All multi-family complexes consisting of three or four units which provide dumpsters for tenants use must comply with (1), (2), & (3) above.

(Ord. No. 795, 201, 5-13-74; Ord. No. 2201-95, 1-3, 2-14-95; Ord. No. 2391-97, 2, 3-3-97; Ord. No. 3007-03, 1, 7-14-03)

Sec. 102-133. Building height limits.

- (a) *Measurement.* The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable or gambrel roof.

(b) *Exceptions.*

1. *Generally.* Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials and antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten percent of the ground area covered by the structure may be erected to a height of not more than 100 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located whichever is less. Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.
2. *Exception for personal wireless service antennas.*
 - a. *Separation from single family dwellings.* Personal wireless communication antennas, with or without antenna support structures, and related electronic equipment and structures, shall not be located within 500 feet from the nearest outside wall of any single family dwelling in existence prior to the commencement of construction of such personal wireless communication antennas.
 - b. *Height.* Personal wireless communication antennas may extend to a height of not more than 150 feet.
 - c. *Location.* Whenever possible, personal wireless communication antennas shall be located on lawfully pre-existing antenna support structures or on other lawfully existing buildings or structures. No special use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing antenna support structure or lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless service.
 - d. *Design of new antenna support structures for co-location.* Unless otherwise authorized by the city council for good cause shown, every new personal wireless communication antenna support structure shall be designed, constructed and installed to be of a sufficient size and capacity to accommodate at least two additional personal wireless communication providers on such structure in the future. Any special use permit for such a support structure may be conditioned upon the agreement of the applicant to allow a co-location of other personal wireless communication providers on commercially reasonable terms which may be specified in such special use permit.
 - e. *Monopoles preferred.* Every new personal wireless communication antenna support structure that is of a tower design shall be a monopole rather than lattice work, unless otherwise authorized by a special use permit. Lighting shall be installed for security and safety purposes only and no signs may be installed thereon unless otherwise required by applicable federal law or regulations.
 - f. *Protection against climbing.* Every personal wireless communication antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.
 - g. *Equipment enclosures.* All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless communication antennas shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure. No outdoor storage of equipment or materials shall be permitted.
 - h. *Screening.* Ground mounted personal wireless communication antennas and antenna support structures and related electronic equipment and equipment structures shall be screened by evergreen trees and a privacy fence of not less than six feet in height. Such screening requirements may be waived by the city council where the operator of such personal wireless communication antenna demonstrates that such screening will substantially interfere with the provision of personal wireless communications, in which case the operator shall provide the maximum reasonably achievable screening.
 - i. *Compliance with laws and plans.* Every personal wireless communication antenna and antenna support structure shall comply with all plans approved by the city and all other codes, ordinances and regulations of the city.

j. *Abandonment and removal.*

1. When one or more antennas, antenna support structures, and/or related equipment are not operated for the provision of personal wireless services for a continuous period of 12 months or more, such antenna, antenna support structure, and/or related equipment shall be deemed to be abandoned and the special use permit therefore shall become null and void, regardless of the intent of the owner or operator thereof.
2. The owner of the abandoned antenna, antenna support structure, and/or related equipment, or the owner of the property on which it is located, shall remove such items within 90 days following the mailing of written notice from the city that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the city to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure and/or related equipment to provide personal wireless services, then the period of non-operation under this provision shall be measured from the cessation of operation at the location of such antenna support structure and/or related equipment by all such providers.
3. Any owner receiving a notice from the city pursuant to this subsection may appeal such determination of abandonment by filing a notice of appeal with the zoning board of appeals. The notice of appeal shall set forth all basis on which the owner relies to assert that no such abandonment has occurred.

(c) *Heights greater than prescribed.* Additional height may be permitted subject to first obtaining a variation as per article VII of this chapter in each case.

Sec. 102-134. Lot Coverage.

- (a) *Maintenance of yards, courts and other open spaces.* The maintenance of yards, courts and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.
- (b) *Division of zoning lots.* No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
- (c) *Location of required open space.* All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- (d) *Required yards for existing buildings.* No yards now or hereafter provided for a building existing on the effective date of Ordinance No. 795 shall subsequently be reduced below, or further reduced below, if already less than, the minimum yard requirements of this chapter for equivalent new construction.

(Ord. No. 795, § 203, 5-13-74)

Sec. 102-135. Accessory structures.

(a) *Location.* Location of accessory structures shall be as follows:

1. No accessory structure shall be located in a required front yard.
2. When a side yard is required, no part of an accessory building shall be located closer than three feet to the side lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than three feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard. In a residential district, no detached accessory building shall be closer than ten feet to the principal building. Overhanging eaves and gutters may not project more than eight inches into any required side or rear yard.
3. No part of any accessory structure may be located within any part of a recorded easement.

(b) *Time for construction.* No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

- (c) *Percentage of required rear yard occupied.* No accessory building shall occupy more than 40 percent of the area of a required rear yard.
- (d) *Height of accessory buildings in required rear yards.* No accessory building or portion thereof located in a required side or rear yard shall exceed 15 feet in height.
- (e) *On reversed corner lots.* On a reversed corner lot in a residential district, no accessory building, or portion thereof shall be located in any yard closer to the street than a distance of one-half the adjacent public right-of-way, not to exceed 6 feet nor less than 30 feet.
- (f) *Maximum area permitted in R1 and R2 districts except by variation.* The maximum accessory building size permitted in the R1 and R2 districts shall be 80 percent of the square footage of the first floor living area of the principle structure of which they are going to serve, to a maximum of 1,500 square feet, but shall not be limited to less than 1,000 square feet. In calculating the square footage of accessory buildings the area of any attached garages shall be included, and the area of structures 120 square feet or less are excluded.
- (g) *Number of permitted accessory structures in residential districts.* Except by special use permit, only one accessory structure exceeding 120 square feet in area is permitted, and no more than two accessory buildings of any size are permitted. This requirement applies to any fully or partially enclosed buildings and not to structures such as swimming pools, carports, and ornamental structures.
- (h) *Maximum area permitted in other residential districts except by variation.* Permitted square footage for accessory structures in all other residential zoning districts shall not exceed 400 square feet times the required number of parking stalls specified for that district in this chapter.
- (i) *In commercial districts.* Accessory structures are not allowed unless they are approved on the original site plan or unless the property owner obtains all necessary permits prior to said erection. No permit shall be issued for "Drop Boxes" whose purpose is to collect clothes and donations from the public.

(Ord. No. 795, § 204, 5-13-74; Ord. No. 1141, § 1, 7-14-80; Ord. No. 1518, § 2, 7-8-85; Ord.No. 1534, § 2, 11-12-85; Ord. No. 1750, § 1, 11-7-88; Ord. No. 2149-94, § 1, 5-31-94; Ord. No. 3013-03, 8-11-03)

Sec. 102-136. Screening and landscaping

- (a) Where a site in a commercial or industrial district adjoins a residential district, a solid wall or fence, vine-covered fence or compact evergreen fence shall be located adjoining the property line except in a required front yard. This provision shall not apply to the site of a dwelling adjoining another dwelling or a residential district.
- (b) Where a parking or loading area in a residential district adjoins a street, or where a parking or loading area is located directly across a street or alley from a residential district, a solid wall or fence, vine-covered fence or compact evergreen hedge not less than two feet in height shall be located on the property line.
- (c) A landscaped area as required by a special use permit shall be planned with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site. The landscaped area shall be permanently maintained by the owner.

(Ord. No. 795; § 205, 5-13-74)

Sec. 102-137. Number of buildings on a zoning lot.

More than one principal building may be located on a lot of record in accordance with the provisions of this section as follows: Whenever the lot is a part of, or entirely contained in a precise plan development, or a planned community development, then the number of principal buildings which may be located on the zoning lot shall be the number approved at the time of approval of the plan.

(Ord. No. 795, § 206, 5-13-74; Ord. No. 1180, § 1, 3-16-81; Ord. No. 1302, § 1, 8-16-82)

Sec. 102-138 thru 102-150. Reserved.

DIVISION 2. RESIDENTIAL

Sec. 102-151. RU rural-urban residential district.

- (a) *Purpose.* The RU rural-urban residential district is hereby included in this chapter to preserve a semi-rural atmosphere for those who desire it with a high degree of light, air and privacy for each dwelling unit and to provide an adequate separation between dwelling units and facilities for the conduct of certain agricultural pursuits, including the housing of animals on land that may be annexed to the city.
- (b) *Required conditions.* Required conditions in the RU rural-urban residential district are as follows:
 - 1. All uses shall comply with the regulations prescribed in article I of this chapter.
 - 2. No use shall be permitted and no process, equipment or material shall be employed which is found by the city council to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
- (c) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the RU district except for one or more of following uses: All uses commonly classified as agricultural, horticultural, or forestry, including crop and tree farming, truck gardening, gardening, together with the operation of any machinery or vehicles incidental to the above uses, provided that the permitted agricultural pursuits are conducted in accord with good practice so as not to be deemed a nuisance.
- (d) *Special uses.* Any special use as denoted in section 102-157 for the RU district, may be allowed by a special use permit in accordance with the provisions of article VIII of this chapter.
- (e) *Lot size.* Lot size in the RU district shall be as follows:
 - 1. Every principal permitted use in this section shall be located on a tract of land having an area of not less than 20,000 square feet and a width at the established building line of not less than 100 feet.
 - 2. Every special use permitted in the RU district shall be located on a tract of land the minimum size of which shall be specified at the time a special permit is authorized.
- (f) *Yard areas.* No building in the RU district shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
 - 1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
 - 2. *Side yard.* A side yard on each side of the zoning lot of not less than 15 feet, except where a side yard adjoins a street the minimum width shall be increased to one-half the right-of-way of the adjoining street with a maximum of 60 feet.
 - 3. *Rear yard.* A rear yard of not less than 60 feet.
- (g) *Height.* In the RU district no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

(Ord. No. 795, § 600, 5-13-74; Ord. No. 1343, § 3, 2-28-83)

Sec. 102-152. R1 one-family residential district.

- 1. *Purposes.* The R1 one-family residential district is included in this chapter to achieve the following purposes:
 - 1. To reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health and safety.
 - 2. To ensure adequate light, air, privacy, and open space for each dwelling.

3. To protect one-family and two-family dwellings from the congestion and lack of privacy associated with multifamily dwellings.
 4. To provide space for semipublic facilities needed to complement urban residential areas and for institutions that require a residential environment.
 5. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
 6. To provide necessary space for off-street parking of automobiles, and where appropriate, for off-street loading of trucks.
 7. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.
 8. To protect residential properties from fire, explosion, noxious fumes and other hazards.
- (b) *Required conditions.* Required conditions in the R1 one-family residential district shall be as follows:
1. All uses shall comply with the regulations prescribed in article I of this chapter.
 2. No use shall be permitted and no process, equipment, or material shall be employed which is found by the city council to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
- (c) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be converted, enlarged or structurally altered in the R1 district, except for one or more of the following uses:
1. One-family dwelling.
 2. Home occupations conducted in accordance with the regulations prescribed in article IV of this chapter.
 3. Accessory structures located on the same site with a permitted use, including private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure.
 4. Swimming pools used solely by persons residing on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than ten feet from a property line.
- (d) *Special uses.* Any special use as denoted in section 102-157 for the R1 district may be allowed by a special use permit in accordance with the provisions of article VIII of this chapter.
- (e) *Lot size.* Lot size in the R1 district shall be as follows:
1. Every principal permitted use hereafter erected or located in the R1 zoning district shall have a lot size of not less than 8,500 square feet, with a minimum width at the established setback line of 80 feet.
 2. Every special use permitted in the R1 district shall be located on a lot the size of which shall be specified at the time a special use permit is authorized.
- (f) *Yard areas.* No building in the R1 district shall be erected or enlarged unless the following yards are provided and maintained in connection with such building structure or enlargement:
1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet. Where 50 percent or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block; however, if there is no other building within 330 feet of the proposed building in either direction, then the standard setback for this R1 district shall apply.

2. *Side yard.* A side yard on each side of the zoning lot of not less than six feet, except where a side yard adjoins a street, the minimum width shall be increased to equal one-half the right-of-way of the adjoining street with a minimum of 30 feet but not require more than 60 feet.
3. *Rear yard.* A rear yard of not less than 30 feet.

(g) *Height.* In the R1 district no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

(Ord. No. 795; § 61, 5-13-74; Ord. No. 1006, § 1, 6-19-78; Ord. No. 2306-96, § 1, 5-3-96)

Sec. 102-153. R2 two-family residential district.

- (a) *Purpose.* The R2 two-family residential district is included in this chapter to achieve the basic purposes as indicated in section 102-152.
- (b) *Required conditions.* All uses shall comply with the regulations prescribed in article I of this chapter. No use in the R2 district shall be permitted, and no process, equipment or material shall be employed which is found by the city council to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
- (c) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used and no building may be converted, enlarged, or structurally altered in the R2 district, except for the following uses:
 1. Two-family dwellings.
 2. Single-family dwellings.
- (d) *Special uses.* Any special use as denoted in section 102-157 for the R2 district may be allowed by a special use permit in accordance with the provisions of article VIII of this chapter.
- (e) *Lot size.* The minimum lot size in the R2 zoning district shall be 8,800 square feet and have a minimum lot area of not less than 4,400 square feet for each dwelling unit and a minimum width at the established building setback line of 80 feet. Every single-family dwelling hereafter erected or located in the R2 zoning district shall have the same lot area requirements as found in the R1 zoning district. Every special use permitted in the R2 zoning district shall be located on a lot the size of which shall be specified at the time a special use permit is authorized.
- (f) *Yard areas.* No building in the R2 district shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
 1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
 2. *Side yard.* A side yard on each side of the zoning lot of not less than six feet, except where a side yard adjoins a street the minimum width shall be increased to one-half the right-of-way of the adjoining street with a maximum of 60 feet.
 3. *Rear yard.* A rear yard of not less than 30 feet.

(g) *Height.* In the R2 district no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

(Ord. No. 795, § 602, 5-13-74; Ord. No. 1343, § 4, 2-28-83, Ord. No. 2306-96, § 1, 5-3-96)

Sec. 102-154. R3 Multiple-family residential district.

- (a) *Purposes.* In addition to the objectives prescribed in section 102-1, the R3 multiple-family residential district is included in this chapter to achieve the following purposes:
 1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety.

2. To preserve as many as possible of the desirable characteristics on one-family and two-family residential districts while permitting higher population densities.
 3. To ensure adequate light, air, privacy, and open space for each dwelling unit.
 4. To provide space for semipublic facilities needed to complement urban residential areas and space for institutions that require a residential environment.
 5. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.
 6. To provide necessary space for off-street parking of automobiles, and, where appropriate, for off-street loading of trucks.
 7. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.
 8. To protect residential properties from fire, explosion, noxious fumes, and other hazards.
- (b) *Required conditions.* Required conditions in the R3 multiple-family residential district shall be as follows:
1. All uses shall comply with the regulations prescribed in article I of this article.
 2. No use shall be permitted and no process, equipment, or material shall be employed which is found by the city council to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
- (c) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the R3 district, except for the following uses:
1. Residential structures containing three or more dwelling units.
 2. Two-family dwellings.
 3. Single-family dwellings.
- (d) *Special uses.* Any special use in the R3 district as denoted in section 102-157 for the district may be allowed by a special use permit in accordance with the provisions of article VIII of this chapter.
- (e) *Lot size.* Lot size in the R3 district shall be as follows:
1. The minimum lot size in the R3 zoning district shall be 8,800 square feet, with a minimum width at the established building setback line of 80 feet.
 2. Every multiple-family dwelling hereafter erected or enlarged shall be located on a lot which provides a minimum of 2,900 square feet of land area for each dwelling unit.
 3. Every special use permitted in the R3 district shall be located on a lot the size of which shall be specified at the time a special use permit is authorized.
- (f) *Yard areas.* No building in the R3 district shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
 2. *Side yard.* On every zoning lot, side yards shall be provided as follows:
 - a. Every principal permitted use, except multiple-family dwellings shall have the same yard requirements as found in the R2 district.

- b. Every multiple-family dwelling shall have a side yard on each side of not less than six feet and a combined total of side yards of not less than 15 feet.
- c. On corner lots, where the side yard adjoins a street, the minimum width shall be increased to equal one-half the right-of-way of the adjoining street with a minimum of 25 feet but in no case shall a side yard of more than 60 feet be required.

3. *Rear yard.* A rear yard of not less than 25 feet.

(g) *Height.* In the R3 district no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

(Ord. No. 795, § 603, 5-13-74; Ord. No. 1343, § 6, 2-28-83; Ord. No. 2306-96, § 1, 5-3-96)

Sec. 102-155. R3A four-family residential district.

- (a) *Purpose.* The R3A four-family residential district is intended to fulfill the objectives prescribed in subsections 102-154 (a)(1) and (3) through (8). This district is applied to select locations throughout the city. Being less restrictive than the R3 and R4 multifamily districts, a specific purpose of the R3A district is to serve as a buffer between them in terms of density and building structural type.
- (b) *Required conditions.* All required conditions in the R3A district shall be the same as the R3 multi-family district.
- (c) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the R3A district, except for the following uses:
 - 1. Three-family and four-family dwellings.
 - 2. Two-family dwellings.
 - 3. Single-family dwellings.
- (d) *Special uses.* Any special use for the R3A district, as denoted in section 102-157, may be allowed by a special use permit in accordance with the provisions of article VIII of this chapter.
- (e) *Lot size.* Lot size in the R3A district shall be as follows:
 - 1. The minimum lot size in the R3A zoning district shall be 14,600 square feet, with a minimum width at the established building setback line of 80 feet.
 - 2. Every multiple-family dwelling hereafter erected or enlarged shall be located on a lot which provides a minimum of 3,650 square feet of land area for each dwelling unit.
 - 3. Every special use permitted in the R3A district shall be located on a lot the size of which shall be specified at the time a special use permit is authorized.
- (f) *Yard areas.* Yard sizes in the R3A district shall be the same as the R3 multi-family district.
- (g) *Height.* In the R3A district, no building shall be erected or altered to a height in excess of 35 feet or 2-1/2 stories.

Sec. 102-156. R4 four-family residential district.

- (a) *Purpose.* The R4 multiple-family district is included in this chapter to achieve the basic purposes as indicated in subsection 102-154(a).
- (b) *Required conditions.* Required conditions in the R4 district are as follows:
 - 1. All uses shall comply with the regulations prescribed in article I of this chapter.
 - 2. No use shall be permitted and no process, equipment, or material shall be employed which is found by the city council to be objectionable to persons, residing or working in the vicinity by reason of odor, insect nuisance, fumes,

dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve an hazard of fire or explosion.

- (c) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the R4 district, except for the following uses:
1. Three-family and four-family dwellings.
 2. Two-family dwellings.
 3. Single-family dwellings.
- (d) *Special uses.* Any special use as denoted in section 102-157 for the R4 district may be allowed by a special use permit in accordance with the provisions of article VIII of this chapter.
- (e) *Lot size.* Lot size in the R4 district shall be as follows:
1. The minimum lot size in the R4 zoning district shall be 8,800 square feet, with a minimum width at the established building setback line of 80 feet.
 2. Every multiple-family dwelling hereafter erected or enlarged shall be located on a lot which provides a minimum of 1,450 square feet of land area for each dwelling unit.
 3. Every special use permitted in the R4 district shall be located on a lot the size of which shall be specified at the time a special use permit is authorized.
- (f) *Yard areas.* No building in the R4 district shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
 2. *Side yards.* On every zoning lot, side yards shall be provided as follows:
 - a. Every principle permitted use, except multiple-family dwellings shall have the same yard requirements as found in the R2 district.
 - b. Every multiple-family dwelling shall have a side yard on each side of not less than six feet and a combined total of side yards no less than 15 feet.
 - c. On corner lots, where the side yard adjoins the street, the minimum width shall be increased to equal one-half of the right-of-way of the adjoining street with the minimum of 25 feet, but in no case shall a side yard of more than 60 feet be required.
 3. *Rear yard.* A rear yard not less than 25 feet.
- (g) *Height.* In the R4 district no building shall be erected or altered to a height in excess of 45 feet or three stories.

(Ord. No. 795 § 604, 5-13-74; Ord. No. 1343, § 7, 2-28-83; Ord. No. 2306-96, § 1, 5-3-96)

Sec. 102-157. Schedule of special uses in residential districts.

The schedule of special uses in residential districts as follows:

RU	R1	R2	R3	R3A	R4	
X	X	X	X	X	X	Accessory structures and uses located on the same site as a special use.
X						Airport, aircraft landing field.

RU	R1	R2	R3	R3A	R4	
X	X	X	X	X	X	Cemeteries, crematories, and mausoleums.
X	X	X	X	X	X	Charitable and nonprofit institutions.
X	X	X	X	X	X	Child Care facilities.
X	X	X	X	X	X	Churches, rectories, seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operations.
X	X	X	X	X	X	Community swimming pools or clubs as defined in this chapter with the following restrictions: (1) The swimming pool shall have an area of no more than 5,000 square feet and shall be on a lot with an area of not less than two acres. (2) Every pool, building or paved play area shall be no less than 100 feet distant from every abutting property line in any residential district. (3) Pumps and filtration stations shall be no less than 50 feet from every abutting property line in any residential district. (4) The sale of refreshments shall be from the principal building only.
X	X	X	X	X	X	Education institutions.
X	X	X	X	X	X	Filling of holes, pits or lowlands with noncombustible material free \ from refuse and food waste.
			X		X	Funeral homes and mortuaries.
					X	Golf courses, regulation size and par three, but not including commercially operated driving ranges or miniature golf courses and provided that no clubhouse or accessory building shall be located nearer than 500 feet to any dwelling.
X	X	X	X	X	X	Off-street parking areas, provided there is a need for this facility in the interest of public necessity and convenience, and that no appropriate site is available in nearby business or industrial districts.
X	X	X	X	X	X	Planned developments in accordance with article IX of this chapter.
X			X		X	Private clubs, or lodges, except those the chief activity of which is a service customarily carried on as a business.
X	X	X	X	X	X	Public and community service uses.
X			X		X	Radio and television towers, commercial.
X	X	X	X	X	X	Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities.
X			X		X	Rest homes, nursing homes, hospitals and sanitariums, for human being only.
X	X	X	X	X	X	Row dwellings.

RU	R1	R2	R3	R3A	R4	
X	X	X	X	X	X	Temporary real estate offices in conjunction with new housing development, limited to the selling or renting of units in such development and in no case to be in operation for more than one year following completion of construction of the housing development.
X						Temporary roadside stands for the display, sale, or offering for sale of agricultural products grown or produced on the property.
		X				Three-family and four-family dwellings.
				X		Five or more dwelling units.

(Ord. No. 795, § 606, 5-13-74; Ord. No. 1137, § 1, 5-19-80; Ord. No. 1343, § 2, 2-28-83)

Sec. 102-158. Permitted uses in all residential districts.

The following uses are permitted in all residential districts:

1. Home occupations conducted in accordance with the regulations prescribed in article IV of this chapter.
2. Accessory structures located on the same site with a permitted use including private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structures.
3. Swimming pools used solely by persons residing on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than ten feet from a property line.

(Ord. No. 795, § 606, 5-13-74; Ord. No. 1343, § 2, 2-28-83)

Sec. 102-159 thru 102-170 Reserved.

DIVISION 3. COMMERCIAL*

Sec. 102-171. Purpose

In addition to the objectives prescribed in section 102-1, the commercial districts are included in this chapter to achieve the following purposes:

1. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments and wholesale businesses, offering commodities and services required by residents of the city and its surrounding market area.
2. To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other.
3. To provide space for community facilities and institutions that may be located in commercial areas.
4. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas.
5. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
6. To protect commercial properties from noise, odor, dust, dirt, smoke, vibrations, heat, glare, heavy truck traffic and other objectionable uses.
7. To protect commercial properties from fire, explosion, noxious fumes and other hazards.

(Ord. No. 795, § 700, 5-13-74)

Sec. No. 102-172. Required conditions.

- (a) All uses shall comply with the regulations prescribed in article I of this chapter.
- (b) In the CN, CR and CG districts all businesses, services and processes shall be conducted entirely within a completely enclosed structures, except for off-street parking and loading areas, exhibits of goods sold or manufactured on the premises, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and utility substations, and equipment installations unless otherwise provided for in this chapter.
- (c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the city council to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion.
- (d) Only one dwelling unit shall be permitted by special use permit in the CR and CG districts and only if one or more of the following criteria are met:
 1. Occupied by the property owner if accessory to a business;
 2. Occupied by an employee of a business and employed on the site;
 3. A structure previously used for a residence as a legal permitted use, or;
 4. Occupancy of a dwelling unit needed for the purpose of providing security for a business or providing a necessary service integral to its effective operation.

*Cross reference- Businesses, c. 22.

(Ord. No. 795, § 701, 5-13-74; Ord. No. 1595, § 2, 10-20-86)

Sec. 102-173. CN neighborhood commercial district.

- (a) *Special purpose.* The CN neighborhood commercial district is established for the convenience of persons residing in nearby residential areas, and is limited to accommodating the basic recurring shopping needs of the typical family. The area of the CN district should be limited in order to reduce the traffic generated to an amount which will not be detrimental to the surrounding residential neighborhood.
- (b) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the CN district, except for one or more of the following uses:
1. Antique shops.
 2. Art and school supply stores.
 3. Art galleries and studios, but not including auction rooms.
 4. Bakery shops.
 5. Barbershops and beauty parlors.
 6. Boardinghouses and lodging houses.
 7. Bookstores, stationery stores and record stores.
 8. Camera shops.
 9. Candy and ice cream shops.
 10. Churches, rectories, seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for their operation.
 11. Clubs, lodges, social and community center buildings, except those a chief activity of which is a gainful service or activity conducted as a business.
 12. Day care centers and nursery schools.
 13. Drugstores.
 14. Dry cleaning and laundry receiving and distribution stations, but not including processing.
 15. Educational institutions.
 16. Florists shops, including attached greenhouses with gross floor area no larger than the gross floor area of the florists shops.
 17. Food and grocery stores.
 18. Gift shops.
 19. Hardware stores.
 20. Laundries, automatic self-service type or hand.
 21. News stands.
 22. Reserved.
 23. Package liquor establishments.
 24. Postal substations.

25. Restaurants, but not including drive-ins.
 26. Reserved.
 27. Shoe and hat repair shops.
 28. Studios for musicians, artists, dancing instruction, photographic studios and masseurs.
 29. Tailor shops.
 30. Accessory uses as follows:
 - a. Including off-street parking and loading in accordance with the provisions of article V of this chapter.
 - b. Public utility collection offices.
 - c. Public and community service uses.
- (c) *Special uses.* The following uses in the CN district may be allowed by special use permit in accordance with the provisions of articles I and VIII of this chapter:
1. Automobile service station.
 2. Greenhouses.
 3. Other retail sales and services accessory to the shopping centers and serving the immediate residential neighborhood.
 4. Offices, business, medical and professional.
- (d) *Yards.* No building in the CN district shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet. Where 50 percent or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, provided that the minimum allowable setback shall not be less than 20 feet, and provided if there is no other building within 500 feet of the proposed building in either direction, then the standard setback for the CN district shall apply.
 2. *Side.* Side setbacks of at least five feet per side are required. On corner lots, where the side yard adjoins a street, the side yard shall be determined in the same manner as the front yard.
 3. *Rear.* No rear yard shall be required except where the property adjoins a residential district or a street in which case the rear yard shall be at least 25 feet.
- (e) *Height.* In the CN district, no building shall be erected or altered to a height in excess of 35 feet.
- (f) *Conditions of use.* Any use permitted in the CN district shall be subject to the following conditions:
1. In any structure containing a commercial use, dwellings are only permitted above the first floor and at a ratio of one dwelling unit per each business tenant.
 2. All business, except for off-street parking and/or loading shall be conducted within completely enclosed structures.
 3. Establishments of the drive-in type offering goods and services directly to customers waiting in parked motor vehicles are not permitted.
 4. Residential densities are restricted to those permitted in the least restrictive adjacent residential area.
 5. All business establishments shall be retail or service establishments dealing directly with the consumer.

6. No parking shall be allowed within the first ten feet of the required front yard adjacent to the right-of-way line.
7. All uses must comply with articles V and VI of this chapter.
8. Restrictions as required through the special use permit procedure as outlined in article VIII of this chapter.

(Ord. No. 795, § 702, 5-13-74; Ord. No. 1823, § 1, 11-6-89; Ord. No. 2024-92, 11-16-92; Ord. No. 2764-00, § 1, 11-13-00; Ord. No. 2975-03, § 1, 2-10-03)

Sec. 102-174. CR retail commercial district.

- (a) *Special purpose.* The CR retail commercial district is established to accommodate a greater variety of retail goods and services than permitted in the CN district, including business establishments which serve a larger segment of the city than the immediate surrounding residential area. This district includes community shopping centers.
- (b) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, enlarged or structurally altered, in the CR district except for one or more of the following uses:
 1. Any permitted use in the CN district.
 2. Ambulance service.
 3. Carpet stores.
 4. Blueprinting and photostating establishments.
 5. Bicycle sales and repair.
 6. Department, dry goods, and discount stores.
 7. Electrical and household appliance stores, including radio and television sales, but not including appliance assembly or manufacturing.
 8. Exterminating shops.
 9. Furniture shops, and upholstery when conducted as part of the retail operations and secondary to the main use.
 10. Furrier shops, including the incidental storage and conditioning of furs.
 11. Garden supply and seed stores, including greenhouses.
 12. Haberdasheries.
 13. Hobby stores.
 14. Offices, business, medical and professional, in a multi-tenant building which occupy no more than 25 percent of the total building area.
 15. Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles, when conducted as part of the retail operations and secondary to the main use.
 16. Jewelry and watch repair shops.
 17. Laboratories, medical, dental, research, experimental and testing, provided no production or manufacturing of products take place.
 18. Laundry, dry cleaning plant, provided that only nonflammable solvents are used.
 19. Motels, hotels.

20. Musical instrument sales and repair.
 21. Office supply stores.
 22. Orthopedic and medical appliance store, but not including the assembly or manufacturing of such articles.
 23. Paint and wallpaper stores.
 24. Pet shops.
 25. Charitable and nonprofit uses or institutions.
 26. Photography studios, including the development of film and pictures when done as a part of the retail business on the premises.
 27. Printing and publishing.
 28. Restaurants and establishments where alcoholic beverages may be served.
 29. Radio and television broadcasting stations.
 30. Retail sales stores.
 31. Schools; music, dance, business, commercial or trade.
 32. Secondhand stores and rummage shops.
 33. Sewing machine sales and service.
 34. Shopping centers.
 35. Sporting goods stores.
 36. Taverns and bars.
 37. Taxidermists.
 38. Theater, indoor.
 39. Temporary sales, 45 days, i.e., Christmas trees, landscape and nursery supplies.
 40. Undertaking establishments, funeral parlors, or mortuaries.
 41. Veterinary clinics.
 42. Accessory uses as follows:
 - a. Including off-street parking and loading in accordance with the provisions of article V of this chapter.
 - b. Public utility collection offices.
 - c. Public and community service uses.
 43. Intertrack wagering facility.
- (c) *Special uses.* The following uses in the CR district may be allowed by special use permit in accordance with the provisions of article VIII of this chapter:
1. Automobile service stations.

2. Restaurants, drive-in, fast food and/or carryout.
 3. Automobile laundry.
 4. Automobile sales and services, new and used, on an open lot or within a building.
 5. Automobile parts and accessory stores.
 6. Automobile painting and body repair.
 7. Upholstery shops.
 8. Mini-warehouses.
 9. One accessory dwelling unit.
 10. Hospitals and Medical clinics.
 11. Amusement establishments, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, skating rinks, and amusement parks.
 12. Banks and Credit Unions.
 13. Offices, Business, Medical and Professional as a single use on a zoning lot, or which occupy more than 25 percent of the total building area in a multi-tenant building.
 14. Automatic teller machines (ATM) which are not located on the premises of the financial institution with which they are affiliated.
- (d) *Yards.* No building in the CR district shall be erected or enlarged unless the following setbacks are provided and maintained in connection with such building, structure or enlargement:
1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot front; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet. Where 50 percent or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, provided that the minimum allowable setback shall not be less than 20 feet, and provided if there is no other building within 500 feet of the proposed building in either direction, then the standard setback for the CR district shall apply.
 2. *Side.* Side setbacks of at least five feet per side for buildings under 25 feet in height. For buildings exceeding 25 feet in height, the minimum side setback shall be increased by one foot for each four feet, or fraction thereof, by which the building height exceeds 25 feet, but in no case shall the combined side setback of more than 30 feet be required. On corner lots, where the side yard adjoins a street, the side yard shall be determined in the same manner as the front yard.
 3. *Rear.* A rear setback of at least 20 feet.
- (e) *Height.* In the CR district there shall be no height regulations.
- (f) *Conditions of use.* Any use permitted in the CR district shall be subject to the following conditions:
1. All uses must comply with articles V and VI of this chapter.
 2. Restrictions as required through the special use permit procedure outlined in article VIII of this chapter.
 3. Within the front yard, parking shall be allowed to the property line except within 30 feet of a right-of-way corner.

(Ord. No 795, § 703, 5-13-74; Ord. No 1090, § 2, 9-10-79; Ord. No. 1391, § 2, 9-12-83; Ord. No. 1525, § 2, 9-3-85; Ord. No. 1586, § 2, 9-22-86; Ord. No. 1595, § 4, 1-20-86; Ord. No. 1615, § 2, 3-9-87; Ord. No. 1716, § 1, 6-21-88;

Sec. 102-175. CG general commercial district.

- (a) *Special purpose.* The CG general commercial district is established to accommodate a greater variety of goods and services than permitted in the other commercial districts. It is designed to accommodate types of commercial uses including, but not limited to, retail and wholesales and services and auto oriented high traffic generated uses.
- (b) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the CG district except for one or more of the following uses:
 - 1. Agricultural implement sales and service on an open lot or within a building.
 - 2. Ambulance service.
 - 3. Reserved.
 - 4. Auction rooms.
 - 5. Automobile laundry.
 - 6. Automobile sales and services, new and used, on an open lot or within a building.
 - 7. Automobile service stations.
 - 8. Automobile parts and accessory stores..
 - 9. Automobile painting and body repair.
 - 10. Beverages, bottling and distribution.
 - 11. Bus terminals.
 - 12. Bakeries, wholesales.
 - 13. Building maintenance service.
 - 14. Cabinet sales.
 - 15. Carpet and rug dealers, carpet and rug cleaners.
 - 16. Contractor's offices and shops, when fabricating is done on the premises and when all storage of material and equipment is within a building (i.e. lumberyards) blacksmith, contractor equipment rental, cabinet shop.
 - 17. Dental equipment supplies, dental laboratories, druggists' supplies, wholesale.
 - 18. Dry cleaning plants.
 - 19. Electrical repair shops.
 - 20. Food, grocery and liquor establishments.
 - 21. Freight terminals, including packaging and crating.
 - 22. Furnace dealer, furnace cleaning and repairing.

23. Frozen food distributors.
24. Groceries, wholesale distributors.
25. Greenhouses, for retail trade on the premises.
26. Hotels and motels.
27. Heating and air conditioning sales and service.
28. Live bait shops.
29. Locksmith shops.
30. Lumberyards.
31. Monument sales, on an open lot or within a building.
32. Open sales lots (Marina, boat, mobile home, automobile, travel trailer, farm implement, nursery, etc.)
33. Paint dealers, wholesale and retail.
34. Plumbing shops, plumbing contractors.
35. Plastering contractors.
36. Printing publishing.
37. Private clubs, lodges and meeting halls.
38. Radio and television.
39. Refrigeration and freezer sales and service.
40. Rental services and yards.
41. Restaurants.
42. Sign painters and erectors.
43. Secondhand shops.
44. Sheet metal shops.
45. Reserved.
46. Tree surgeon's service.
47. Tobacco dealers, wholesale.
48. Upholstery shops.
49. Vending companies.
50. Veterinary clinics.
51. Wholesale, distribution and warehouse facilities.
52. Accessory uses as follows:

- a. Including off-street parking and loading in accordance with the provisions of article V of this chapter.
 - b. Public utility collection offices.
 - c. Public and community service uses.
53. Intertrack Wagering facility.
- (c) *Special uses.* The following uses in the CG district may be allowed by special use permit in accordance with the provisions of articles I and VIII of this chapter:
- 1. Automobile and motorcycle racing tracks and drag strips.
 - 2. Outdoor amusement establishments, fairgrounds, carnivals, circuses, race tracks, kiddie parks and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
 - 3. Outdoor theaters.
 - 4. Welding shops.
 - 5. Restaurants, drive-in, fast food and/or carryout.
 - 6. Adult modeling.
 - 7. One accessory dwelling unit.
 - 8. Amusement establishments, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, skating rinks, and amusement parks.
- (d) *Yards.* No building in the CG district shall be erected or enlarged unless the following setbacks are provided and maintained in connection with such building, structure or enlargement:
- 1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet. Where 50 percent or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block provided that the minimum allowable setback shall not be less than 20 feet, and provided if there is no other building within 500 feet of the proposed building in either direction, then the standard setback for the CG district shall apply.
 - 2. *Side.* Side setbacks of at least five feet per side for buildings under 25 feet in height. For buildings exceeding 25 feet in height, the minimum side setback shall be increased by one foot for each four feet, or fraction thereof, by which the building height exceeds 25 feet, but in no case shall the combined side setback of more than 30 feet be required. On corner lots, where a side yard adjoins a street, the side yard shall be determined in the same manner as the front yard.
 - 3. *Rear.* A rear setback of at least 20 feet.
- (e) *Height.* In the CG district there shall be no height regulations.
- (f) *Conditions of use.* Any use permitted in the CG district shall be subject to the following conditions:
- 1. All uses must comply with articles V and VI of this chapter.
 - 2. Restrictions as required through the special use permit procedure outlined in article VIII of this chapter.
 - 3. Within the front yard, parking shall be allowed to the property line except within 30 feet of a right-of-way corner.

(Ord. No. 795, § 704, 5-13-74; Ord. No. 1090, § 3, 9-10-79; Ord. No. 1215, § 1, 5-26-1; Ord. No. 1595, § 5, 10-2-86; Ord. No. 1615, § 3, 3-9-87; Ord. No. 1751, § 1, 11-7-8; Ord. No. 1823, § 1, 11-6-89; Ord. No. 1853, § 1, 5-7-90; Ord. No. 2975-03, § 1, 2-10-03)

Sec. 102-176. CO commercial office district.

- (a) *Special purpose.* The CO commercial office district is established primarily to accommodate business and professional offices and institutional uses. This district is applied to select locations throughout the city. Being less restrictive than the residential (R) districts and, generally, more restrictive than other business and commercial (C) districts, it may serve as a transition zone between them.
- (b) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, enlarged or structurally altered, in the CO district except for one or more of the following uses:
 - 1. Churches, rectories, seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for their operation.
 - 2. Clubs and lodges.
 - 3. Fraternal and philanthropic uses or institutions.
 - 4. Funeral homes.
 - 5. Institutions for the aged or for children.
 - 6. Offices. Business and professional, including medical clinics.
 - 7. Radio and television broadcasting studios.
 - 8. Rest homes, nursing homes, hospitals and sanitariums, for human beings only.
 - 9. Schools, day or nursery, public or private.
- (c) *Special uses.* The following uses in the CO district may be allowed by special use permit in accordance with the provisions of articles I and VIII of this chapter:
 - 1. Any permitted use in the CR district excepting those involved in food processing or preparation; goods or food distribution or warehousing.
 - 2. Dwelling units above the first floor.
- (d) *Yards.* No building in the CO district shall be erected or enlarged unless the following setbacks are provided and maintained in connection with such building, structure or enlargement:
 - 1. *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet. Where 50 percent or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block provided that the minimum allowable setback shall not be less than 20 feet, and provided if there is no other building within 500 feet of the proposed building in either direction, then the standard setback for the CO district shall apply.
 - 2. *Side yard.* A side yard on each side of not less than five feet and a combined total of side yards of not less than 15 feet. On corner lots where the side yard adjoins the street, the minimum width shall be increased to equal one-half the right-of-way of the adjoining street with a minimum of 25 feet, but in no case shall a side yard of more than 60 feet be required.
 - 3. *Rear.* A rear setback of at least 30 feet.
- (e) *Height.* In the CO district no building shall be erected or altered to a height in excess of 35 feet, except in accordance with article VIII of this chapter.
- (f) *Conditions of use.* Any use permitted in the CO district shall be subject to the following conditions:

1. All uses must comply with articles V and VI of this chapter.
2. No paved, gravel or similar surface or parking shall be permitted in the first ten feet of front and rear yards or the first five feet of side yards except for corner lots and that common driveways are permitted. All unpaved areas shall be permanently landscaped and maintained. In addition, the mayor and city council may require that landscaped strips or screening be provided and maintained in such areas.

(Ord. No. 795 § 705, 5-13-74; Ord. No. 1135, § 1, 5-12-80; Ord. No. 1823, § 1, 11-6-89; Ord. No. 2975-03, § 1, 2-10-03)

Sec. 102-177 thru 102-185 Reserved.

DIVISION 4. INDUSTRIAL*

Sec. 102-186. Purposes.

In addition to the objectives prescribed in section 102-1, the industrial districts are included in this chapter to achieve the following purposes:

1. To reserve appropriately located areas for industrial plants and related activities.
2. To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses.
3. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other.
4. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping.
5. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and commercial districts.
6. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

(Ord. No. 795, § 800, 5-13-74)

Sec. 102-187. Required conditions.

- (a) All uses shall comply with the regulations prescribed in articles I, VI and VII of this chapter.
- (b) No use shall be permitted which emits dangerous radioactivity.
- (c) No use shall be permitted which creates insect nuisances beyond the boundaries of the site.
- (d) All uses shall comply with the performance standards as cited in the "Environmental Protection Act," (415 ILCS 5/1 et seq.) effective July 1, 1970, as amended, State of Illinois.
- (e) In the light industrial district, all production, processing, servicing, testing, repair or storage of materials or goods, equipment or products shall take place within completely enclosed buildings. Outdoor storage will be allowed by special use permit as regulated in article VIII of this chapter.
- (f) All outdoor storage should be screened by a site-obscuring fence or landscaped hedge when such zoning lot is fronting a street or highway and/or adjacent to a residential district.
- (g) One dwelling unit per zoning lot by special use permit subject to the same conditions of use as apply in the CG district.

(Ord. No. 795, § 801, 5-13-74; Ord. No. 977, § 1, 2, 2-6-78; Ord. No. 1595, § 3, 10-20-86)

Sec. 102-188. IL light industrial district.

- (a) *Special purpose.* The IL light industrial district is intended to accommodate light manufacturing, wholesale and research establishments. The IL district may be located in various areas throughout the community and may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature. While most often applied to areas where the location of particular industries has no direct relationship to other nearby business or industrial districts, it may also be formed as an adjunct to these established districts.
- (b) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted or enlarged or structurally altered in the IL district except for one or more of the following uses:

1. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conform to the performance standards established for this article, but not including any of the uses listed as permitted in the IH heavy industrial district.
 2. Wholesaling and warehouse; local cartage and express facilities, but not including motor freight terminals.
 3. Public and community service uses, as follows:
 - a. Electric substations.
 - b. Fire stations.
 - c. Municipal or privately owned recreation buildings or community centers.
 - d. Parks and recreation areas.
 - e. Police stations.
 - f. Radio and television towers.
 - g. Sewage lift station.
 - h. Telephone exchanges.
 - i. Water filtration plants.
 - j. Water pumping stations.
 - k. Water reservoirs.
 1. Temporary buildings for construction purposes, for a period not to exceed the duration of such constructions.
 2. Accessory structures and uses.
 3. Outdoor theaters.
 4. Intertrack wagering facility.
- (c) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of article VIII of this chapter.
1. Any use which may be allowed as a permitted use or a special use in the CG district.
 2. Airport or aircraft landing fields.
 3. Stadiums, auditoriums and arenas.
 4. Veterinaries' offices and hospitals.
 5. One accessory dwelling unit.
- (d) *Yards.* No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such buildings:
1. *Front.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
 2. *Side.* A side yard on each side of the zoning lot of not less than ten feet. On corner lots, where the side yard adjoins a street, the side yard shall be determined in the same manner as the front yard.

3. *Rear.* In a zoning lot abutting a residential district, there shall be a required rear yard at least 30 feet in depth.

(e) *Height.* In the IL district there shall be no height regulations.

(Ord. No. 795, § 802, 5-13-74; Ord. No. 1595, § 6, 10-20-86; Ord. No. 1615, § 4, 3-9-87)

Sec. 102-189. IG industrial general district.

(1) *Special purpose.* The IG industrial general district is intended to accommodate those industrial uses which may not or cannot meet standards of the IL district yet do not have the objectionable influences of those uses found in the IH district. The IG district shall not be located in close proximity to a residential district.

(b) *Required conditions.* Required conditions in the IG district are as follows:

1. All production, processing, servicing, testing, repair or storage of materials, goods or products shall take place within completely enclosed buildings, except that outdoor storage of materials shall be within completely enclosed areas with a perimeter fence at least six feet in height. Outdoor storage shall be limited as outlined in section 102-9, definitions.
2. All uses shall comply with the performance standards as cited in the “Environmental Protection Act” (415 ILCS 5/1 et seq.) effective July 1, 1970, as amended, State of Illinois.

(c) *Permitted uses.* Unless otherwise provided for in this chapter, no building or land use may be used, and no buildings may be erected, converted, enlarged or structurally altered in the IG district except for one or more of the following uses: Any use permitted in the IL district.

(d) *Special uses.* The following uses may be allowed in the IG district by special use permit in accordance with the provisions of article VIII of this chapter.

1. Any use which may be allowed as a special use in the IL district.
2. Junkyards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened from view from adjacent property or rights-of-way.
3. Stone and gravel quarries and crushing, grading, washing and loading equipment and structures.
4. Race track.
5. Sanitary landfill.
6. One accessory dwelling unit.

(e) *Yards.* No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such buildings:

1. *Front.* A front yard of at least 25 feet for buildings under 25 feet in height. For building exceeding 25 feet in height, minimum front yard shall be increased by one foot for each two feet or fraction thereof by which the building height exceeds 25 feet, but in no case shall a front yard of more than 60 feet be required.
2. *Side.* A side yard equal to at least ten feet; except, on corner lots, where the side yard adjoins a street, the side yard shall be the same as the front yard.
3. *Rear.* A rear setback of at least 20 feet.

(f) *Height.* In the IG district, no building shall be erected or altered to a height in excess of 75 feet.

(Ord. No. 795, § 804, 5-13-74; Ord. No. 1216, § 1, 6-1-81; Ord. No. 1595, § 8, 10-20-86)

Sec. 102-190. IH heavy industrial district.

- (a) *Special purpose.* The purpose of the IH heavy industrial district is to accommodate those heavier manufacturing and other industrial uses which have objectionable influences, but which, nevertheless, should be provided for somewhere in the community. The IH district is, insofar as possible, applied to locations removed from the residential districts on the basis of linear distance of natural or manmade features.
- (b) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used and no building may be erected, converted, enlarged or structurally altered in the IH district, except for one or more of the following uses:
1. Any use permitted in the IL district.
 2. Production, processing, cleaning, servicing, testing and repair, including the following uses and manufacturing of the following products:
 - a. Coal, coke and tar products, including gas manufacturing.
 - b. Electric central stations, power and steam-generating plants.
 - c. Explosives, when not prohibited by other ordinances.
 - d. Feed and fuel stores.
 - e. Fertilizers.
 - f. Film, photographic.
 - g. Flour, feed and grain: milling and processing.
 - h. Freight, forwarding terminals.
 - i. Gelatin, glue and size: animal.
 - j. Incineration or reduction of garbage, offal and dead animals.
 - k. Linoleum and oilcloth.
 - l. Magnesium foundries, matches.
 - m. Metal and metal ores (except precious and rare metals): reduction, refining, smelting, and alloying.
 - n. Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
 - o. Petroleum, products, refining, such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
 - p. Rubber, natural or synthetic.
 - q. Sewage treatment plants.
 - r. Soaps, including fat and oil rendering.
 - s. Starch.
 - t. Stockyards, slaughterhouses and abattoirs.
 - u. Stone and gravel quarries and crushing, ready-mix batch plants, grading, washing and loading equipment and structures.

- v. Storage yards for commercial vehicles.
 - w. Truck terminals.
 - x. Woods, coal and bones, distillation.
 - y. Wood pulp and fiber, reduction and processing, including paper mill operations.
 - z. Any other production, processing cleaning, servicing, testing and repair which conforms with the required conditions established for the IH district.
3. Storage, including the following uses and materials or products:
- a. Goods used in or produced by manufacturing activities permitted in the district.
 - b. Dumps and slag piles.
 - c. Explosives when not prohibited by other ordinances.
 - d. Grain.
 - e. Manure, peat and topsoil.
 - f. Petroleum and petroleum products.
4. Miscellaneous uses, as follows: Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roadhouses.
5. Sexually oriented businesses shall be a permitted use provided that:
- a. A sexually oriented business may not be operated within 1,000 feet of the following previously established uses:
 - 1. A church, synagogue or regular place of worship;
 - 2. A public or private elementary or secondary school;
 - 3. Any property legally used or zoned for residential purposes;
 - 4. A public park;
 - 5. A day care facility; or
 - 6. Another sexually oriented business.
 - b. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of a church, school, park, day care facility, residential use or other sexually oriented business, or to the nearest boundary of a residential zoning district.
 - c. Nothing in this section shall be interpreted to authorize or permit any activity or conduct prohibited by any local, state or federal law, including but not limited, to, obscenity and prostitution.
- (c) *Special uses.* Any use in the IH district which may be allowed as a special use in the II district may be allowed by special use permit in accordance with the provisions of article VIII of this chapter. The uses are as follows:
- 1. Production, processing, testing and manufacturing of the following products unless specifically prohibited by the city: Chemicals including acetylene, aniline dyes, ammonia, carbene, caustic soda, cellulose,

chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, nitric and sulphuric acids and derivatives.

2. Junkyards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least 12 feet high.
3. Railroad roundhouses, maintenance buildings and switching yards.
4. One accessory dwelling unit.

(d) *Yards.* No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such buildings:

1. *Front.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 30 feet nor require more than 60 feet.
2. *Side.* A side yard on each side of the zoning lot of not less than ten feet. On corner lots, where a side yard adjoins a street, the side yard shall be determined in the same manner as the front yard.
3. *Rear.* In a zoning lot abutting a residential district, there shall be a required rear yard at least 30 feet in depth.

(e) *Height.* In the IH district, there shall be no height regulations.

(Ord. No. 795, § 803, 5-13-74; Ord. No. 1595, § 7, 10-20-86; Ord. No. 2765-00, § 1, 11-13-00)

Secs. 102-191 thru 102-212. Reserved.

ARTICLE IV. HOME OCCUPATIONS*

Sec. 102-213. Required conditions.

Home occupations in the residential districts shall comply with the following regulations:

1. There shall be no stock-in-trade other than products manufactured on the premises unless otherwise approved by the zoning board of appeals by special use permit as provided for by article XIII.
2. A home occupation shall be conducted within a dwelling or in an accessory building not to exceed 500 square in area.
3. There shall be no outdoor storage of supplies or equipment outside the building.
4. There shall be no external alteration of the dwelling or accessory building in which a home occupation is conducted, and the existence of a home occupation shall not be apparent beyond the boundaries of the site, except for a nameplate in accord with the provisions of article XI, signs.
5. No one other than a resident of the dwelling shall be employed in the conduct of the home occupation.
6. No motor power other than electrically operated motors shall be used in connection with a home occupation.
7. A home occupation shall not create any radio or television interference or create noise in excess of the standards set forth in the city ordinances.
8. No unreasonable odor, liquid, or solid waste shall be emitted.
9. Not more than one truck of not more than one ton pickup capacity and no semi-trailers incidental to a home occupation shall be kept on the site.
10. A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the zoning district.

***Cross reference-Businesses, ch. 22.**

Sec. 102-214. Permits and fees.

Permits for home occupation are required, and application may be made in the zoning office of the city. A period of 15 days shall be allowed for staff review of the request for a permit. Should the zoning officer make an unfavorable decision, the applicant may appeal the decision in accordance with the appeal procedures set forth in section 102-32.

Sec. 102-215. Inspections.

Home occupations are subject to inspections by the city zoning staff personnel. Inspections will be conducted during the working day, and the person to whom the permit was issued shall be present when the inspection takes place.

Sec. 102-216. Revocation of permits; fines for violation of article.

(a) *Grounds for revocation.* Revocation of a home occupation permit may be made for the following reasons:

1. Any change in the use for which the permit was issued.
2. Failure to allow inspections.
3. Noncompliance with any of the provisions of this article.
4. Violation of any city ordinance or state or federal law.

(b) *Fines.* Failure to abate a violation of this article after notification by the city will cause the permittee to be subject to a fine of \$50.00 to \$500.00 a day for each day the violation exists.

ARTICLE V. OFF-STREET PARKING AND LOADING

Sec. 102-256. Purpose.

The purpose of this article of this chapter is to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the use of the property.

(Ord. No. 795, § 1000, 5-13-74)

Sec. 102-257. Required conditions.

(a) *Scope of regulations.* The off-street parking and loading article of this chapter shall apply as follows:

1. For all buildings and structures erected and all uses of land established after the effective date of Ordinance No. 795, accessory parking and loading facilities shall be provided as regulations of the district in which such buildings or uses are located. However, where a building permit was issued prior to the effective date of Ordinance No. 795, and provided that construction was begun within 90 days of the date of the building permit and diligently prosecuted to completion, parking and loading facilities, as required by this article, need not be provided.
2. When the intensity of use of any building structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measure specified within the schedule of parking requirements for required parking or loading facilities, parking and loading facilities, as required, shall be provided for such increase in intensity of use. However, when a building or structure lawfully erected or use lawfully established prior to the effective date of Ordinance No. 795 increases in size or capacity by 50 percent or greater, the parking or loading facilities required by this chapter shall be provided for the total use.
3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to the effective date of Ordinance No. 795, additional parking or loading facilities are mandatory only in that amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this chapter.

(Ord. No. 795, § 1001, 5-13-74)

Sec. 102-258. Additional regulations; parking.

In addition to the requirements of the required conditions for parking and loading in section 102-257 and the requirements of the schedule of parking requirements in section 102-260, the following additional regulations shall apply to parking:

1. *Existing parking and loading facilities.* Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of Ordinance No. 795 or were provided voluntarily after such effective date shall not further be reduced below, or if already less than, shall not further be reduced below the requirements of this chapter for a similar new building or use.
2. *Permissive parking and loading facilities.* Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations in this section governing the location, design, improvement, and operation of such facilities are adhered to.
3. *Damage or destruction.* For any conforming or legally nonconforming building or use which is in existence on the effective date of Ordinance No. 795, which subsequent thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at that time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.
4. *Submission of plat plan.* Any application for a zoning permit or for a certificate of zoning compliance shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this chapter.

5. *Use of parking facilities.* Off-street parking facilities accessory to any use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of the occupants. Of those parking facilities accessory to residential structures only fully enclosed structures shall be used for the storage of commercial vehicles. Under no circumstances shall parking facilities accessory to residential structures be used for the parking of vehicles belonging to or used by off-site employees of a licensed home occupation.
6. *Joint parking facilities.* Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any nonresidential zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces, so located together, shall not be less than the sum of the separate requirements for each use, except as otherwise provided by this chapter.
7. *Mixed Uses.* When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board of appeals.
8. *Computation of required spaces.* Computation of required spaces shall be performed as follows:
 - a. *Parking schedule.* The basis for this determination of the number of parking spaces required for a given use shall be the schedule of parking requirements in section 102-260. Where a use is not specifically listed, parking spaces shall be provided as required for the most similar listed use or as determined by the zoning officer.
 - b. *Fractions.* When determination of the number of parking spaces required by this chapter results in a requirement of a fraction of less than one-half, that fraction may be disregarded; while a fraction equal to greater than one-half shall be counted as one parking space.
 - c. *Spaces required on an employee basis.* Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
9. *Size.* All required off-street parking spaces, whether located inside or outside, shall be at least 9 feet in width and at least 19 feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such spaces shall have a vertical clearance of at least 7 feet. An aisle width of 18 ft. is required for all rows of parking containing angled parking spaces, and 24 ft. for all rows of parking containing perpendicular parking spaces.
10. *Parking in yards.* Parking may be allowed in the required yards with the exception of the following:
 - a. No parking shall be allowed in the required front and side setbacks adjacent to a right-of-way in all residential and CN commercial neighborhood districts, except on a private driveway improved with a hard-surface which is dust-free and provides for water runoff, except when snow removal or other emergency parking regulations are in effect.
 - b. No parking shall be allowed within the first 25 feet of the right-of-way corner in the commercial and industrial district.
11. *Design and maintenance.* Design and maintenance of parking areas shall be as follows:
 - a. *Open and enclosed parking areas.* Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building.
 - b. *Surfacing.* All open off-street parking areas shall be improved with a bituminous or Portland cement concrete pavement, in accordance with standards set forth by the city. Such parking areas shall be so graded and drained as to dispose of all surface water, and in no case shall drainage be allowed across sidewalks. Such parking areas shall also be so arranged and marked to provide for orderly and safe parking and storage of vehicles, and shall be so improved with wheel stops or bumper guards to prevent encroachment into adjacent areas, lots or public ways.
 - c. *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from adjacent residential properties.
 - d. *Screening.* Refer to section 102-136.

12. *Location of accessory off-street parking facilities.* The location of off-street parking spaces in relation to the use served shall be as prescribed in this section. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.
13. *For uses in a residential district.* Parking spaces accessory to single-family and two-family dwellings shall be located on the same zoning lot as the use served. Spaces accessory to multifamily dwellings and to uses other than dwellings may be located on the same zoning lot or on an adjacent lot.
14. *For uses in the commercial and industrial districts.* All required parking spaces shall either be located on the same zoning lot or a lot within 150 feet of the principal use.
15. *Control of off-site parking facilities.* When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. Required parking facilities provided on land other than the zoning lot on which the building or use served by such facilities is located, which are not in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory, are permitted by Special Use Permit only.
16. *Landscaping of parking areas.* The following areas of consideration and requirement shall be followed in the landscaping of parking areas:
 - a. *Intent:* It is the intent of these planting and landscaping provisions to reduce to a minimum the unaesthetic view created by a group of parked automobiles or the sea of asphalt of necessary parking areas. It is also the intent of these landscaping provisions to encourage tree and shrub planting, thereby reducing noise, air pollution, forceful winds, surface drainage, and soil erosion to adjacent property and generally adding to the beauty and worth of the entire city.
 - b. *General requirements.* All parking areas, public or private, and including all open sales areas containing more than five spaces, shall be screened with landscaping on the sides adjacent to property that is used or zoned for residential purposes, and on the sides abutting a public right-of-way. The parking areas shall be so arranged that they can be screened from view. In addition, all parking areas, public or private, and including all open sales areas containing ten or more contiguous spaces shall contain, dispersed among the parking spaces or around the edges of the parking area, protected trees to the extent that one tree shall be provided for every ten parking spaces or fraction thereof.
 - c. *Landscaping defined.* Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. The landscaped strip shall be mounded a minimum of one foot above the height of the adjacent parking spaces but not exceeding a three to one slope and shall be protected from automobile traffic by curbing or some other effective barrier to the passage of automobiles. In addition, the combination or design may include rock ground cover-not to exceed 20 percent of the total for any landscaped area, and such structured features as fountains, pools, art work, screens, walls, fences, or benches, but such objects alone shall not meet the requirements of this section. It is desirable and acceptable to include such nonliving structural features, but such objects shall always be used in combination with living plant material.
 - d. *Dispersed planting of trees.* Where dispersed planting of trees is required, the tree shall be of a type and variety approved by the zoning officer and shall be planted apart from the required landscaping strips and dispersed throughout the parking area to the highest degree possible. Trees may be linearly placed or randomly placed, but shall not be grouped in any one area of the parking lot. In addition, the following requirements shall be met:
 1. *Size.* Unless otherwise approved by the zoning officer, all trees shall be a minimum of 1-1/2 inches in diameter, six inches above ground level, and at least ten feet in height, when planted. The crown shall be in good balance with the trunk.

2. *Grade.* Unless otherwise allowed for specific reasons, all trees shall have comparatively straight trunks, well developed leaders and tops, and roots characteristic of the species, cultivar, and variety showing evidence of proper nursery pruning. All trees must be free of insects, diseases, mechanical injuries, and other objectionable features at the time of planting.
 3. *Spacing.* Trees shall not be grouped, but instead shall be dispersed among the parking spaces or around the edges of the parking area. No trees shall be planted within five feet of an intersection of any street, alley, or driveway with any type of public way, nor within five feet of a public utility pole.
 4. *Area per tree.* Each tree shall be planted in an unpaved ground space capable of supporting the species of tree planted as specified by a competent nurseryman or landscape architect. However, in all cases a minimum of 16 square feet of unpaved ground space may also contain additional small shrubs or groundcover to complement the trees.
 5. *Protective measures.* All trees shall be protected from damage by automobiles and trucks by curbing or other protective barriers; and shall also be staked at the time of planting with poles having a diameter of not less than 1-1/2 inches, or stakes measuring not less than 1-1/2 inches on each side.
 6. *Determination of number of parking spaces.* In public and private parking areas, the number of spaces shall be a simple summation of the outlined spaces excluding necessary driveways and nonfunctional areas. In open sales area, the number of spaces shall be determined by dividing the gross land area in square feet by 350 square feet.
17. *Submitting of plans.* A site plan and landscape plan shall be submitted to the Zoning officer with every application for a zoning permit or building permit for any use or structure involving parking areas. The following information shall be included:
- a. The site plan shall show building location, ingress and egress, access-ways, parking spaces, maneuvering areas, landscape areas, paving, grading, fencing, curb cuts, and lighting or other arrangements as may be required. If dispersed tree planting is required, the site plan shall show the location and spacing of all required trees. Specifications and locations of all necessary protective barriers shall also be shown.
 - b. The landscaping plan shall be drawn to scale and shall show the type, height, and placement of all material. This plant list shall contain the common name and size at the time of planting.
 - c. The landscape design shall be subject to the following provisions:
 1. Any required planting strip shall be a minimum of eight feet in width.
 2. Wherever landscaping may interfere with traffic vision, the height and placement shall be determined by the city engineer.
 3. To effectively screen the area, the majority of the landscape materials should be a minimum of two feet in height and include some evergreen material. The landscape strip should be mounded with permanent soil or fill to a minimum of one foot but not to exceed a three to one slope, except where other design methods can be shown to effectively screen the parking area and identify the landscape strip.
 4. If location and circumstance dictate, plant material to be used should be resistant to the noxious fumes and emissions of automobiles.
 5. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner.
 - d. *Approval or disapproval.* The zoning officer shall have the right to approve or disapprove any landscape design which does not reasonably meet the requirements of this section. The granting of approval by the zoning officer may include such conditions as he/she deems reasonable and necessary to carry out the intent of this section. In evaluating landscaping site plans, the zoning officer may consult other city officials such as the city engineer. When consultation requests are made by the zoning officer, the consulted city official shall comply with written statement of his/her findings.

- e. **Maintenance.** It shall be the owner's responsibility to see that the landscaping is maintained in a neat, clean, orderly, and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants, when necessary, and regular watering of all plantings. In no case shall snow or other debris from the streets and parking areas be dumped onto the landscaped strips or tree plots. Any open area between a fence or wall and adjacent property line shall be maintained in a neat and orderly manner.
- f. **Issuance of permits.** No certificate of zoning compliance shall be issued by the zoning officer, and no certificate of occupancy shall be issued by the building officer unless the parking and landscape improvements have been completed or a completion bond, a cash deposit, or a certified check to cover the cost of the approved improvements as estimated by the city engineer has been deposited with the city clerk.
- g. **Completion of improvements.** All landscaping, off-street parking, and loading space improvements shall be completed prior to the occupancy of any building or the commencement of use of the land. In the event of adverse weather conditions, the zoning officer may authorize one time extension of not more than four months, provided the property owner shows intent to complete the improvements, as evidenced by submitting a copy of a valid contract for completion of the required improvements.

(Ord. No. 795, 1002, 5-13-74; Ord. No. 1179, 1, 3-16-81)

Sec. 102-259. Additional regulation; off-street loading.

In addition to the requirements of the required conditions of section 102-257 and the requirements of the off-street loading space requirements schedule in section 102-261, the following additional regulations shall apply to loading:

- 1. *Location.* All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.
- 2. *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- 3. *Surfacing.* All open off-street loading berths shall be improved with a compacted crushed-stone base, not less than eight inches thick, surfaced with not less than two inches of bituminous material or some compatible all-weather dustless material.
- 4. *Repair and service.* No motor vehicle repair work or service with the exception of emergency work or service of any kind shall be permitted in conjunction with loading or parking facilities provided in any residential or commercial district.
- 5. *Misuse of space allocation.* Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- 6. *Additional berths.* For special uses other than prescribed for in this section, loading berths adequate in number and size to serve such use, as determined by the zoning officer, shall be provided.
- 7. *Receiving facilities.* Uses for which off-street loading facilities are required in this section but which are located in a building of less floor area than the minimum prescribed for such required parking facilities shall provide adequate receiving facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicles.

(Ord. No. 795, 1003, 5-13-74; Ord. No. 1018, 1, 8-14-78)

Sec. 102-260. Schedule of parking requirements.

(a) *Residential uses.* Residential uses shall meet the following requirements:

1. *RU, R1 and R2 districts.* Three parking spaces shall be provided for each dwelling unit.
2. *R3, R3A and R4 districts.* Two ½ parking spaces shall be provided for each dwelling unit; except that elderly housing shall require only one ½ parking spaces for each dwelling unit.
3. *Motels, hotels, lodging houses and private clubs providing sleeping accommodations.* One parking space for each room, unit, or guest accommodation, plus one parking space for each employee, plus specified requirements for restaurants, meeting rooms, banquet rooms, and related facilities.
4. *Mobile home and trailer parks.* Two spaces for each unit, none of which shall occupy area designated for access drives.

(b) *Retail and service uses.* Retail and service uses shall meet the following:

1. *In general.* All retail and service uses shall provide one parking space for each employee.
2. *Retail stores, banks and other financial institutions.* One parking space shall be provided for each 200 square feet of gross habitable floor area.
3. *Car wash.* Automobiles waiting entrance to any car wash shall be provided with off-street parking spaces equal in number to five times the number of washing units.
4. *Other drive-in establishments and facilities.* Drive-in banks and other similar facilities shall provide three off-street parking spaces per teller or customer service window. Drive-in theaters shall provide stacking spaces equal to ten percent of the vehicle capacity of such theater.
5. *Bowling alleys.* Five parking spaces shall be provided for each alley, plus such additional spaces as may be required in this section for affiliated uses: bars, restaurants, and the like.
6. *Establishments dispensing food or beverages for consumption on the premises.* One parking space be provided for each 200 square feet of floor area.
7. *Furniture and appliance stores, household equipment or furniture repair shops.* One parking space shall be provided for each 500 square feet of floor area.
8. *Open sales lots for motor vehicles, boats, construction equipment, farm machinery, and related items.* One parking space per 500 square feet of enclosed sales floor area, plus one parking space per 2,000 square feet of outside display area, plus 2 parking spaces per service bay.
9. *Theaters (indoor).* One parking space shall be provided for each three seats.
10. *Undertaking establishments, funeral parlors.* Forty parking spaces shall be provided for each chapel or parlor, plus one parking space for each funeral vehicle kept on the premises.
11. *Fast food restaurants.* Five stacking spaces shall be provided for each drive-up food service window. One parking space per 100 square feet of customer services or dining area, plus one additional parking space for every four outside seats.
12. *Amusement center.* One parking space for every 200 square feet of gross floor area, plus one additional parking space for each two licensed game machines, plus off-street bicycle racks with capacity for one bicycle per each two game machines.
13. *Beauty parlor/Barber shop/Tanning salon.* Two parking spaces for each operator station and tanning bed.
14. *Billiard hall.* Three spaces per table.

15. *Clubs or lodges.* One parking space per 100 square feet of assembly area.
 16. *Contractor's supply houses.* One space for each 1,000 square feet of floor area, plus one parking space for each company vehicle, plus one parking space for each 10,000 square feet of open lot or storage area.
 17. *Day care center.* One parking space per six students or off-street parking spaces to accommodate at least six vehicles, whichever is greater.
 18. *Dry cleaners.* One space for every 50 square feet of gross floor area used by the general public.
 19. *Gas station/ mini mart.* One parking space for every 150 square feet of interior space occupied by the general public. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
 20. *Greenhouse/nursery.* One parking space for each 100 square feet of interior retail sales area for the first 5,000 square feet and one parking space for each 200 square feet of interior sales area above 5,000 square feet; greenhouse sales area- one parking space for each 1,000 square feet and one parking space for each 500 square feet of greenhouse sales area above 1,000 square feet; exterior nursery sales area – one parking space per 5,000 square feet of exterior nursery sales area.
 21. *Laundromat.* One parking space for each three washing or drying machines.
 22. *Lumber yard/ home improvement center.* One parking space for every 400 square feet of retail sales floor area, plus one parking space for every 1,000 square feet of warehouse area, plus one parking space for each company vehicle customarily used in operation of the use or stored on the premises.
 23. *Motor vehicle repair.* Three parking spaces for each service bay, and one parking space for every vehicle customarily used in operation of use.
 24. *Nightclub.* One parking space for each 100 square feet of gross floor area. A nightclub is defined as an establishment dispensing liquor and meals, and in which live music, dancing, or entertainment is conducted as a primary use.
 25. *Outdoor sales areas for uses not specifically listed.* One parking space for each 200 square feet of outside display area and customer circulation area.
 26. *Printing shops.* One parking space for each 100 square feet of gross floor area used by the general public.
 27. *Rental center.* One parking space for each 500 square feet of indoor retail sales area; plus one parking space for each 2,000 square feet of outdoor storage area.
- (c) *Offices: Business, professional and governmental; medical, dental and optical clinics; and offices of health, medical and welfare institutions.* One parking space shall be provided for each 250 square feet of floor area. One parking space shall be provided for each employee.
- (d) *Industrial uses.* Industrial uses shall meet the following:
1. *In general.* All industrial uses shall provide one parking space for each employee. Plus, one parking space for each vehicle customarily used in the operation of the use.
 2. *Contractor's yard.* One parking space for each 5,000 square feet of lot area.
 3. *Junkyard.* One parking space for each 10,000 square feet of lot area.
 4. *Manufacturing including the production, processing cleaning, servicing, testing or repair of material, goods or products.* One parking space for each 250 square feet of floor area open to the public for customer parking.
 5. *Transit terminals.* One parking space for every two seats for waiting passengers.
- (e) *Warehouses and storage buildings.* One parking space shall be provided for each employee and one parking space for each vehicle customarily used in the operation of the use.

(f) *Community service uses.* Community service uses shall meet the following:

1. *Church, school, college and other institutional auditoriums.* One parking space shall be provided for each three auditorium seats or six feet of fixed benches or one parking space for each 75 square feet of gross floor area of auditorium or assembly space without fixed seats.
2. *Colleges, universities and business, professional and trade schools.* One parking space shall be provided for each employee, plus one parking space for each student parking permit issued by the campus; if campus parking permits are not issued, one parking space is required for each two students attending classes on the premises at any one time. Additional visitor parking shall be provided equal to 25% of the above student parking requirements.
3. *Hospitals.* One parking space shall be provided for each two beds, plus one parking space for each 250 square feet of gross floor area for separate medical or out patient office located within the building.
4. *Libraries, art galleries and museums.* One parking space shall be provided for each employee, plus one parking space for each 200 square feet of floor area.
5. *Municipal or privately owned recreation buildings or community centers.* One parking space shall be provided for each employee, plus one parking space for each 150 square feet of floor area. Additional parking is required for any athletic fields that may be associated with this use. (See athletic fields)
6. *Parks.* Three parking space shall be provided for each acre of land up to 50 acres; one additional parking space shall be provided for each additional ten acres of land.
7. *Schools.* One parking space shall be provided for each employee in addition to the following:
 - a. Nursery, elementary, junior high (middle), one space per 20 pupils.
 - b. Senior high school, one space per four students.
8. *Clinics, sanitariums, nursing homes, and charitable and religious institutions providing sleeping accommodations.* One parking space shall be provided for each employee, plus one parking space for each three beds.
9. *Post offices.* One parking space for each employee, plus one parking space for each 100 square feet of lobby or customer service area, plus one parking space for each vehicle used in the conduct of the use.

(g) *Places of assembly.* Places of assembly shall meet the following:

1. *In general.* All places of assembly shall provide one parking space for each employee.
2. *Stadiums, arenas, auditoriums (other than church, college, school or institutional uses) and gymnasiums.* One parking space shall be provided for each three seats or six feet of fixed benches.
3. *Convention halls, exhibition halls and dance halls.* One parking space for each 50 square feet of floor area, excluding kitchen, restroom and storage areas.
4. *Skating rinks.* One parking space for each 100 square feet of gross floor area, excluding food preparation areas, restroom areas, and storage areas, or one parking space for each three seats or six feet of fixed benches, whichever is greater.
5. *Amusement park.* One parking space for each 400 square feet of land area for the first 15 acres, plus one parking space for each additional 4,000 square feet of land area over 15 acres.
6. *Athletic fields.* Forty parking spaces for each diamond or athletic field; when permanent seats or fixed benches are provided, an additional one parking space for each three permanent seats or six feet of fixed benches shall be provided.
7. *Auction house.* One parking space for each two seats, or one parking space for each 150 square feet of gross floor area, whichever is greater.

8. *Bingo parlor*. One parking space for each three seats, or one parking space for each 100 square feet of gross floor area, whichever is greater.
9. *Golf course*. Six parking spaces for each golf hole, plus 50 percent of spaces otherwise required for any other associated use.
10. *Golf driving range*. One and one-half spaces for each driving tee.
11. *Indoor soccer/volleyball facility*. Forty parking spaces for each field or court; when permanent seats or fixed benches are provided, an additional one parking space for three permanent seats or six feet of fixed benches shall be provided.
12. *Miniature golf course*. Three parking spaces for each hole.
13. *Race track*. One parking space for each four permanent seats or eight feet of fixed benches.
14. *School; dance, karate, gymnastic, etc.* One parking space for each three students taking instructions on premises at one time; based on largest class or classes being taught at one time.

(h) *Miscellaneous uses*: Miscellaneous uses shall meet the following:

1. *Airports*. One parking space for each employee, plus one parking space for each four aircraft tie-downs or aircraft storage areas, plus one parking space for each four seating accommodations for waiting passengers. In addition, any restaurants, banquet rooms, meeting rooms and related accessory uses located on the premises must meet parking requirements specified for these uses.
2. *Marinas*. One parking space for each employee, plus one parking space for each boat slip; of these parking spaces, at least 20 percent of the spaces shall be at least 9' x 36' to accommodate cars with trailers. In addition, any accessory uses such as restaurants, bars, retail sales areas and other related uses located on the premises must meet parking specified for these uses.
3. *Mixed uses*. When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the zoning board of appeals.
4. *Other uses*. For uses not listed in this section, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the zoning officer.

(Ord. No 795, 1004, 5-13-74; Ord. No. 1122, 1, 3-17-80; Ord. No. 1140, 1, 7-14-80; Ord. No. 1390, 2, 9-6-83)

Sec. 102-261. Off-street loading schedule.

The off-street loading schedule shall be as follows:

<i>Use</i>	<i>Gross Floor Area in Square Feet</i>	<i>Required number and minimum horizontal dimensions of berths (in feet)</i>
(1) Hospitals, Sanitariums, and other institutional uses.	10,000 to 200,000	1 (10 x 25)
(2) Hotels, clubs and lodges, except as set forth in item (5)	For each additional 200,000 or fraction thereof	1 additional (10 x 25)
(3) Hotels, clubs, and lodges when containing any of the following: Retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices, other than accessory.	10,000 to 20,000	1 (10 X 25)
	20,000 to 150,000	1 (10 X 50)
	For each additional 150,000 or fraction thereof	1 additional (10 X 50)
(4) Retail stores	5,000 to 10,000	1 (10 X 25 each)
(5) Establishments, dispensing food or beverages for consumption on the premises.	10,000 to 25,000	2 (10 x 25 each)
	25,000 to 40,000	2 (10 x 50 each)
(6) Motor vehicle and machinery sales	40,000 to 100,000	3 (10 x 50 each)
(7) Wholesale establishments, but not including warehouse and storage buildings other than accessory.	For each additional 200,000 or fraction thereof	1 additional (10 x 50)
(8) Auditoriums, convention halls, exhibition halls, sports arenas, stadiums.	10,000 to 20,000	1 (10 x 25)
	20,000 to 100,000	1 (10 x 50)
(9) Bowling alleys.	For each additional 100,000 or fraction thereof	1 additional (10 x 50)
(10) Banks and offices; business, professional and governmental.	10,000 to 100,000	1 (10 x 25)
	For each additional 100,000 or fraction thereof to 500,000	1 additional (10 x 25)
	For each additional 500,000 or fraction thereof	1 additional (10 x 25)
(11) Establishments engaged in production, processing, cleaning, servicing, testing, or repair of materials, goods, or products.	5,000 to 20,000	1 (10 x 25)
	10,000 to 40,000	1 (10 x 50)
	40,000 to 100,000	2 (10 x 50each)
(12) Warehouses and storage buildings	For each additional 100,000 or fraction thereof	1 additional (10 x 50)
(13) Theaters.	8,000 to 25,000	1 (10 x 25)
	For each additional 50,000 or fraction thereof.	
(14) Undertaking establishments	8,000 to 100,000	1 (10 x 25)
	For each additional 100,000 or fraction thereof	1 additional (10 x 25)

(Ord. No. 795, § 1005, 5-13-74)

Secs. 102-262 thru 102-280. Reserved.

ARTICLE VI. SIGNS

Sec. 102-281. Purpose.

- (a) The purpose of this article is to create the legal framework for a comprehensive but balanced system of informative street graphics, and thereby facilitates an easy and pleasant communication between people and their environment. With this purpose in mind, it is the intention of this article to authorize the use of signs which are:
 - 1. Compatible with their surroundings;
 - 2. Appropriate to the type of activity to which they pertain;
 - 3. Expressive to the identity of individual proprietors or the community as a whole;
 - 4. Legible in the circumstances in which they are seen; and
 - 5. Safely located with the respect to passing vehicular and pedestrian traffic.
- (b) Therefore, it is also the intent of this article to regulate signs in terms of their location, dimensions, and densities, thereby prohibiting the use of signs which:
 - 1. Prevent or inhibit adequate light, air, ventilation;
 - 2. Inhibit the safety of vehicular or pedestrian traffic by actual physical or visual impairment or obstruction; and
 - 3. Detract from the aesthetics of the location, area, and community as a whole.
- (c) No person shall erect, maintain or alter a sign in the city except in compliance with this chapter.
- (d) For the purpose of this article, the following terms shall be classified as:

Abandoned sign means a sign which no longer correctly identifies or directs, advertises a business lessor, owner, product or activity conducted on premises when in fact such business, etc., is no longer available at that location.

Advertising device means an advertising sign, billboard, or poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such advertising device is located or to which it is affixed, but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Advertising sign means a sign which directs attention to a commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Attached sign means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.

Attention-getting device means any pennant, flag, banner, spinner, streamer, searchlight, walking advertiser, inflatable, ribbon and similar device or ornamentation designed for purposes of attracting attention, promotion or advertising.

Awning means an overhanging roof-like structure stretched over a frame to provide shelter or shade. It may be constructed of canvas or other materials, permanent or collapsible.

Banner means a temporary sign composed of flexible material either enclosed or not enclosed in a rigid frame.

Business sign means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.

Directional sign means any sign which serves solely to designate the location or direction of any place or area. Such signs shall direct pedestrian or vehicular traffic to a specific area of a lot or parcel and shall not include names and/or identity of any establishment.

Flag/Pennant means a piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, or organization.

Flashing sign means an illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times in which such sign is in use. For the purpose of this chapter, a moving, illuminated sign shall be considered a flashing sign.

Freestanding sign means a sign which is supported by one or more uprights or braces in or upon the ground.

Gross area of sign means the entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part of display.

Inflatable sign means any display capable of being expended by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Memorial sign/Tablet means a sign or tablet memorializing a person, place, event, or structure.

Mobile sign means any sign built upon a chassis, wheels, flatbed or similar device designed to be transported or towed from one location to another. Any sign not permanently affixed to a wall, or permanently installed in the ground by anchoring below the frost line or installed in concrete.

Moving sign means a permanent, streaming, whirling disc, or other moving device attracting attention.

Permanent sign means a sign permanently affixed to a building, structure or ground in accordance with all applicable codes and regulations.

Political Campaign Sign means a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Portable sign means a sign which is not permanently affixed to a building, or to the ground, so that such sign may be readily moved from place to place, including banner signs and teepee signs.

Poster/Placard/Poster panel means a paperboard sign or notice posted or affixed temporarily in a public place.

Projecting sign means a sign attached to the building which extends more than 18 inches from the face of such building.

Ribbon means a woven strip or band of fine material, as silk or rayon, varying in width and finished off at the edges.

Rummage/Garage sale sign means a sign advertising the sale of used household goods by a person other than a merchant of those items at a residence or other property at which no routine for-profit activity is conducted.

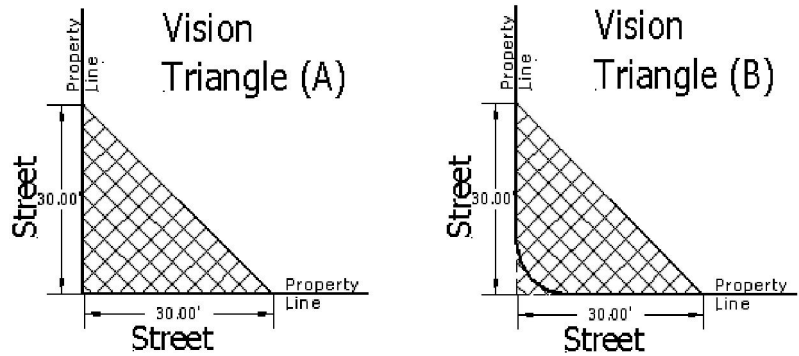
Sign means any identification, description, illustration, or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, floating or illuminated device, or temporary sign designed to advertise, identify or convey information, with the exception of national flags. For the purpose of removal, signs shall also include all sign structures.

Sign structure means an arrangement of parts to which a sign is permanently affixed, including pylons.

Spinners/Streamers mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in wind.

Vehicle sign means a sign or advertisement posted on a vehicle, either permanently or temporarily.

Vision triangle means the area created by drawing an imaginary line between points 30 feet back from where the property lines meet at two intersecting streets (**Vision Triangle A**). A vision triangle shall also be required where two perpendicular property lines do not form an intersecting angle. In this case, the projection of such property lines will be extended to a point of intersection, thereby, creating the vision triangle (**Vision Triangle B**).



Walking advertiser sign means a sign attached to a human for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

Window Sign means a permanent or temporary sign that is applied or attached to the interior of a window, which may be seen through the window from the exterior of the structure.

(Ord. No. 795, § 100, 5-13-74; Ord. No. 2713-00, §§ 1, 2, 4-10-00)

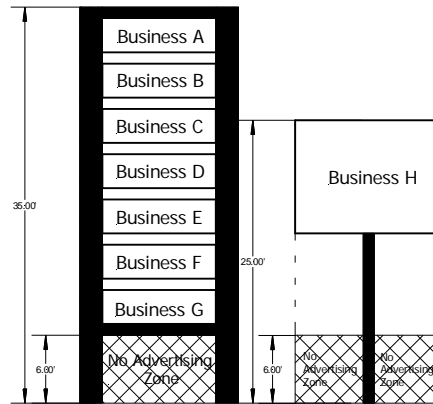
Sec. 102-282. Required conditions.

- (a) Signs shall be classified in accordance with the regulations under each zoning district as set forth in this article.
- (b) In those districts where limitations are imposed by this chapter on the projection of signs from the face of any building or structure, such limitations shall not apply to identification marquee or canopy signs indicating only the name of the building or principal product or service available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the surface thereof or suspended within and below the outer marquee or canopy limits except that no such suspended sign shall be lower than eight feet above the ground or surface over which the marquee or canopy is constructed. Further, no other sign shall extend beyond the limits of the marquee or canopy.
- (c) Signs on awnings shall be exempt from the limitations imposed by this chapter on the projection of signs from the face of the wall of any building or structure, provided that any sign located on an awning shall be affixed flat to the surface thereof, and shall indicate only the name, address, and/or the type of business of the establishment. Further, no such sign shall extend vertically or horizontally beyond the limits of the awning.
- (d) Reserved.
- (e) No flashing sign of any type shall be permitted to be erected within 150 feet of an adjoining residential boundary line if such sign would be visible from such district.
- (f) No sign shall be painted, pasted or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot located in any residential district.
- (g) All signs shall be erected within property lines of premises upon which they are located, except that signs attached to building facades in commercial and industrial districts may project no more than 36 inches from the face or wall of such building structure. All supporting members shall be concealed within the sign. NO such sign shall suspend lower than eight feet above grade.
- (h) The following shall apply to all freestanding business signs:
 1. All freestanding signs shall be erected within the property lines of the premises upon which they are located. No portion of a freestanding sign shall extend into, be erected, or placed in the right-of-way.
 2. All structural pylons and supports must be set back from the property line a distance of at least 10 feet.
 3. No portion of a freestanding sign shall suspend lower than six feet above grade in the area between the property line and the required 10 foot setback line and may not be placed within the vision triangle on a corner property for a distance of 30 feet from the intersecting property lines.

- (i) Individual directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the zoning lot and do not exceed 24 square feet.
- (j) The following types of signs and attention-getting devices are prohibited unless they are specifically permitted by other sections of this chapter:
 - 1. Signs which constitute a hazard to public health and safety, including, but not limited to, signs which interfere with, mislead, or confuse traffic by reason of placement, size, coloring, illumination, or singularly contain words such as, “stop”, “look”, “danger”, “yield”, or any similar words, phrases, symbols, lights, or characters commonly used to control traffic. No sign may imitate, resemble or obscure a traffic control device nor hide from view or interfere with the movement of traffic.
 - 2. Vehicle signs, which are advertising or business signs attached to a motor vehicle or semi-trailer which is parked and placed in position for the primary purpose of displaying same to the public.
 - 3. Temporary signs and attention-getting devices except as allowed and regulated under subsection (n), below.
 - 4. Signs which contain statements, works or pictures of an obscene, indecent or immoral character, which will offend public morals and decency.
 - 5. Advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located.
 - 6. Temporary signs or attention-getting devices that contain or consist of banners, posters, placards, pennants, ribbons, streamers, strings of light bulbs, poster panels, spinners, inflatables or other similar devices.
 - 7. Advertising signs and devices which direct attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed unless they are specifically permitted by other sections of this chapter.
- (k) Signs and sign structures attached to the wall of any building shall not extend more than six feet above the roofline.
- (l) The following types of permanent signs are permitted within zoning districts as hereafter provided, and additionally, are not subject to permit except, however, that they shall meet any requirements incorporated in the following description:
 - 1. Signs of a duly constituted governmental body, including traffic and similar regulatory devices, legal notices or warnings at railroad crossings.
 - 2. Flags or emblems of political, civic, charitable, educational or religious organizations subject to the regulation and permission of the enforcing official.
 - 3. Memorial signs or tablets.
 - 4. Small signs displayed for the direction or convenience of the public, including signs which identify restrooms, freight entrances or the like, with a total surface area not exceeding ten square feet on any zoning lot, subject to the regulation and permission of the enforcing official.
- (m) The following types of temporary signs and attention-getting devices are permitted within zoning districts as hereafter provided, and additionally, are not subject to permit unless illuminated. They shall, however, meet any requirements incorporated in the following description:
 - 1. Advertising signs in which the intent is not to relay a message or advertise beyond the extent of the property lines are allowed and do not require permits when the intent of the sign is for pedestrian traffic within the immediate vicinity. These signs cannot exceed 6 square feet per face and may not be placed on public sidewalks, right-of-ways, required parking, travel lanes, ingress/egress easements, or impede the Americans with Disabilities Act compliance.

2. Real estate signs not extending outside the property line and not more than 32 square feet per face in commercial zoning and industrial zoning districts and not more than one sign per lot frontage not to exceed five square feet in area per face in the RU, R1, R2, and R3A residential districts, and 12 square feet in the R3 and R4 districts.
 3. Temporary signs denoting architect, engineer, or contractor when placed on construction sites and not exceeding 64 square feet in area, subject to regulation and permission of the enforcing official. Signs shall be removed within 14 days of the date when the building is turned over to the owner or when the construction is completed, whichever shall occur first.
 4. Rummage sale or garage sale signs not exceeding five square feet in area. In addition, no such sign shall be displayed for more than five days, and shall not be on public property. Sign shall be immediately removed the day the sale ends.
 5. Political campaign signs or posters announcing candidate seeking public office and/or political issues, and date pertinent thereto, not exceeding nine square feet in area. Political signs shall not be displayed for more than 60 days and shall be removed within 72 hours after election. These shall not be placed on public property.
 6. Window promotional signs not exceeding 50 percent of the total surface area of each window.
 7. Signs required by a regulation of any governmental body having jurisdiction.
 8. Developers' signs and off premises identification signs, no larger than 64 square feet, that advertise the intended use, sale, lease, rental or development of land and/or buildings on any particular premises, or directing attention to the location and/or opening of a residential subdivision, commercial, industrial or institutional development.
 9. Temporary signs and attention-getting devices promoting special community activities, special events, or activities of nonprofit organizations are allowed. These activities may include an annual or semi-annual campaign special, unique or limited activity or service; a sign announcing an annual or semi-annual campaign, drive or event of a civic, philanthropic, educational, nonprofit or religious organization; indoor and outdoor art, craft and plant shows; Christmas tree sales; carnivals, circuses, fairs, rodeos and parades. Such temporary signs and attention-getting devices promoting the above events are allowed for 30 days prior to the event and must be removed within 72 hours after the occurrence of the event, and are subject to the following location restrictions:
 - a. Set back from all property lines a distance of at least 10 feet.
 - b. No closer than 1 foot to any sidewalk
 - c. May not be placed within the vision triangle on a corner property for a distance of 30 feet from the intersecting property lines.
 - d. May not face a parcel zoned residential with common lot lines.
- (n) All temporary signs and attention-getting devices, including banners, posters, placards, poster panels, inflatables, or other similar devices approved by the enforcing official, require a permit from the zoning office and are subject to the following regulations. The enforcing official has the right to revoke temporary signage permits that are in violation of the required conditions.
1. A single temporary sign or attention-getting device is permitted for a consecutive 30 day period during the first 6 months of business opening to promote grand openings, or for a consecutive 30 day period prior to a business closing. Such sign or attention-getting device may not advertise products or services, and should only direct attention to a grand opening or closing. Permits are required.
 2. A single temporary sign or attention getting device is permitted, per business, for a consecutive 14 day period, not more than 2 times per calendar year, for the purpose of advertising special sales events or promotions. Permits are required.
 3. Temporary signs and attention getting devices require a permit and may only be placed in the following locations:
 - a. On an existing sign structure so that such sign or attention-getting device meets all sign height and location requirements for the zoning district in which it is located.
 - b. On a building so that such sign or attention-getting device does not project out from the building or above the roof line.
 - c. Not permitted in residential zoning districts.
 - d. May not face a parcel zoned residential with common lot lines.

Illustration depicts temporary signage placement for signs within 10 feet of a property line with street frontage.



4. Inflatables require a permit and may only be placed in the following locations:
 - a. On an existing sign structure so that such inflatable meets all sign height and location requirements for the zoning district in which it is located.
 - b. On the roof of the building or canopy in which the business is located.
 - c. On the property in which the business is located, not within the building setbacks, provided such inflatable does not reduce the required parking, ingress/egress, travel lanes, or impede the Americans with Disability Act compliance.
 - d. May not face a parcel zoned residential with common lot lines.
5. No temporary signs or attention-getting devices shall be permitted with lights that flash, blink, or vary in intensity, and no temporary sign or attention-getting device shall be permitted with red, yellow, amber, or green lights.
6. All temporary signs and attention-getting devices must be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety as determined by the enforcing official.
7. Temporary signs and attention-getting devices are not allowed on people for the purpose of outdoor advertising. Signage that is a permanent part of a person or mascot's costume is allowed and is subject to the following conditions for walking advertisers:
 - a. Walking advertisers must remain on the zoning lot in which the business is located or in a location up to 5 feet away from the roadway adjacent to the zoning lot in which the business is located.
 - b. Walking advertisers may not reduce the required parking, ingress/egress, travel lanes, impede the Americans with Disability Act compliance, or be located in the vision triangle on a corner property for a distance of 30 feet from the intersecting property lines.
 - c. Permits are required and are subject to the allowances listed in n (2).
 - d. In instances of grand openings or closings, one walking advertiser is allowed in conjunction with one temporary sign or attention-getting device. Permits are required and are subject to the allowances listed in n (1).



8. Temporary signs, attention-getting devices, and walking advertiser permit applications shall be accompanied by a detailed site plan, description of signage, and fee as prescribed by a fee schedule adopted by the city council.

(Ord. No. 795, § 1101, 5-13-74; Ord. No. 1420, §§ 3-6, 3-12-84; Ord. No. 1421, § 2, 3-12-84; Ord. No. 2474-98, § 4, 5, 3-2-98; Ord. No. 2713-00, §§ 1, 2, 4-10-00)

Sec. 102-283. Residential districts.

In the residential districts, signs shall be regulated as follows:

1. *Residential uses.* Residential uses shall meet the following regulations:
 - a. Single-family dwellings. For each dwelling unit, nameplates and identification signs indicating the name and address of the occupant not exceeding a total of two square feet in area. On a corner zoning lot, nameplates for identification signs shall be permitted for each dwelling unit, on each street side, but shall not impede the vision triangle.
 - b. Multiple-family dwellings. For each multiple-family dwelling, identification signs indicating only the name and address of the building and the name of the management not exceeding a total of 32 square feet in area. Such signs may not be closer than eight feet to any other zoning lot. On a corner zoning lot, identification signs may be permitted on each street side, but shall not impede the vision triangle.
 - c. No sign shall project higher than one story or 15 feet above the curb level, whichever is lower.
2. *Nonresidential uses.* Nonresidential uses shall meet the following requirements:
 - a. Church bulletins, cemeteries, educational institutions, recreation and social facilities and other similar uses. Identification signs not exceeding a total of 64 square feet in area. Such signs may not be closer than eight feet to any other zoning lot. On a corner zoning lot, identification signs may be permitted on each street side.
 - b. Agricultural projects. Signs advertising the sale of agricultural products grown or produced on the property not exceeding a total 16 square feet in area.
 - c. Projection and height. No sign when attached to the wall of a building or structure shall project more than 18 inches from the wall to which it is attached. No sign shall project higher than one story or 20 feet above the curb level, whichever is lower.
3. *For sale or for rent signs.* In the RU, R1 and R2 residential districts no sign shall exceed five square feet in area. In the R3 and R4 residential districts no sign shall exceed 32 square feet in area. In all residential districts no sign shall be placed closer than eight feet to any other zoning lot.
4. *Advertising signs.* Advertising signs shall be prohibited in the residential districts.

(Ord. No. 795, § 1102, 5-13-74)

Sec. 102-284. Commercial districts.

In the commercial districts, signs shall be regulated as follows:

1. *CN district.* In the CN district business signs are permitted in accordance with the following conditions:
 - a. *Residential uses.* The regulations covering the use of signs for residential buildings in the CN district shall be the same as in the residential districts.
 - b. *Nonresidential uses.* In the CN district non-flashing business signs are permitted, subject to the following conditions:
 - 1) *Area.* The gross area in square feet of all business signs on a zoning lot shall not exceed one times the linear feet of a street frontage on such zoning lot, and no more than 50 percent of this gross area shall be in a freestanding business sign shall be permitted for each street frontage of a zoning lot, except as provided in subsection (1)c of this section.
 - 2) *Projection.* No sign when attached to the wall of a building or structure shall project more than 36 inches from the face of the wall of such building or structure.

3) *Height.* No sign shall project higher than 25 feet above curb level.

c. *Advertising signs.* Advertising signs shall be prohibited in the CN districts.

2. *CR and CG districts.* In the CR and CG districts, business signs are permitted subject to the following provisions:

a. *Business Signs:*

1) The gross area in square feet of all business signs on a zoning lot shall not exceed three times the linear feet of street frontage on such zoning lot.

2) No more than 75 percent of the gross sign area, as indicated in subsection (2)a1 of this section shall be in a freestanding sign.

3) Only one freestanding sign shall be permitted per zoning lot, except as provided in subsection (2)a6. of this section.

i. *Businesses with multiple frontages.* When a business has more than one frontage, the restrictions on the number of signs and sign area shall apply independently to each frontage; however, the maximum allowable sign area shall apply to only one frontage at the applicant's option and the maximum allowable sign area on any other frontage shall be one time that frontage. Excess area cannot be transferred from one frontage to another.

4) No sign when attached to the wall of a building or structure shall project more than 60 inches from the face of the wall of such building.

5) Business signs shall not project higher than 35 feet above grade level.

(Ord. No. 795, § 102, 5-13-74; Ord. No. 1127, § 1, 4-14-80; Ord. No. 1421, §§ 5, 3-12-84; Ord. No. 2562-98, § 2, 11-2-98; Ord. No. 2713-00, §§ 1, 2, 4-1-00; Ord. No. 3006-03, § 1, 7-14-03)

Sec. 102-285. Industrial districts.

In the industrial district, signs shall be regulated as follows:

1. *IL, IG & IH districts.* In the IL and IG districts, business signs are permitted subject to the same conditions as the CR and CG districts.

(Ord. No. 795, § 1104, 5-13-74; Ord. No. 1421, § 4, 3-12-84; Ord. No. 2713-00, §§ , 2, 4-1-00)

Sec. 102-286. Oversize signs to require council approval.

A Special Use Permit is required for any outdoor signs over 600 square feet, or any outdoor sign of an irregular shape.

(Ord. No. 1397 § 1, 10-11-83)

Sec. 102-287. Inspection, maintenance, & enforcement.

(a) *Inspection.* Signs for which a permit is required may be inspected periodically by the enforcement officer or his agents, for compliance with this chapter and other codes of the city.

(b) *Maintenance.* All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

(c) *Enforcement*

1) *Permanent signs:* The enforcement officer or his agents may order the removal of any sign erected or maintained in violation of this chapter. He shall prepare a notice which shall

describe the sign and specify the violation involved, and which shall state that if the sign is not removed or the violation corrected within 15 days, the sign shall be removed by the city. Such notice may be mailed by certified mail, or hand delivered, with a return receipt required in either case. Any time period provided in this section shall commence on the date of receipt of the notice, as attested by the date of the return receipt. All costs incurred by the city in removing such a sign shall be paid by the sign owner.

- 2) Any signs erected in public right-of-way, in violation of this chapter, shall be considered public property and shall be summarily removed and disposed of. Garage sale signs, real estate signs, political and public issue signs, and any other signs not requiring a permit that are erected or maintained on private property in violation of this chapter shall be subject to a three-day notice to remove, under the procedure described in this subsection (c)(1) above.
 - 3) Temporary signs and attention-getting devices not described in (c)(2) above which are in violation of the provisions set forth in Section 102-282 are subject to the following enforcement:
 - i. First Offense – written warning provided by enforcing official which shall state that sign(s) must be removed or a permit obtained subject to the conditions of Section 102-282 within 72 hours.
 - ii. Failure to comply with (c)(3)(i) above or a second offense will result in the permit fee to be doubled.
 - iii. Continued violations of (c)(3)(i) or (c)(3)(ii) above will result in forfeiture of the right to obtain temporary signage or attention-getting device permits for 1 calendar year and the matter will be referred to an administrative hearing where the City will seek the maximum fine of up to \$10,000 plus hearing fees.
- (d) *Emergency.* The enforcement officer or his agents may remove a sign immediately and without notice when, in his opinion, the condition of the sign or structure is defective or dangerous or the placement of the sign is dangerous so as to present an immediate threat to the safety of the public. Any sign removed shall be at the expense of the owner of the sign or the owner of the property, and shall become the property of the city, and may be disposed of in any manner deemed appropriate and authorized by state statute.
- (e) *Abandoned signs.* Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within ten days from the date on which it is determined to be such an abandoned sign. If the owner or lessee fails to remove the sign, the enforcement officer shall proceed as set forth in subsection (c)(1) of this section. Failure to remove the sign after service of the written notice as in subsection (c)(1) of this section shall be just cause for the enforcement officer to act as provided in subsection (d) of this section.

(Ord. No. 2713-00, §§ 1, 2, 4-10-00)

Secs. 102-288 thru 102-290 Reserved.

ARTICLE VII. VARIATIONS

Sec. 102-291. Purposes and authorization.

- (a) The zoning board of appeals is empowered to grant variations in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter as would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this chapter. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or in the immediate vicinity or from population densities, street locations, or traffic conditions in the immediate vicinity. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for granting a variation.
- (b) The power to grant variations does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of this chapter is provided by the special use provisions of this chapter.
- (c) The zoning board of appeals may grant variations to the regulation prescribed by this chapter, in accord with the procedure prescribed in this division, with respect to fences, walls, hedges, screening and landscaping; site area, widths, frontage, depth and coverage; front, rear and side yards; basic floor area; usable open space; height of structures; distances between structures; courts; signs; and off-street parking facilities and off-street loading facilities.

(Ord. No. 795, § 120, 5-13-74)

Sec. 102-292. Application and fees.

An application for a variation shall be filed on a prescribed form with the zoning officer. The applicant shall include the following information and material:

1. Name and address of applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variation is being requested.
3. Address and description of the property.
4. Name and address of adjacent property owners.
5. Statement of the precise nature of the variation requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter that would result from a strict or literal interpretation and enforcement of a specified regulation to the granting of a variation, prescribed in section 102-295.
6. The application shall be accompanied by an accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than five feet, and all existing and proposed locations of street, property lines, uses, structures, driveways, pedestrian walks, off-street loading and off-street parking facilities, and landscaped areas.
7. An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines.
8. The zoning officer may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the zoning board of appeals to determine whether the circumstances required for the granting of a variation exist.
9. The application shall be accompanied by a fee as prescribed by a fee schedule adopted by the city council.

(Ord. No. 795, § 1201, 5-13-74)

Sec. 102-293. Public hearing – Notice

The zoning board of appeals shall hold a public hearing on an application for a variation within 45 days of the date when the application was filed or the proposal was initiated. Notice of a public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation within the city and by posting on or adjacent to the property which is the subject of the application. Failure to post such notice shall not invalidate the proceedings.

Sec. 102-294. Same-Procedure.

At a public hearing, the zoning board of appeals shall review the application, statements and drawings submitted therewith and shall receive pertinent evidence concerning the variation, particularly with respect to the findings prescribed in section 102-295.

Sec. 102-295. Action of zoning board of appeals.

The zoning board of appeals may grant by resolution an application for a variation as the variation was applied for, or in modified form, or the application may be denied.

- (1) *Findings.* The zoning board of appeals may grant a variation to a regulation prescribed by this chapter with respect to signs, fences, walls, hedges, screening or landscaping; site area, width, frontage, depth or coverage; front, rear or side yards; basic floor area, usable open space; height of structures; distances between structures or courts, as the variation was applied for or in modified form, if, on the basis of the application and the evidence submitted, the zoning board of appeals makes findings of fact that establish that the circumstances prescribed in subsections. (1)a through (1)f of this section apply:
 - a. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter.
 - b. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district.
 - c. Strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
 - d. The granting of the variation will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
 - e. The granting of the variation will not be detrimental to the public health, safety, welfare or materially injurious to properties or improvements in the vicinity.
 - f. The concurring vote of four members of the board shall be necessary to recommend the authorization of any variance in this chapter.
- (2) *Conditions.* The board of appeals may recommend and the city council may require such conditions or restrictions upon the construction, location, and operation of a variation, as deemed necessary to secure the general objectives of this chapter. Such conditions or restrictions shall include, but not be limited to, provisions for the protection of adjacent property, the expiration of the variation after a specified period of time and off-street parking and loading.
- (3) *Deadline for submission of finding and recommendation to the city council.* Within 35 days after the close of the public hearing on a proposed variation, the board of appeals shall make a written finding of fact and submit its recommendation to the city council.

(Ord. No. 795, § 1204, 5-13-74)

Sec. 102-296. Disposition by city council.

- (a) *Findings.* Upon receipt of the findings of fact of the board of appeals, the city council may, by ordinance without further hearing, authorize variations from the provisions of this chapter, in accordance with the standards established in section 102-295 may refer it back to the board of appeals for further consideration. Every such

consideration shall be accompanied by a written finding of fact specifying the reason for making such variation. Any proposed variation which fails to receive the approval of the board of appeals shall not be passed by the city council except by the favorable vote of two-thirds of the aldermen then holding office. The city council shall act on a requested variation 45 days from the time of the receipt of the findings of fact.

- (b) *Effect or denial of a variation.* No application for a variation which has been denied wholly or partly by the city council shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the board of appeals.
- (c) *Revocation.* In any case where a variation has not been established within one year of granting thereof, the city council shall automatically revoke the variation.

(Ord. No. 795, § 1205, 5-13-74)

Sec. 102-297 thru 102-305. Reserved.

ARTICLE VIII. SPECIAL USES

Sec. 102-306. Purpose

In addition to the uses permitted within each zoning district, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which, because of their potential adverse influence upon the respective districts, need to be carefully regulated with respect to their location or operation for the protection of the community. Such uses are classified as “special uses” and fall into three categories:

1. Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest, as defined in article I of this chapter.
2. Uses entirely private in character which, because of their peculiar locational need, the nature of the service they offer to the public and their possible damaging influence on the neighborhood, may have to be established in a district in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations.
3. Nonconforming uses which as special uses can be made more compatible with their surroundings.

(Ord. No. 795, § 1300, 5-13-74)

Sec. 102-307. Application and fees

An application for a special use permit shall be filed on a prescribed form with the zoning officer. The application shall include a statement in writing and adequate evidence showing that the proposed special use will conform to the standards set forth in this article, plus the following information and material:

1. Name and address of applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.
3. Address or description of the property.
4. The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the location of streets and property lines.
5. The application shall be accompanied by a fee as prescribed by a fee schedule adopted by the city council.

(Ord. No. 795, § 1302, 5-13-74)

Sec. 102-308. Public hearing – Procedure.

Upon receipt in proper form of the applicant’s application and statement, the zoning board of appeals shall hold at least one public hearing on the proposed special use. The hearing shall be conducted within 45 days of the date when the application was filed or the proposal was initiated.

(Ord. No. 795, § 1302, 5-13-74)

Sec. 102-309. Same – Notice.

Notice of such hearing shall be published at least one day not more than 30 nor less than 15 days prior to the hearing in one or more newspapers of general circulation in the city and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.

(Ord. No. 795, § 1303, 5-13-74)

Sec. 102-310. Findings of fact and recommendation of the board of appeals.

Within 35 days after the close of the public hearing on a proposed special use, the board of appeals shall make written findings of fact and shall submit same together with its recommendation to the city council. If the board of appeals fails to act within 35 days of the public hearing, the special use shall be deemed approved by the board of appeals. For the board of appeals to make an affirmative recommendation on any requested special use permit, it must find that each of the following items are met:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The zoning officer shall forward the board of appeal's decision and records to the city council within ten days after action or within 45 days from the date of public hearing if no action has been taken by the board of appeals.

(Ord. No. 795, § 1304, 5-13-74)

Sec. 102-311. Conditions.

The zoning board of appeals may recommend and the city council may require such conditions or restrictions upon the construction, location and operation of a special use as deemed necessary for the protection of the adjacent properties. These conditions may include the expiration of the special use permit after a specified period of time and off-street parking and loading requirements in accordance with the provisions of this chapter.

Sec. 102-312. Change of ownership.

The special use permit issued pursuant to the provisions of this article shall continue to be valid upon change of ownership of the site or structure which was the subject of the special use permit application.

(Ord. No. 795, § 1306, 5-13-74)

Sec. 102-313. Disposition by city council.

Upon receipt of the findings of fact of the board of appeals, the city council may, by ordinance without further hearing, authorize special use permits in accordance with the general interest of this chapter, the purpose of the district in which the special use will be located and the standards established in section 102-309. Any requested special use permit which fails to receive the approval of the board of appeals shall not be passed by the city council except by the favorable vote of two-thirds of the aldermen then holding office. The city council shall act on a requested special use permit within 45 days of the time of the receipt of findings of fact.

(Ord. No. 795, § 1307, 5-13-74)

Sec. 102-314. Effect of denial of a special use permit.

No application for a special use which has been denied wholly or partly by the city council shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the board of appeals.

Sec. 102-315. Lapse of special use permit.

- (a) A special use permit shall lapse and shall become void one year following the date on which the special use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the special use permit application; a certificate of occupancy is issued for the structure which was the subject of the special use permit application; the site was occupied if no building permit or certificate of occupancy is issued for the structure which was the subject of the special use permit application; or the site was occupied if no building permit or certificate of occupancy is required.
- (b) A special use permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the special use permit originally became effective, an application for renewal of the special use permit is filed with the zoning board of appeals.
- (c) The zoning board of appeals may grant or deny an application for renewal of a special use permit.
- (d) Sections 12-308 and 12-316 shall apply to an application for renewal of a special use permit.

(Ord. No. 795, § 1309, 5-13-74)

Sec. 102-316. Existing special uses.

A use established as a special use by the city prior to the enactment of this chapter shall be nonconforming; however, it shall be permitted to continue in use, provided that the use is operated and conducted in accordance with the provisions prescribed within the special use permit, as granted. Any alteration, expansion or restoration shall thereafter be governed by the provisions of division 2 of article II of this chapter.

Sec. 102-317. Revocation.

Upon violation of any applicable provision of this chapter or if granted subject to conditions, upon failure to comply with the conditions, a special use permit shall be suspended automatically. The zoning board of appeals shall hold a public hearing within 45 days, in accordance with the procedure prescribed in section 102-308, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the special use permit or to take such action as may be necessary to ensure compliance with the regulation, general provision, or condition. Within 12 days following the date of a decision of the zoning board of appeals revoking a special use permit, the zoning officer shall transmit to the city council written notice of the decision. The decision shall become final 12 days following the date on which the special use permit was revoked or on the day following the next meeting of the city council, whichever is later, unless an appeal has been taken to the city council or unless the city council shall elect to review the decision of the zoning board of appeals, in which cases section 102-310, 102-311, or 102-312 shall apply.

(Ord. No. 795, § 1311, 5-13-74)

Sec. 102-318. Reapplication following revocation.

Following the revocation of a special use permit, no reapplication for the same or substantially the same special use on the same or substantially the same site shall be filed within one year of the date of the revocation of the special use permit.

(Ord. No. 795, § 1312, 5-13-74)

Secs. 102-319 thru 102-330. Reserved.

ARTICLE IX. PLANNED DEVELOPMENTS

Sec. 102-331. Planned community development.

- (a) *Permitted by special use permit.* Planned community development may be permitted in any district by special use permit in accordance with the provisions of section 102-335.
- (b) *Intent and purpose.* A planned community development is a project occupying not less than 30 acres of land which shall include all land within the project boundaries plus one-half of all adjacent public rights-of-way. The planned community development may encompass planned unit developments. Otherwise the planned community development shall be developed as one entity involving a related group of land uses planned and therefore acceptable for development and regulation as one complete land use unit. The planned community development provision is established for the purpose of:
 - 1. Providing a procedure by which new communities or larger integrated developments may be processed.
 - 2. To encourage developers to prepare comprehensive land use plans for large acreage as opposed to piecemeal solutions.
 - 3. To encourage variety in physical development through the use of new techniques in site development not attainable through conventional zoning application.
 - 4. To ensure the most effective provision of environmental amenities for new and redeveloped urban areas, including parks, schools, open space, utilities and services.
- (c) *Permitted uses.* Unless otherwise provided in this article, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in a planned community development, except for the following uses:
 - 1. Any use that is a permitted or a special use in the R1, R4, CR and IL districts.
 - 2. A temporary real estate office in conjunction with a planned community development limited to the selling or renting of properties in planned community development and in no case to be in operation for more than one year following the completion date of such construction.
 - 3. Temporary construction buildings and uses related to the planned community development provided all buildings are removed and uses ceased upon completion date of such construction. Accessory uses and buildings incidental to any use permitted by this section.

Sec. 102-332. Mobile home parks.

- (a) *Intent and purpose.* The mobile home special use permit procedures are established in order to provide and regulate the placement of mobile homes in the city to provide adequate standards to protect and promote public health, safety, morals, convenience, and general welfare. The general purpose includes the following specific purposes:
 - 1. To provide regulations and standards for the development of a safe, healthy, and well-designed community for permanent mobile home living.
 - 2. To protect mobile home areas against undue congestion of street and facilities by controlling the intensity of development by density regulations.
 - 3. To comply as much as possible with the objectives and purposes of each zoning district in which mobile home parks are located.
 - 4. To ensure adequate light, air, access, and open space for each mobile living unit.
- (b) *Location.* Mobile home parks may be permitted in the RU, R3, R4 and CG zoning districts by a special use permit in accordance with the provisions of section 102-334.

- (c) *Placement and occupancy.* No mobile home shall be located, occupied or used for living or sleeping purposes unless it is located in a mobile home park that has been granted a special use permit in accordance with the provisions of this article. However, individual mobile homes may be located or placed outside mobile home parks, or subdivisions only as follows:
1. For use as shelter on the site of a construction project, during the course of construction, provided the mobile home shall not be occupied for human habitation.
 2. For display purposes as part of a mobile home sales or rental business; provided the mobile home shall not be occupied for human habitation.
 3. For use in conjunction with carnivals, circuses, fairs or rodeos while they are on the site.
- (d) *Design and performance standards.* Mobile home parks shall conform to the following design and performance standards.
1. Mobile home parks shall have not less than 300,000 square feet of land area.
 2. A maximum of six mobile homes shall be allowed per gross acre.
 3. There shall be a minimum of 6,000 square feet of site area per mobile home.
 4. A mobile home park shall contain recreational open spaces, not less than 5,000 square feet of which, for each ten acres, or portion thereof, shall be developed for recreational use. The aggregate open space shall be not less than 200 square feet for each mobile home space.
 5. Not more than one conventional single-family dwelling shall be located in a mobile home park.
 6. No mobile home or dwelling shall be located in a required front yard or less than 25 feet from the property line of the mobile home park.
 7. Only one mobile home may be located on a mobile home site as designated to a mobile home park and shall be subject to the following yards and setbacks:
 - a. Front yard and/or rear lot line, a minimum of ten feet.
 - b. Side yard, a minimum of ten feet.
 - c. Minimum distance of 20 feet between mobile homes and/or other permitted structures.
 - d. Minimum distance of 10 feet from unrelated accessory structures.
 8. A minimum to two improved off-street parking spaces shall be provided for each mobile home site.
 9. All street design and development shall be in compliance with the subdivision regulations of the city.
 10. All utilities including television service shall be underground.
 11. A designated trailer and boat storage shall be provided with an aggregate area of 50 square feet for each mobile home site.
 12. Fencing and landscaping as follows:
 - a. Adequate landscaping shall be provided including trees and shrubs round the perimeter of the mobile home site.
 - b. Additional fencing and landscaping including perimeter fencing along interior, side and rear lot lines may be recommended by the zoning board of appeals as part of the special use permit for a mobile home park.

Sec. 102-333. Mobile home subdivision.

- (a) *Intent and purpose.* The intent and purpose of a mobile home subdivision is to provide areas for mobile home owners who wish to own land and to regulate these subdivisions.
- (b) *Administration.* Application for a special use permit for a mobile home subdivision shall be the same as provided in section 102-334(d)(2) for mobile home parks.
- (c) *General conditions.* General conditions for a mobile home subdivision shall be as follows:
 - 1. Only mobile homes shall be permitted in a mobile home subdivision.
 - 2. A special use permit shall be void after one year if there are no final subdivision plats on record.
- (d) *Design and performance standards.* A-1 design and performance standards shall meet the requirements of subsection 102-332(d) and the city subdivision ordinance.
- (e) *Location.* Mobile home subdivisions may be permitted in the RU, R3, and R4 districts by a special use permit in accordance with the provisions of section 102-34.

(Ord. No. 795, § 902, 5-13-74)

Sec. 102-334. Administration for planned developments.

- (a) *Applicant.* The applicant for a planned development special use permit shall be the owner of the site, or if more than one, all owners of the site acting jointly. For the purpose of this subsection, the term “owner” shall mean and include any public body corporate, a holder of a written option to purchase, or a redeveloper under contract with the local public agency for urban renewal.
- (b) *Preliminary conference.* Each prospective applicant may confer with the zoning officer in connection with the preparation of the application prior to the submission of a formal application. At this conference, the following basic information and data shall be provided the zoning officer:
 - 1. The boundaries of the property;
 - 2. Existing easements and covenants affecting the property;
 - 3. Land characteristics, such as natural drainage, swamp areas;
 - 4. Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities; and
 - 5. The proposed layout, including the location and extent of the various types of uses including residential and commercial uses, parks, playgrounds and other community facilities.
- (c) *Zoning Board of Appeals application.* Prior to filing for a planned development special use permit with the zoning board of appeals, the following information shall be provided to the zoning officer:
 - 1. For planned community development:
 - a. Kind and general location of the proposed land uses; and
 - b. Proposed topography, ten-foot contour intervals.
 - 2. For mobile home parks:
 - a. An overall land use development plan delineating the street system, off-street parking areas, concrete pads, recreational areas, public and private utility installations, proposed finished topography and any additional on-site improvements;

- b. In addition, the land use development plan shall be accompanied by a phasing plan for the development of the project.
3. For mobile home subdivisions:
 - a. All information and data required by the subdivision ordinance of the city for tentative plats.
 - b. An overall development plan delineating the street system, off-street parking areas, kind and location of proposed structures and uses; proposed finished topography (two-foot contour intervals); public and private utility installations and other onsite engineering and improvements plans.
 - c. In addition, the development plan shall be accompanied by a phasing plan for the development of the project.
4. For all planned developments. In addition, the following information shall be provided:
 - a. Fifteen copies of each of the required plans.
 - b. Written statement of facts explaining in detail the proposal and justifying the project at this location.
 - c. Included also will be provisions for service, maintenance and continued protection of the planned development and adjacent property.
 - d. The applicant shall include such other pertinent information as the zoning board of appeals shall prescribe, but to promote efficiency and minimize expense, the zoning board of appeals may provide for the serial submission of portions of the application.
5. The form shall be accompanied by a filing fee as prescribed by a fee schedule adopted by the city council.
- (d) *Zoning board of appeals public hearing.* Upon receipt of the application and other applicable pertinent material referred to in this subsection, the zoning board of appeals shall hold at least one public hearing on the proposed planned development at such time and place as shall be established by the zoning board of appeals. The hearing shall be conducted, and a record of such proceedings shall be made and filed with the office of the city clerk. Notice of such public hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers distributed in the city. Supplemental or additional notices may be published or distributed as the board may prescribe from time to time. The city council may, by ordinance, require an applicant to assume the cost of administration, public notice and due notice of interested parties.
- (e) *Zoning board of appeals review and recommendations.* The zoning board of appeals shall review the proposed planned development to determine its conformity with the land development trends in the community; standards of the official comprehensive plan; the overall design of the proposed planned development as it relates to the natural and manmade features in the immediate and surrounding area; and recognized principles of design, and use planning, and landscape architecture.
 1. For planned community development:
 - a. The zoning board of appeals shall recommend to the city council the maximum density (dwelling units per net acre) and height which should be permitted which is consistent with the character of the surrounding development. In establishing the maximum density and height, due consideration shall be given to the maximum density and height permitted in adjacent residential districts and to the actual density and height of the surrounding residential area where such exists.
 - b. A planned community development site may be divided into two or more parts with densities and heights determined for each part if such division will improve the total character of the development and make it more compatible with the general development of the area.
 2. For mobile home parks, and mobile subdivisions. The zoning board of appeals shall recommend to the city council the maximum density (dwelling units per acre) which should be permitted.

3. With the exception of planned community developments, additional detailed plans of site improvements and proposed documents to provide security for the installation and maintenance of utilities and community facilities and open spaces may be requested from time to time to facilitate the review of the proposed planned development. The zoning board of appeals may recommend reasonable conditions regarding the layout, circulation and performance of the proposed development.
4. The zoning board of appeals may approve variation in the zoning and subdivision standards in mobile home subdivisions which may permit private streets for unique developments that may utilize condominium development technique, cluster housing concepts and other imaginative and unique development methods when consistent with the purposes of this article.
5. After the zoning board of appeals has completed its review of the proposed planned development it shall convey in writing to the city council, with duplicate to the applicant;
 - a. Approval;
 - b. Approval with conditions; or
 - c. Approval with modification.

This communication must be made within 60 days of the request for tentative approval of the planned development unless a mutually acceptable extension is set.

- (f) *Findings of fact and recommendation of the zoning board of appeals.* Within 60 days after the close of the public hearing on the proposed planned development special use permit, the board shall make written findings of fact and shall submit same together with its recommendation to the city council. For the board of appeals to make an affirmative recommendation, it must find in each of the following instances that:
 1. The establishment of a planned development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 2. The planned development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not diminish and impair property values within the neighborhood.
 3. The planned development will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
 4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street.
- (g) *Authorization.* The planned development special use permit shall be authorized by the city council resolution after a public hearing and taking into consideration the recommendations from the zoning board of appeals. Such resolution shall specify the maximum density (dwelling units per net acre) and such other conditions and/or restrictions upon the location, design and construction as shall be deemed necessary to secure the general objectives of this chapter. If written protest against a proposed planned development is made by the owner of 20 percent of the frontage immediately adjoining or across a street, alley or public easement therefrom, and filed with the city clerk, such planned development special use permit shall not be granted except by an affirmative vote of at least three-quarters of all the members of the city council.
 1. *Effect of denial.* No application for a planned development special use permit which has been denied wholly or in part by the zoning board of appeals shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence of proof of changed conditions found to be valid by the zoning board of appeals.
 2. *Recorded plat required.* In the case of a mobile home subdivision, a plat of subdivision shall be recorded with the county recorder. Such plat will show building lines, common land, streets, easement, and other applicable features required by the subdivision ordinance shall be followed except those in conflict with this article, in which case this article shall take precedence. No building permits or occupancy permits shall be issued until after final approval of the planned development special use permit and recording of the subdivision plat as finally approved by the city council.

3. *Guarantee of completion.* Before final approval of a planned development special use permit, the zoning board of appeals may recommend and the city council may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the planned development in a period specified by the zoning board of appeals, but which shall not exceed five years, unless extended by the city council.
4. *Revocation.* In any case when construction of a planned development has not commenced within one year after the date of approval, the zoning board of appeals shall review the residential planned unit development and recommend to the city council whether or not the planned development special use permit shall be revoked or continued.

(Ord. No. 795, § 903, 5-13-74; Ord. No. 2987-03, § 4, 4-28-03)

Sec. 102-335. Precise plan development.

- (a) *Permitted by special use permit.* A precise plan development may be permitted in any zoning district by a special use permit in accordance with the provisions of this section.
- (b) *General purpose.* The precise plan development special use permit is developed in order to:
 1. Encourage unique design and site planning of land areas through the use of criteria which, when properly implemented, allow for certain flexibility;
 2. Permit and foster condominium developments in accord with the provisions of the “Condominium Property Act”, (765 ILCS 605/1 et seq.) effective June 1963, as amended;
 3. Provide an administrative procedure to facilitate and utilize imaginative design and subdivision technology which may necessitate variation in traditional yards, setbacks, lot shapes and sizes.
- (c) *Definition.* A precise plan development is a development occupying one or more parcels of land involving a group of associated uses and/or structures planned as an entity and, therefore, acceptable for development and regulation as one complete land use unit.
- (d) *Applicant.* The applicant for a precise plan development shall be the owner of the site, or if more than one, all owners of the site acting jointly. For the purpose of this subsection the term “owner” shall mean and include any public body corporate, a holder of a written option to purchase, or a redeveloper under contract with the local public agency for urban renewal.
- (e) *Permitted uses.* Unless otherwise provided in this chapter, no building may be erected, converted, enlarged or structurally altered in a precise plan development, except for uses permitted or special uses in the zoning district in which it is located and except for specific uses listed in the special use permit for such development.
- (f) *Filing procedure.* A precise plan development may be permitted by filing for a precise plan development special use permit in accordance with the provisions of article VIII of this chapter.
- (g) *Review procedure.* The zoning board of appeals shall review all precise plan special use permits and submit a recommendation to the city council within 45 days of final review.

(Ord. No. 795, § 905, 5-13-74; Ord. No. 1104, § 1, 11-13-79; Ord. No. 2987-03, § 5, 4-28-03)

Section 102-336. TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

- (a) *Permitted by special use permit.* Traditional neighborhood developments may be permitted in any district by special use permit in accordance with the provisions of this section and with section 102-335. If land is identified within the City comprehensive plan’s planned or future land use map as appropriate for Traditional Neighborhood Development or Traditional Village Center Commercial, the process and standards in this section shall be used for all new development or redevelopment of said land.
- (b) *Intent and purpose.* A Traditional Neighborhood Development (TND) is intended to allow desirable and innovative development activities and variation in the relationship of uses, structures and open spaces in developments conceived and implemented as cohesive, unified projects. This special use permit zoning option is intended to promote the development and redevelopment of land consistent with the following traditional neighborhood design principles:

- (1) creates an environment that promotes human interaction, a healthy civic life, a sense of place, and a high-quality living environment;
 - (2) is compact and reflects the character of neighborhood development patterns that were commonplace before the second half of the twentieth century;
 - (3) designed for the human scale (i.e., sizes of buildings and spaces in proportion to sizes of people) and for walkability (i.e., comfort, ease, and quickness of moving on foot from one point to another);
 - (4) provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another, along with a vertical mixing of uses in multi-story buildings;
 - (5) provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
 - (6) incorporates a system interconnected streets with sidewalks and paths that offer multiple routes for motorists, pedestrians, and bicyclists within and through the neighborhood;
 - (7) retains, to the extent reasonably practical, existing buildings with historical or architectural features that enhance the visual character of the community;
 - (8) incorporates significant environmental features into the design; and
 - (9) consistent with the City of Loves Park's comprehensive plan.
- (c) *Recommended Minimum TND district size.* Each mapped TND shall be a minimum of 40 acres in gross land area, except where a smaller TND is anticipated in the City comprehensive plan. Where not otherwise authorized in comprehensive plan, an individual TND project may be smaller than 40 acres if it is anticipated in the comprehensive plan to be part of a contiguous area of 40 acres or greater developed under this section.
- (d) *Procedure for TND special use permit approval.*
- (1) *Step 1: Preliminary Consultation.* Before submitting an application for a special use permit, the applicant shall schedule an appointment with the City planning staff to discuss the procedures and design standards for TNDs.
 - (2) *Step 2: General Development Plan (GDP) Approval.*
 - (a) The procedure to obtain a special use permit for a TND shall be the same as for any other special use permit (see Article VIII), except that in addition, twelve copies of a general development plan (GDP) shall be submitted to and approved by the City Council following a recommendation by the Zoning Board of Appeals as part of the special use permit. The GDP application shall include or be accompanied by the following:
 - i. A location map of the subject property and its vicinity, using the City's planned or future land use map from the comprehensive plan as a base;
 - ii. A site inventory and analysis map with topography at two foot contours to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building construction, utility easements, slopes greater than 12%, and existing trees over 8 inches in diameter or the edges of woodlands in which a majority of trees meet this criterion;
 - iii. A conceptual site plan or neighborhood development plan, at a scale of not less than one inch equals 100 feet, or at a scale that is appropriate to the size of the development, which indicates existing and proposed major public streets, private drives, and paths; different land use areas by proposed type and density; and proposed recreational, open space, and generalized stormwater management areas and facilities;
 - iv. An analysis or map showing the general locations of proposed public utility connections, and anticipated upgrades to public utilities to serve the project;
 - v. A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate;
 - vi. A conceptual phasing plan, if the applicant intends to phase construction of the project;

- vii. A conceptual storm water management plan identifying the proposed patterns of major storm water run-off, locations of storm water infiltration areas, and other significant storm water management features, including relationships to and alignment with any regional storm water management plan adopted by the City;
 - viii. Typical proposed building elevations identifying the architectural style of each of the different use areas, along with a general program for proposed signage;
 - ix. A written report that provides general information about the site conditions; TND project vision, objectives, themes, and images; mix of uses and dwelling unit types; approximate residential densities and non-residential development intensities; and the relationship of the project to adjacent land uses, the City's comprehensive plan, other applicable adopted City plans, and the purpose and principles for TNDs included in section 102.336(b).
- b. Upon City Council approval and adoption of the GDP and associated special use permit, all plans submitted as well as other commitments, conditions of approval, restrictions and other factors pertinent to the project shall be filed with the Community Development Department and shall be referred to in regard to enforcement or modification of the GDP.
 - c. If the applicant does not submit and have approved at least one precise implementation plan for a TND project within two years of City approval of the GDP and special use permit, or unless an alternate phasing plan is approved by the City Council, the previously approved GDP shall be considered null and void. A new petition and approval process shall be required to obtain approval of the same or a revised GDP if such time period lapses.

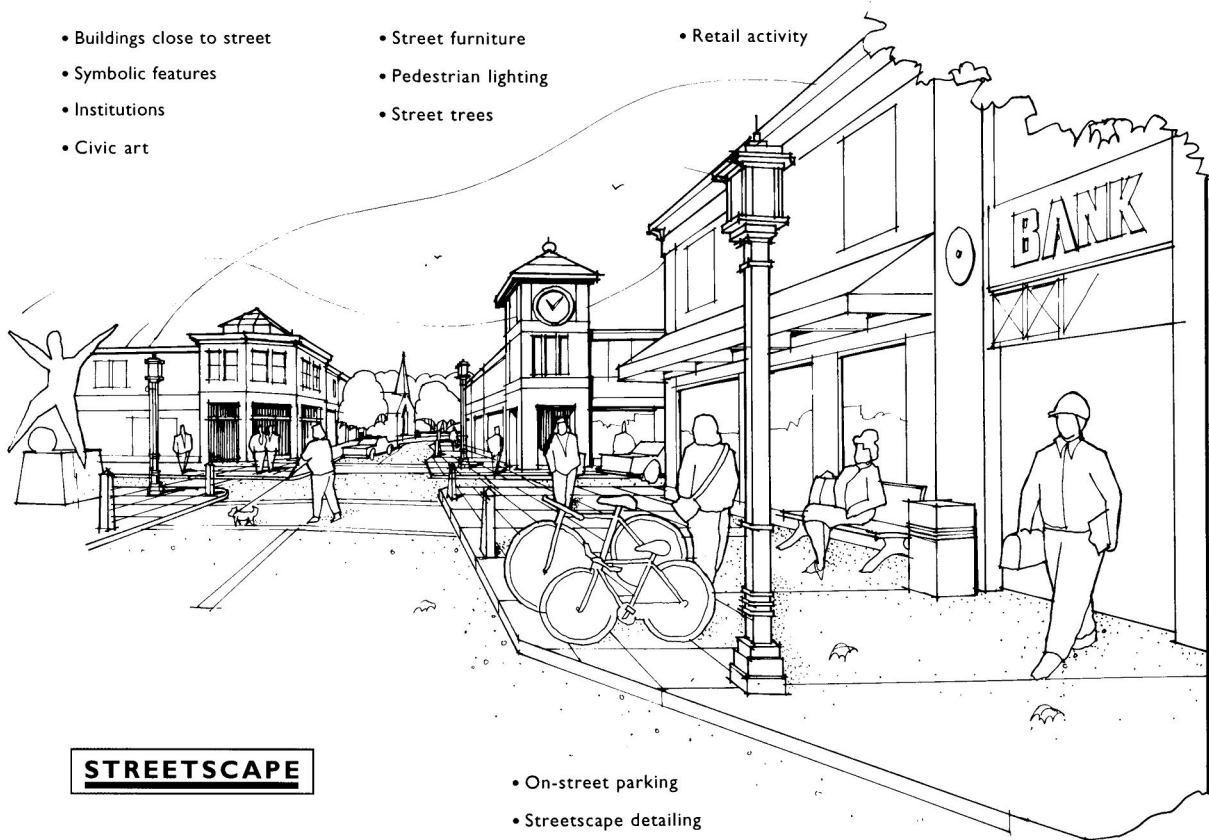
(3) *Step 3: Precise Implementation Plan (PIP) Approval.*

- a. Detailed plans, described below under the precise implementation plan (PIP) submittal requirements, are not required to be submitted at the time the special use permit is approved; however, the GDP and PIP review process may be combined and made faster by doing so. Before any building permit is issued, the Zoning Board of Appeals shall review and recommend to the City Council approval of a PIP. If the approved GDP specified that development of the site would proceed in phases, the Zoning Board of Appeals shall review and recommend to the City Council approval of a PIP covering only a portion of the previously approved GDP area. The applicant shall file twelve copies of the PIP. The PIP application shall include the following:
 - i. A location map of the PIP area and the GDP area (if different) and its vicinity, using the City's planned or future land use map from the comprehensive plan as a base;
 - ii. Where a land division or lot consolidation is proposed, a tentative plat of the entire project area included in the PIP, meeting all applicable requirements of Chapter 78, except in the event of conflict the provisions of this section shall apply.
 - iii. A detailed neighborhood development plan showing the precise horizontal and vertical mix of land uses; densities of use areas and development sites; building setbacks and massing; main driveways and parking areas; parks, squares, and open spaces; civic buildings; street trees and other natural elements; the street, alley, and block structure; and paths and other pedestrian ways;
 - iv. Typical building elevations or architectural standards for single- and two-family residential buildings, including but not limited to design character and architectural details; lot dimensions; building height; building mass or bulk; building or impervious surface coverage maximums; accessory structure standards; dwelling and garage placement, setbacks, separation, relationships, and allowed encroachments, and off-street parking;
 - v. Detailed building elevations and site plans for all proposed non-residential, mixed use, and multiple-family residential buildings. Such detailed elevations and plans shall identify all wall signs; the percentage of ground floor commercial façade in windows; the location of parking; and the location, height and materials for screening walls and fences including those proposed to surround outdoor trash and recyclable storage areas, utility meters, ground and rooftop mechanical equipment; and the precise locations of natural features such as wetlands and floodplains;

- vi. Detailed signage plan and lighting plan, each demonstrating a unified or compatible sign and lighting design theme within the TND. Lighting plan shall indicate lighting intensity, height, design, placement, and orientation. Signage plan shall indicate signage placement, dimensions, design, materials, and illumination;
 - vii. A detailed landscape plan showing specific locations, types, and sizes of proposed landscape plantings and ground cover, including maintenance of existing vegetation where appropriate;
 - viii. Detailed grading plan, storm water management plan, public utility plan, and erosion control plan, meeting all state, county, and City requirements and consistent and assisting with the implementation of regional storm water management plans adopted by the City;
 - ix. Arrangements, bylaws, provisions or covenants that will govern the organizational structure, use, architectural standards, maintenance and continued protection of the TND, which shall include detailed requirements for the ongoing maintenance of common areas by a property owners' association or alternative mechanism;
 - x. A written report describing the proposed PIP, including specific project themes and images (e.g., drawings, photos, simulations), a specific mix of dwelling unit types and/or land uses, specific densities and dimensional standards for residential and non-residential uses, the specific treatment of open space areas, and an evaluation of the consistency of the proposed PIP with the previously approved GDP;
 - xi. Site summary data, including gross site area, area and lineal feet in street rights-of-way, net area proposed for development and common open space uses, net subdivided area, total number of building sites, and average or typical lot and building site sizes;
 - xii. Other information of sufficient detail to allow the Zoning Board of Appeals to determine compliance with each of the requirements of this section.
- b. At a regular meeting, the Zoning Board of Appeals shall recommend approval, conditional approval with changes consistent with the approved GDP, or reject the PIP. A PIP that is consistent with the GDP and meets other applicable ordinance provisions shall be entitled to approval or conditional approval. Upon final approval of the PIP by City Council, it shall be filed with the Community Development Department, and shall be referred to in regard to enforcement or modification of the project development plans. All covenants, restrictions or contractual agreements with the City shall be recorded with the registrar of deeds, and a final plat meeting all applicable requirements of chapter 78, be approved before final issuance of building permits.
- c. If an applicant does not commence construction in the approved PIP area within one year after City approval of a PIP for a TND, or complete construction in the approved PIP area within two years of approval of the PIP, the previously approved PIP shall be considered null and void; except where the Zoning Board of Appeals approves an alternative phasing plan with the PIP. If considered null and void, a new petition and approval process shall be required for PIP approval.
- (e) *Allowable and required uses.* Any land use that is permitted by right or as a special use, accessory use, or temporary use in any zoning district in this chapter, or mix of uses, may be permitted within a TND subject to the criteria listed below. All precise implementation plans shall specify the range of proposed and approved land uses in that particular TND, which when approved shall be construed to be and enforced as part of this chapter. The total gross land area in the TND devoted to commercial and institutional uses shall not exceed 25% of the gross land area of the entire TND. Each TND shall include a carefully planned and integrated mix of land uses with varied development densities throughout the project, as provided below:
- (1) *Residential use areas.* Each TND shall include at least one area intended for predominately residential use. The overall mix of residential uses within each Large TND shall resemble the mix of existing housing types and tenure within the entire City, per the most recent U.S. Census or more current or accurate figures if provided by the City. Each Small TND shall include at least two of the following types of residential uses:
- a. Single-family detached dwellings, on a mix of lot sizes throughout the neighborhood.
 - b. Single-family attached dwellings, including two-family dwellings, townhouse dwellings, and row dwellings.

- c. Multiple-family dwellings, including senior housing.
 - d. “Special needs” housing, including community living arrangements and assisted living facilities.
- (2) *At least one mixed-use area.* Mixed-use areas are intended to serve as pedestrian-friendly gathering places and focal points for the project. The highest development density within the TND shall occur in and adjacent to the mixed-use area(s). Figure 1 shows one example of a mixed-use area. At least 90% of the dwelling units within the TND shall be within ¼ mile from a mixed-use area within or outside of the project. Each TND shall include at least one mixed-use area, unless the City’s comprehensive plan identifies the location of a mixed-use area on a nearby site and the “90%” criterion in the previous sentence will be met. The mixed-use area(s) within each Large TND shall, when combined, include all of the following uses, while any required mixed-use area within each Small TND shall include an appropriate mix of the following uses:
- a. Commercial uses, such as services, retail, restaurants, and accommodations. Individual businesses shall not exceed 5,000 square feet each in gross floor area.
 - b. Attached residential dwellings, including single-family attached, multiple-family, second-story residential units, live/work units, and special needs housing.
 - c. Civic or institutional uses, such as municipal offices; a library; post office; places of worship; educational facilities; or usable, developed common open space like a town square.
- (3) *At least one common open space area.* At least 15 percent of the gross land area of the TND must remain as permanently protected common open space, unless the TND is located within the downtown area as identified in the City’s comprehensive plan. At least 90% of the dwelling units within the TND shall be within ¼ mile from a protected common open space area. Permanently protected common open space areas include public parks, environmental corridors, trails, protected natural areas, and private parks that are permanently restricted from non-recreational development, but do not include private yards, stormwater management basins, or stormwater conveyance channels. Small neighborhood parks, playgrounds, and squares should creatively designed and sited and integrated into the project, while large outdoor recreation areas should generally be located at the periphery. Such common open space areas shall be owned and maintained by a homeowners association, or under a written agreement with a public agency.

Figure 1: Example of Mixed-Use Area Design



(f) *Dimensional requirements.* Any lot, building, yard, density, or other building or dimensional requirements approved by the City as part of a TND general development plan or precise implementation plan shall be construed to be and enforced as part of this chapter. If not otherwise specified within an approved general development plan or precise implementation plan, the dimensional standards of the zoning district in which the TND (or that part of the TND) is located shall apply. Lot area, width, and yard requirements shall also conform to the following criteria:

1. *Minimum lot area and width.* A variety of lot sizes shall be provided to facilitate housing choice and meet the requirements of people with different housing needs. Minimum lot areas and widths shall be as follows:
 - a. Single family detached dwellings:
 - i. With street (front or side) loaded garages: Minimum lot area shall be 5,000 square feet. Minimum lot width shall be 50 feet with an attached garage and 40 feet with a detached garage.
 - ii. With alley loaded garages: Minimum lot area shall be 4,000 square feet. Minimum lot width shall be 45 feet with an attached garage and 40 feet with a detached garage.
 - iii. Total building coverage of a new or remodeled single-family detached dwelling plus accessory buildings shall not exceed 75% of the area of lot on which it is located for lots that are 7,000 square feet or greater, and 85% of the area of the lot for lots that are less than 7,000 square feet.
 - iv. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.
 - b. Single-family attached dwellings, including two-family dwellings, townhouse dwellings, and row dwellings:
 - i. Two-family dwellings: Minimum lot area shall be 3,500 square feet per dwelling unit. Minimum lot width shall be 30 feet per dwelling unit.

- ii. Row dwellings and townhouse dwellings (3+ attached units): Minimum lot area shall be 2,200 square feet per dwelling unit. Minimum lot width shall be 22 feet per dwelling unit.
 - iii. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.
 - c. Multiple-family dwellings: Minimum lot area shall be 700 square feet for each efficiency dwelling unit, with an additional 300 square feet of lot area required for each additional bedroom in the dwelling unit. Multiple-family dwellings within condominium development components of the project shall be subject to similar density standards.
 - d. Minimum lot areas and widths for all other uses shall be as specified in the submitted TND project plans.
2. *Block size.* Street layouts shall provide for perimeter blocks that are a maximum of 400 feet deep and 800 feet long, unless expressly permitted through project approval.
3. *Building setbacks and separation.* The TND should include buildings placed relatively close to the street to promote interaction, enclose space along the street, and direct less attractive site features to less visible yards. Maximum front yard setbacks and minimum building separation shall be as provided in Table 1.

Section 1.01 Table 1: Building Setbacks

Use Area	<u>Minimum Front Yard Setback</u>	<u>Maximum Front Yard Setback</u>	Minimum Building Separation
Residential Areas	15 feet ¹	30 feet	12 feet ²
Mixed-Use Area	None	15 feet ²	12 feet ²

¹ Porches, entry bays, covered walkways or stoops, hooded front doors, or other similar architectural elements may project 6 feet closer to the street.

² Minimum building separation standards may substitute for required side and rear lot setbacks, however side setbacks will not be less than 1 foot.

- (g) *Circulation and parking requirements.* The circulation system shall allow for different modes of transportation, provide functional and visual links among the residential area(s), mixed-use area, and open space areas within the TND; connect to existing and proposed developments outside the TND; provide adequate traffic capacity; provide connected pedestrian and bicycle routes including off-street paths or bicycle lanes on streets; control through traffic; limit direct lot access on streets with higher expected traffic volumes; and promote safe and efficient mobility. More specific design standards that shall be met are as follows:
- (1) *Pedestrian circulation.* Convenient and continuous pedestrian circulation systems, including walkways and paths intended to minimize conflicts between pedestrians and motor vehicles, shall be provided throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved, enhanced, or relocated if necessary. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Table 2 and installed by the developer, unless otherwise approved by the City. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to any associated parking areas. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges, raised pavement, or striping. Curb bulb-outs, median refuges, and other related techniques should be incorporated along collector streets and at key intersections to shorten the pedestrian crossing distance.
 - (2) *Bicycle circulation.* Facilities for bicycle travel shall be included in the project and installed at the developer's expense, unless otherwise approved by the City. Such facilities may include off-street bicycle and multi-use paths, striped bicycle lanes on streets per Table 2, signed bicycle routes, or some combination. Any existing bicycle routes through the site shall be preserved, enhanced, or relocated if necessary. Selected bicycle routes and facilities shall implement the recommendations in the City's comprehensive plan. All businesses, civic uses, and multiple-family dwelling units shall provide adequate bicycle parking areas and facilities.

- (3) *Public transit access.* Where public transit service is available or planned, streets intended to serve as transit routes shall be appropriately designed and convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security, be well lit, and include bicycle racks.
- (4) *Motor vehicle circulation.* Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, medians, and on-street parking is encouraged *to* slow traffic speeds. Arterial streets should generally not bisect a TND. Minor streets within the TND are intended to be used primarily for access to abutting properties, and are usually not subject to access controls. Collector streets within the TND are intended to carry traffic from minor streets to arterial streets, include the principal entrance street to a residential use area, and may be subject to access controls. Alleys are special public ways affording secondary access to the rear of abutting properties, and shall be privately built, held, and managed (with a permanent dedicated fund established for maintenance and repair), unless explicitly approved by the City Council. Minimum street design standards for a TND shall be in accordance with Table 2, Figure 2, and Figure 3.
- (5) *Street layout.* The TND shall maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets shall enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, minimize street gradients, and minimize the use of double frontage lots. All streets shall extend through the project or terminate at other streets, except streets may temporarily “dead end” when such streets will connect to future phases or other sites outside the TND and minor streets may permanently terminate in a cul-de-sac only where site conditions require a cul-de-sac.
- (6) *Parking and loading requirements.* All TNDs shall meet the parking and loading requirements found in Article V, except that (a) the City may approve alternate parking ratios and other standards where specifically proposed by the applicant and (b) the following standards shall apply in the event of conflict with Article V. For multiple-family residential buildings and in mixed-use areas, shared use parking lots and structures are encouraged, off-street parking lots may not be adjacent to or opposite from a street intersection, and parking lots and structures shall be located to the rear or sides of buildings. The edges of parking lots, landscaped islands, and all other areas not used for parking or vehicular circulation shall be curbed and landscaped per the requirements in Section 102-258. Examples of these parking lot placement and landscaping standards are included in Figure 4. Parking lots containing more than 30 spaces shall be broken up into smaller pods with not more than 30 spaces each, with the pods separated from another by landscaped areas or buildings. Site plans shall provide a direct route to service or loading dock areas, while minimizing the movement of loading vehicles through parking areas. Reduction of impervious surfaces through the use of pervious pavement and interlocking pavers is encouraged, particularly for remote parking lots and parking areas for periodic uses.

Section 1.02 Table 2: Minimum Street Design Requirements in a Traditional Neighborhood Development

Type of Street	Street width in feet, curb-face to curb-face	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
Collector Street	36 (2-sided parking) 30 (1-sided parking) 24 (no parking)	Both sides, 1.5 feet wide	Both sides, min. 8.5 feet wide	Both sides, min. 5 feet wide and 1 foot from lot line	Where required, add 5 foot wide lanes (can be measured to curb face if paved lane width = 4 feet)
Minor Street	28 (1-sided parking) 24 (no parking)	Both sides, 1.5 feet wide	Both sides, min. 7 feet wide	Both sides, min. 5 feet wide and 1 foot from lot line	None
Alley	12 (no parking)	Both sides, 1.5 feet	None	None	None

(City may require alleys to be privately owned and managed)		wide			
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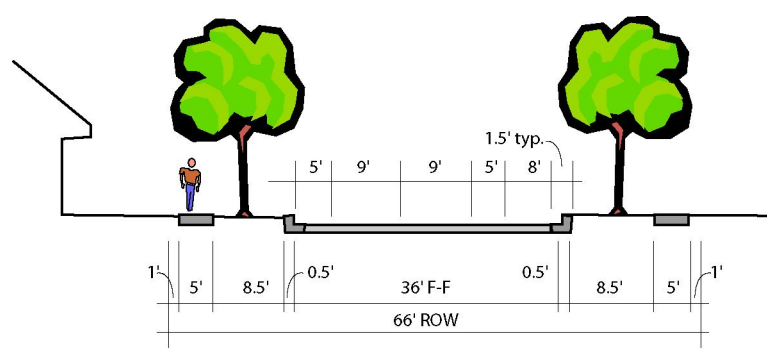


Figure 2: Schematic sketch of a typical collector street cross-section with one-sided parking and bike lanes.

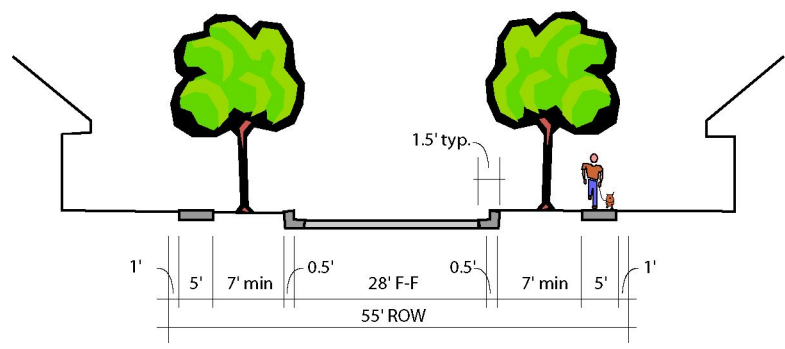


Figure 3: Schematic sketch of a typical minor street cross-section with two-sided parking.

Parking Lot Placement and Landscaping

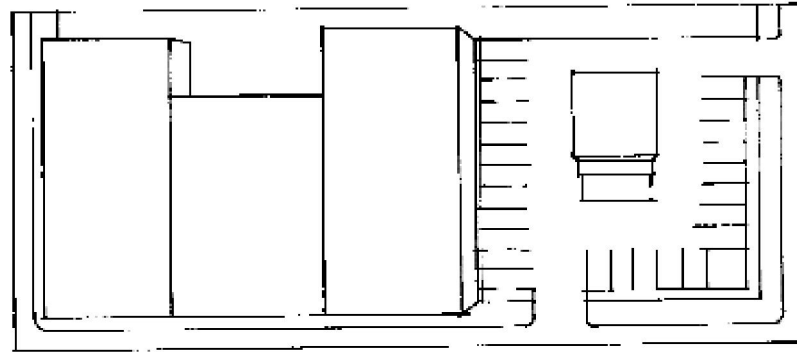
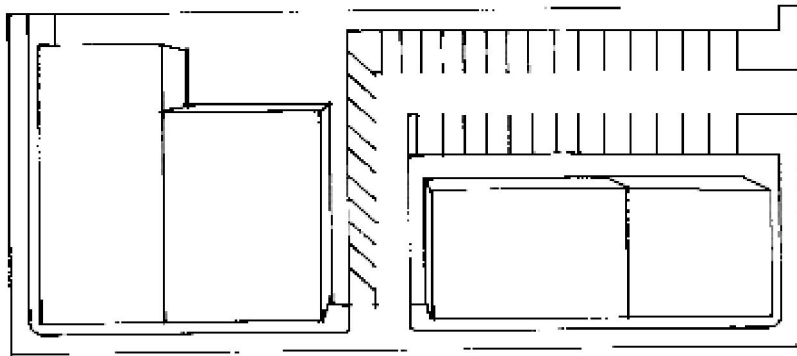
Figure 4: Examples of Required

Figure 2: Schematic sketch of a typical collector street cross-section with one-sided parking and bike lanes.

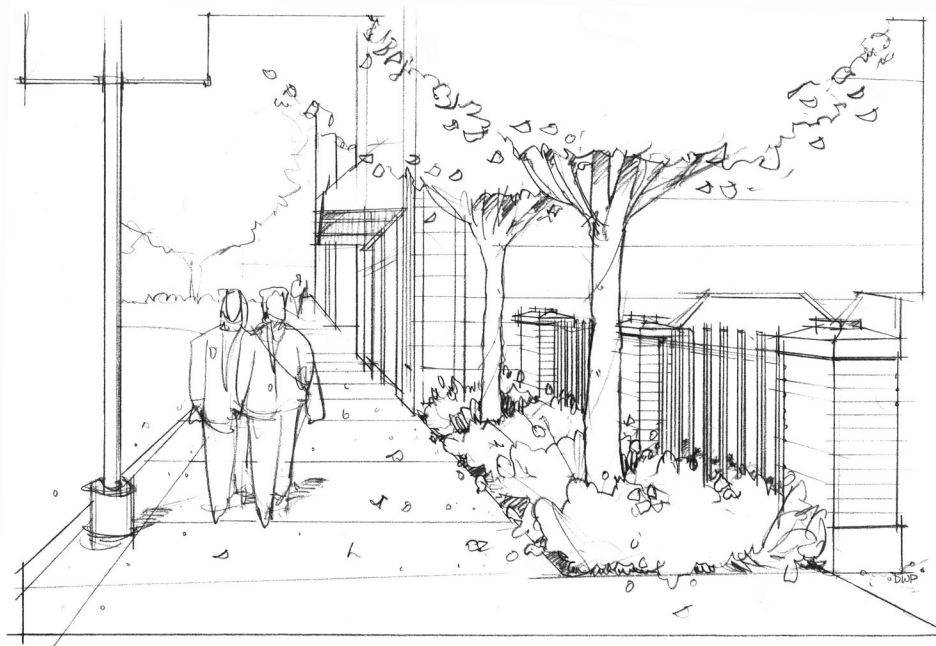
(h) *Other site and neighborhood design requirements.*

(1) *Stormwater management*

Stormwater shall be managed within the TND according to the following principles and requirements :



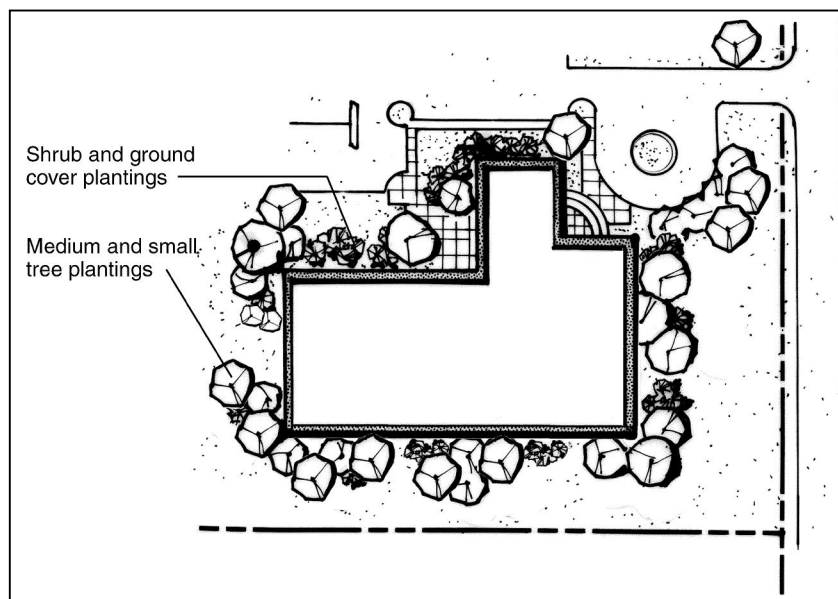
- a. Comply with state and federal regulations and guidelines associated with stormwater management;



- b. Comply with regional stormwater management plans adopted by the City;
- c. Minimize off-site stormwater runoff;
- d. Promote on-site filtration;
- e. Utilize natural stormwater management systems wherever practical;
- f. Utilize stormwater management Best Management Practices.
- g. Provide vegetative buffers between (a) stormwater basins and conveyance routes and (b) wetlands;

- h. Provide areas for snow storage;
 - i. Minimize the discharge of pollutants to ground and surface water; and
 - j. Maintain and protect natural topography and existing land cover to the extent reasonably practicable.
- (2) *Exterior lighting and utilities.* The styles of proposed street and private lot lighting shall be compatible with one another. The City shall review all exterior lighting within the TND. Street lighting shall be provided on both sides of all streets at intervals of no greater than 200 feet. A larger quantity of smaller street lights should be used rather than fewer, higher intensity lights. All new public and private utility installations shall be underground.
- (3) *On-site landscaping and screening.* Overall composition and location of landscaping shall complement the scale of the project and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Plants native to the region are encouraged. For all nonresidential and multiple-family residential building sites, live landscape plantings shall be planned and installed based on the following requirements for street frontages, paved areas, building foundations, buffer yards, and general yard areas. These requirements are additive to each other. Credit for existing landscape plantings that are retained and protected with the development of the site shall be allowed.
- a. *Street frontages.* An average minimum of one deciduous tree per 40 feet of public street frontage shall be required to be planted by the developer, except if otherwise approved by the City. Street tree placements may be clustered or adjusted to achieve a particular design objective or account for traffic visibility, curb openings, street lighting, and other obstructions. Street trees shall generally be located between the sidewalk and the curb and within the landscaped area of a boulevard. If placement of street trees within the right-of-way will interfere with pre-existing utility lines, trees may be planted within the private street yard adjacent to the sidewalk. The types of street trees must be approved by the City and comply with Chapter 94, Article II of the City of Loves Park Code of Ordinance.
 - b. *Parking and loading areas.* The standards in Section 102-258 and 102-259 shall be met. Additionally, one large deciduous tree and 60 points of additional landscaping shall be planted for each 1,500 square feet of paving. (Point values for different types of plantings are described below.)
 - c. *Building foundations.* 150 points of landscaping shall be planted for each 100 lineal feet of exterior building wall. Plants must be installed within 20 feet of the building foundation, and should not include large deciduous trees.

Figure 5: Example of Foundation Planting Placement



- d. *Buffer yards.* There shall be provided and maintained a permanent buffer yard screen planting along any boundary of a nonresidential use which adjoins any residential use. The plantings shall be designed to provide an all-season screen, with opacity of at least 60% at maturity. Buffer yard landscaping shall have a minimum height of three feet at time of planting. The use of berming or an opaque fence constructed of materials compatible with the building on the site may be approved by Zoning Board of Appeals in addition to or in lieu of landscaping, per the standards of §§ 102.136. The location of buffer yard plantings shall be within 25 feet of the property line, except where necessary to avoid utility easements.
 - e. *General yard areas.* 200 additional points of landscaping shall be planted for each 5,000 square feet of total lot, site or parcel area. Landscaping required by this standard should be placed where appropriate on the site, but generally in those areas not covered by other provisions of this subsection. At least 50% of the general yard landscaping should be located in front yards.
 - f. *Other green areas.* Green areas of the site not used for landscape plantings shall be graded and seeded or sodded with an acceptable maintainable seed mix. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials. Mulches shall be installed so that they will not erode, fall, be plowed or otherwise transported into walks, drives, streets or other hard surfaced portions of the site.
 - g. *Landscaping point credits.* Credit for landscape plantings will be granted based on the following schedule: Large Deciduous Tree (mature height 25+ feet) = 150 points; Small Deciduous Tree (mature height <25 feet) = 60 points; Evergreen Tree = 40 points; Shrub (deciduous or evergreen) = 20 points; Annual/Perennial Bed: 20 points per 20 square feet of bed.
 - h. *Minimum landscaping size.* At time of planting, plants must be the following minimum size: Large Deciduous Tree: 2-inch diameter at breast height; Small Deciduous Tree: 1½-inch diameter breast height or 5 feet in height for clump varieties; Evergreen Tree: 4 feet in height; Shrub: 18 inches in height; Annual/Perennial Bed: Minimum 20 contiguous square feet in area.
- (i) *Architectural and signage requirements.* A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character, while maintaining a compatible design theme throughout the TND. More specific design standards that shall be met are as follows:
- (1) *Existing structures.* Existing structures, if determined to be historic, architecturally, or culturally significant, shall be protected from demolition or encroachment by incompatible structures or land development, to the extent reasonably practical. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as criteria for renovating significant structures.
 - (2) *New structures.*
 - a. *General design.* The bulk and height of each building shall properly relate to and flow from surrounding buildings, and shall be in proper proportion to the size of the lot on which it is to be placed. The style, materials, and design of new buildings may be organized around a consistent design theme that may draw from a local vernacular architectural style and/or natural building materials common to the region. However, design monotony shall be avoided (see Figure 6). Unless otherwise approved by the Zoning Board of Appeals to carry out a particular design theme of exceptional quality, no two principal buildings within four lots on either side of the street on which the buildings front shall have a similar front facade. Front facades shall be deemed to be similar where there is:
 - i. No substantial difference in roof lines or form; and
 - ii. No substantial change in window size, location, or type; and
 - iii. No or minimal change in material colors.
 - b. *Masonry construction material.* In order to provide exceptional aesthetic and construction quality in a designated TND district, residential and non-residential buildings will be required to include a percentage of masonry material on the exterior of the buildings.
 - i. Residential buildings or structures constructed in a TND district shall contain no less than 75% of brick or stone material on the exterior of the primary building or structure on a given lot. This standard applies to the façade of the building, exclusive of doors, windows, and associated trim. Chimneys constructed on any such building shall consist of 100% (from grade level to the caps) of

the exterior brick or stone material of such building. All permitted accessory buildings or structures with an interior floor space of less than two hundred and twenty five square feet shall be exempt from the aforementioned provisions.

- ii. Non-residential buildings or structures constructed in a TND district shall contain 100% of, or combination of, brick, stone, concrete, concrete panel, and/or glass material on the exterior of the primary building or structure on a given lot. This standard applies to all sides of the building, exclusive of doors, windows, and associated trim. Chimneys constructed on any such building shall consist of 100% (from grade level to the caps) of brick or stone material. All rooftop equipment and/or apparatuses shall be non-visible from street frontages. All permitted accessory buildings or structures shall comply with the aforementioned provisions.
 - iii. Masonry construction material shall not be painted.
- c. *Height.* New structures within a TND shall be no more than three stories for single-family detached dwellings and attached dwellings, and six stories for commercial, multiple-family, or mixed use buildings. Buildings within the mixed-use area shall additionally meet the standards depicted in Figure 7.

Figure 6: Example of Design Variation with Consistent Form



Figure 7: Schematic elevation sketch of a typical mixed-use area “streetscape.” To create a visually unified “streetwall,” buildings shall be no more than 30% taller or 30% shorter than the average building height on the block within the mixed-use area.

- d. *Entries and facades.* Similar architectural features, materials, and the articulation of a building façade shall be continued on all sides visible from a public street. The front façade of the principal building shall

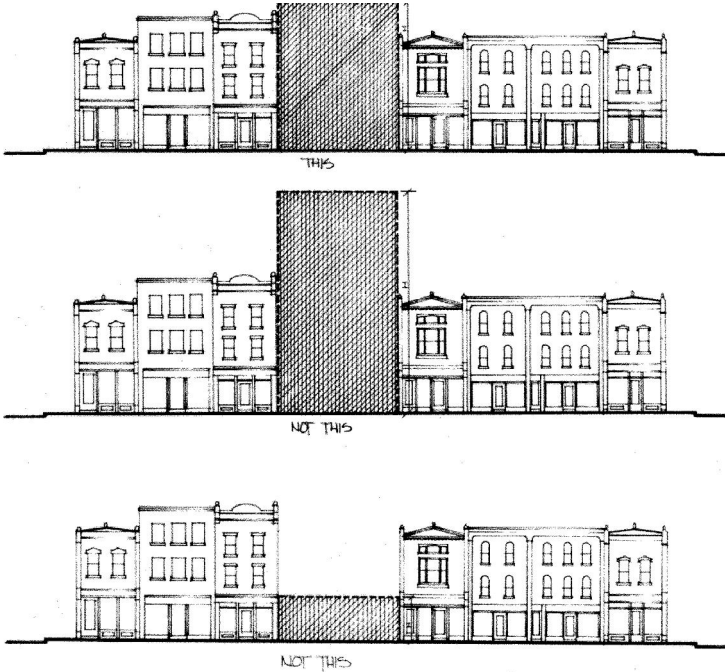
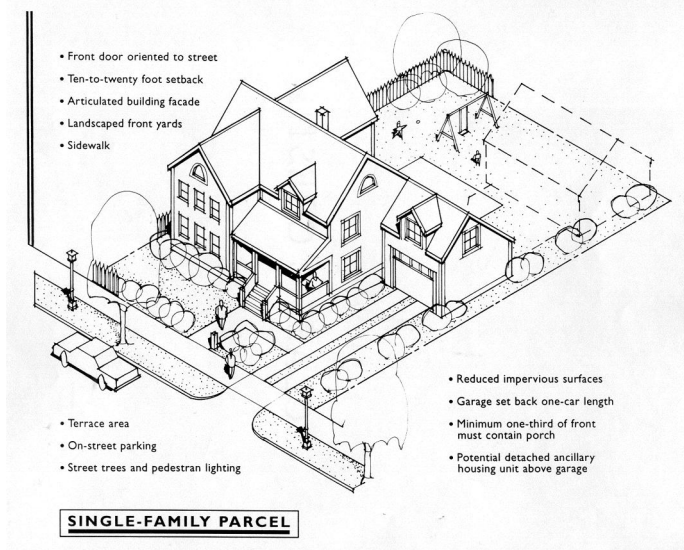


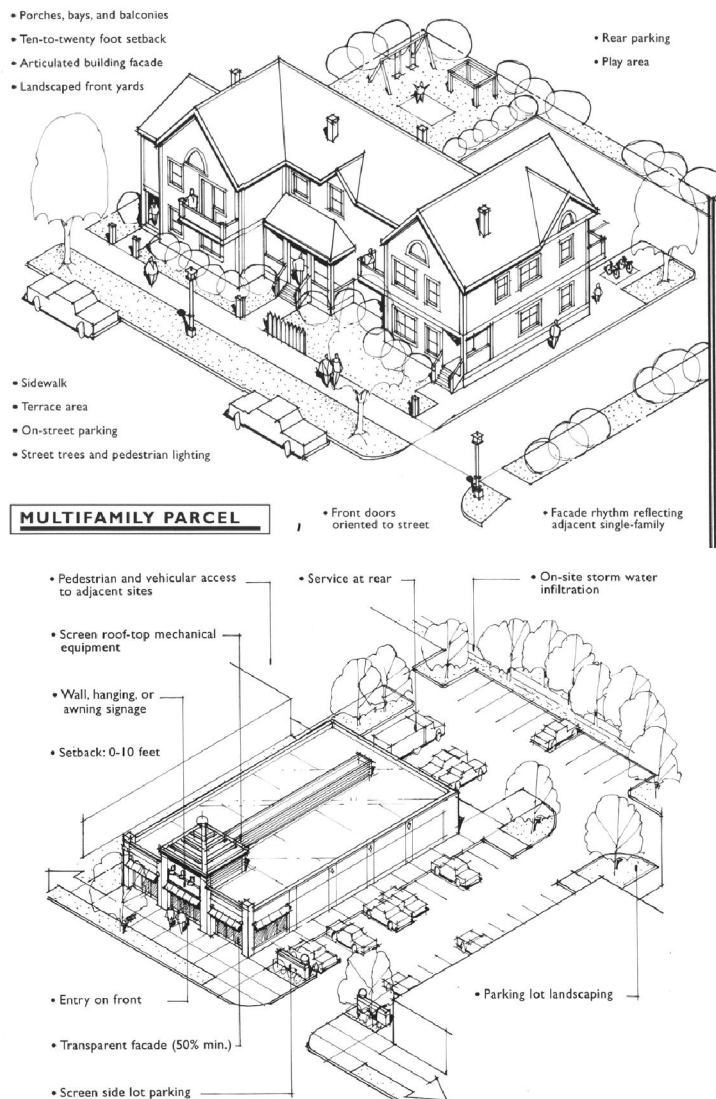
Figure 8: Examples of Entry and Front Façade Treatments.

These graphics show examples of how TND entryway and front façade provisions may be carried out in single-family residential, multiple-family residential, and commercial applications (next page).

face onto the street yard of a public street (not directly toward a parking lot) and shall parallel the line of the street to create a continuous edge. As buildings are moved closer to the street and to each other, special attention should be paid to design details and landscaping. Porches, entry bays, covered walkways or stoops, hooded front doors, or other similar architectural elements shall define the front entrances to all dwelling units; such features shall generally be closer to the street than the remainder of the dwelling. Porches should be a minimum of six feet deep to enhance aesthetics and function. For nonresidential buildings, a minimum of 50 percent of the public street façade(s) on the ground floor shall be transparent, consisting of window or door openings, and entries shall face the public street. Figure 8 provides examples of required treatments of entries and front



facades.



- e. *Garages.* Garages accessed from the public street, where garage doors face a public street, shall occupy no more than 50 percent of the front façade of the house. No garage shall exceed 1,500 square feet in area. Residential garages shall be set back a minimum of two feet to the rear of the main front façade of the dwelling structure (not including porches or other projections) to ensure that the garage does not dominate the view from the street. Where the house does not include a front porch or similar projection from the main living area of the house, garages shall be set back a minimum of four feet to the rear of the main front façade. Garage setbacks along alleys shall either be between two and eight feet from the private alleyway to allow proper turning radii but no driveway parking, or at least 16 feet to allow driveway parking without encroaching into the alley. Garage placement alternatives and standards are illustrated in Figure 9.
- f. *Signage.* Business signs, entrance monuments, and other major signs within a TND shall share a common or compatible style, which may be demonstrated by similarities in sizes, shapes, and/or materials. In addition, all signage shall meet the technical requirements of Article (VI), except that the maximum height of a freestanding sign shall be eight feet and the maximum area of a freestanding sign shall be 50 square feet and be comprised of the same masonry material as the exterior of the principle building.

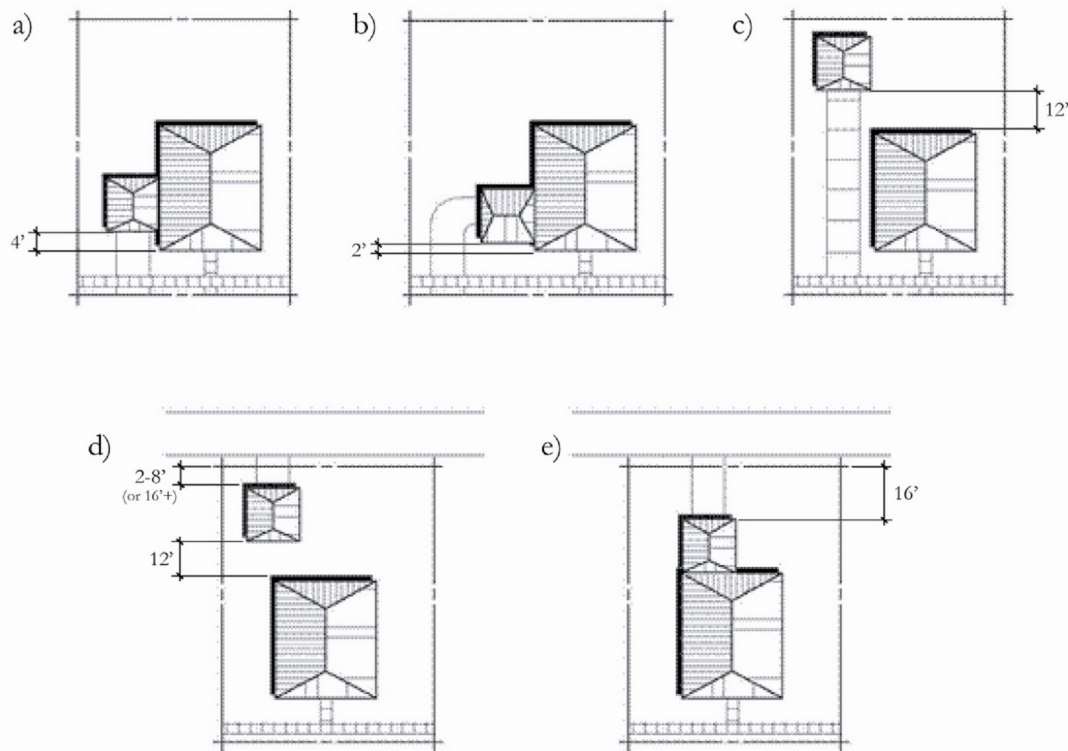


Figure 9: Diagrams of five alternative garage locations on a TND residential lot:

- Attached garage is accessed from a street (street-loaded garage). 4' minimum setback required if no front porch or similar front yard building projection; 2' minimum with front porch.
- Attached garage is accessed from a street (side-loaded garage). 2' minimum setback required.
- Detached garage, behind the house, is accessed from a street. 12' separation between house and garage.
- Detached garage is accessed from an alley. Either 2' to 8' setback from private alleyway or 16'+ minimum setback from private alleyway. 12' separation between house and garage.
- Attached garage is accessed from an alley. 16' minimum setback from private alleyway.

(j) Modifications and changes.

- Upon written request by the applicant and following a recommendation from the Zoning Board of Appeals, the City Council may waive or modify any of the requirements in subsections (e) through (i) as they relate to a GDP. Such waiver or modification may be approved by a two-thirds vote of Council members in attendance, but only if supplemental design elements or improvements are incorporated into the project which compensate for the waiver or modification of the particular requirement.
- Upon written request by the applicant and following a recommendation from the Zoning Board of Appeals, the City Council may waive or modify any of the requirements in subsections (e) through (i) as they relate to a PIP. Such waiver or modification may be approved by a two-thirds vote of Council members in attendance, but only if supplemental design elements or improvements are incorporated into the project which compensate for the waiver or modification of the particular requirement.
- The approved GDP or PIP may include any aspect of project flexibility requested by the applicant that is not prohibited by this section, including but not limited to future developer options for different uses and densities within the TND. Any subsequent change of use of any parcel of land or addition or modification of any approved PIP beyond such approved flexible aspects shall be submitted to the Zoning Board of Appeals for approval. Minor changes that do not affect the intent of the GDP or PIP may be recommended by the

Community Development Staff and approved by the Community Development Committee. Major changes that involve changes to the general intent of the project as expressed in the approved GDP shall be made by the City Council, following the same process as required for the original GDP approval.

Secs. 102-337 thru 102-340. Reserved

ARTICLE X. AMENDMENTS

Sec. 102-341. Purpose.

This chapter may be amended by changing the boundaries of any district, by changing any district regulation, off-street parking or loading facilities requirement, signs, general provision, exception or other provision thereof in accord with the procedure prescribed in this article.

(Ord. No. 795, § 1400, 5-13-74)

Sec. 102-342. Initiation.

- (a) A change in the boundaries of any district may be initiated by the owner or the authorized agent of the owner of the property or city council by filing an application for a change in district boundaries as prescribed in section 12-343. If the property for which a change of district is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.
- (b) A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, signs, general provision, exception, or other text amendments of this chapter may be initiated by action of a person, zoning board of appeals or city council, provided that in either case the procedure prescribed in sections 102-343 – 102-349 shall be followed.
- (c) A proposal for a change in district boundaries initiated by the city council and one initiated by a property owner for all owners for all or part of the same area may be considered simultaneously.

(Ord. No. 795, § 1401, 5-13-74)

Sec. 102-343. Application and fee.

An application for an amendment to this chapter shall be filed on a prescribed form with the zoning officer. The application shall include the following information and material:

- 1. Name and address of applicant.
- 2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed.
- 3. Address and description of the property.
- 4. Name and address of adjacent property owners.
- 5. The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the location of streets and property lines.
- 6. The application shall be accompanied by a fee as prescribed by a fee schedule adopted by the city council.

(Ord. No. 795, § 1402, 5-13-74)

Sec. 102-344. Public hearing – Notice.

The zoning board of appeals shall hold at least one public hearing on each application for a change in district boundaries or for a change of a district regulation, off-street parking or loading facilities requirement, signs, general provision, exception or other provision of this chapter within 45 days of the date when the application was filed or the proposal was initiated. Notice of the public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the city and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.

(Ord. No. 795, § 1403, 5-13-74)

Sec. 102-345. Same – Procedure.

At the public hearing the zoning board shall review the application or the proposal and may review pertinent evidence as to why or how the proposed change is consistent with the objectives of this chapter prescribed in section 102-1.

(Ord. No. 795, § 1404, 5-13-74)

Sec.102-346. Action of zoning board of appeals.

All applications and proposals. Within 45 days following the public hearing, the zoning board of appeals shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in section 102-1. The zoning board of appeals shall transmit a report to the city council recommending that the application be granted, granted in modified form, or denied or that the proposal be adopted, adopted in modified form, or rejected together with a copy of the application, resolution of zoning board of appeals; the scale drawing of the site and the surrounding area and all other data filed therewith; the minutes of the public hearing; and the findings of the zoning board of appeals.

(Ord. No. 795, § 1405, 5-13-74)

Sec. 102-347. Disposition by the city council.

An amendment shall be passed by a majority vote of the city council present. In the following cases, an amendment shall be passed only by the favorable vote of two-thirds of all the members of the city council:

1. If a written protest against the proposed amendment is filed with the city clerk, signed, and acknowledged by the owners of 20 percent or more of:
 - a. The frontage immediately adjoining or across an alley therefrom.
 - b. The frontage directly opposite the frontage proposed to be altered.
2. If the land affected by a proposed amendment lies within 1-1/2 miles of the limits of a zoned municipality, and a protest against the amendment is passed by the governing body of the zoned municipality with limits nearest adjacent, and the written objection is filed with the city clerk.

(Ord. No. 795, § 1406, 5-13-74)

Sec. 102-348. Effect or denial of an amendment.

No application for an amendment which has been denied wholly or partly by the city council shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the board of appeals.

(Ord. No. 795, § 1406, 5-13-74)

Sec. 102-349. Annexed and unzoned territory.

All territory which is annexed to the city or which is unzoned or becomes unzoned through abandonment of the public street or railroad right-of-way shall be classified in the R1 district. Within 60 days the zoning board of appeals shall make a study of the territory to determine in which zoning district it should be classified in order to carry out the objectives of this chapter prescribed in section 102-1. If the zoning board of appeals finds that a change of district is required, it shall initiate the change as prescribed in subsection 102-342(b). The owner of annexed property or the authorized agent of the owner may file an application for a change in district as prescribed in subsection 102-343(a).

(Ord. No. 795, § 1408, 5-13-74)

Secs. 102-350 – 102-370. Reserved.

ARTICLE XI. SATELLITE ANTENNA SYSTEMS.

Sec. 102-371. Purpose and intent.

The purpose of this article is to provide interim regulations to govern placement and construction of satellite antenna systems. As more information becomes available, it is intended that this article shall be amended in whole or part to reflect the results of additional study and information made available to the city council. No satellite television antenna shall be erected or constructed except in conformance with the regulations set forth in this article.

(Code 1969, § 16-1/2-1; Ord. No. 1531, § 1, 10-21-85)

Sec. 102-372. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Satellite television antenna means an apparatus capable of receiving communications from a transmitter or transmitter relay located in planetary orbit.

Useable satellite signal means a satellite signal which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television or by way of cable television.

(Code 1969, § 16-1/2-2; Ord. No. 1531, § 2, 10-21-85)

Sec. 102-373. Antenna location.

- (a) The intent of satellite antenna location requirements is to minimize the visual obtrusiveness and any related negative impact on adjoining land uses by means of regulating the placement on the lot of the satellite dishes and the maximum permitted height of the antenna. The intent of this article is to require placement in the least visually obtrusive area on the lot in which a useable signal can be obtained.
- (b) All satellite antennas shall be located in the rear yard directly behind the principal structure, as measured from perpendicular lines drawn from the street right-of-way, and shall be limited to a maximum height of 12 feet.
- (c) Should a useable signal be unobtainable under subsection (b) of this section, then the antenna may, by permission of the city council, be placed elsewhere on the lot except in the front yard or side yard adjacent to a public right-of-way, or the antenna may be increased in height. Variations granted by the city council shall be the minimum necessary to grant relief.

(Code 1969, § 16-1/2-3; Ord. No. 1531, § 3, 10-21-85)

Sec. 102-374. Size limitations.

No antenna may exceed 10 feet in diameter.

(Code 1969, § 16-1/2-4; Ord. No. 1531, § 4, 10-21-85)

Sec. 102-375. Specifications for minimizing visual impact.

In all districts, satellite television antennas shall be so located and designed as to reduce the visual impact on adjoining properties and from adjoining public rights-of-way. All freestanding satellite television antennas shall be screened to minimize visual impact on rights-of-way and adjoining property. In residential districts antennas shall be screened such that they are not visible from public streets from a height of 8 feet or less. All permits for antennas shall include a detailed description of the landscaping required to meet the specifications of this section.

(Code 1969, § 16-1/2-5; Ord. No. 1531, § 6, 10-21-85)

Sec. 102-376. Number of antennas allowed.

Not more than one satellite television antenna shall be allowed on any lot of record less than five acres in size, and not more than two antennas shall be located on any lot larger in size.

(Code 1969, § 16-1/2-6; Ord. No. 1531, § 6, 10-21-85)

Sec. 102-377. Conformity to building and electrical codes required.

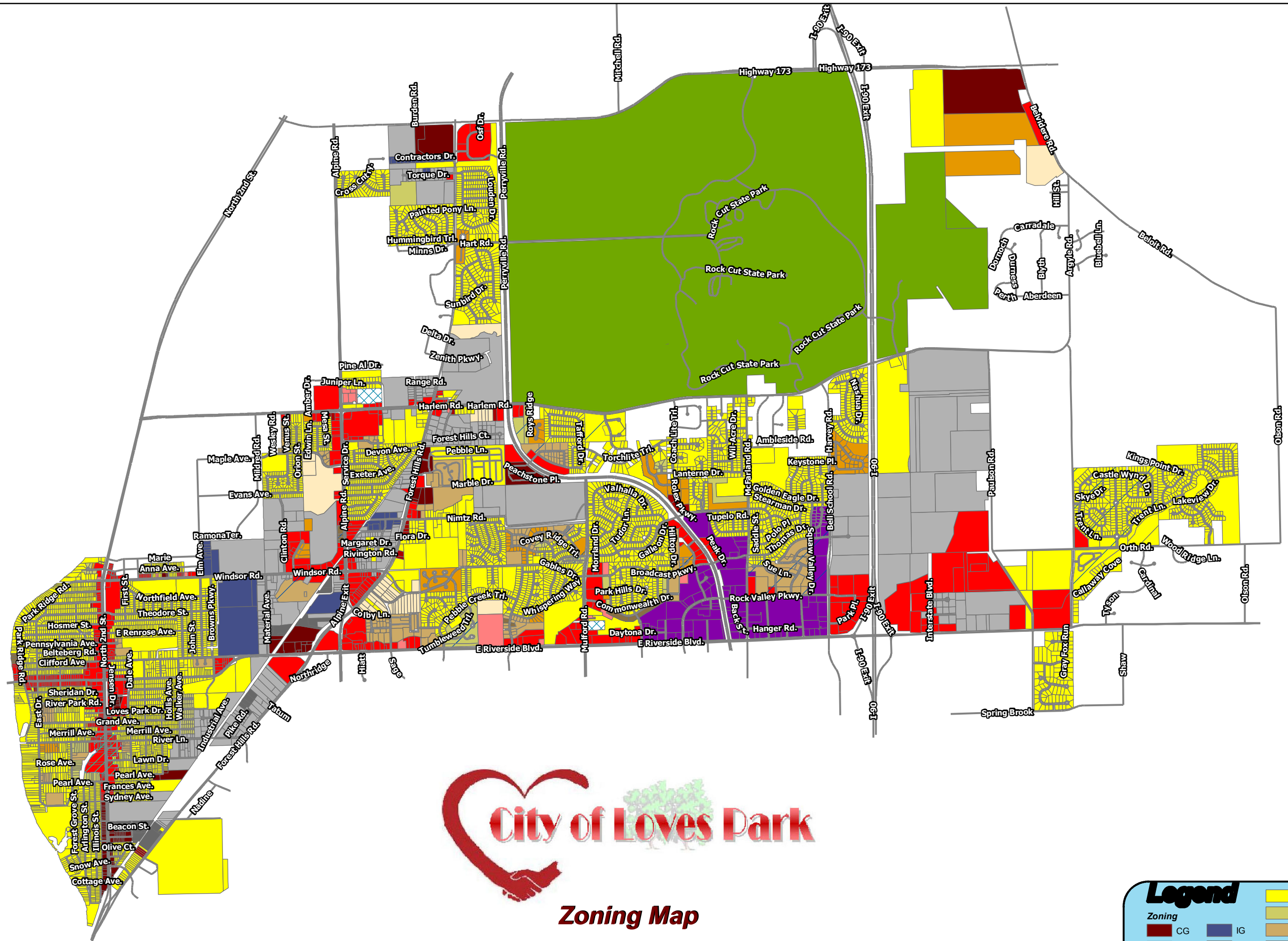
All antennas and the construction and application thereof shall conform to the city building and electrical codes.

(Code 1969, § 16-1/2-7; Ord. No. 1531; § 7, 10-21-85)

Sec. 102-378. Construction and installation requirements.

Antennas shall all be manufactured to specifications, noncombustible and corrosive resistant material and be erected in a secure, wind resistant manner. Every antenna must be adequately grounded for protection against a direct strike of lightning.

(Code 1969, § 16-1/2-8; Ord. No. 1531; § 8, 10-21-85)



Zoning Map

November 29, 2011

Legend			
Zoning			
CG	IG	R1	LEGAL
CN	IH	R2	PUD
CO	IL	R3	ST_PARK
CR	IL_CR	R3A	Overlay
		R4	
		RU	

