

CHAPTER 162: ZONING

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GENERAL PROVISIONS

§ 162.001 PURPOSE.

(A) In accordance with state law (65 ILCS 5/11-13-1 et seq.), this chapter regulates structures and land uses in order to preserve, protect and promote the public health, safety and welfare through implementation of the city's Comprehensive Plan.

(B) More specifically, this chapter is intended to assist in achieving the following objectives:

(1) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(2) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate non-conforming uses and structures;

(3) To conserve and increase the value of taxable property throughout the city;

(4) To ensure the provision of adequate light, air and privacy for the occupants of all buildings;

(5) To protect property from damage caused by fire, flooding, poorly-controlled storm water run-off and adverse soil and topographical conditions;

(6) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(7) To guide the provision of water mains, sanitary sewers, storm water sewers and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof;

(8) To provide for the efficient administration and fair enforcement of all the regulations set forth herein; and

(9) To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments and the like.

(1960 Code, § 60-1-1)

§ 162.002 JURISDICTION.

This chapter shall be applicable within the corporate limits of the city.

(1960 Code, § 60-1-2)

§ 162.003 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.

Every provision of this chapter shall be construed liberally in favor of the city, and every requirement imposed herein shall

be deemed minimal. Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction or covenant, the more stringent requirement shall prevail.

(1960 Code, § 60-1-3)

§ 162.004 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

(B) Any suit brought against any officer, board member, agent or employee of the city, as a result of any act required or permitted in the discharge of his or her duties under this chapter, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.

(1960 Code, § 60-1-4)

Statutory reference:

Local Governmental and Governmental Employees Tort Immunity Act, see 745 ILCS 10/1-101

§ 162.005 CONSTRUCTION OF TERMS.

In construing the intended meaning of terminology used in this chapter, the following rules shall be observed.

(A) Words and phrases shall have the meanings respectively ascribed to them in §162.006 of this chapter unless the context clearly indicates otherwise; terms not defined in § 162.006 of this chapter shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) The term "the city" shall mean the City of Belleville, Illinois.

(G) The words "lot", "parcel", "tract" and "site" shall be synonymous. (See definition of "plot".)

(H) The words "extend", "enlarge" and "expand" shall be synonymous. (See definition of "enlarge".)

(I) The words "abutting", "adjacent" and "contiguous" shall be synonymous. (See definition of "abutting".)

(J) All distances shall be measured to the nearest integral foot.

(K) References to sections shall be deemed to include all divisions within that section; but a reference to a particular division designates only that division.

(L) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(1960 Code, § 60-2-1)

§ 162.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTS. Having a common lot line or district line (excluding streets, alleys or public rights-of-way).

ACCESS WAY. A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

ACCESSORY USE. Any structure or use that is:

- (1) Subordinate in size or purpose to the principal structure or use which it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants or the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

ADMINISTRATOR. The official appointed by the Mayor of the city with the advice and consent of Council to administer this chapter or his or her representative. (Synonymous with **ZONING ADMINISTRATOR**.)

AGRICULTURE. Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture or animal/poultry husbandry. The term **AGRICULTURE** encompasses the

farmhouse and accessory uses and structures customarily incidental to agricultural activities.

AISLE. A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

ALLEY. A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

ALTER. To change the size, shape or use of a structure.

AMENDMENT. A change in the provisions of this chapter (including those portions incorporated by reference), properly effected in accordance with state law and the procedures set forth herein.

ATTACHED. As applied to buildings, having a common wall and/or a common roof.

BAR/TAVERN. A premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT. A story having one-half or more of its height below average level of the adjoining ground.

BLOCK. An area of land entirely bounded by streets, highways, barriers or ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street, highway or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

BOARD OF APPEALS. The Board of Zoning Appeals of the city.

BUFFER STRIP. An area of land, undeveloped except for landscaping, fences and the like, used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

BUILDING. Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

BUILDING HEIGHT. The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections shall not be included in calculating **BUILDING HEIGHT.**

BUILDING LINE. The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

BULK. Any one or any combination of the following structural or site design characteristics:

- (1) Size or height of structure;
- (2) Location of exterior walls at all levels in relation to lot lines, streets or other structures;
- (3) Lot area; and/or
- (4) Yards or setbacks.

CERTIFICATE OF ZONING COMPLIANCE, INITIAL. A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this chapter and may, therefore, proceed.

CERTIFICATE OF ZONING COMPLIANCE, FINAL. A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this chapter and may, therefore, be occupied or used.

CHILD DAY CARE CENTER, NURSERY SCHOOL, OR DAY CARE NURSERY. See **DAY CARE CENTER.**

CLINIC. An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

CLUB/LODGE. A building, or portion thereof, used by a group of people organized for common purposes to pursue common goals, interests or activities and typically characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

COMMERCIAL USE/ESTABLISHMENT. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

COMMUNITY RESIDENCE. A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. **COMMUNITY RESIDENCE** does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease. (See definition of **LARGE COMMUNITY RESIDENCE** and **SMALL COMMUNITY RESIDENCE.**)

COMPREHENSIVE PLAN. The plan or any portion thereof adopted by the city to guide and coordinate the physical and economic development of the community. The **COMPREHENSIVE PLAN** includes, but is not limited to, plans and programs regarding the location, character and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial or industrial land uses; parks; drainage facilities; and the like.

CONFORMING. In compliance with the applicable provisions of this chapter.

CONVENIENCE STORE, CONVENIENCE SHOP, or CORNER SHOP. A small retail business that stocks a range of everyday items such as coffee, groceries, snack foods, confectionary, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers, magazines, and other sundries primarily for home consumption. Some stores may include food or beverage preparation and are licensed to sell alcohol and/or the retail sale of motor vehicle fuels.

CORRECTIVE ACTION ORDER. A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this chapter.

DAY CARE CENTER. An establishment for the part-time care and/or instruction at any time of the day of four or more unrelated pre-elementary school and school aged children.

DETACHED. As applied to buildings, surrounded by yards on the same lot as the building.

DEVELOP. To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

DIMENSIONS. Refers to both lot depth and lot width.

DISTRICT, ZONING. A portion of the territory of the city wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this chapter.

DORMITORY. A building owned by an accredited school, college or university and devoted exclusively to living facilities in which each person residing in each living unit is a duly-registered student in the accredited school, college or university which the building owns. The living facilities for such building shall be designed with sleeping rooms for use by 16 or more students; provided that, there is at least 150 square feet of floor space for the first student-occupant thereof and at least 100 additional square feet of floor space for every additional student-occupant.

DRIVEWAY. A minor way commonly providing vehicular access to a garage or off-street parking area.

DWELLING. A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels or other accommodations for the transient public.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof containing three or more dwelling units built to comply with the adopted building codes of the city.

DWELLING, SINGLE-FAMILY. A detached dwelling containing one dwelling unit and intended for the occupancy of one family built to comply with the adopted building codes of the city. Does not include a mobile home. (See definition of **MOBILE HOME**.)

DWELLING, TWO-FAMILY. A dwelling containing two dwelling units built to comply with the adopted building codes of the city.

DWELLING UNIT. One or more rooms designed or used as living quarters by one family. **ADWELLING UNIT** always includes a bathroom and a kitchen.

EASEMENT. A right to use another person's real property for certain limited purposes.

ENCLOSED. As applied to a building, covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

ENLARGE. To increase the size (floor area, height and the like) of an existing principal structure or accessory use, or to devote more land to an existing use.

ERECT. To build, construct.

ESTABLISHMENTS. Either of the following:

- (1) An institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings; or
- (2) An institutional, business, commercial or industrial activity that occupies a portion of a building, such that:
 - (a) The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
 - (b) The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

EVENT CENTER. A location for the hosting of weddings, conferences, galas, and other similar events. Such uses may include non-accessory conference rooms, banquet halls, or other primary structures utilized for ceremonial, business, or organizational related events.

EXISTING. Actually constructed or in operation on the effective date of this chapter.

FAMILY. Either:

- (1) Two or more persons, each related to the other by blood, marriage or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or

(2) Three or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). For purposes of this chapter, however, an **UNRELATED FAMILY** shall not include persons living together in a community residence or nursing home.

FENCE. A hedge, structure or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates. An enclosure about a field or other space, or about any object; especially an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within.

FLOOD ELEVATION, REGULATORY. The elevation of the most severe flood that, on the basis of Corps of Engineer's data, may be expected to occur once every 100 years.

FLOODPLAIN AREA. The area adjacent to a watercourse and its tributaries having an elevation equal to or lower than the regulatory flood elevation.

FLOOD AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. **GROSS FLOOR AREA** includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

FRONTAGE. The lineal extent of the front (street-side) of a lot.

GREENHOUSE. See **NURSERY**.

HALFWAY HOUSE. A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times residents are present for the following purposes:

- (1) To help them recuperate from the effects of drugs or alcohol addiction;
- (2) To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, prerelease, workrelease and probationary programs;
- (3) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- (4) To provide temporary shelter for persons who are victims of domestic abuse.

HANDICAP. A physical, mental or intellectual impairment or a combination thereof which substantially limits one or more of such person's major life activities, which is likely to continue for a significant amount of time or indefinitely and results in functional limitations in three or more of the following areas of major life activities: self-care, receptive or expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency, but such term does not include past or current use of or addiction to a controlled substance, alcohol or a person with communicable diseases. Further, **HANDICAP** does not include a person who has committed a criminal offense.

HEREAFTER. Any time after the effective date of this chapter.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of elderly individuals who are not in need of hospital or nursing care, but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. Any business, profession or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this chapter.

HOSPITAL. An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment or care of members of the general public suffering from disease, injury or other abnormal physical conditions.

HOTEL or MOTEL. A building providing transient lodging accommodations to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

INDUSTRIAL PARK. A tract of land which is planned as a whole for use by businesses, who will own or control individual lots within the development tract; and who, by virtue of such unified planning and development, may receive greater amenities and/or lower individual development costs than would normally be available through the development of individual separate lots. An **INDUSTRIAL PARK** may contain one type of use or a variety of uses within its zoning class.

INTENSIFY. To increase the level or degree of.

INTERSECTION. The point at which two or more public rights-of-way (generally, streets) meet.

JUNK YARD. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling or handling waste or scrap materials. Such scrap materials include vehicles, machinery and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a **JUNK YARD**. A **JUNK YARD** includes an automobile wrecking yard.

KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals, which consist of more than three dogs, cats or other domestic animals over four months of age are kept.

LARGE COMMUNITY RESIDENCE. A community residence serving six to 15 persons with handicaps. All **LARGE COMMUNITY RESIDENCES** shall comply with Use Group I-1 of the BOCA Code.

LOADING SPACE. An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT. A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A **LOT** may or may not coincide with a "lot of record".

LOT, CORNER. A lot having at least two adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

LOT, THROUGH. A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both such lot lines shall be deemed front lot lines.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lines of a lot.

LOT COVERAGE. The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE, FRONT. The lot boundary abutting the street.

LOT LINE, REAR. An interior lot line which is most distant from and most nearly parallel to the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT SIZE REQUIREMENTS. Refers to the lot area, width and depth requirements of the applicable district.

LOT WIDTH. The mean horizontal width of a lot measured at right angles to the side lot lines.

MAINTENANCE. The routine upkeep of a structure, premises or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis in accordance with the National Manufactured Home Construction and Safety Standards (HUD Code), and designed to be used as a dwelling unit by one family with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MATERIALLY. As applied to the impact of one thing on another, significantly or substantially.

METAL BUILDING. Any building in which any exterior wall surface is clad in metal or steel (excluding roofs).

MIXED USE RESIDENTIAL DEVELOPMENTS/USES. A property that incorporates both residential units and commercial/office units. For the purposes of this defined use, mixed use residential developments/uses shall mean the commercial/office units are on the above grade ground floor and the residential units are located on floors two or above.

MOBILE HOME. A structure designed for habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frames, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons; the term **MOBILE HOME** shall also include manufactured houses constructed after 6-30-1976, in accordance with the Federal National Manufactured Housing Construction and Safety Standards Act of 1974. It is further provided that for the purpose of this chapter, the definition of **MOBILE HOME** shall include any portable structure used as an office; except that, it shall not include a temporary portable structure at a construction site; provided further that, if a temporary construction site structure remains at a construction site for over one year, permission to remain thereafter must be obtained from the Building and Zoning Commissioner. As defined in this chapter, a **MOBILE HOME** differs from a modular home in that it does not meet the adopted building code for the city. (See definition of **MODULAR, PRECUT OR PREFAB HOME**.)

MOBILE HOME PARK. A tract of land or two or more contiguous tracts of land upon which contains sites with the necessary utilities for five or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tract of land from common licensure as a **MOBILE HOME PARK** if they are maintained and operated jointly. As specified in this chapter, any newly developed **MOBILE HOME PARK** shall contain a parcel of land not less than ten acres in area in single ownership control.

MODULAR HOME. A substantially constructed factory-fabricated home built in one or more sections transported to a building site, mounted on a permanent foundation and designed for residential use as a single-family dwelling unit. At a minimum, a **MODULAR HOME** must meet the requirements of the state's Department of Public Health being distinguished by a yellow seal in the shape of the state placed on the electrical panel box of the unit. For units manufactured in Indiana under a reciprocal agreement, the Indiana seal satisfies this requirement. (See **PREFABRICATED/SECTIONAL HOME**.)

MULTIPLE OCCUPANCY NON-RESIDENTIAL DEVELOPMENTS/USES. A non-residential development, on a single lot of record and located in multiple on-site addresses/suites, that house more than one business, office, commercial or industrial operation.

NON-ACCESSORY STORAGE BUILDING. A standalone building that is not an accessory use associated with a primary use and is used for personal or business-related storage.

NON-CONFORMING. As applied to a lot, structure or use:

- (1) Lawfully existing on the effective date of this chapter; but
- (2) Not in compliance with the applicable provisions thereof.

NUISANCE. Any thing, condition or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

NURSERY. A tract of land on which trees, shrubs and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

NURSING HOME. A licensed public or private home or substitute which provides maintenance, personal care and nursing for three or more persons who by reason of physical illness or infirmity are incapable of maintaining a private, independent residence.

OFFICE. Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

OUTDOOR RESTAURANT/DINING ESTABLISHMENT. Any portion of a food establishment or eating place located on a public sidewalk or public open-space that provides waiter or waitress service and is unenclosed and open to the general public; the facility being properly licensed as a food establishment in the county and meet the requirements as set forth in § 162.400 of this chapter.

OVERLAY DISTRICT. A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as flooding and the like.

PARKING AREA/LOT, OFF-STREET. Land that is improved in accordance with this chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An **OFF-STREET PARKING AREA**, depending on the circumstances of its use, may be either a principal use or an accessory use.

PARKING SPACE, OFF-STREET. An area at least 19 feet long and nine feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

PERMITTED USE. Any use which is or may be lawfully established in a particular district(s); provided, it conforms with all the requirements applicable to said district(s).

PERSON. Any individual, firm, association, organization or corporate body.

PLANNED UNIT DEVELOPMENT. A tract of land which is planned as a whole for development under single ownership or control in accordance with this chapter, and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A **PLANNED UNIT DEVELOPMENT** may contain one type of use or a variety of uses.

PLANNING COMMISSION. The Planning Commission of the city.

PLOT. A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

PREFABRICATED/SECTIONAL HOME. A partially constructed factory fabricated premanufactured home which will be substantially assembled on-site, utilizing premanufactured component parts and when fully assembled meets or exceeds the building codes of the city.

PREMISES. A lot and all the structures and uses thereon.

PRINCIPAL BUILDING/STRUCTURE/USE. The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

PROPERTY LINE. See **LOT LINE**.

RECONSTRUCT. As applied to non-conforming structures, to rebuild after partial or total destruction.

REFUSE. Garbage (food wastes) and trash, but not sewage or industrial wastes.

RELOCATE. To move to another portion of a lot or to a different lot.

REPAIR. To restore to sound condition, but not to reconstruct.

RESTAURANT/DINING ESTABLISHMENT. A public place kept, used, maintained, advertised and held out to the public, where meals are served and where meals actually are served and regularly served, without sleeping accommodations; such

space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable foods for its guests; it is further provided that a restaurant as herein defined shall mean an establishment which derives more than 50% of its gross sales from the sale of food. Restaurants/dining establishments shall fall under the classification of "eating places of all types" when determining allowed zoning district locations in the city.

RESTRICTIVE. Tending to keep within prescribed limits.

RETAIL. Refers to the sale of goods or services directly to the consumer rather than to another business.

RIGHT-OF-WAY, PUBLIC. A strip of land which the owner/subdivider has dedicated to the city or to another unit of government for streets and alleys.

ROOMING HOUSE. A building in which sleeping quarters (but not meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for three or more persons who are not members of the keeper's family. For the purpose of this chapter, the term **ROOMING HOUSE** shall also mean boarding house and a **ROOMING HOUSE** shall not include a community residence or nursing home.

SANITARY LANDFILL. A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the state's Environmental Protection Agency. At a **SANITARY LANDFILL**, the refuse is periodically covered with topsoil.

SCREENING. Trees, shrubs, walls, solid fences and the like used as a means of visual and noise control.

SERVICE USE/ESTABLISHMENT. Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

SETBACK. The minimum horizontal distance between a lot line and the nearest portion of a building.

SETBACK LINE. See **BUILDING LINE**.

SMALL COMMUNITY RESIDENCE. A community residence serving five or fewer persons with handicaps in a family-like atmosphere. All **SMALL COMMUNITY RESIDENCES** shall comply with Use Group R-2 of the BOCA Code.

SPECIAL USE. A use that has unusual operational, physical or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. **SPECIAL USES** commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

SPECIAL USE PERMIT. A permit issued in accordance with the provisions of this chapter to regulate development of a special use.

STABLE. A structure situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

STOP ORDER. A type of corrective action order used by the Administrator to halt work in progress that is in violation of this chapter.

STREET. A public or private way for motor vehicle travel. The term **STREET** includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

STRINGENT. Binding, exacting.

STRUCTURE. Anything constructed, assembled or erected on the ground, or attached to something having a fixed location on the ground. All buildings are **STRUCTURES**, but not all **STRUCTURES** are buildings.

STRUCTURE, TEMPORARY. Any structure that is not attached to a permanent foundation.

STUDENT. An individual who is enrolled or has been accepted to an undergraduate or graduate degree program at an accredited university, college, community college or technical college, and is enrolled in the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution.

STUDENT DWELLING UNIT. A one-, two- or multi-family dwelling in which more than three, but less than 16, unrelated students live. The maximum number of students living in a **STUDENT DWELLING UNIT** shall be determined by the city's Housing Department and shall be based on the city's current adopted codes.

TEMPORARY USE PERMIT. A permit issued in accordance with the provisions of this chapter and valid for not more than one year, which allows the occupation of a temporary structure or the operation of a temporary enterprise.

TOPOGRAPHY. The relief features or surface configuration of an area.

USE. The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained.

USE-VARIANCE. A type of amendment (not variance) that allows a use in a district where said use would not be allowed under existing provisions of this chapter.

USED CAR LOT. A lot where second-hand automobiles are purchased, displayed, exchanged and sold.

VARIANCE. A relaxation of the strict application of the lot size, setbacks or other bulk requirements applicable to a particular lot or structure.

YARD. Open space that is unobstructed, except as specifically permitted in this chapter and that is located on the same lot as the principal building.

YARD, FRONT. A yard which is bounded by the side lot lines, front lot lines and the building line.

YARD, REAR. A yard which is bounded by side lot lines, rear lot lines and the rear yard line.

YARD, SIDE. A yard which is bounded by the rear yard line, front yard line, side yard line and side lot line.

YARD LINE. A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

ZONING MAP. The map(s) and any amendments thereto designating zoning districts and incorporated into this chapter by reference.

(1960 Code, § 60-2-2) (Ord. 4059, passed 4-16-1984; Ord. 4094, passed 9-4-1984; Ord. 4674, passed 9-18-1989; Ord. 4770, passed 9-4-1990; Ord. 5256, passed 5-2-1994; Ord. 5231, passed 3-7-1994; Ord. 5428, passed 5-15-1995; Ord. 5451, passed 10-11-1995; Ord. 5548, passed 4-1-1996; Ord. 5786, passed 8-18-1997; Ord. 7174, passed 8-18-2008; Ord. 7198, passed 12-1-2008; Ord. 7219, passed 1-20-2009; Ord. 7634, passed 10-15-2012; Ord. 7817, passed 11-3-2014; Ord. 9097-2022, passed 11-7-2022; Ord. 9175-2023, passed 7-3-2023; Ord. 9182-2023, passed 8-7-2023; Ord. 9239-2024, passed 1-2-2024; Ord. 9240-2024, passed 1-2-2024)

GENERAL ZONING REGULATIONS

§ 162.020 ESTABLISHMENT OF DISTRICTS.

In order to implement the regulatory scheme of this chapter so as to achieve the objectives enumerated at §62.001 of this chapter, this entire city is hereby divided into the following zoning districts:

<i>Designation</i>	<i>District</i>	<i>Minimum Area*</i>
<i>Designation</i>	<i>District</i>	<i>Minimum Area*</i>
A-1	Single-Family Residence	5 acres
A-2	Two-Family Residence	5 acres
A-2A	Single-Family Residence	5 acres
AGR	Agricultural/Rural	10 acres
B-1	Multi-Family Residence	5 acres
C-1	Light Commercial	10 acres
C-2	Heavy Commercial	10 acres
C-3	Commercial	10 acres
C-4	Commercial	10 acres
C-5	Planned Commercial	10 acres
D-1	Light Industry	10 acres
D-2	Heavy Industry	10 acres
FP	Floodplain Overlay	None
HP	Historic Preservation Overlay	None
MH-1	Mobile Home Residence	10 acres
MH-2	Mobile Home Park	10 acres

NOTES TO TABLE:

* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. This requirement relates only to the creation of new zone districts. Expansion of existing zone districts shall be exempt from this provision provided the expansion area is contiguous to the existing zone district.

(1960 Code, § 60-3-1) (Ord. 5314, passed 9-19-1994)

§ 162.021 ZONING MAP AND DISTRICT BOUNDARIES.

The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the city. This official map, including all notations and other information thereon, is hereby made a part of this chapter by reference. The official zoning map shall be kept on file in the Administrator's office.

(1960 Code, § 60-3-2)

§ 162.022 ANNUAL PUBLICATION.

(A) In accordance with state law (65 ILCS 5/11-13-19), the Administrator shall publish the zoning map of the city not later than March 31 of each year.

(B) However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

(1960 Code, § 60-3-3)

§ 162.023 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.

In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules.

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

- (1) Centerline of any street, alley or highway of such centerline;
- (2) Lot line such lot line;
- (3) Railroad tracks right-of-way line of such tracks;
- (4) Stream center of such stream; and
- (5) Section lines, quarter section lines, quarter-quarter section lines, survey lines such lines.

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

(C) The regulatory flood elevation at any point in question shall determine where the floodplain overlay district boundary is located on the land.

(1960 Code, § 60-3-4)

§ 162.024 ANNEXED TERRITORY.

(A) Whenever any territory is annexed into the city, the City Council shall determine its zone district classification. Before determining such classification the Council shall fix a time for and hold a public hearing upon the proposed annexation agreement or amendment, and shall give notice not more than 30, nor less than 15, days before the date fixed for the hearing. This notice shall be published at least once in one or more newspapers published in the city. After such hearing, the agreement or amendment may be modified before execution thereof. The annexation agreement or amendment shall be executed by the Mayor and attested by the City Clerk only after such hearing and upon the adoption of a resolution or ordinance directing such execution, which resolution or ordinance must be passed by a vote of two-thirds of the corporate authorities then holding office.

(B) Territory proposed to be annexed that is used exclusively for single-family residential use shall automatically be reclassified to "A-1(L)" exempt from the public hearing requirement. Furthermore, territory proposed to be annexed that is used predominately for agricultural, horticultural and like uses shall automatically be reclassified to "AG" exempt from the public hearing requirement. Neither the provisions of §§ 162.535 through 162.539, 162.550 through 162.555, 162.570 through 162.575 and 162.590 through 162.595 of this chapter, nor the public hearing or notice provisions of any ordinance, shall apply when the City Council classifies the land with the annexation or consolidation ordinances provided for above.

(1960 Code, § 60-3-5) (Ord. 6673, passed 8-2-2004)

§ 162.025 GENERAL PROHIBITION.

No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed, except in conformity with the provisions of this chapter. Similarly, no lot or part thereof shall be used, occupied or developed, except in conformity with the provisions of this chapter.

(1960 Code, § 60-3-6) Penalty, see § 162.999

§ 162.026 UNLISTED USES PROHIBITED.

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Council finds that the unlisted use is similar to and compatible with the listed uses, it may allow such use by amending this chapter in accordance with § 162.590 of this chapter. The Council's decision shall become a permanent public record and any unlisted use that they approve shall thereafter have the same status as listed uses.

(1960 Code, § 60-3-7) Penalty, see § 162.999

§ 162.027 EMERGENCY AND TEMPORARY OCCUPANCY OF STRUCTURES.

No temporary structure (including travel-trailers or mobile homes) shall be used or occupied for any residential, commercial or industrial use except as specifically permitted or required by this chapter. However, the City Council may, upon application therefor, permit the use of such temporary structure for such reasonable time, for such use, and subject to such conditions as the Council deems to be compatible with the character of the area in which the structure is located, and in compliance with reasonable consideration of the general health, safety and welfare.

(1960 Code, § 60-3-8) Penalty, see § 162.999

§ 162.028 MEETING MINIMUM REQUIREMENTS.

Except as specifically provided otherwise elsewhere in this chapter, every lot must meet the minimum area, minimum dimensions and minimum setbacks requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

(1960 Code, § 60-3-9) Penalty, see § 162.999

§ 162.029 ACCESS REQUIRED.

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street that conforms to the standards set forth in Ch. 161 of this code of ordinances.

(1960 Code, § 60-3-10) Penalty, see § 162.999

§ 162.030 FRONT SETBACKS - CORNER/THROUGH LOTS.

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements. The side yard shall be equal to one-half of the front setback on corner and/or through lots.

(1960 Code, § 60-3-11) (Ord. 3758, passed 12-29-1980) Penalty, see § 162.999

§ 162.031 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.

Except as specifically provided otherwise, in all residential and commercial zoning districts, where over 50% of the lots on one side of a street between intersections (that is, in one block) are developed with buildings that do not meet the minimum front yard setback area, then a front yard setback that conforms with the established building line in that block may be permitted.

(1960 Code, § 60-3-12)

§ 162.032 INTRUSIONS INTO YARDS.

To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<i>Feature</i>	<i>Maximum Intrusion</i>
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet

(1960 Code, § 60-3-14)

§ 162.033 EXCEPTIONS TO HEIGHT LIMITS.

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

(B) *Intersections.* On corner lots, in the triangular portion of land bounded by the street lines of such corner lots and a line joining the two points, each of which is on one street line and 30 feet from the point of intersection, no obstruction, whether natural or human-made, shall intrude into the air space that is between two feet and ten feet above the level of the adjacent street.

(1960 Code, § 60-3-15) Penalty, see § 162.999

§ 162.034 ACCESSORY USES.

(A) **ACCESSORY USE** means any structure or use which if:

- (1) Subordinate in size or purpose to the principal structure or use which it serves;

(2) Necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served; and

(3) Located on the same lot as the principal structure or use served.

(B) A building permit is needed for all detached accessory buildings with a floor plan area that exceeds 100 square foot. A building permit is also required to install more than one detached accessory structure for a floor plan area that does not exceed 100 square foot.

(1960 Code, § 60-3-16) (Ord. 6789, passed 11-7-2005) Penalty, see § 162.999

§ 162.035 PERMITTED ACCESSORY USES.

Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

(A) Accessory to the principal structure or use that is allowed in that zoning district as of right (permitted use) or by virtue of the fact that a special use permit has been granted; and

(B) In compliance with the restrictions set forth in §162.036 of this chapter.

(1960 Code, § 60-3-17)

§ 162.036 ACCESSORY USE RESTRICTIONS.

(A) *Height.* No accessory use shall be higher than:

- (1) Fifteen feet in any residential district; or
- (2) Twenty-five feet in any other zoning district.

(B) *Setbacks.* No accessory use in any zoning district shall be located in any part of any front yard, nor closer than five feet to any side or rear yard.

(C) *Percentage of lot coverage.* In any residential district, all buildings including accessory buildings shall not cover more than 40% of the lot area.

(D) *Use as dwelling.* Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of the city.

(E) *Garages and carports.* Unattached garages, carports or storage sheds may come within two feet of side or rear property lines. The roof line shall govern the two-foot set back.

(F) *Number of storage sheds.* Number of storage sheds permitted on a residential property shall be limited to no more than two such structures of 64 square feet or larger.

(1960 Code, §60-3-18) (Ord. 3973, passed 8-1-1983; Ord. 8253-2018, passed 10-1-2018) Penalty, see § 162.999

§ 162.037 DEGREE OF RESTRICTIVENESS.

MORE RESTRICTIVENESS USES as employed in this chapter means the following:

(A) Those uses first permitted in the "A-1" District are the most restrictive; and

(B) All other uses are less restrictive in the order of restrictiveness, beginning with the most restrictive as follows: "A-1A", "A-2", "B-1", "MH-1", "MH-2", "C-1", "C-2", "C-3", "C-4", "C-5", "D-1" and "D-2".

(1960 Code, § 60-3-19)

PLANNED UNIT DEVELOPMENT

§ 162.050 PLANNED UNIT DEVELOPMENTS.

(A) As used in this chapter, the term **PLANNED UNIT DEVELOPMENT (PUD)** means a development wherein, in accordance with an approved development plan:

- (1) Common open space is reserved;
- (2) Various housing types and other structures and uses may be mixed; and/or
- (3) Overall average density does not exceed the usual zoning district limit.

(B) This chapter authorizes development of PUDs and establishes PUD procedures in order to achieve the objectives enumerated in § 162.001 of this chapter and the following additional objectives:

(1) To provide a regulatory mechanism whereby the city can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the city's issuance of the necessary zoning, subdivision and/or building permits;

(2) To permit development of a wide variety of housing types and other structures and uses in a single comprehensively

planned project;

(3) To preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;

(4) To encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;

(5) To ensure the provision of usable common open space in planned developments and to spur installation of various amenities therein; and

(6) To facilitate the economical installation of standard streets, sewers, utilities and other improvements.

(1960 Code, § 60-4-1)

§ 162.051 COMPLIANCE WITH ORDINANCES GENERALLY REQUIRED.

Important: except as specifically provided otherwise in this section, planned unit developments, including all structures and uses therein, shall, at a minimum be built in conformity with all applicable codes and ordinances, including this chapter and Ch. 150, 151, 152, 155 and 161 of this code of ordinances.

(1960 Code, § 60-4-2)

§ 162.052 DISTRICTS WHERE ALLOWED.

Planned unit developments may be built in any zoning district, but only upon the issuance of a special use permit.

(1960 Code, § 60-4-3)

§ 162.053 PERMISSIBLE DEVIATIONS FROM CODE REQUIREMENTS.

(A) *General.* The planned unit development concept is intended to afford both the developer and the city considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this section, PUDs may deviate from generally applicable ordinance requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(B) *Mixed uses.* PUDs may include all types of residential structures and any other uses approved by the Council; provided that, in approving such mixed uses, the Council may attach any conditions necessary to protect the public welfare.

(C) *Lot and structure requirements.* In PUDs, the Council may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. **LOT AND STRUCTURE REQUIREMENTS** means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(D) *Accessory uses.* In PUDs, the Council may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(E) *Location of parking/loading spaces.* By permission of the Council, off-street parking and loading spaces in PUDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per §§ 162.435 through 162.456 of this chapter.

(1960 Code, § 60-4-4)

§ 162.054 PUD PROCEDURES.

(A) *General.* Every applicant for PUD approval shall comply with the procedural requirements of this subsection. The required procedures are as follows:

(1) Filing development plan with the Administrator;

(2) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan;

(3) Review of the development plan by the Zoning Board of Appeals;

(4) Public hearing by the Board of Appeals as per the requirement of §§162.515 through 162.520 of this chapter;

(5) Recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and

(6) Action by City Council on the development plan.

(B) *Application, information required.* Every applicant for approval of a PUD development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

(1) *Written documents.*

- (a) Legal description of the total site proposed for development;
- (b) Names and addresses of all owners of property within or adjacent to the proposed PUD;
- (c) Statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (d) Development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
- (e) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units and the like;

(f) Data indicating:

- 1. Total number and type of proposed dwelling units;
- 2. Gross and net acreage of parcel;
- 3. Acreage of gross and usable open space; and
- 4. Area of any commercial uses.

(2) *Graphic materials.*

- (a) Existing site conditions, including contours at ten-foot intervals and locations of watercourses, floodplains, unique natural features and wooded areas;
- (b) Proposed lot lines and plot designs;
- (c) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- (d) Location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses;
- (e) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership, public or private, should be included where appropriate);
- (f) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (g) Existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines;
- (h) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (i) Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas; and
- (j) Any additional information required by the city to evaluate the character and impact of the proposed PUD.

(C) *Advisory report, criteria considered.* The Zoning Board of Appeals shall submit to the Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what its advice should be, the Zoning Board of Appeals shall consider the following criteria:

- (1) The extent to which the proposed development is consistent with the city's Comprehensive Plan and with the purposes of this chapter and of all other applicable codes and ordinances;
- (2) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
- (3) Whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features and so forth;
- (4) The compatibility of the proposed PUD with adjacent properties and surrounding area; and
- (5) Any other reasonable criteria that the Zoning Board of Appeals may devise.

(D) *Decision by Council.* After the Zoning Board of Appeals has submitted its advisory report, the Council, by resolution, either approve or disapprove the PUD development plan. The Council shall not approve any PUD development unless:

- (1) The developer has posted a performance bond or deposited funds in escrow in the amount of the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(2) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(3) The proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under § 162.053 of this chapter shall not be deemed non-compliance.)

(1960 Code, § 60-4-5)

§ 162.055 CHANGES IN APPROVED PLANS.

No changes shall be made to any approved PUD development plan, except as follows.

(A) Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Council.

(C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the development plan.

(1960 Code, § 60-4-6) Penalty, see § 162.999

§ 162.056 FAILURE TO BEGIN DEVELOPMENT.

(A) (1) If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon the written notice to the applicant from the Council and shall be of no further effect.

(2) However, in its discretion and for good cause, the Council may extend for a reasonable time the period for the beginning of construction.

(B) If a final development plan lapses, as per this section:

(1) The special use permit shall be automatically revoked;

(2) Any building permits shall automatically become null and void; and

(3) All regulations applicable before the PUD was approved shall automatically be in full effect.

(1960 Code, § 60-4-7)

§ 162.057 MUNICIPAL EXEMPTION.

The city, in conjunction with any existing or proposed city development, shall be exempt from all of the provisions of this chapter. (This is applicable to § 162.056 of this chapter.)

(1960 Code, § 60-4-8)

INDUSTRIAL PARKS

§ 162.070 TERM.

As used in this chapter, the term **INDUSTRIAL PARK** means a development wherein, in accordance with an approved development plan, various individual businesses, both industrial and commercial, will coexist and share in the costs of providing utilities and services to the development.

(1960 Code, § 60-5-1) (Ord. 4674, passed 9-18-1989)

§ 162.071 PURPOSE.

This chapter authorizes the development of industrial parks and establishes procedures in order to achieve the objectives enumerated in § 162.001 of this chapter and the following additional objectives:

(A) To provide a regulatory mechanism whereby the city can be assured that upon completion, approved development projects will substantially conform to the plans which constitute the basis for the city's issuance of necessary zoning, subdivision and/or building permits;

(B) To permit development of a wide variety of structures and uses in a single comprehensive planned project;

(C) To encourage innovative site layouts and coordinated architectural treatment of different structures;

(D) To ensure the provision of various amenities serving all residents within the industrial park;

(E) To facilitate the economical installation of standard streets, sewers, utilities and other improvements; and

(F) To assure that common standards of appearance, landscaping, loading and storage, signage and waste management will be followed by all residents within the industrial park.

(1960 Code, § 60-5-2) (Ord. 4674, passed 9-18-1989)

§ 162.072 COMPLIANCE WITH CODES GENERALLY REQUIRED.

Important: except as specifically provided otherwise in this section, industrial parks, including all structures and uses therein, shall, at a minimum, be built in conformity with all applicable codes and ordinances including, but not limited to, this chapter, Ch. 150, 151, 152, 155 and 161 of this code of ordinances.

(1960 Code, § 60-5-3) (Ord. 4674, passed 9-18-1989) Penalty, see § 162.999

§ 162.073 DISTRICTS WHERE ALLOWED.

Industrial parks may be built in zoning districts C-1, C-2, C-3, C-4, C-5, D-1 and D-2, but only upon the issuance of special use permit.

(1960 Code, § 60-5-4) (Ord. 4674, passed 9-18-1989)

§ 162.074 ADDITIONAL REQUIREMENTS.

Industrial parks constructed under special use permits under this chapter shall comply with the following additional regulations which shall take precedence if in conflict with other provisions of this chapter.

(A) *Building lines.* No building or structure shall be erected closer than 75 feet to the front lot line.

(B) *Loading docks.* Truck loading docks shall be constructed only on the side or rear of any building or structure, and the traffic area shall be paved. Truck loading docks shall be located so as to accommodate all trucks and trailers without requiring maneuvering or protrusion into any public street during the time of loading and unloading.

(C) *Outdoor storage.* All raw materials and finished goods must be stored within the developer's structure. Whenever temporary, open storage of any type of material, goods, equipment or supplies is necessary, such open storage shall be contained within a fenced area at least six feet in height, and so constructed to prevent the storage items from being seen from any public road.

(D) *Signage.* No billboards or advertising signs other than those identifying the name, business and primary product being produced on that land shall be permitted. All signs shall comply with Ch. 155 of this code of ordinances.

(E) *Waste and refuse.* No waste material or refuse shall be dumped on or permitted to remain on any part of the property outside of the buildings constructed thereon.

(F) *Landscaping and grounds maintenance.* All unpaved land between the front of the building and the front property line shall be landscaped. All landscaped and grass areas shall be maintained at all times by the developer or assignee in a clean, presentable and safe condition. The developer or assignee of the property shall be fully responsible at all times for the removal of undergrowth, debris, rubbish, trash, excessive dirt, industrial waste, garbage or any other unsightly materials.

(G) *Fencing and screening.* All fencing and screening, for security or other purposes, shall be attractive in appearance and shall be of an all metal, industrial type of galvanized or non-ferrous material. No fence, masonry wall, hedge or mass planting shall be permitted to extend beyond the building set back lines set forth above.

(1960 Code, § 60-5-5) (Ord. 4674, passed 9-18-1989) Penalty, see § 162.999

§ 162.075 INDUSTRIAL PARK PROCEDURES.

(A) *General.* Every applicant for Industrial Park approval shall comply with the procedural requirements of this section. The required procedures are as follows:

(1) Filing development plan with the Administrator;

(2) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan;

(3) Review of the development plan by the Zoning Board of Appeals;

(4) Public hearing by the Zoning Board of Appeals as per the requirement of §§162.515 through 162.520 of this chapter;

(5) Recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and

(6) Action by City Council on the development plan.

(B) *Application, information required.* Every applicant applying for approval of an industrial park development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

(1) *Written documents.*

(a) Legal description of the total site proposed for development;

(b) Names and addresses of all owners of property within or adjacent to the proposed industrial park;

(c) Statement of the planning objectives to be achieved by the industrial park through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

(d) Development schedule indicating the approximate date when construction can be expected to begin and be completed; and

(e) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the industrial park.

(2) *Graphic materials.*

(a) Existing site conditions including contours at ten-foot intervals and locations of watercourses, floodplains, unique natural features and wooded areas;

(b) Proposed lot lines and plot designs;

(c) Location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses;

(d) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership, public or private, should be included where appropriate);

(e) Existing and proposed pedestrian circulations system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

(f) Existing and proposed utility systems including sanitary sewers, storm sewer and water, electric, gas and telephone lines;

(g) General landscape plans indicating the treatment of both private and common open spaces and the location of required buffer stipes;

(h) Enough information on land areas adjacent to the proposed industrial park to indicate the relationships between the proposed development and existing and proposed adjacent areas; and

(i) Any additional information required by the city to evaluate the character and impact of the proposed industrial park.

(C) *Advisory report, criteria considered.* The Zoning Board of Appeals shall submit to the Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what its advice should be, the Zoning Board of Appeals shall consider the following criteria:

(1) The extent to which the proposed development is consistent with the city's Comprehensive Plan and with the purposes of this section and of all other applicable codes and ordinances;

(2) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;

(3) Whether the proposed design of the industrial park makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading;

(4) The compatibility of the proposed industrial park with adjacent properties and surrounding area; and

(5) Any other reasonable criteria that the Zoning Board of Appeals may devise.

(D) *Decision by Council.* After the Zoning Board of Appeals has submitted its advisory report, the Council, by resolution, either approves or disapproves the industrial park development plan. The Council shall not approve any development plan unless:

(1) The developer has posted a performance bond or deposited funds in escrow in the amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(2) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(3) The proposed industrial park, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under § 162.399(D) shall not be deemed non-compliance.)

(1960 Code, § 60-5-6) (Ord. 4674, passed 9-18-1989)

§ 162.076 CHANGES IN APPROVED PLANS.

(A) No changes shall be made to any approved industrial park development plan, except as follows:

(1) Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved; and

(2) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Council.

(B) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the development plan.

(1960 Code, § 60-5-7) (Ord. 4674, passed 9-18-1989)

§ 162.077 FAILURE TO BEGIN DEVELOPMENT.

(A) If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the Council and shall be of no further effect. However, in its discretion and for good cause, the Council may extend for a reasonable time the period for the beginning of construction.

(B) If a final development plan lapses, as per this section:

- (1) The special use permit shall be automatically revoked;
- (2) Any building permits shall automatically become null and void; and
- (3) All regulations applicable before the industrial park was approved shall automatically be in full effect.

(1960 Code, § 60-5-8) (Ord. 4674, passed 9-18-1989)

“A-1” SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.090 PURPOSE.

The “A-1” Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

(1960 Code, § 60-6-1)

§ 162.091 ONE PRINCIPAL BUILDING ON ONE LOT.

In the “A-1” District, only one principal building shall be erected on any lot.

(1960 Code, § 60-6-2)

§ 162.092 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “A-1” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	48 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	5 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-3) (Ord. 7130, passed 5-6-2008)

§ 162.093 PERMITTED USES.

- (A) Detached single-family dwellings;
- (B) Home occupations as permitted in accordance with § 162.394 of this chapter; and
- (C) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(1960 Code, § 60-6-4) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998)

§ 162.094 SPECIAL USES.

- (A) Bed and breakfast establishments;

- (B) Home occupations other than those specifically permitted in accordance with §162.394 of this chapter;
- (C) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(D) Metal buildings larger than 150 square feet in area;

(E) Planned unit developments;

(F) Modular homes;

(G) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

(H) Personal solar energy system (PSES); and

(I) Solar farm energy system (SFES).

(1960 Code, § 60-6-5) (Ord. 5039, passed - -; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 8283, passed 12-3-2018)

“A-1A” SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.105 PURPOSE.

The “A-1A” Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

(1960 Code, § 60-6-8)

§ 162.106 ONE PRINCIPAL BUILDING ON ONE LOT.

In the “A-1A” District, only one principal building shall be erected on any lot.

(1960 Code, § 60-6-9)

§ 162.107 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “A-1A” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	80 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-10)

§ 162.108 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

- (B) Home occupations as permitted in accordance with §162.394 of this chapter; and
- (C) Detached single-family dwellings.

(1960 Code, § 60-6-11) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998)

§ 162.109 SPECIAL USES.

- (A) Home occupations other than those specifically permitted in accordance with §162.394 of this chapter;
- (B) Planned unit developments;
- (C) Metal buildings larger than 150 square feet in area;
- (D) Modular homes;
- (E) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

- (F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

- (G) Personal solar energy system (PSES); and

- (H) Solar farm energy system (SFES).

(1960 Code, § 60-6-12) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 8283-2018, passed 12-3-2018)

“A-1(H)” SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.120 PURPOSE.

The “A-1(H)” Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

(1960 Code, § 60-6-13.1)

§ 162.121 ONE PRINCIPAL BUILDING ON ONE LOT.

In the “A-1(H)” District, only one principal building shall be erected on any lot.

(1960 Code, § 60-6-13.2)

§ 162.122 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “A-1(H)” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	7,500 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	60 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line if one story	7.5 ft.
From side lot line if two story	9 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-13.3)

§ 162.123 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(B) Home occupations as permitted in accordance with § 162.394 of this chapter; and

(C) Detached single-family dwellings.

(1960 Code, § 60-6-13.4)

§ 162.124 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(B) Planned unit developments;

(C) Modular homes;

(D) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

(E) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

(F) Personal solar energy system (PSES); and

(G) Solar farm energy system (SFES).

(1960 Code, § 60-6-13.5) (Ord. 8283-2018, passed 12-3-2018)

“A-1(M)” SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.135 PURPOSE.

The “A-1(M)” Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

(1960 Code, § 60-6-13.6)

§ 162.136 ONE PRINCIPAL BUILDING ON ONE LOT.

In the “A-1(M)” District, only one principal building shall be erected on any lot.

(1960 Code, § 60-6-13.7)

§ 162.137 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “A-1(M)” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	8,750 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	70 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line if one story	10 ft.
From side lot line if two story	12.5 ft.

From rear lot line	25 ft.
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(1960 Code, § 60-6-13.8)

§ 162.138 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(B) Home occupations as permitted in accordance with § 162.394 of this chapter; and

(C) Detached single-family dwellings.

(1960 Code, § 60-6-13.9)

§ 162.139 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(B) Planned unit developments;

(C) Metal buildings larger than 150 square feet in area;

(D) Modular homes;

(E) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

(F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

(G) Personal solar energy system (PSES); and

(H) Solar farm energy system (SFES).

(1960 Code, § 60-6-13.10) (Ord. 7174, passed 8-18-2008; Ord. 8283-2018, passed 12-3-2018)

“A-1(L)” SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.150 PURPOSE.

The “A-1(L)” Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

(1960 Code, § 60-6-13.11)

§ 162.151 ONE PRINCIPAL BUILDING ON ONE LOT.

In the “A-1(L)” District, only one principal building shall be erected on any lot.

(1960 Code, § 60-6-13.12)

§ 162.152 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “A-1(L)” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	10,000 sq. ft.

Minimum lot depth	100 ft.
Minimum lot width	80 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line if one story	12 ft.
From side lot line if two story	14 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-13.13)

§ 162.153 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(B) Home occupations as permitted in accordance with §162.394 of this chapter; and

(C) Detached single-family dwellings.

(1960 Code, § 60-6-13.14)

§ 162.154 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with §162.394 of this chapter;

(B) Planned unit developments;

(C) Metal buildings larger than 150 square feet in area;

(D) Modular homes;

(E) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

(F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

(G) Personal solar energy system (PSES); and

(H) Solar farm energy system.

(1960 Code, § 60-6-13.15) (Ord. 7174, passed 8-18-2008; Ord. 8283-2018, passed 12-3-2018)

“A-2” TWO-FAMILY RESIDENCE DISTRICT

§ 162.165 PURPOSE.

The “A-2” Two-Family Residence is established to stabilize and conserve and promote the development of areas suitable for two-family dwellings and other similar uses.

(1960 Code, § 60-6-15)

§ 162.166 ONE PRINCIPAL BUILDING ON ONE LOT.

In the “A-2” District, only one principal building shall be erected on any lot.

(1960 Code, § 60-6-16)

§ 162.167 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “A-2” District shall conform to the applicable requirements indicated in tabular form

below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	12,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	48 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	5 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-17) (Ord. 7174, passed 8-18-2008)

§ 162.168 PERMITTED USES.

- (A) Dwelling houses, each occupied by not more than two families;
- (B) Playgrounds, parks;
- (C) Cemeteries;
- (D) Churches;
- (E) Public libraries or museums;
- (F) Public or private schools;
- (G) Home occupations as permitted in accordance with §162.394 of this chapter;
- (H) Homes for the aged;
- (I) Modular homes;
- (J) Municipal buildings and swimming pools;
- (K) Nursing homes;
- (L) Prefabricated/sectional homes; and
- (M) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(1960 Code, § 60-6-18) (Ord. 4059, passed - -; Ord. 4705, passed - -; Ord. 5256, passed 5-2-1994; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 9097-2022, passed 11-7-2022)

§ 162.169 SPECIAL USES.

- (A) Bed and breakfast establishments;
- (B) Dormitory;
- (C) Halfway house provided that it is not less than 1,320 feet from another halfway house or community residence, and said distance shall be measured in a straight line from property lines;
- (D) Home occupations other than those specifically permitted in accordance with §162.394 of this chapter;
- (E) Metal buildings larger than 150 square feet in area;
- (F) Planned unit developments;
- (G) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

- (H) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(I) Student dwelling unit;

(J) Personal solar energy system (PSES); and

(K) Solar farm energy system (SFES).

(1960 Code, § 60-6-19) (Ord. 5039, passed - -; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 7278, passed 6-15-2009; Ord. 7634, passed 10-15-2012; Ord. 8283-2018, passed 12-3-2018)

“B-1” MULTI-FAMILY RESIDENCE DISTRICT

§ 162.180 PURPOSE.

The “B-1” Multi-Family Residence District is established to stabilize, conserve and promote the development of areas suitable for multi-family dwelling and other similar uses.

(1960 Code, § 60-6-22)

§ 162.181 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “B-1” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	40%
Minimum lot area	16,000 sq. ft. or 4,000 sq. ft. per dwelling unit, whichever is greater
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-23) (Ord. 7174, passed 8-18-2008)

§ 162.182 PERMITTED USES.

(A) Condominiums;

(B) Home occupations as permitted in accordance with §162.394 of this chapter;

(C) Large community residences of up to 15 persons; provided:

(1) They are located not less than 660 feet from another community residence, whether large or small, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(D) Modular homes;

(E) Multi-family dwellings;

(F) Prefabricated/sectional homes;

(G) Row houses;

(H) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(I) Single-family dwellings and modular homes;

(J) Two-family dwellings; and

(K) All other uses permitted in the “A-2” District.

(1960 Code, § 60-6-24) (Ord. 5256, passed 5-2-1994; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998)

§ 162.183 SPECIAL USES.

- (A) Bed and breakfast establishments;
- (B) Dormitory;
- (C) Metal buildings larger than 150 square feet in area;
- (D) Modular homes;
- (E) Planned unit developments;
- (F) Home occupations other than those specifically permitted in accordance with §162.394 of this chapter;
- (G) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

(H) Student dwelling unit;

(I) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

(J) Personal solar energy system (PSES); and

(K) Solar farm energy system (SFES).

(1960 Code, § 60-6-25) (Ord. 5039, passed - -; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 7634, passed 10-15-2012; Ord. 8283-2018, passed 12-3-2018)

“MH-1” MOBILE HOME RESIDENCE DISTRICT

§ 162.195 PURPOSE.

The “MH-1” Mobile Home Residence District is established to provide areas where mobile homes can be permanently placed upon individual lots within the city.

(1960 Code, § 60-6-28)

§ 162.196 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “MH-1” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	6,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	5 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-29)

§ 162.197 PERMITTED USES.

(A) Mobile homes; provided, they are permanently fixed to the ground and comply with the following regulations.

(1) The foundation shall extend into the ground below the frost line so as to attach and become part of the real estate.

Materials such as concrete, mortared block or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation.

(2) As an alternate to division (A)(1) above, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the mobile home. In either divisions (A)(1) above or this division (B), the specifications for foundations found in § 156.26(L) of this code of ordinances.

(3) To complete the immobilization, wheels, tongue and hitch must be permanently removed. Wheels must be removed in such a manner that they may not be easily replaced. Therefore, either the axle would have to be removed or at least the lug bolts holding the wheels to the axle removed. The tongue and hitch must be removed by either removing the tongue and hitch from the frame or removing the bolts holding the tongue and hitch to the frame.

(4) Each mobile home shall be skirted with fire-resistant material or have a built up perimeter foundation of either concrete, mortared block or mortared brick to the lower edge of the mobile home. Skirting shall be equipped with an inspection door at least 24 inches wide to allow access to the underside of the mobile home. Built up perimeter foundations shall provide an access to the underside of the mobile home either by an inspection door of at least 24 inches wide or a scuttle hole door through the floor of the mobile home.

(5) Each mobile home shall be affixed to its foundation by means of an anchor capable of withstanding a verticle tension force of 4,800 pounds without failure at each corner of the mobile home or its components for double or triple wides.

(6) Each mobile home shall further be affixed to its foundation by means of one set of frame ties (attached to the frame beneath the home to prevent its sliding downwind off its supports) for every ten feet of length of the home; and, where the mobile home is 12 feet or less in width, at least two sets of over-the-top ties positioned not more than five feet from each end of the home to prevent overturning.

(7) For those homes which are so constructed to be placed upon a perimeter foundation, they may be affixed by means of anchor bolts imbedded into the foundation as specified in the city's building codes.

(B) Home occupations as permitted in accordance with §162.394 of this chapter.

(1960 Code, § 60-6-3) (Ord. 5326, passed 10-3-1994)

§ 162.198 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with §162.394 of this chapter;

(B) Metal buildings larger than 150 square feet in area;

(C) Planned unit developments;

(D) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

(E) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

(F) Personal solar energy system (PSES); and

(G) Solar farm energy system (SFES).

(1960 Code, § 60-6-31) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 8283-2018, passed 12-3-2018)

“MH-2” MOBILE HOME PARK DISTRICT

§ 162.210 PURPOSE.

The “MH-2” Mobile Home Park District is intended to provide areas where mobile homes located within mobile home parks may be located within the city.

(1960 Code, § 60-6-34)

§ 162.211 LOT AND BUILDING REQUIREMENTS.

Every mobile home constructed in an “MH-2” Mobile Home District shall conform to the applicable requirements of Ch. 156 of this chapter.

(1960 Code, § 60-6-35)

§ 162.212 PERMITTED USES.

Mobile homes located within mobile home parks.

(1960 Code, § 60-6-36)

§ 162.213 IMMOBILIZATION PROHIBITED.

Hereafter, it shall be unlawful to immobilize (i.e., to permanently remove the wheels, tongue and hitch from a mobile home, and/or place any mobile home on a permanent foundation) any mobile home in the city, except in the MH-1 and MH-2 Districts.

(1960 Code, § 60-6-37) Penalty, see § 162.999

§ 162.214 SPECIAL USES.

(A) Small community residences located less than 600 feet from another community residence, or an unlicensed small community residence;

(B) Large community residences with over ten persons located within 600 feet from another community residence, or an unlicensed large community residence;

(C) Metal accessory buildings larger than 150 square feet in area;

(D) Personal solar energy system (PSES); and

(E) Solar farm energy system (SFES).

(1960 Code, § 60-6-38) (Ord. 4770, passed - -; Ord. 7174, passed 8-18-2008; Ord. 8283-2018, passed 12-3-2018)

§ 162.215 SUPPLEMENTARY RESTRICTIONS.

(A) No mobile home shall be placed on a lot in the city other than a mobile home site in an approved mobile home park.

(B) No mobile home park shall be licensed, constructed or operated, except in a "MH-2" Zone District.

(C) Mobile home parks shall be subject to the following requirements.

(1) The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the mobile home park is situated.

(a) A mobile home park shall be located on a tract of land not less than ten acres in area, with minimum width and depth dimensions of 200 feet.

(b) Any building structure or mobile home shall be located at least 25 feet from any front lot line or any side lot line adjacent to a street and 15 feet from any rear lot line and at least five feet from any other lot line.

(2) No building or structure within the mobile home park will exceed the height of 35 feet.

(3) (a) There shall be provided, within the boundaries of the mobile home park site, not less than one and one-half off-street parking spaces for each mobile home space.

(b) The mobile home park site shall have direct access to a public street or highway by an access way of at least 30 feet in width.

(c) Each mobile home space shall abut on a driveway or access way, at least 24 feet wide, with unobstructed access to a public street. Each mobile home space shall be located within 100 feet of such driveway or access way. Appropriate turn around space, sufficient in size to accommodate emergency vehicles, shall be provided at the terminus of any dead-end access ways in the mobile home park.

(4) (a) The minimum individual area, width and depth requirements for mobile home spaces shall be as follows:

	<i>Area</i>	<i>Width</i>	<i>Depth</i>
Individual mobile home space	4,000 sq. ft.	40 ft.	80 ft.

(b) Spaces shall be arranged and mobile homes parked in such manner that there is an open space of at least 15 feet by 30 feet at the rear of and as a part of each mobile home space; except that: where a common recreation area is provided that contains at least 100 square feet for each mobile home space, with a minimum total area of 5,000 square feet and the minimum width and depth dimension of 100 feet, the individual mobile home space may have the following minimum area, width and depth dimensions:

	<i>Area</i>	<i>Width</i>	<i>Depth</i>
Individual mobile home space	3,500 sq. ft.	40 ft.	70 ft.

(5) Only single-family residential uses and uses accessory thereto shall be permitted in a mobile home park.

(6) The location for and development of any mobile home park shall have a compatible relationship to the established street system and shall be such as to oppose no greater traffic burden on streets than the streets can reasonably bear.

(7) All access drives and parking areas shall be paved or otherwise surfaced with an all-weather, dust-proof material and graded so as to drain off all surface water to storm water inlets.

(8) A ten-foot landscaped buffer shall be provided for the side, rear and front yards of the park. In lieu of the landscaped buffer, a five-foot high wall or opaque wooden fence.

(9) No portion of any mobile home park may be located outside the city's limits.

(D) (1) Mobile Home Park Districts shall be created by the City Council upon application and only after public hearing before the Zoning Board of Appeals which shall then issue a written advisory report to the City Council recommending approval or denial of the application for a Mobile Home Park District. The Zoning Board of Appeals shall apply the standards set forth in this subchapter in rendering its said advisory report and shall include in its advisory report findings and the reasons therefor.

(2) A Mobile Home Park District shall not be created unless it substantially complies with the specific requirements herein set forth. In determining whether a specific tract of land shall be designated as a Mobile Home Park District, the City Council shall take into consideration, in addition to the specific requirements herein set forth, the following factors:

(a) The existing uses and zoning of nearby property;

(b) The extent to which property values are diminished by the particular zoning restrictions;

(c) The extent to which the destruction of property values by the subject property promotes the health, safety, morals or general welfare of the public;

(d) The relative gain to the public as compared to the hardship imposed on the individual property owner;

(e) The suitability of the subject property for the zoned purposes;

(f) The length of time the property has been vacant as zoned, considered in the context of land development in the area and vicinity of the subject property;

(g) Compatibility with the city's overall zoning plan; and

(h) Community need for the proposed mobile home park.

(9) In designating a tract of land as a Mobile Home Park District, the City Council may impose conditions for the reasonable protection of the immediate neighborhood or the city from any adverse affects of the mobile home park.

(E) The temporary parking of an individual mobile home is permitted subject to the following regulations.

(1) Emergency or temporary stopping of a mobile home shall be allowed on any street, alley or highway for not longer than two hours, subject to any further prohibitions, regulations or limitations imposed by the traffic regulations or laws for such street, alley or highway.

(2) An individual mobile home may be parked outside the public right-of-way, as not otherwise prohibited, for a period of 72 hours; provided that, no such mobile home is parked nearer than 25 feet to any right-of-way line abutting a public street.

(F) A mobile home may be parked for inspection and sale on any lawful automobile or trailer or mobile home sales lot.

(G) Nowhere in the city shall any mobile home be permitted to be permanently fixed to the ground in a manner that would prevent its removal; provided, however, that, this section shall not apply to mobile homes so situated or permanently fixed as of the date of the passage of this subchapter.

(1960 Code, § 60-6-39) (Ord. 3355, passed 4-19-1976)

§ 162.216 MOBILE HOME SITES AND SPACING.

(A) All existing mobile home parks constructed before 10-18-1993 shall not be required to meet the specific zoning provisions and regulations as specified in § 162.215 of this chapter with regard to minimum lot size, minimum yard dimensions and minimum area for individual mobile home spaces.

(B) The following requirements however for such existing mobile home parks shall be complied with.

(1) Each mobile home spaces shall have a minimum area of 2,100 square feet.

(2) No mobile home shall be parked or permanently erected closer than five feet to the side lot lines of a park, or closer than ten feet to a public street, alley or building. Each individual site/space shall abut or face on a private or public driveway or roadway. There shall be an open space of at least ten feet adjacent to the sides of every mobile home and at least five feet adjacent to the ends of every mobile home.

(3) All mobile home sites, irrespective of shape, shall have a minimum frontage of 25 linear feet.

(1960 Code, § 60-6-40) (Ord. 5428, passed 5-15-1995) Penalty, see § 162.999

“C-1” LIGHT COMMERCIAL DISTRICT

§ 162.230 PURPOSE.

The “C-1” Light Commercial District is established to conserve and promote the development of:

- (A) Office related commercial areas; or
- (B) Existing residential areas.

(1960 Code, § 60-6-41)

§ 162.231 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “C-1” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	40%
Minimum lot area	6,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-42)

§ 162.232 PERMITTED USES.

- (A) Funeral home or mortuary;
- (B) Offices as follows: that of doctor, dentist, insurance sales, real estate sales, engineering, law, tax consultants, architects and accountants; and
- (C) Single-family dwellings; provided, they meet all the requirements of the “A-1” District.

(1960 Code, § 60-6-43) (Ord. 5039, passed - -; Ord. 6739, passed 5-16-2005; Ord. 9203-2023, passed 10-16-2023)

§ 162.233 SPECIAL USES.

- (A) Dormitory;
- (B) Industrial parks;
- (C) Metal buildings larger than 150 square feet in area;
- (D) Student dwelling unit;
- (E) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

- (F) Nursing home;
- (G) Planned unit developments;
- (H) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the

neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received;

(I) Personal solar energy system (PSES);

(J) Solar farm energy system (SFES);

(K) Adult-use cannabis dispensing organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis);

(L) Day care center;

(M) Bed and breakfast establishments; and

(N) Mixed use residential developments/uses.

(1960 Code, § 60-6-44) (Ord. 4674, passed - -; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 7634, passed 10-15-2012; Ord. 8283-2018, passed 12-3-2018; Am. Ord. 8404-2019, passed 12-19- 2019; Ord. 9097-2022, passed 11-7-2022; Ord. 9203-2023, passed 10-16-2023; Ord. 9239-2024, passed 1-2-2024)

“C-2” HEAVY COMMERCIAL DISTRICT

§ 162.245 PURPOSE.

The “C-2” Heavy Commercial District is established to promote the development of a wide range of commercial and related uses.

(1960 Code, § 60-6-47)

§ 162.246 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “C-2” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	100 ft.
Maximum percentage of lot building coverage	75%
Minimum lot area	6,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side and rear lot line	None (except when abutting an “A” District, a 5-foot setback shall be required)

(1960 Code, § 60-6-48)

§ 162.247 PERMITTED USES.

(A) Automotive services; public garages; service stations; service garages; automobile laundry; provided, the premises are located not less than 50 feet from a residence district; parking lot; lot for the sale of new motor vehicles or trailers;

(B) Reserved;

(C) Business offices of all types including office buildings, banks, business colleges and private trade schools;

(D) Eating places of all types;

(E) Funeral home or mortuary;

(F) Hospitals;

(G) Motels and hotels;

(H) Reserved;

(I) Office as follows: that of doctor, dentist, insurance sales, real estate sales, engineering, law, tax consultants, architects and accountants;

(J) Sale of apparel of all kinds;

(K) Sale of foods and beverages of all kinds, including sale for consumption on the premises;

- (L) Sale of furniture and household goods, including furniture and accessory furniture storage;
- (M) Sale of general merchandise, including sales in department stores;
- (N) Sale of other goods and merchandise;
- (O) Service establishments of all types;
- (P) Single-family dwellings; provided, they meet all the requirements of the "A-1" District;
- (Q) Any other building, use or service similar to the uses herein listed in the types of services or goods sold; and
- (R) Day care center.

(1960 Code, § 60-6-49) (Ord. 5039, passed - -; Ord. 6739, passed 5-16-2005; Ord. 9090-2022, passed 10-3- 2022; Ord. 9097-2022, passed 11-7-2022; Ord. 9182-2023, passed 8-7-2023; Ord. 9203-2023, passed 10-16-2023)

§ 162.248 SPECIAL USES.

- (A) Animal shelters, boarding and hospitals;
- (B) Convenience store, convenience shop, or corner shop;
- (C) Establishments that hold a Class A, B, C, D, or F liquor license;
- (D) Exterior commercial amusement and recreational uses such as go-cart tracks, batting cages, water slides, beer gardens and the like;
- (E) Industrial park;
- (F) Large community residences whether located more or less than 660 feet from another community residence:
 - (1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and
 - (2) Prior to occupancy, a special use permit is applied for and received;
- (G) Metal buildings larger than 150 square feet in area;
- (H) Multi-family dwellings;
- (I) Outdoor restaurants/dining establishments;
- (J) Pawnbrokers;
- (K) Small community residences located less than 660 feet from any other community residence:
 - (1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and
 - (2) Prior to occupancy, a certificate of zoning compliance is applied for and received;
- (L) Used motor vehicle sales;
- (M) Wholesale businesses, storage buildings, storage sheds and warehouses;
- (N) Personal solar energy system (PSES);
- (O) Solar farm energy system (SFES);
- (P) Adult-use cannabis dispensing organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis); and
- (Q) Amusement and recreation: armory, assembly hall, bowling alley, dance hall, pool and billiards, theater, skating rink or other social, sport or recreation center operated as a business; provided, the building in which it is operated is sufficiently sound-insulated to effectively confine the noise to the premises;
- (R) Adult-use cannabis craft grower organizations; provided they meet all the requirements of Chapter 123 (Adult-use cannabis);
- (S) Event center provided they meet the requirements of §162.401;
- (T) Bar/tavern;
- (U) Club/lodge;
- (V) Multiple occupancy non-residential developments/uses;
- (W) Bed and breakfast establishments;

(X) Mixed use residential developments/uses; and

(Y) Accessory onsite outdoor dining/seating, food sales and/or entertainment.

(1960 Code, § 60-6-50) (Ord. 4674, passed - -; Ord. 5196, passed 1-3-1994; Ord. 5548, passed 4-1-1996; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000; Ord. 7174, passed 8-18-2008; Ord. 7752, passed 3-3-2014; Ord. 8283-2018, passed 12-3-2018; Ord. 8404-2019, passed 12-19-2019; Ord. 9055-2022, passed 5-16-2022; Ord. 9090-2022, passed 10-3- 2022; Ord. 9173-2023, passed 7-3-2023; Ord. 9175-2023, passed 7-3-2023; Ord. 9182-2023, passed 8-7-2023; Ord. 9203-2023, passed 10-16-2023; Ord. 9239-2024, passed 1-2-2024)

“C-3” COMMERCIAL DISTRICT

§ 162.260 PURPOSE.

The “C-3” Commercial District is established to conserve and promote the exclusive development of office related commercial areas.

(1960 Code, § 60-6-53)

§ 162.261 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “C-3” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	40%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	75 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-54)

§ 162.262 PERMITTED USES.

(A) Accessory buildings, land uses, and activities, customarily associated with any of the uses permitted in the “C-1” and “C-2” Zoning Districts;

(B) Business, professional and technical schools and universities;

(C) Business and professional offices;

(D) Financial institutions;

(E) Office buildings, public and private offices; and

(F) Professional and scientific laboratories and research facilities.

(1960 Code, § 60-6-55) (Ord. 7652, passed 12-10-2012; Ord. 9203-2023, passed 10-16-2023)

§ 162.263 SPECIAL USES.

(A) Establishments that hold a Class A, B or C liquor license;

(B) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

(C) Metal buildings larger than 150 square feet in area;

(D) Planned unit developments;

(E) Small community residences located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the

neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

- (2) Prior to occupancy, a special use permit is applied for and received;
- (F) Personal solar energy system (PSES);
- (G) Solar farm energy system (SFES);
- (H) Adult-use cannabis dispensing organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis);
- (I) Day care center;
- (J) Club/lodge;
- (K) Multiple occupancy non-residential developments/uses;
- (L) Bed and breakfast establishments;
- (M) Mixed use residential developments/uses; and
- (N) Accessory onsite outdoor dining/seating, food sales and/or entertainment.

(1960 Code, § 60-6-56) (Ord. 5831, passed 1-5-1998; Ord. 6264, passed 2-5-2000; Ord. 7174, passed 8-18-2008; Ord. 8283-2018, passed 12-3-2018; Am. Ord. 8404-2019, passed 12-19-2019; Ord. 9097-2022, passed 11-7-2022; Ord. 9182-2023, passed 8-7-2023; Ord. 9203-2023, passed 10-16-2023; Ord. 9239-2024, passed 1-2-2024)

“C-4” COMMERCIAL DISTRICT

§ 162.275 PURPOSE.

The “C-4” Commercial District is established to promote the exclusive development of a wide range of commercial related uses.

(1960 Code, § 60-6-60)

§ 162.276 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “C-4” District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	50%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	75 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side and rear lot line	None (except when abutting an “A” District, a 5-foot setback shall be required)

(1960 Code, § 60-6-61) (Ord. 4960, passed 9-15-1992)

§ 162.277 PERMITTED USES.

(A) Automotive services; public garages; service stations; service garages; automobile laundry; provided, the premises are located not less than 50 feet from a residence district; parking lot; lot for the sale of new motor vehicles or trailers;

- (B) Reserved;
- (C) Eating places of all types;
- (D) Funeral homes and mortuaries;
- (E) Motels and hotels;
- (F) Reserved;
- (G) Sale of apparel of all kinds;
- (H) Sale of foods and beverages of all kinds, including sale for consumption on the premises;
- (I) Sale of furniture and household goods;

- (J) Sale of general merchandise;
- (K) Sale of other goods and merchandise;
- (L) Service establishments of all types; and
- (M) Day care center.

(1960 Code, § 60-6-62) (Ord. 4960, passed 6-15-1992; Ord. 5039, passed - -; Ord. 9090-2022, passed 10-3- 2022; Ord. 9097-2022, passed 11-7-2022; Ord. 9182-2023, passed 8-7-2023; Ord. 9203-2023, passed 10-16-2023)

§ 162.278 SPECIAL USES.

- (A) Animal shelters, boarding and hospitals;
- (B) Convenience store, convenience shop, or corner shop;
- (C) Establishments that hold a Class A, B, C, D, or F liquor license;
- (D) Exterior amusement and recreational uses such as go-cart tracks, batting cages, water slides and the like;
- (E) Home for the aged;
- (F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

- (G) Metal buildings subject to the following:

- (1) Standalone primary structure metal buildings; and
- (2) Accessory use metal buildings larger than 150 square feet on lots less than three acres in size.

- (H) Multi-family dwellings;
- (I) Nursing homes;
- (J) Outdoor restaurants/dining establishments;
- (K) Planned unit developments;

- (L) Small community residences located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

- (M) Used motor vehicle sales;
- (N) Wholesale businesses, storage buildings, storage sheds and warehouses;
- (O) Personal solar energy system (PSES);
- (P) Solar farm energy system (SFES);

(Q) Adult-use cannabis dispensing organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis); and

(R) Amusement and recreation: armory, assembly hall, bowling alley, dance hall, pool and billiards, theater, skating rink or other social, sport or recreation center operated as a business; provided, the building in which it is operated is sufficiently sound-insulated to effectively confine the noise to the premises;

- (S) Event center provided they meet the requirements of §162.401;
- (T) Bar/tavern;
- (U) Club/lodge;
- (V) Multiple occupancy non-residential developments/uses;
- (W) Bed and breakfast establishments;
- (X) Mixed use residential developments/uses; and
- (Y) Accessory onsite outdoor dining/seating, food sales and/or entertainment.

(1960 Code, § 60-6-63) (Ord. 4960, passed 6-15-1992; Ord. 5196, passed 1-3-1994; Ord. 5548, passed 4-1-1996; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000; Ord. 7174, passed 8-18-2008; Ord. 8283-2018, passed 12-3-2018; Ord. 8404-2019, passed 12-19-2019; Ord. 9055-2022, passed 5-16-2022; Ord. 9090-2022, passed 10-3-2022; Ord. 9124- 2023, passed 2-6-2023; Ord. 9175-2023, passed 7-3-2023; Ord. 9182-2023, passed 8-7-2023; Ord. 9203-2023, passed 10-16-2023; Ord. 9239-2024, passed 1-2-2024)

“C-5” PLANNED COMMERCIAL DISTRICT

§ 162.290 PURPOSE.

The “C-5” Planned Commercial District is established to:

- (A) Facilitate the development of large tracts of land;
- (B) Promote commercial development into comprehensively planned projects; and
- (C) Encourage innovative site layouts and coordinated architectural treatment of commercial uses and structures.

(1960 Code, § 60-6-66)

§ 162.291 LOT AND BUILDING REQUIREMENTS.

The “C-5” Planned Commercial District is intended to afford both the developer and the city considerable flexibility in formulating lot and building requirements. All lot and building requirements must be reviewed and approved as per § 162.293 of this chapter.

(1960 Code, § 60-6-67)

§ 162.292 PERMITTED USES.

All permitted uses identified in the “C-3” and “C-4” Zoning Districts.

(1960 Code, § 60-6-68)

§ 162.293 REVIEW PROCEDURES.

(A) Every applicant for a Planned Commercial District approval shall comply with the procedural requirements of this section.

(B) The required procedures are as follows:

- (1) Filing development plan with the Administrator including the specifying of permitted uses and required information as per § 162.292 of this chapter;
- (2) Provision by the developer of adequate assurances for the completion of required improvements as per the development plan;
- (3) Review of the development plan by the City Plan Commission before the public hearing;
- (4) Public hearing by the Board of Appeals as per the requirement of §§162.515 through 162.520 of this chapter;
- (5) Recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and
- (6) Action by City Council on the development plan.

(C) Upon approval by the City Council, the Development Plan shall be recorded at the County Building. All development within the development area shall be according to the Development Plan. Any changes in the development, as determined by the Zoning Administrator, shall require review and approval by the City Council.

(1960 Code, § 60-6-69)

LIGHT INDUSTRY DISTRICT

§ 162.305 PURPOSE.

The Light Industry District is intended to provide for areas where light industry and warehouses may locate without detriment to the remainder of the community.

(1960 Code, § 60-6-71) (Ord. 7352, passed 2-16-2010)

§ 162.306 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in a Light Industry District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	100 ft.
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Maximum percentage of lot building coverage	75%
Minimum lot area	None
Minimum lot depth	None
Minimum lot width	None
Minimum setbacks	
From front lot line	25 ft.
From side lot line	25 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-72) (Ord. 7352, passed 2-16-2010)

§ 162.307 PERMITTED USES.

(A) Any building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts;

(B) Commercial office;

(C) Call center;

(D) Foundry casting light-weight non-ferrous metal not causing noxious fumes or odor;

(E) Machine shop, or other metal-working shop, excluding drop hammers and other noise-producing machine-operated tools;

(F) Manufacture, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: aluminum, bond, cellophane, canvas, cloth, cork, feather, felt, fibre, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, rubber, tin, tobacco, wood (excluding saw mill), tars and paint not involving a boiling process;

(G) Manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products, except the rendering or refining of fats and oils;

(H) Manufacture and maintenance of billboards and commercial advertising structures;

(I) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, kiln fired only by electricity or gas;

(J) Planing mill;

(K) Stove or stove polish manufacturers;

(L) Wholesale business, non-accessory storage buildings, storage buildings, warehouses and yards; and

(M) Any accessory use customarily incident to a use authorized by this section.

(1960 Code, § 60-6-73) (Ord. 7787, passed 7-7-2014; Ord. 9240-2024, passed 1-2-2024)

§ 162.308 SPECIAL USES.

(A) Convenience stores;

(B) Establishments that hold a Class A, B, C, D, or F liquor license;

(C) Industrial parks;

(D) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received;

(E) Multi-family dwellings;

(F) Planned unit developments;

(G) Small community residences located more or less than 660 feet from another community residence;

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

- (2) Prior to occupancy, a special use permit is applied for and received;
- (H) Used car lots;
- (I) Personal solar energy system (PSES);
- (J) Solar farm energy system (SFES);
- (K) Adult-use cannabis dispensing organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis);
- (L) Adult-use cannabis craft grower organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis);
- (M) Adult-use cannabis infuser organizations; provided they meet all the requirements of Chapter 123 (Adult-use cannabis); and
- (N) Multiple occupancy non-residential developments/uses.

(1960 Code, § 60-6-74) (Ord. 4094, passed - -; Ord. 4674, passed - -; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000; Ord. 8283-2018, passed 12-3-2018; Ord. 8404-2019, passed 12-19-2019; Ord. 8405-2019, passed 12-19-2019; Ord. 8406-2019, passed 12-19-2019; Ord. 9055-2022, passed 5-16-2022; Ord. 9182-2023, passed 8-7-2023)

HEAVY INDUSTRY DISTRICT

§ 162.320 PURPOSE.

The Heavy Industry District is the least restrictive zoning district in the city. It is intended to provide for areas where heavy and other similar industry may be located without detriment to the remainder of the community.

(1960 Code, § 60-6-80) (Ord. 7352, passed 2-16-2010)

§ 162.321 LOT AND BUILDING REQUIREMENTS.

All the requirements of the Heavy Industry District shall be the same as the Light Industry District with the exception of permitted uses.

(1960 Code, § 60-6-81) (Ord. 7352, passed 2-16-2010)

§ 162.322 PERMITTED USES.

- (A) Junk yards;
- (B) All buildings and uses, except as limited and restricted in this section and elsewhere in this chapter; provided that, such buildings and uses conform to any other applicable statutes, ordinances, rules and regulations; and
- (C) Any use permitted in the Light Industry District.

(1960 Code, § 60-6-82) (Ord. 7352, passed 2-16-2010)

§ 162.323 SPECIAL USES.

- (A) Convenience stores;
- (B) Establishments that hold a Class A, B, C, D, or F liquor license;
- (C) Industrial parks;
- (D) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties; and

- (2) Prior to occupancy, a special permit is applied for and received;

- (E) Multi-family dwellings;
- (F) Planned unit developments;
- (G) Small community residences located more or less than 660 feet from another community residence;

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

- (2) Prior to occupancy, a special use permit is applied for and received;

(H) Used car lots;

(I) Personal solar energy system (PSES);

(J) Solar farm energy system (SFES);

(K) Adult-use cannabis dispensing organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis);

(L) Adult-use cannabis craft grower organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis);

(M) Adult-use cannabis infuser organizations; provided they meet all the requirements of Chapter 123 (Adult-use cannabis);

(N) Adult-use cannabis cultivation organizations; provided, they meet all the requirements of Chapter 123 (Adult-use cannabis); and

(O) Multiple occupancy non-residential developments/uses.

(1960 Code, § 60-6-83) (Ord. 4094, passed - -; Ord. 4674, passed - -; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000; Ord. 8283-2018, passed 12-3-2018; Ord. 8404-2019, passed 12-19-2019; Ord. 8405-2019, passed 12-19-2019; Ord. 8406-2019, passed 12-19-2019; Ord. 8409-2019, passed 12-19-2019; Ord. 9055-2022, passed 5-16-2022; Ord. 9182-2023, passed 8-7-2023)

FLOODPLAIN DISTRICT

§ 162.335 “FP” FLOODPLAIN OVERLAY DISTRICT.

(A) The “FP” Floodplain Overlay District delineates areas subject to periodic flooding in the city. In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life or property, disruption of private and governmental services, impairment of the municipal tax base and the need for extraordinary relief measures.

(B) The regulations of this section are intended to restrict permitted development in floodplains to:

(1) Uses which inherently have low flood damage potential; and

(2) Other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.

(1960 Code, § 60-6-85)

§ 162.336 PERMITTED USES, SPECIAL USES.

(A) This overlay district has no effect on the classification, whether permitted, special or prohibited, of uses in the primary zoning districts.

(B) Rather, this overlay district imposes additional restrictions on both permitted and special uses.

(1960 Code, § 60-6-86)

§ 162.337 ADDITIONAL RESTRICTIONS.

(A) All uses, whether permitted or special, that are located in the area covered by the “FP” Overlay District shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage.

(B) To assure such protection, the Administrator, following consultation with technically qualified persons, may require as necessary:

(1) Anchorage or addition of weight to structures to resist flotation;

(2) Installation of water-tight doors and bulkheads;

(3) Use of special paints, membranes or mortars so as to reduce seepage through walls;

(4) Installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;

(5) Reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;

(6) Installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm run-off into structures;

(7) Location of electrical equipment and appliances above the level of the regulatory flood elevation;

(8) Location of storage facilities for chemicals, explosives, flammable liquids, toxic substances and the like above the regulatory flood elevation;

(9) Filling and earth-moving to raise the level of the proposed building site above the regulatory flood elevation; and/or

(10) Any other reasonable flood protection measures.

(C) In no case shall the Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of flood water leaving the lot in question.

(1960 Code, § 60-6-87)

HISTORIC DISTRICT

§ 162.350 “HP” HISTORIC PRESERVATION OVERLAY DISTRICT.

The “HP” Historic Preservation Overlay District is intended to preserve and protect the historically or architecturally worthy buildings, structures, sites, monuments and neighborhoods.

(1960 Code, § 60-6-89)

§ 162.351 PERMITTED USES, SPECIAL USES.

This overlay district has no effect on the classification, whether permitted, special or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

(1960 Code, § 60-6-90)

§ 162.352 ADDITIONAL RESTRICTIONS.

All uses, whether permitted or special, that are located in the area covered by the “HP” Overlay District shall not only meet all the applicable requirements of the primary district, but shall also meet the requirements set forth herein.

(1960 Code, § 60-6-91)

§ 162.353 PURPOSE.

The purpose of the Historic District is to promote the educational, cultural, economic and general welfare of the community by providing for preservation and continued utilization of areas, places, buildings, structures and other objects having special historical, community or aesthetic interest value.

(1960 Code, § 60-6-92)

§ 162.354 RELATIONSHIP TO ZONING DISTRICTS.

The Historic District regulations as provided herein for areas within said districts are intended to preserve and protect the historically or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the areas designated. In all zoning districts lying within the boundaries of a Historic District, the regulations for both the zoning district and the Historic District shall apply.

(1960 Code, § 60-6-93) (Ord. 3256, passed 10-22-1974; Ord. 9102-2022, passed 12-5-2022)

§ 162.355 BOUNDARIES.

The boundaries of a Historic District shall be established by the City Council, and shall be indicated on the official zoning map of the city.

(1960 Code, § 60-6-94) (Ord. 9102-2022, passed 12-5-2022)

§ 162.356 DESIGNATION.

(A) No area shall be designated as part of the Historic District until there shall have been due notice given to persons owning property therein, and a public hearing held on the merits of such designation. The Historic Preservation Commission may, on its own motion or upon petition, conduct a preliminary and informal investigation of areas within the city considered to have buildings, structures, areas, places or other objects having special historical, community or aesthetic interest or value. The Economic Development, Planning & Zoning Department, on behalf of the Commission, shall establish preliminary boundaries for areas considered to have such interest or value, and set a time and place for a public hearing on the merits of designating the defined area as a Historic District. The Economic Development, Planning & Zoning Department, on behalf of the Commission shall then cause notice to be sent to all owners of record of property within the defined area not less than 15 days, nor more than 30 days, prior to the date of hearing. The notice shall set forth the boundaries of the area under consideration, the reasons it is being considered for designation as a Historic District, a statement that use of the property will be restricted if it is included in the Historic District, and the date, time and place of the public hearing. Notice of such hearing shall also be given to the Director of Economic Development, Planning & Zoning Department, the Building Commissioner, the Chairperson of the City Plan Commission, the Chairperson of the Zoning Board of Appeals, the City Attorney, the City Engineer, each of the Aldermen and the Mayor as well as to any interested parties who shall file with the Secretary of the Historic Preservation Commission a request to receive such notices. A copy of the notice shall be mailed to each tenant of property within the proposed district in cases where the Commission has reason to believe the occupant of property is not the owner of record of the property.

(B) The hearings shall be conducted by the Historic Preservation Commission, and all interested persons shall be given

the opportunity to be heard, in person, by counsel or by correspondence. The Commission shall make such record or notes of the hearing as the Chairperson shall deem sufficient. After hearing testimony, the Commission shall make its recommendations to the City Council if it finds that all or any part of the area described in the hearing notice meets the criteria of the Historic District. The City Council shall, within 30 days of receiving the recommendations of the Historic Preservation Commission, either accept or reject the recommendations. If the recommendations are accepted, the Council shall, by ordinance, establish the boundaries of the District and make it subject to the provisions of this section.

(1960 Code, § 60-6-95) (Ord. 9102-2022, passed 12-5-2022)

§ 162.357 ACTS PROHIBITED.

It shall be unlawful to demolish, move or substantially change the exterior appearance of any building within the Historic District without having first obtained approval of a Design Review Request for such action, and said approval is required in addition to the building permit required by Ch. 150 of this code of ordinances. A Design Review Request shall not be necessary if the demolition, move, or substantial change is necessary because the building is structurally unsafe, damaged, dilapidated, dangerous to the neighborhood and beyond reasonable repair as determined by the Building Commissioner. Building Commissioner shall advise the Historic Preservation Commission of said action prior to commencement of activity. Building Commissioner must also determine that the condition of building is not attributable to the owner.

(1960 Code, § 60-6-96) (Ord. 5370, passed 1-17-1995; Ord. 8370-2019, passed 9-17-2019; Ord. 9102-2022, passed 12-5-2022) Penalty, see § 162.999

§ 162.358 DESIGN REVIEW REQUEST REQUIRED.

A Design Review Request issued after approval by the Historic Preservation Commission. shall be required before a permit is issued for any of the following:

- (A) Demolition of a building or structure within the Historic District;
- (B) Moving a building or structure out of, into or within the Historic District;
- (C) Material change in the exterior appearance of existing buildings or structures within the Historic District by additions, reconstruction or alteration, if subject to public view from a public street or sidewalk at any time during the year;
- (D) Any new construction within the Historic District subject to public view from a public street or sidewalk at any time during the year;
- (E) Demolition, construction or material change of any street, sidewalk, fence, wall, sign or ornamentation within the Historic District, if subject to public view from a public street or sidewalk at any time during the year; and
- (F) A Design Review Request shall not be necessary if the demolition, move, or substantial change is necessary because the building is structurally unsafe, damaged, dilapidated, dangerous to the neighborhood and beyond reasonable repair as determined by the Building Commissioner. Building Commissioner shall advise the Historic Preservation Commission of said action prior to commencement of activity. Building Commissioner must also determine that the condition of building is not attributable to the owner.

(1960 Code, § 60-6-97) (Ord. 5370, passed 1-17-1995; Ord. 8370-2019, passed 9-17-2019; Ord. 9102-2022, passed 12-5-2022)

§ 162.359 APPLICATION FOR DESIGN REVIEW REQUEST.

(A) All applications for a design review request shall be made to the Economic Development, Planning & Zoning Department, on forms to be provided by the department. Detailed drawings, plans or specifications shall not be required, but each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction as are reasonably required by the Historic Preservation Commission to make a decision. No fee shall be required for application for a Design Review Request.

(B) The Building Commissioner shall review all applications for building permit, and if any building permit application is received for work to be done on property within a Historic District and no application for Design Review Request is submitted, the Building Commissioner shall defer any action on the application for building permit, and notify the applicant that an application for Design Review Request should be submitted. No building permit shall be issued for work to be done within a Historic District unless a Design Review Request has been approved for the same work.

(1960 Code, § 60-6-98) (Ord. 5370, passed 1-17-1995; Ord. 9102-2022, passed 12-5-2022)

§ 162.360 ACTION ON APPLICATION.

(A) The Economic Development, Planning & Zoning Department shall transmit all applications for Design Review Request to the members of the Historic Preservation Commission prior to the next scheduled meeting of the Commission. Notice of the meeting shall be given to the applicant, and the Aldermen representing the ward in which the property is located and any interested parties who shall file with the Secretary of the Historic Preservation Commission a request to receive such notices. The Chairperson shall conduct the meeting, and the Commission shall receive oral or written testimony from all interested persons.

(B) The applicant or any other party may be represented by counsel. The Secretary shall make such record or notes of the meeting as the Chairperson shall deem sufficient. The Historic Preservation Commission shall, approve the application as submitted, approve the application with conditions with respect to the appropriateness of design, arrangement, texture, material, location or other elements of appearance of the building or structure involved, request that the applicant revise and resubmit the application with recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, location or other elements of appearance of the building or structure involved, or deny the application. In case of denial, the applicant may, within 30 days after denial of the application, file a formal appeal with City Council. The City Council shall then determine if the application shall be approved as submitted, approved with conditions with respect to the appropriateness of design, arrangement, texture, material, location or other elements of appearance of the building or structure involved, request that the applicant revise and resubmit the application with recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, location or other elements of appearance of the building or structure involved, or denied. If the appeal is denied, the Commission shall not again hear the subject matter of any application which has been denied for a period of one year, except in cases where an applicant appears within 90 days with amended application, as provided above.

(C) The Economic Development, Planning & Zoning Department may administratively approve a Design Review Request application if the proposed materials match the existing materials and there are no alterations to design of the property, excluding windows and tuckpointing.

(1960 Code, § 60-6-99) (Ord. 9102-2022, passed 12-5-2022)

§ 162.361 MATTERS TO BE CONSIDERED.

(A) The Historic Preservation Commission shall not consider interior arrangement or features not subject to any public view from a public street or sidewalk at any time during the year, and shall not make any requirements, except for the purpose of preventing developments incongruous to the aesthetic and historic aspects of the surroundings.

(B) The Commission shall consider the following in passing on the appropriateness of exterior architectural features:

(1) All exterior architectural features, which are subject to public view from a public street or sidewalk at any time during the year, including any signs, fences, outbuildings, paving and substantial grading of soil levels;

(2) General design and arrangement;

(3) Texture and material;

(4) The relation of the factors in divisions (B)(1), (B)(2) and (B)(3) above to similar features of buildings and structures in the immediate surroundings;

(5) The extent to which the building or structure would be harmonious with or incongruous to the aesthetic, cultural or historic nature of the surroundings;

(6) The extent to which the building or structure will promote the general welfare of the city and its citizens; and

(7) The *Historic Preservation Design Guidelines/Policies & Procedures Manual* and amendment(s).

(1960 Code, § 60-6-100) (Ord. 5327, passed 10-3-1994; Ord. 5370, passed 1-17-1995; Ord. 6445, passed 7-15-2002; Ord. 9102-2022, passed 12-5-2022; Ord. 9238-2024, passed 1-2-2024)

“AGR” AGRICULTURAL/RURAL DISTRICT

§ 162.375 PURPOSE.

(A) The “AGR” Agricultural/Rural District is established to protect predominately agricultural land from intense and disorderly development.

(B) Territory located on the periphery of the corporate limits is generally agricultural/undeveloped or sparsely developed. As such areas are annexed to the city, it is the intent of this district to preserve and maintain the present land uses until such time that proper infrastructure can be extended to adequately serve such property to accommodate orderly development.

(1960 Code, § 60-6-101)

§ 162.376 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any “AGR” District shall conform to the applicable requirements as outlined as follows:

Maximum building height	35 ft.*
Minimum lot area	10 acres
Minimum lot depth	500 ft.
Minimum lot width	400 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.

From side lot line	25 ft.
From rear lot line	50 ft.
NOTES TO TABLE:	
* Except silos, barns and farm-related structures	

(1960 Code, § 60-6-102)

§ 162.377 PERMITTED USES.

- (A) Accessory buildings, land uses and activities customarily associated with any of the above uses;
- (B) Agricultural and farming related uses, including the production of crops and/or livestock; livestock shall not be penned within 200 feet of a residential district;
- (C) Cemeteries/mausoleums;
- (D) Detached single-family residences; one by right, plus one for each additional 40 acres;
- (E) Essential governmental or public utility services;
- (F) Farm implement dealers; however, not assembly type uses;
- (G) Hunting and fishing and game preserves;
- (H) Nurseries, commercial greenhouses and related uses;
- (I) Open air non-commercial recreational uses including parks and playgrounds;
- (J) Radio and transmission towers; provided that, such facilities comply with all applicable clear zones as established by FAA; and
- (K) Sale of farm produce which is produced on the premises.

(1960 Code, § 60-6-103)

§ 162.378 SPECIAL USES.

- (A) Animal hospitals and veterinary offices;
- (B) Bed and breakfast establishments;
- (C) Churches and other places of worship;
- (D) Commercial kennels and stables;
- (E) Commercial recreational and amusement facilities;
- (F) Country clubs and golf courses;
- (G) Hospitals, nursing homes and the like;
- (H) Livestock depots and sales yards;
- (I) Schools and other educational facilities be it public or private;
- (J) Personal solar energy system (PSES); and
- (K) Solar farm energy system (SFES).

(1960 Code, § 60-6-104) (Ord. 5314, passed 9-19-1994; Ord. 8283-2018, passed 12-3-2018)

SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

§ 162.390 APPLICABILITY OF SUBCHAPTER.

This subchapter establishes lot and structure requirements, design standards and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit; but, if more stringent regulations are applicable in any particular district, such regulations shall prevail.

(1960 Code, § 60-7-1)

§ 162.391 DRIVE-IN THEATERS.

- (A) The movie screen of every drive-in theater shall be located at least 100 feet from all street right-of-way lines and all lot lines, and at least 500 feet from the boundary of any residential district. The projection surface of the movie screen shall not be visible from any major traffic street.

(B) Speakers shall be limited to the type designed to be heard by the occupants of one car only.

(C) Entrances and exits shall connect only to major traffic streets and shall not be located closer than 100 feet to any intersection of public streets.

(D) Stacking (waiting) area for at least 25 automobiles shall be provided near the main entrance to prevent traffic tie-ups on adjacent streets.

(1960 Code, § 60-7-2) Penalty, see § 162.999

§ 162.392 FENCES, WALLS.

(A) No barbed wire or electrically-charged fence below eight feet in height shall be erected or maintained anywhere in the city.

(B) No fence, wall or other obstruction shall be erected within any public right-of-way, except by written permission of the Zoning Administrator.

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

(D) Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See § 162.033 of this chapter.)

(E) Whenever the rear property line of any "C-2", "C-3", "C-4", "C-5", "D-1" and "D-2" (commercial or industrial) use abuts a residentially zoned district, a six-foot high privacy fence along the abutting property shall be required.

(F) Notwithstanding any provision in this section, no fence in the city shall be more than six feet in height. In the event that one wishes to erect a fence greater than six feet in height, such person shall present an application for a variance with the city.

(1960 Code, § 60-7-3) (Ord. 5625, passed 9-16-1996) Penalty, see § 162.999

§ 162.393 GREENHOUSES, NURSERIES.

(A) No fertilizer, compost, manure or other odor-or-dust-producing substance shall be stored closer than 100 feet to any lot line.

(B) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than 50 feet to any lot line.

(1960 Code, § 60-7-4) Penalty, see § 162.999

§ 162.394 HOME OCCUPATIONS.

(A) *Intent and purpose.* The conduct of certain types of business activity in residential units may be permitted under provisions of this section. It is, therefore, the intent of this section to:

- (1) Ensure the compatibility of home occupations with other uses permitted in the residential districts;
- (2) Maintain and preserve the character of residential neighborhoods; and
- (3) Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

(B) *Definition.* A **HOME OCCUPATION** means an accessory use of a dwelling unit for gainful employment which is:

- (1) Clearly incidental and subordinate to the use of the dwelling unit as a residence;
- (2) Carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling;
- (3) Located in a residential zoned district;
- (4) Is conducted clearly as a secondary use of the premises with no exterior evidence of a business being conducted from the premises; and
- (5) Is conducted solely by the occupants of the dwelling unit.

(C) *Permitted home occupations.* The following uses shall generally be considered as allowable home occupations; provided, the requirements as set forth are in compliance:

- (1) Dressmakers, seamstresses, tailors;
- (2) Teachers/tutoring; provided that, instructions shall be limited to five students at a time;
- (3) Artists, sculptors, authors and composers;
- (4) Home crafts for sale off premises;

(5) Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions;

(6) Office facility for a salesperson, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;

(7) Telephone solicitation and answering service;

(8) Computer programming, typing and word processing services;

(9) Radio, television, phonograph and small appliance repair;

(10) Day care for up to three children; and

(11) Mail order business; provided, no merchandise shall be displayed on the premises.

(D) *Prohibited home occupations.*

(1) The following uses shall be generally prohibited as home occupations:

(a) Barber shops and beauty parlors;

(b) Animal hospitals and veterinary uses (including care, grooming or boarding);

(c) Funeral homes and mortuaries;

(d) Restaurants and cafés;

(e) Stables or kennels;

(f) Vehicle repair or maintenance for other than the personal convenience of and any vehicles owned or leased by the occupants;

(g) Antique stores and furniture sales;

(h) General contracting, carpentry, masonry, plumbing, painting or other related work;

(i) Medical or dental office and laboratory; and

(j) Retail sales of any type directly from the premises.

(2) Those uses that are generally considered as prohibited as home occupations may be permitted only as a variance authorized in accordance with provisions of § 162.026 of this chapter.

(E) *General provisions/performance criteria.* Any business use within a dwelling unit in a residential zoned district shall be permitted by right; provided, the following criteria are fully complied with.

(1) The use shall be conducted entirely within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.

(2) The home occupation is to be conducted only by members of the immediate family residing in the dwelling unit, and no others may be employed.

(3) There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling or accessory building on the premises.

(4) There shall be no display of products visible in any manner from outside of the dwelling unit.

(5) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.

(6) The total area used for a home occupation shall not exceed 25% of the gross floor area of the dwelling or 300 square feet whichever is less.

(7) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

(8) A home occupation shall have adequate parking spaces available to compensate for additional parking needs generated.

(9) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.

(10) There shall be no advertising, display or other indications of a home occupation on the premises besides one flush-mounted sign, not over two square feet in area. The sign may only show the name of occupant and type of occupation. The sign shall not be illuminated.

(11) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

(F) *Application requirements.* An application for a home occupation permit shall be made to the Building and Zoning Office on forms provided by the Department which shall be completed and accompanied by appropriate fee as established by resolution of the City Council. The Department will render a decision and notify the applicant in writing within 15 calendar days of the date the application was received. In cases where the Department considers the application not within the scope of the home occupation criteria, the application shall be denied.

(G) *Appeals.* The decision of the Department concerning approval or revocation shall be final unless a written appeal is filed with the Zoning Board of Appeals in accordance with provisions of §§ 162.550 through 162.555 of this chapter.

(H) *Inspections.* Home occupation applicants shall permit a reasonable inspection of the premises by the Department to determine compliance with this chapter. Any home occupation that is found to be in non-compliance with provisions of this chapter shall be advised and permit be revoked.

(1960 Code, § 60-7-5) (Ord. 5326, passed 10-3-1994) Penalty, see § 162.999

§ 162.395 HOSPITALS, NURSING HOMES.

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of 200 feet and a minimum area of five acres.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of 200 feet, and a minimum area of two acres.

(C) The principal building of any hospital, sanitarium or nursing home shall be located at least 25 feet from all lot lines.

(1960 Code, § 60-7-6) Penalty, see § 162.999

§ 162.396 JUNK YARDS.

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

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

(1960 Code, § 60-7-7) Penalty, see § 162.999

§ 162.397 KENNELS.

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

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

(1960 Code, § 60-7-8) Penalty, see § 162.999

§ 162.398 SWIMMING POOLS.

(A) No swimming pool, whether public or private, shall be located in any front yard.

(B) Every swimming pool that is more than two feet deep shall be enclosed by a wall or fence at least four feet in height. The passage through such wall or fence shall be equipped with a gate.

(1960 Code, § 60-7-9) Penalty, see § 162.999

§ 162.399 STORM WATER MANAGEMENT REQUIREMENTS.

(A) Any person, firm, corporation or other entity proposing to construct buildings or develop land within the jurisdiction of the city shall prepare, for approval by the City Engineer, a Storm Water Management Plan that described the manner in which erosion, sediment and run-off resulting from the development will be controlled and managed. No building or construction permits or plat approval shall be issued by the city until the Storm Water Management Plan has been approved by the City Engineer as meeting the requirements of this section, or the requirement for such Storm Water Management Plan has been waived by the City Engineer. Downstream property owners, watercourses, channels or conduits shall not receive storm water run-off from proposed upstream developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped conditions, nor shall storm water run-off exceed the capacity of the natural drainage system.

(B) Storm water run-off resulting from a proposed development shall be detained on-site:

- (1) By wet or dry bottom reservoirs;
- (2) By underground reservoirs;
- (3) On flat roofs, parking lots or streets; or
- (4) By other detention methods approved by the City Engineer.

(C) For purposes of designing adequate on-site detention facilities, the Illinois State Water Survey rainfall data for this region shall be used.

(D) (1) *Detention basins.* Basins may be constructed to temporarily detain the storm water run-off so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin.

(a) *Storage volume.* The volume of storage provided shall be sufficient to store flows both during and immediately after the maximum storm event which can be expected to occur once every ten and 100 years.

(b) *Outlet control works.*

1. Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.

2. Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.

(c) *Spillway.* Emergency spillways shall be provided to permit the safe passage of run-off generated from a 100-year storm.

(d) *Maximum depth.* The maximum planned depth of storm waters stored shall not normally exceed four feet.

(e) *Side slopes.* The maximum side slopes for grassed basins shall not exceed one foot vertical for two feet horizontal (2:1 slope) for basins less than or equal to four feet deep; for basins greater than four feet deep the maximum side slope shall not exceed 3:1.

(f) *Limits of ponding.* In no case shall the limits of maximum ponding be closer than 30 feet horizontally from any building and less than two feet vertically below the lowest sill elevation.

(g) *Interior drainage.* The basin bottom should be designed to drain expeditiously. If the bottom is to be grass, it should have a minimum slope of 1%.

(h) *Low flow channel.* Small flows through the detention basin should be handled by paved ditches from inflow structure to outflow structure to minimize erosion.

(i) *Multipurpose basins.* If the detention basin is to have other uses, the design of the basin bottom should include underdrains to expedite drying of the bottom between run-off events.

(j) *Aesthetics.* Designs should result in aesthetically pleasing configurations which will enhance public acceptability.

(2) *Detention ponds.* Detention ponds may also be used to temporarily detain the differential run-off from the development. In addition to the general design features enumerated above for detention basins, the following features should also be incorporated into the design of any detention pond.

(a) *Normal pool depth.* In order to minimize weed growth, the normal pool depth should be four feet minimum.

(b) *Depth for fish.* If fish are to be kept in the pond, at least one-quarter of the area of the permanent pool should have a minimum depth of ten feet.

(c) *Facilities for emptying.* In order to ease cleaning of the pond or shoreline maintenance, the pond design should include provisions for emptying the pond.

(d) *Low flow by pass.* The design of any pond may include a low flow by-pass channel or pipeline to divert run-off that can be accommodated by downstream drainageways.

(e) *Bank stabilization.* In order to minimize the effects of waves or ice, some type of bank stabilization such as rip-rap or concrete should be placed along the normal pool shoreline.

(f) *Side slopes below normal pool.* The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool. The design shall, however, include provisions for a safety ledge having a depth of water not greater than three feet immediately adjacent to the shoreline.

(3) *Roof top storage.* Detention storage may be met in total or in part by detention on roofs. Details of such design, which shall be included in the building permit application, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited.

(4) *Parking lot storage.* Paved parking lots may be designed to provide temporary detention storage of storm water on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depths of storage must be limited so as to prevent damage to parked vehicles.

(5) *Other detention methods.* All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks or swales and the like.

(E) Designs of detention facilities shall incorporate safety features, particularly at outlets, on steep slopes and at any attractive nuisances to include, as necessary, fencing, hand rails, lighting, steps, grills, signs and other protective or warning

devices so as to restrict access during critical periods and to afford some measure of safety to both authorized and unauthorized persons.

(F) The provisions of this section shall be applicable in the following areas:

- (1) Any residential development having a gross aggregate of five acres or more;
- (2) Any residential development of less than five acres with a 50% impervious surface including roads, building, utility right-of-way and other improvements; or
- (3) Any commercial, industrial, institutional or utility development having a gross aggregate area of one acre or more.

(G) The storm water detention facilities must be built in conjunction with the storm water installation and be fully operational after the clearing of vegetation.

(1) Silt and debris connected with early construction shall be removed periodically from the detention area to maintain full storage capacity.

(2) The maintenance responsibility of the detention area shall remain with the developer and/or contractor until final inspection and applicable escrows are released.

(3) Before a certificate of occupancy is issued, the developer shall submit his or her commitment for future maintenance responsibility of the detention area.

(H) When applicable, the provisions of this section shall be reviewed by the City Engineer to assure compliance.

(1960 Code, § 60-7-10) (Ord. 4632, passed 6-5-1989) Penalty, see § 162.999

§ 162.400 OUTDOOR RESTAURANTS AND DINING ESTABLISHMENTS.

(A) Outdoor restaurants and dining establishments as defined shall be permitted as a special use in the zoning districts as specified.

(B) The following regulations and requirements must be complied with before a business license as required by the city can be issued.

(1) Tables and seating shall be portable and must be secured at the end of each business day. The outdoor seating area shall be permitted only during the normal hours of operation of the restaurant.

(2) Placement of tables, seating and equipment shall be restricted to the front of the business and contiguous property and shall not obstruct or impede pedestrian traffic. An unobstructed walkway in conformance with the U.S. Access Board's Public Right-of-Way Accessibility Guidelines shall be maintained at all times.

(3) No signs or other graphics shall be displayed other than what is permitted under the Ch. 155 of this code of ordinances; provided, however, this division (B)(3) shall not apply to table umbrellas containing graphics.

(4) The outside installation and use of a television and/or other video equipment shall be permitted only with the prior written approval of the Zoning Administrator.

(5) The outside installation and use of floral or other temporary decorative pieces on city property shall be permitted only with the prior written approval of the Zoning Administrator.

(6) Provisions shall be made for adequate litter and trash control including providing for and maintaining of trash receptacles. The outdoor seating area shall be kept clean and free of debris at all times.

(7) The seating shall not obstruct any entryway or exit of the building or adjacent building(s).

(8) Alcoholic beverages shall only be permitted to be served or consumed in the designated outdoor seating area in accordance with the outdoor areas provisions in § 121.12(B) of this code of ordinances.

(9) The business shall maintain liability insurance in the required amounts naming the city as co-insured.

(10) All pertinent permits and licenses as required by the city, county and state have been secured for the operation.

(1960 Code, § 60-7-11) (Ord. 7697, passed 7-15-2013; Ord. 7967-2016, passed 7-5-2016) Penalty, see § 162.999

§ 162.401 EVENT CENTERS.

(A) Facility shall not be located within one mile from the property line of a pre-existing event space. (Distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines.)

(B) *Space.* The facility must be a freestanding standalone building without any other uses.

(C) No more than 12 event centers shall be allowed to operate within the city at any given time.

(Ord. 9175-2023, passed 7-3-2023)

TELECOMMUNICATIONS FACILITIES

§ 162.415 PURPOSE

§ 162.415 PURPOSE.

(A) The purpose of this subchapter is to provide specific regulations for the placement, construction and modification of telecommunications facilities. The provisions of this subchapter are not intended and shall not be interpreted to prohibit or to have the affect of prohibiting the provision of personal wireless services, nor shall the provisions of this subchapter be applied in such a manner to unreasonably discriminate between providers of functionally equivalent personal wireless services.

(B) The goals of this subchapter are:

- (1) To enhance the ability to provide telecommunications services to the city;
- (2) To encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers in the city;
- (4) Encourage the joint use of new and existing tower sites; and
- (5) Encourage users of towers to locate and configure them in a way that minimizes adverse visual impact.

(C) Accordingly, the City Council finds that the promulgation of this subchapter is warranted and necessary:

- (1) To accommodate the growing need for communications facilities;
- (2) To manage the location of communications facilities in the city;
- (3) To promote and encourage shared use co-location of existing and new communications towers as a primary option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future;
- (4) To protect residential areas and land uses from potential adverse impacts of communications towers, including support structure failure and falling ice; and
- (5) To minimize adverse visual impacts of communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques.

(1960 Code, § 60-7-31) (Ord. 6132, passed 5-1-2000)

§ 162.416 TECHNICAL CONSULTATION.

Should the need arise where professional technical consultation is necessary, the Planning Director is authorized, at his or her discretion, to employ on behalf of the city an independent technical expert to review any technical materials submitted including, but not limited to, those required under this subchapter and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the city. To protect the applicant, any proprietary information disclosed to the city, or to the expert hired, shall remain confidential and shall not be disclosed to any third party.

(1960 Code, § 60-7-32) (Ord. 6132, passed 5-1-2000)

§ 162.417 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves; an antenna attached to a principal building for the purpose of providing wireless telecommunications waves; an antenna attached to a principal building for the purpose of providing wireless telecommunications services, utilizing frequencies authorized by the Federal Communications Commission for "cellular", "enhanced special mobile radio" and "personal communications systems" telecommunications services, and its attendant base station.

ANTENNA HEIGHT. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of communications tower height shall include antenna, base pad and other appurtenances and shall be measured from finish grade to the top of the antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod, building or other structure which supports a device used in the transmitting or receiving of radio frequency energy.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

GOVERNING AUTHORITY. The Mayor and City Council of the City of Belleville, Illinois.

PERSONAL WIRELESS SERVICE and **PERSONAL WIRELESS FACILITIES.** Defined in the same manner as in 47 U.S.C. § 332(c)(7)(C), as amended now or in the future.

SATELLITE RECEIVING DISH. A generally dish-shaped signal-receiving device, the purpose of which is to receive communications or other signals from satellites in earth orbit and other extra-terrestrial sources.

TELECOMMUNICATIONS FACILITY. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission and receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development.

TOWER.

(1) Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers.

(2) The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative towers structures and the like.

(1960 Code, § 60-7-33) (Ord. 6132, passed 5-1-2000)

§ 162.418 USES ALLOWED.

(A) *Compliance.* All new telecommunications facilities shall comply with this chapter upon the date of passage. All telecommunications facilities existing on the date of passage of this chapter shall be allowed to continue their usage as they presently exist and in accordance with continuance of non-conformity regulations. New construction, other than routine maintenance, on existing telecommunications facilities shall comply with the requirements of this subchapter, although the governing authority may waive or reduce the burden on the applicant of one or more of the requirements, if in the sole discretion of the governing authority, the goals of this chapter are better served thereby.

(B) *Authorization.* In all districts communication facilities shall be permitted only if specifically authorized with a special use permit by the Mayor and City Council, upon recommendations by the Zoning Board of Appeals. In granting a special use permit, the governing authority may impose zoning conditions to the extent the governing authority concludes such conditions are necessary to buffer or otherwise minimize any adverse effect of the proposed telecommunications facility on adjoining properties.

(C) *Agreement.* No approval granted hereunder shall be effective until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy and use public ways of the city will be granted. Such agreement shall provide for complete indemnification for the city and also provide for such liability insurance as the city may require.

(D) *Non-exclusive grant.* No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the city for delivery of telecommunications services or any other purposes.

(E) *Rights granted.* No approval granted under this subchapter shall convey any right, title or interest in the public ways, but shall be deemed approval only to use and occupy the public ways for the limited purpose and term stated in the approval. Further, no approval shall be construed as any warranty of title.

(1960 Code, § 60-7-34) (Ord. 6132, passed 5-1-2000)

§ 162.419 REGISTRATION AND PERMITS.

(A) *Registration and fee.*

(1) All telecommunications carriers and providers that offer or provide any telecommunications services for a fee directly to the public within the city or outside the corporate limits from telecommunications facilities within the city, shall register with the city pursuant to this subchapter on forms provided by the city, which shall include:

- (a) The identity and legal status of the registrant, including any affiliates;
- (b) The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement; and
- (c) All of the information listed below for a permit.

(2) Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee of \$500.

(B) *Permit.*

(1) A proper building permit must be obtained for any telecommunications facility installation. Applications for special use permit, planned unit development approval and building permit shall include any combination of site plans, surveys, maps technical reports or written narratives necessary to convey the following information:

- (a) A scaled site plan clearly indicating the location, type and height of any proposed communications facility, on site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facilities and any other structures;
- (b) Map and/or aerial photograph showing the proposed facility location and surrounding areas within 1,500 feet;
- (c) Legal description of the property proposed for telecommunications facility;

(d) Exact distances, locations and identifications of surrounding residential properties and other telecommunications facilities;

(e) A landscape plan in compliance with the city code;

(f) Method of fencing, color of facilities and where applicable, the method of camouflage and illumination;

(g) Plans must be completed and sealed by a professional engineer registered with the state and must include a statement that the facilities will comply with the Electronic Industries Associations standards and all city building and construction codes;

(h) A statement by the applicant on the ability of the construction of the facility to accommodate the co-location of additional antenna installations; and

(i) Any telecommunications company must demonstrate that it is licensed by the FCC.

(2) The applicant must demonstrate how the proposed site fits into its overall network within the city and plans must include any expected future facilities desired to be constructed within the city.

(1960 Code, § 60-7-35) (Ord. 6132, passed 5-1-2000)

§ 162.420 CO-LOCATION AND ABANDONMENT.

(A) Co-location.

(1) Co-location of communications antennas is desired to minimize adverse visual impacts associated with the proliferation and clustering of communications facilities. Co-location of communications facilities by more than one carrier on existing or new antenna support structures shall take precedence over the construction of new single use communication facilities. An applicant for a new antenna support structure shall demonstrate that a diligent effort has been made to locate the proposed communications facilities in accordance with the site selection and protocol requirements of this subchapter and that, due to valid considerations including physical restraints and economic or technological feasibility, no more appropriate location is available. The telecommunications company is required to demonstrate that it contacted, in writing, the owners of tall structures within a 1,500-foot radius of the site proposed, asked for permission to install the antenna on those structures, and was denied in writing, for reasons other than economic ones. The city may deny the application to construct a new facility if the applicant has not made a diligent effort, described in writing, to mount the antenna on an existing structure.

(2) In order to reduce the number of antenna support structures needed in the city in the future, any new proposed support structure shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates in writing why such design is unfeasible for technical or physical reasons. Unless co-location has been demonstrated to be unfeasible, the site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment/buildings for other users.

(B) Abandonment. In the event the use of any communications facility has been discontinued for a period of 180 consecutive days, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City Planning Director, who shall have the right to request documentation and/or affidavits from the communications facility owner/operator regarding the issue of facility usage. Upon such abandonment the owner/operator of the facility shall have 90 days to reactivate the use of the facility, transfer the tower to another owner/operator who makes actual use of the facility, or dismantle and remove the facility. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility. When a facility has been abandoned and removed the City Council will take necessary action to vacate any previous special use or planned unit development approval for the particular abandoned facility.

(1960 Code, § 60-7-36) (Ord. 6132, passed 5-1-2000)

§ 162.421 SITE SELECTION AND PROTOCOLS.

(A) Site selection.

(1) As a fundamental element of this subchapter, the telecommunications company proposing to construct an antenna support structure or mount an antenna on an existing structure is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system. Further, the company must demonstrate by technological evidence that the height required is the minimum height necessary to fulfill the communications facilities function in the grid system.

(2) Given the unquestioned visual impact of communications towers on their surrounding environment, no antenna support structure may be constructed on a speculative basis. Applications for necessary permits will only be processed when the applicant has in place agreements with an FCC licensed telecommunications provider for lease/utilization of the support structure space, written proof of which must be offered by the applicant.

(3) Telecommunications facilities must be located and designed to minimize any adverse effect they may have on residential property values. Sites shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening. Location and design of all sites shall consider the impact of the site on the surrounding neighborhood. In residential districts and residential land use areas, the minimum lot size for commercial

communications tower shall be three acres, except for government owned properties.

(B) *Criteria.* Specific locations will be evaluated using the following criteria which are not listed in order of priority:

- (1) Topography as it relates to line of sight transmissions for optimum efficiency in service;
- (2) Availability of road access;
- (3) Availability of electrical power;
- (4) Availability of land based telephone lines or microwave link capability;
- (5) Leasable lands and landlords who want facilities to be located on their property;
- (6) Screening of potential and existing vegetation, structures and topographic features;
- (7) Compatibility with adjacent land uses;
- (8) The least number of sites to cover the desired area;
- (9) The greatest amount of coverage, consistent with physical requirements;
- (10) Opportunities to mitigate possible visual impact; and
- (11) Availability of suitable existing structures for antenna mounting.

(C) *Protocols.*

(1) The following establishes the planning order of priorities for locating new communications facilities:

- (a) Place towers and antennas on commercial or government property;
- (b) Place towers and antennas on other non-residential property;
- (c) Place antennas on other appropriate existing structures such as buildings, communication towers, water towers and smoke stacks; and
- (d) Place new communication towers in residential districts only if locations for which a need has been demonstrated are not available on existing structures or in non-residential districts.

(2) The telecommunications company is required to demonstrate that it contacted, in writing, the owners of other more appropriate properties and was denied, in writing, for reasons other than economic ones.

(1960 Code, § 60-7-37) (Ord. 6132, passed 5-1-2000)

§ 162.422 DESIGN CRITERIA.

The following is a list of design criteria.

(A) New communications facilities shall be located in accordance with the site selection and protocol requirements of this subchapter and shall be designed to accommodate antennas for more than one user. All facilities must be architecturally compatible with surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. All facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed then the owners of the communications facilities shall bring those facilities into compliance with the revised standards and regulations within three months of the effective date of such standards and regulations unless a more stringent schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the facility.

(B) All telecommunications facilities must be located on properties that comply with the lot area requirements of this chapter. Additionally any telecommunications facility located in a residential zoning district must be located on a lot with a minimum size of three acres.

(C) All communications facilities must be separated from communications facilities on other properties by at least 1,500 feet.

(D) The maximum height for any antenna support structure shall be 150 feet upon property zoned heavy commercial, 120 feet on property zoned light commercial and 100 feet on all other properties, unless additional height is approved by variation by the Mayor and City Council after a proper public hearing and recommendation of the Zoning Board of Appeals or Planning Commission in the event of a planned unit development amendment.

(E) All antenna support structures must be set back a distance equal to their height from any property line. At a minimum, any such antenna tower shall provide a lot line setback at least equal to one-half its height from the antenna to all adjoining residential property lines.

(F) Communications towers shall have a non-contrasting blue, grey or black finish, or a similar color that minimizes their visibility, unless a different color is required by the FCC or FAA.

(G) All telecommunications facilities shall be lighted only if required by the FCC or the FAA. Where tower lighting is

required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences. A manually-operated or motion detection light above the equipment shed door is permitted but shall be kept off except when personnel are actually present at night.

(H) Communications towers shall be constructed in accordance with standards of the Electronic Industries Association and all applicable construction and building codes, as may be amended from time to time. Surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anti-climbing devices as approved by the manufacturers.

(I) Building mounted facilities must be architecturally compatible with the building on which they are mounted and designed and located so as to minimize any adverse aesthetic impact. Any support structure or mechanical equipment must be screened or enclosed in such a manner as to mask such equipment. Such screening shall be of non-combustible material and of the same color, character and design as the building upon which the screening is erected. An antenna must be mounted to the wall of a building or extend above the roof of a building without said screening provided the antenna is painted, or otherwise made to match the color of the building or structure or background against which they are most commonly seen. Communications facilities shall not occupy more than an aggregate total of 10% of the roof area of any building.

(J) Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation must be preserved or improved, and disturbance of the existing topography of the site must be minimized. All ground mounted facilities and equipment shall be enclosed with a solid six-foot high fence. Landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure and any other ground level features, and in general soften the appearance of the facility. As a condition of permit the city may set conditions concerning existing vegetation, topography, walls, fences or other landscaping to achieve an acceptable degree of screening.

(K) Driveways and parking areas constructed in compliance with city code must be provided as necessary for each telecommunications facility. If any site is not automated, the number of required parking spaces shall equal the number of people on the largest shift. Any security fencing must be of a color and design to blend into the character of the existing environment.

(L) No telecommunications facility shall cause interference with the reception of television and radio broadcasts to the property on which they are located or to surrounding properties.

(M) The telecommunications tower when fully loaded with antennas, transmitters, other equipment and camouflaging (if needed), shall be designed to withstand the forces expected during the "maximum credible earthquake". All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off the shelves or otherwise act to damage it. Measures shall be taken to keep the facility operational in the event of disaster.

(N) Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within 100 feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise intensity level of at least 60 dB (decibels) at the property line and an interior level of 45 dB.

(1960 Code, § 60-7-38) (Ord. 6132, passed 5-1-2000)

§ 162.423 FIRE PREVENTION.

(A) All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs.

(B) To this end, all of the following measures shall be implemented for all telecommunications facilities, when determined necessary by the Fire Chief.

(1) At least one-hour fire-resistant interior surfaces shall be used on the construction of all buildings.

(2) Monitored automatic fire extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures.

(3) Rapid entry (KNOX) systems shall be installed as required by the Fire Chief.

(4) Type and location of vegetation and other materials within ten feet of the facility, and all new structures including telecommunications towers, shall be reviewed for fire safety purposes by the Fire Chief.

(5) All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.

(1960 Code, § 60-7-39) (Ord. 6132, passed 5-1-2000)

§ 162.424 EXEMPTIONS.

(A) The following are considered exemptions:

(1) Proposed communications antennas may, and are encouraged to, co-locate onto existing approved structures; provided, such co-locations are accomplished in a manner consistent with the terms of this subchapter, then such co-locations may be approved without any new or additional special use or planned unit development approval. Proper plans

must be submitted and permits obtained for such co-location facilities as required by this chapter; and

(2) Any communications facilities on properties owned by the city are exempt from the terms of this subchapter subject to any conditions set by the Mayor and City Council.

(B) Nothing in the Code shall apply to “receive only” communications facilities for use by an individual residential dwelling unit or business provided such facilities comply with the height requirements of the zoning district in which they are located.

(1960 Code, § 60-7-40) (Ord. 6132, passed 5-1-2000)

SOLAR ENERGY SYSTEMS

§ 162.430 PURPOSE AND INTENT.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of public solar energy systems (PSESs) designed for on-site use that shall be used solely to reduce on-site consumption of utility power, but energy output may be delivered to a power grid to offset the cost of energy on-site. The intent of these regulations is to protect the public health, safety, and welfare without unduly restricting the development of PSESs.

(Ord. 8266-2018, passed 10-15-2018)

§ 162.431 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

NET METERING. A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PERSONAL SOLAR ENERGY SYSTEM (PSES). Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. Energy output may be delivered to a power grid to offset the cost of energy on-site. However, PSESs with an aggregate collection and/or focusing area of no more than 25% of the square feet of the subject site are exempt from this subchapter.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES). The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

SOLAR FARM ENERGY SYSTEM (SFES). A commercial facility, on a parcel(s) of five acres or more that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

SOLAR FARM ENERGY SYSTEM PROJECT AREA. An SFES project area may be comprised of a single parcel of land or two or more contiguous parcels of land providing that the total area of an SFES project area consists of five acres of land or more.

SOLAR PANEL. A device for the direct conversion of solar energy into electricity.

STRUCTURE MOUNT SOLAR ENERGY SYSTEM. A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

(B) All other definitions set forth in §162.006 of this code shall apply when applicable and to the extent that they are not inconsistent with the definitions contained in this section.

(Ord. 8266-2018, passed 10-15-18)

§ 162.432 PERSONAL SOLAR ENERGY SYSTEMS (PSESs).

(A) *Permitted use.* PSESs shall be considered an accessory use to a permitted principal permitted use. Where no principal use is present, a special use permit must be granted for establishment of PSESs.

(B) *Special requirements.* PSESs shall be subject to the requirements of the minimum area, bulk and yard requirements of the zoning district in which they are proposed, unless otherwise stated herein:

(1) *Ground mounted PSES height and size.* Height shall not be greater than ten feet at maximum tilt of the solar panel(s) as measured from the average grade at the base of the supporting structure to the highest edge of the system and the size shall not occupy more than 1% of 10,000 square feet of ground in any zoning district.

(2) *Structure mounted PSES height.* Shall not be greater than the allowable height of any structure within the zoning

district in which the PSES is to be installed.

(3) *Setbacks.* The PSES shall maintain perimeter setbacks of at least ten feet. No PSES shall be permitted to be located in the required front yard.

(4) *Building codes.* All county, state, and national construction codes shall be followed.

(5) *Use.* The PSES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.

(6) *Approved solar components.* Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than 30% or shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets.

(7) *Screening.* Ground mounted PSES must be substantially screened from public view (including adjacent properties and public rights-of way) by fencing, walls, plantings, or other architectural feature, or any combination thereof; provided however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.

(C) *Certificate of compliance.* Before a building permit is issued for a PSES, the following shall be submitted to the City of Belleville Economic Development, Planning and Zoning Department for review:

(1) Site plan showing:

- (a) Name, address, and phone number of the property owner;
- (b) Property lines;
- (c) All structures;
- (d) Septic field (if any);
- (e) Field tile location (if any);
- (f) Setback lines;
- (g) Location of all solar panels and associated equipment; and
- (h) Location of the electrical disconnect for the PSES.

(2) Evidence that the local electric utility has been informed of the applicant's intent to install a PSES.

(3) Evidence that the site plan has been submitted to the City of Belleville Fire Department. After an approved final inspection of the PSES and all building permits, a certificate of compliance shall be issued.

(Ord. 8266-2018, passed 10-15-18) Penalty, see § 162.999

§ 162.433 SOLAR FARM ENERGY SYSTEM (SFESs).

(A) *Special use.* SFESs shall be permitted as special uses in all districts provided minimum area, bulk and yard requirements of the zoning district in which they are proposed are met, unless otherwise exceptions are applied for and granted during the special use permit process. SFESs shall be subject to the procedures and standards included in §§ 162.515 through 162.520, Special Use Permits, unless otherwise stated in this section.

(B) *Special requirements.* SFESs are subject to the following requirements:

(1) *Height.* Shall not exceed 18 feet as measured from the average grade at the base of the supporting structure to the highest edge of the system at maximum tilt of the solar panel(s).

(2) *Setbacks.* The front, side and rear yard setbacks shall be a minimum of 50 feet from the property lines which form the outside perimeter of an SFES project area unless varied by the City of Belleville City Council in its discretion or per expressed request by the applicant.

(3) *Fencing.* A fence of at least six feet in height but no greater than ten feet shall enclose the SFES.

(4) *Lighting.* If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto adjacent parcels.

(5) *Noise.* Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by both the State of Illinois and the City of Belleville.

(6) *Installation and design.* The SFES shall be designed and located to prevent glare toward any structures on nearby properties and roadways, including, but not limited to, highways and streets.

(7) *Wiring.* All wiring between solar panels and the solar farm facility substation shall be underground unless otherwise approved by the City of Belleville.

(8) *Outdoor storage.* Only the outdoor storage of materials, vehicles, and equipment that directly support the operation

and maintenance of the solar farm shall be allowed.

(9) *Other.* Any other requirements or conditions as determined necessary by the City of Belleville.

(C) *Annual review and reporting.* The applicant, owner, or operator of a SFES project shall submit to the City of Belleville Economic Development, Planning and Zoning Department on the first Monday of July of each year following SFES project approval a report regarding SFES maintenance and operation.

(1) This report shall include:

- (a) Any physical modifications to the SFES or its infrastructure;
- (b) Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner, or operator concerning the SFES, and the resolution of such complaints;
- (c) Calls for emergency services, including the nature of the emergency and how it was resolved;
- (d) Status of liability insurance; and
- (e) Any other information that the City of Belleville might reasonably request.

(2) Within 30 days of the receipt of this annual report, the City of Belleville Economic Development, Planning and Zoning Department shall review the report and conduct an on-site field review of the SFES project. The City of Belleville Economic Development, Planning and Zoning Department shall compile a written report of its findings and, within 60 days of the receipt of the annual report, and submit said report to the City of Belleville City Council.

(3) The City of Belleville Economic Development, Planning and Zoning Department shall charge a fee for this annual review in the amount of no more than \$500 per SFES project area. This fee shall be paid to the City of Belleville by the SFES applicant, owner, or operator at the time of annual report submission. Failure to provide the annual report and required fee shall be considered a cessation of operations.

(4) The applicant, owner, or operator of an SFES project shall provide the City of Belleville access to the SFES project area for the purposes described. Failure to provide access shall be deemed a violation of this section.

(D) *Certification.* SFESs shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFESs shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO) District. All applicable county, state, and national construction and electric codes shall be followed.

(E) *Safety.* All SFESs shall provide the following at all locked entrances:

- (1) A visible "High Voltage" warning sign (such signs shall also be placed on the perimeter fencing, with at least two signs on the outside of each side of the perimeter fence);
- (2) Name(s) and phone number(s) of the electric utility provider;
- (3) Name(s) and phone number(s) for the site operator;
- (4) The facility's 911 address, GPS coordinates; and
- (5) A Knox box, or other similar approved device, with keys.

(F) *Application.* The application for a special use permit for an SFES shall include:

- (1) A written summary of the project including a general description of the project, including its approximate generating capacity.
- (2) The name(s), address(s), and phone number(s) of the owner and, if different, SFES operator.
- (3) A site plan of the SFES site showing:
 - (a) Boundaries of the site;
 - (b) All SFES structures including, but not limited to, fencing, gates, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines;
 - (c) Property lines;
 - (d) Setback lines;
 - (e) Location of all existing structures with their uses identified;
 - (f) Ancillary equipment and structures;
 - (g) Transmission lines;
 - (h) Wells;
 - (i) Septic fields;

- (j) Field tile location;
- (k) Existing easements;
- (l) Floodplain location and elevation; and,
- (m) Wetland location (if any);
- (4) Examples of all facility signage;
- (5) A plan for ongoing maintenance of the SFES; and
- (6) All other information contained in §§162.515 through 162.520, Special Use Permits, as may be required to file an application.

(G) *Decommissioning plan.* Prior to applying for a building permit, the SFES project applicant, owner, or operator shall submit a decommissioning plan to the City of Belleville Economic Development, Planning and Zoning Department. The City of Belleville Economic Development, Planning and Zoning Department shall review the plan for completeness and refer it to the City of Belleville City Council.

- (1) The plan shall include:
 - (a) A description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life or cessation of operations, as stated in division (J) below;
 - (b) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five feet below the surface, and the sequence and timing in which removal is expected to occur;
 - (c) Provisions for the restoration of the grade, soil, vegetation, and drain tile (if any);
 - (d) An estimate of the decommissioning costs certified by an independent professional engineer (not the applicant or owner, nor any employee, agent, or affiliate of same), approved by the City of Belleville, in current dollars. The engineer providing this estimate shall be engaged under contract by the city and all costs associated with this engagement shall be borne by the applicant, owner, or operator;
 - (e) A written financial plan approved to ensure that funds will be available for decommissioning and land restoration without taking into consideration the scrap value in decommissioning costs;
 - (f) A provision that the terms of the decommissioning plan shall be binding upon the applicant, owner, operator, and any of their successors, assigns, or heirs;
 - (g) Upon review of the decommissioning plan, the Finance Committee or its successor committee(s), of the City of Belleville City Council shall set an amount equal to 110% of the estimated cost of decommissioning to be held in a bond, escrow, or other acceptable form of funds approved by the Committee. Any such bond must be issued for a term of at least five years and must not be cancelable during that term. Payments made under any such bond will be placed in the City of Belleville General Fund. The plan shall state that the City of Belleville shall have access to the project and to the funds to affect or complete decommissioning if the applicant, owner, or operator fails to complete removal and decommissioning of the SFES strictly according to the terms of the decommissioning plan within 30 days of notice from the City of Belleville Economic Development, Planning and Zoning Department following a "cessation of operations" as defined in division (J) below or such additional time that may be granted by the City of Belleville; and

(2) The applicant shall provide the City of Belleville Economic Development, Planning and Zoning Department with a new estimate of the cost of decommissioning the SFES project every five years, due on the anniversary of the special use being granted, under the same conditions as set forth in this section above. Upon receipt of this new estimate, the City of Belleville Economic Development, Planning and Zoning Department may require the applicant, owner, or operator of the SFES project to provide a new financial plan for decommissioning acceptable to the City of Belleville Economic Development, Planning and Zoning Department. Failure to provide an acceptable financial plan shall be considered a cessation of operations.

(H) *Certificate of compliance.* Before a building permit is issued, the following shall be submitted to the City of Belleville Economic Development, Planning and Zoning Department for review:

- (1) An updated and finalized site plan with all items previously required in the application for a special use and any modifications required by the City of Belleville City Council, or City of Belleville Economic Development, Planning and Zoning Department;
- (2) *Emergency plan.* The owner or operator shall cooperate with the local fire department or district to develop an emergency response plan and shall cooperate with all local fire and rescue authorities to provide specialized training, if necessary, (at the owner or operator's expense) to personnel who are to respond to emergencies on the site. The site and emergency plan shall be submitted to the local fire department or district whose jurisdiction is included in whole or in part within the SFES project area;
- (3) An interconnection agreement and power purchase agreement with the applicable electric utility;
- (4) A stormwater and groundwater management plan demonstrating best management practices, with erosion and sediment control provisions;

(5) All required studies, reports, certifications, insurance policies, declaration pages, approvals, an executed AIMA, and other documentation demonstrating compliance with the provisions of this section. After an approved final inspection of all building permits, a certificate of compliance shall be issued.

(I) *Indemnification and liability.*

(1) The applicant, owner, and operator of the SFES project shall defend, indemnify, and hold harmless the City of Belleville and its officials (elected and appointed), employees, departments, agents, and attorneys from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, or operator associated with the construction or operation of the SFES project.

(2) The applicant, owner, or operator of the SFES project shall maintain a current general liability policy covering bodily injury, death, and property damage with limits of at least \$2,000,000 per occurrence and \$4,000,000 in the aggregate. Such policy and the declaration page for such policy shall be provided annually to the City of Belleville Economic Development, Planning and Zoning Department. Evidence of liability coverage must be reported to the City of Belleville Economic Development, Planning and Zoning Department on an annual basis, and any loss of coverage must be reported within three working days of loss. Failure to maintain coverage shall be considered a cessation of operations pursuant to division (J) below.

(J) *Cessation of operations.*

(1) For any reason stated in this subchapter or if any SFES provided for in this subchapter has not been in operation and producing electricity for at least 12 consecutive months it shall be considered a "cessation of operations." The City of Belleville shall notify the applicant, owner, or operator to remove the system. Within 30 days of the receipt of such notice, the applicant, owner, or operator shall either submit evidence showing that the system has been operating and producing electricity or remove it pursuant to the terms of the decommissioning plan described in division (G).

(2) If the applicant, owner, or operator fails to or refuses to remove the solar energy system as provided for in the decommissioning plan within 30 days of the receipt of notice from the City of Belleville or upon such additional time as may be granted, the City of Belleville shall have access to the project and to the funds to affect or complete decommissioning and the violation may be referred for enforcement.

(K) *Penalties.*

(1) A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this subchapter shall be deemed a violation of this subchapter and shall be subject to penalties as found in § 162.999 of this code. The City of Belleville may bring an action to enforce compliance of the requirements of this section by filing an action filing in the St. Clair County, Illinois, Twentieth Judicial Circuit Court for an injunction requiring conformance with this subchapter, any other appropriate remedy, or such other order as the court deems necessary to secure compliance with this subchapter.

(2) Any person who violates this subchapter shall be subject to those penalties as set forth in §162.999 of this code. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(3) Nothing herein shall prevent the City of Belleville from seeking such other legal or equitable remedies available to prevent or remedy any violations of this subchapter.

(Ord. 8266-2018, passed 10-15-18) Penalty, see § 162.999

OFF-STREET PARKING AND LOADING

§ 162.435 APPLICABILITY.

Off-street parking and loading shall be provided in accordance with this subchapter for all structures and uses erected or established after the effective date of this chapter.

(1960 Code, § 60-8-1)

§ 162.436 EXISTING PARKING/LOADING FACILITIES.

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

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

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

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

(1960 Code, § 60-8-2)

§ 162.437 PARKING AREA DESIGN STANDARDS.

All areas providing off-street parking shall conform to the standards indicated in the sections which follow. Note: standards applicable to all parking areas are indicated by one asterisk (*); standards applicable to all parking areas, except those accessory to single- or two-family dwellings are indicated by two asterisks (**).

(1960 Code, § 60-8-3) Penalty, see § 162.999

§ 162.438 SPACES.

(A) Each required parking space shall be at least nine feet wide and 19 feet long, and shall have at least seven feet of vertical clearance. The area space shall be situated so that no part of any parked vehicle overhangs public right-of-way.*

(B) Marking shall be laid and restored as often as necessary to clearly delineate each parking space.**

(1960 Code, § 60-8-4) (Ord. 3825, passed 9-8-1981) Penalty, see § 162.999

§ 162.439 INTERIOR AISLES.

Aisles within parking lots shall be sufficiently wide to permit safe and efficient movement in the aisles and into and out of the parking spaces. Aisles designed for two-way traffic shall be at least 25 feet wide. One-way aisles designed for 60-degree parking shall be at least 18 feet wide and for 45-degree parking shall be at least 14 feet wide.

(1960 Code, § 60-8-5) (Ord. 3825, passed 9-8-1981) Penalty, see § 162.999

§ 162.440 ACCESS WAYS.

(A) Parking areas shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.*

(B) No access way to any parking area shall be located within 25 feet of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic-control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.*

(C) Parking area access ways (including residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.*

(D) The access way to every parking lot located in any commercial district or in the Industrial District shall be at least 24 feet wide unless two one-way drives, each 12 feet wide, are provided.*

(E) The access way to every parking area located in any residential district shall be at least ten feet wide; but, if the parking area contains more than eight parking spaces or, if the access way is longer than 100 feet, access shall be provided either by one two-way drive at least 20 feet wide, or by two one-way drives, each ten feet wide.

(1960 Code, § 60-8-6) Penalty, see § 162.999

§ 162.441 SURFACING.

(A) Driveways, off-street parking areas, off-street parking spaces, off-street parking lots and off-street loading areas (collectively known as "areas") shall be improved with a compacted stone base six inches thick, and surfaced with two inches of asphalt or concrete. This is a minimum design standard intended for light vehicle parking. Other designs in lieu of this will be considered.

(B) These surfacing requirements shall also be applicable to existing areas in the following situations:

- (1) When areas are expanded;
- (2) When areas are improved partially by asphalt or concrete, the whole area shall be improved;
- (3) When single-family dwellings are used as businesses;
- (4) When a commercial building is vacant for a period of one year or 18 months in any three- year period;
- (5) When a new business opens in an existing commercial building;
- (6) When a multi-family dwelling is more than 50% vacant for a period of one year or 18 months in any three-year period;
- (7) When a two-family dwelling is vacant for more than one year or 18 months in any three- year period; and
- (8) The provisions in §§ 162.448 through 162.454 of this chapter shall still apply to commercial and industrial districts.

(1960 Code, § 60-8-7) (Ord. 7219, passed 1-20-2009)

§ 162.442 LIGHTING.

Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable. Further, a minimal amount of lighting in parking lots must be left on after dusk, whether or not the building is occupied, in order to ensure safety for any emergency that may occur on or around the lot.

(1960 Code, § 60-8-8) (Ord. 7278, passed 6-15-2009)

§ 162.443 LANDSCAPING.

(A) In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains 20 or more parking spaces. A minimum of 5% of the total parking lot area shall be set aside for said landscaping.**

(B) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an initial certificate of zoning compliance to develop any parking lot that will contain 20 or more spaces.

(C) The landscaping plan shall include the following information:

(1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;

(2) Proposed size, construction materials and drainage of landscaped islands or planting beds; and

(3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation and pedestrian movement.

(1960 Code, § 60-8-9) Penalty, see § 162.999

§ 162.444 PARKING LOTS AND DRIVEWAYS ABUTTING RESIDENCE DISTRICT.

Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residence district so as to abut the side or rear line of a lot in a residence district, a solid masonry wall, shrubbery planting or a substantial sightly fence not less than five feet high and no more than eight feet high shall be constructed and maintained along said side or rear lot line up to, but not beyond the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or residence districts.

(1960 Code, § 60-8-10) Penalty, see § 162.999

§ 162.445 EXCEPTION: COUNTY PUBLIC PARKING GARAGE.

The aforementioned standards and restrictions as outlined in §§162.438, 162.439, 162.440, 162.441 and 162.442 of this chapter shall not be applicable to the two floors of the County Public Parking Garage which are reserved for employees of the County Building. All of the above restrictions shall apply to those levels of the aforementioned public parking garage, which will be open to the general public.

(1960 Code, § 60-8-11) (Ord. 4138, passed 1-7-1985)

§ 162.446 LOCATION OF PARKING.

(A) All off-street parking shall be located in conformity with the requirements in §§162.447 and 162.448 of this chapter.

(B) A permit must be obtained from the Zoning Administrator for construction and development of new off-street parking lots and the enlargement or alteration of existing parking lots.

(1960 Code, § 60-8-12) (Ord. 4960, passed 9-15-1992) Penalty, see § 162.999

§ 162.447 RESIDENTIAL DISTRICTS.

(A) (1) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard, except in the driveway, but may be located in the side or rear yards.

(2) Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need to be moved in order to allow another vehicle to enter/exit the parking area.

(B) All parking spaces accessory to permitted non-dwelling uses located in any residential district generally shall be located on the same lot as the use served. However, the Administrator may allow such parking facilities to be located on another parcel within 200 feet of the use served if the "same lot" requirement is not feasible.

(1960 Code, § 60-8-13) Penalty, see § 162.999

§ 162.448 COMMERCIAL AND INDUSTRIAL DISTRICTS.

(A) Parking spaces accessory to any dwelling located in any commercial district shall either be located on the same lot as the dwelling or on another parcel within 200 feet of the residential premises. Parking lots accessory to any commercial or

industrial use located in any Commercial District, or in the Industrial District shall be located within 500 feet of the use served; provided that, no portion of any such parking lot shall extend into any residential district.

(B) In Any Commercial District or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the uses served are observed.

(C) Commercial uses in the area shown in the map shall be exempt from the parking requirements of this chapter if they are located within 500 feet of a municipal parking lot.

(1960 Code, § 60-8-14) (Ord. 7278, passed 6-15-2009)

§ 162.449 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.

All off-street loading facilities shall conform to the minimum standards indicated in §§162.450 through 162.454 of this chapter.

(1960 Code, § 60-8-15) Penalty, see § 162.999

§ 162.450 SIZE OF SPACE.

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

(1960 Code, § 60-8-16) Penalty, see § 162.999

§ 162.451 ACCESS WAY.

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

(1960 Code, § 60-8-17) Penalty, see § 162.999

§ 162.452 SURFACING.

Every off-street loading area shall be improved with a compacted stone base at least seven inches thick, surfaced with at least two inches of asphaltic concrete.

(1960 Code, § 60-8-18) Penalty, see § 162.999

§ 162.453 BUFFER STRIPS.

No loading space or area for vehicles over two-ton cargo capacity shall be developed closer than 25 feet to the lot line of any lot located in any residential district unless such space/area is completely enclosed by walls, a solid fence or closely planted shrubbery at least ten feet in height and of sufficient density to block the view from the residential property.

(1960 Code, § 60-8-19) Penalty, see § 162.999

§ 162.454 LOCATION.

Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than 50 feet to the intersection of the rights-of-way of two or more streets, and not on required front yards.

(1960 Code, § 60-8-20) Penalty, see § 162.999

§ 162.455 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.

In computing the number of parking spaces required by this chapter, the Zoning Administrator shall apply the following rules.

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **EMPLOYEE PARKING** means one parking space shall be required per one employee, unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, 375 square feet of gross area shall be deemed one parking space.

(D) If computation of the number of parking or loading spaces required by this subchapter results in a fractional space, any fraction of one-half or more shall be counted as one space.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or

loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

(1960 Code, § 60-8-21) Penalty, see § 162.999

§ 162.456 NUMBER OF PARKING AND LOADING SPACES REQUIRED.

Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity.

<i>Use</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required (If Any)</i>
<i>Use</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required (If Any)</i>
Commercial, Office, Service		
Note: all commercial and service uses, unless specifically indicated	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area: 1 space More than 10,000 sq. ft.: 1 space, plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Banks, savings and loans (both walk-in and drive-in)		To 30,000 sq. ft. of floor area
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking	None required
		30,001-100,000 sq. ft.: 1 space
		More than 100,000 sq. ft.: 1 space, plus 1 additional per 100,000 sq. ft.
Drive-in teller window	5 spaces per	space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Beauty and barber shops	2 spaces per chair, plus employee parking	Not applicable
Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable, except as required for affiliated uses
Car wash	5 spaces per wash lane	Not applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area: 2 spaces
		More than 25,000 sq. ft. of floor area: 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not applicable
Theaters		Not applicable
Indoor	1 space per 4 seats in the largest seating area.	
Drive-in	On review by the Administrator	
	1 space per 600 sq. ft. of enclosed floor area, plus: Up to 10,000 sq. ft. of open lot	To 25,000 sq. ft. of floor area and open lot area: 2 spaces

Vehicle sales	area devoted to sale/display of vehicles: 1 space per 2,500 sq. ft. of open lot area above 10,000 sq. ft.: 4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	More than 25,000 sq. ft. of floor area and open lot area: 2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
Dwellings, Lodging		
Hotels, motels, rooming houses, lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes	2 spaces per mobile home	Not applicable
Multiple-family dwellings		Not applicable
	1 bedroom or less	1.5 spaces per dwelling unit
	2 or more bedrooms	2 spaces per dwelling unit
Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
Educational, Institutional, Recreational		
Churches, auditoriums	1 space per 4 seats in the largest seating area	Not applicable
Hospitals	1 space per 2 beds, plus employee parking	To 50,000 sq. ft. of floor area: 1 space
		50,001-100,000 sq. ft.: 2 spaces
		100,001-200,000 sq. ft.: 3 spaces
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Administrator
Nursing homes	1 space per 4 beds	To 50,000 sq. ft. of floor area: 1 space
		50,001-100,000 sq. ft.: 2 spaces
		100,001-200,000 sq. ft.: 3 spaces
Schools		On review by the Administrator
Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking	
Senior High	1 space for every 4 students over 16 yrs. old that the building is designed to accommodate, plus employee parking	
Trade schools	1 space for every 3 students that the building is designed to accommodate, plus employee parking	
Industrial		
Any manufacturing, warehousing or other industrial use	Employee parking (1.5 spaces per employee), plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift	To 20,000 sq. ft. of floor area: 1 space
		20,001-50,000 sq. ft.: 2 spaces
		50,000-90,000 sq. ft.: 3 spaces

	Above 90,000 sq. ft.: 3 spaces, plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.
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(1960 Code, § 60-8-22) (Ord. 4770, passed - -)

NON-CONFORMITIES

§ 162.470 PURPOSE.

The requirements imposed by this chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, non-conformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the emission of noxious fumes or excessive noise and/or the lowering of property values. The regulations of this subchapter are intended to alleviate such existing/potential problems by encouraging the gradual elimination of non-conformities.

(1960 Code, § 60-9-1)

§ 162.471 NON-CONFORMING LOTS.

Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be used for any use permitted in the district if such vacant lot:

- (A) Is of record on the effective date of this chapter (or pertinent amendment thereto);
- (B) Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinance; and
- (C) Is at least 30 feet wide.

(1960 Code, § 60-9-2)

§ 162.472 TWO OR MORE LOTS IN COMMON OWNERSHIP.

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this chapter, and if one or more of those lots does not meet the minimum lot width, depth and area requirements of this district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed, except in compliance with this chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this chapter.

(1960 Code, § 60-9-3)

§ 162.473 NON-CONFORMING STRUCTURES.

Any lawful structure which exists on the effective date of this chapter, but which could not be erected under the terms of this chapter because of restrictions on lot size, height, setbacks or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions.

- (A) *Enlargement, alterations.* No such structure shall be enlarged or altered in any way which increases its non-conformity.
- (B) *Relocation.* No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- (C) *Reconstruction.*

(1) Any non-conforming building or structure other than a single residence in an "A-1" District damaged by more than 75% by fire, collapse, explosion or Act of God cannot be reconstructed, repaired or rebuilt unless it is made to conform to this chapter.

(2) Any non-conforming single-family residence in an "A-1" District damaged by more than 75% by fire, collapse, explosion or an act of God may be rebuilt. Prior to rebuilding, the plans for the new residence must be approved by the Zoning Board of Appeals and the City Council. There shall be no fee charged for review by the Zoning Board or the City Council.

(D) *Exception.* Any existing mobile home located in the city may be replaced with a mobile home, provided such replacements take place within 60 days of the removal of the original mobile home. All new mobile homes shall conform to all the regulations of the district in which it is located.

(1960 Code, § 60-9-4) (Ord. 7187, passed 10-20-2008)

§ 162.474 NON-CONFORMING USES OCCUPYING A STRUCTURE.

If any lawful use occupying a structure exists on the effective date of this chapter, but would not be allowed under the terms of this chapter, such use may lawfully continue, subject to the following provisions.

(A) *Maintenance.* Any structure housing a non-conforming use may be maintained through ordinary repairs.

(B) *Enlargement, alteration, reconstruction and relocation.* No structure housing in non-conforming use shall be enlarged, structurally altered, reconstructed or relocated unless 50% of the structure is changed to a permitted use.

(C) *Extension of use.* No non-conforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the non-conforming use be extended to occupy any land outside such structure.

(D) *Change of use.* A non-conforming use of a structure may be changed to a similar use, to a more restrictive use or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E) *Discontinuance of use.* When a non-conforming use of a structure, or of a structure and premises in combination, is discontinued for 12 consecutive months or for 18 months during any three-year period, the non-conforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the non-conforming user shall not be counted in calculating the length of discontinuance. For the purposes of multiple-family dwellings discontinuance of use shall be by either physical deconversion of the structure or no valid occupancy exceeding 12 consecutive months.

(1960 Code, § 60-9-5) (Ord. 3714, passed 6-16-1980; Ord. 9217-2023, passed 11-6-2023)

§ 162.475 NON-CONFORMING USES OF LAND.

Any lawful use of land existing on the effective date of this chapter that would not be permitted under the terms of this chapter may lawfully continue, subject to the following provisions.

(A) *Intensification or extension of use.* A non-conforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this chapter.

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

(C) *Change of use.* Whenever a non-conforming use of a building has been changed to a more restrictive use or to a conforming use, such shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

(D) *Discontinuance.* When a non-conforming use of land is discontinued for a period of 12 consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance. For the purposes of multiple-family dwellings discontinuance of use shall be by either physical deconversion of the structure or no valid occupancy exceeding 12 consecutive months.

(1960 Code, § 60-9-6) (Ord. 9217-2023, passed 11-6-2023)

§ 162.476 NON-CONFORMITIES UNDER PERMIT AUTHORITY.

The regulations of this subchapter shall not apply to any change in any existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this chapter or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

(1960 Code, § 60-9-7)

ADMINISTRATION AND ENFORCEMENT

§ 162.490 ZONING ADMINISTRATOR.

Except as otherwise provided in this chapter the Zoning Administrator is hereby given the duty, power and authority to enforce the provisions of this chapter. The Mayor, with the consent of the Council, shall appoint the Zoning Administrator and any other employees as he or she deem necessary to assist in the enforcement of this chapter.

(1960 Code, § 60-10-1)

§ 162.491 DUTIES.

(A) The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this chapter.

(B) This broad responsibility encompasses, but is not limited to, the following specific duties:

(1) To review and pass upon applications for initial and final certificates of zoning compliance;

(2) To inspect land, structures, and uses to determine compliance with this chapter and, where there are violations, to initiate appropriate corrective action;

- (3) To review and forward to the Zoning Board of Appeals all applications for variances, appeals and amendments;
- (4) To review and forward to the Zoning Board of Appeals all applications for special use permits;
- (5) To maintain up-to-date records of this chapter including, but not limited to, district maps, certificates of zoning compliance, special use permits, temporary use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to any of these matters;
- (6) To periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board of Appeals;
- (7) To provide information to the general public on matters related to this chapter; and
- (8) To perform such other duties as the Council may, from time to time, prescribe.

(1960 Code, § 60-10-2) (Ord. 396, passed - -)

§ 162.492 INITIAL CERTIFICATES OF ZONING COMPLIANCE.

Upon the effective date of this chapter, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he or she determines that the proposed work conforms to the applicable provisions of this chapter.

(1960 Code, § 60-10-3)

§ 162.493 APPLICATION.

(A) *General.* Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

(B) *Items of information.*

- (1) Name and address of applicant;
- (2) Name and address of the owner or operator of the proposed structure or use, if different from division (B)(1) above;
- (3) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees and similar matters;
- (4) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (5) Area and dimensions of the site for the proposed structure or use;
- (6) Existing topography of the site (U.S.G.S. ten-foot contour data is acceptable), and proposed finished grade;
- (7) Existing and proposed screening, landscaping and erosion control features on the site, including the park area;
- (8) Height and setbacks of the proposed structure;
- (9) Number and size of proposed dwelling units, if any;
- (10) Location and number of proposed parking/loading spaces and access ways;
- (11) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) Any other pertinent information that the Administrator may require.

(1960 Code, § 60-10-4)

§ 162.494 DURATION OF CERTIFICATE.

(A) Initial certificates of zoning compliance shall be valid for one year, or until revoked for failure to abide by a corrective action order.

(B) The Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request; provided, the applicant is making a good faith effort to complete the authorized work.

(1960 Code, § 60-10-5)

§ 162.495 RELATIONSHIP TO BUILDING PERMITS.

Upon the effective date of this chapter, the Building Commissioner shall not issue any building permit for the erection, enlargement, extension, alteration or reconstruction of any structure unless the applicant for such permit presents to the Commissioner a copy of the initial certificate of zoning compliance pertaining to such work.

(1960 Code, § 60-10-6)

§ 162.496 FINAL CERTIFICATES OF ZONING COMPLIANCE.

No lot or part thereof recorded or developed after the effective date of this chapter, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated or reconstructed after the effective date of this chapter shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until he or she has determined, by inspection that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this chapter.

(1960 Code, § 60-10-7)

§ 162.497 CORRECTIVE ACTION ORDERS.

Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure or use, or work thereon, is in violation of this chapter, he or she shall so notify the responsible party, and shall order appropriate corrective action.

(1960 Code, § 60-10-8)

§ 162.498 CONTENTS OF ORDER.

The order to take corrective action shall be in writing and shall include:

- (A) A description of the premises sufficient for identification;
- (B) A statement indicating the nature of the violation;
- (C) A statement of the remedial action necessary to effect compliance;
- (D) The date by which the violation must be corrected;
- (E) A statement that the alleged violator is entitled to a conference with the Administrator if he or she so desires;
- (F) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(1960 Code, § 60-10-9)

§ 162.499 SERVICE OF ORDER.

A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure or use if it is:

- (A) Served upon him or her personally;
- (B) Sent by registered mail to his or her last known address; or
- (C) Posted in a conspicuous place on or about the affected premises.

(1960 Code, § 60-10-10)

§ 162.500 STOP ORDERS.

Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. (See § 162.498 of this chapter.) In such case, the corrective action order is equivalent to a stop order.

(1960 Code, § 60-10-11)

§ 162.501 EMERGENCY MEASURES.

Notwithstanding any other provisions of this chapter, whenever the Administrator determines that any violation of this chapter poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

(1960 Code, § 60-10-12)

§ 162.502 COMPLAINTS.

Whenever any violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, immediately investigate and, if necessary, institute appropriate corrective action.

(1960 Code, § 60-10-13)

§ 162.503 SCHEDULE OF FEES.

The following fees shall be charged by the city and paid in full to the Administrator before permits are issued and hearings scheduled.

(A) *Public hearing fees.*

(1) A fee of \$500 shall be paid for each application (i.e., special use, use variances, amendments) that require a public hearing before the Zoning Board of Appeals. A fee of \$250.00 shall be paid for each application that requires a public hearing for an area/bulk variance.

(2) In addition to the above flat fee, the applicant shall pay an additional \$10 for each abutting property owner that is required to receive public notice of the zoning case. This fee shall be computed by the Zoning Administrator and paid prior to the case being advertised.

(B) *Letters of compliance.* A fee of \$25 shall be charged for requests of "letters of compliance/certification" for zoning certificates, certificates of non-conforming use, floodplain and the like.

(C) *Manufactured homes.* A fee of \$150 shall be charged for permits to locate a manufactured home (mobile home) on an individual lot.

(D) *Home occupations.* A fee of \$50 shall be charged for a home occupation permit as required per §162.394 of this chapter.

(E) *Zoning verification packets.* A fee of \$150 plus \$25 per hour research fee.

(1960 Code, § 60-10-15) (Ord. 7537, passed 10-3-2011; Ord. 9115-2022, passed 12-19-2022)

§ 162.504 SITE PLAN REQUIREMENTS.

(A) *Statement of purpose.* It is the purpose of this section to regulate the safe, orderly and attractive development of single- and two-family homes, townhouses, rowhouses and condominiums, multi-family, commercial and industrial land uses within the city, to conserve and enhance property values, to preserve adequate space for vehicular and transportation facilities usually associated with such uses and to provide for effective traffic movement without congestion and hazards and to provide for effective storm water management and control. It is the purpose of this section to assure that public utilities and services are provided in a safe and healthful manner, consistent with applicable regulations and standards. It is the further purpose of the section to recognize, in the planning for and of specific land uses, the densities and uses of adjacent land and the health, safety, morals, appearance and general welfare of the community. In order to achieve the aforementioned objectives, and to encourage imaginative use of land areas, certain modifications of the strict adherence of these requirements are provided for where deemed by the City Council, after seeking the recommendation of the city's Plan Commission and Zoning Board of Appeals, to be in the public interest.

(B) Any person, corporation, firm or other organization or association filing a zoning petition seeking any authorization under this chapter, or any person, corporation, firm or other organization or association making application for a building permit, shall submit to the Director of Economic Development and Planning and the City Engineer for review and approval a site plan prepared by a registered architect, registered professional engineer or a licensed land surveyor licensed in the state to practice as such. The Director of Economic Development and Planning and the City Engineer may accept a preliminary plat as a substitute for the site plan required hereunder. The Planning Commission shall review and make recommendations to the City Council plans where one or more buildings are to be erected on a single lot except as follows:

(1) Single-family detached or two-family residential dwellings, including associated garages.

(2) Non-residential accessory buildings.

(3) Additions to existing non-residential buildings where the addition is less than 10% of the existing building's gross floor area, the addition does not exceed 5,000 square feet, no new curb cuts are required and where new construction does not reduce existing parking.

(4) Improvements which require changes to site topography which do not constitute a substantive change as determined by the Director.

(5) Except as exempted above, the Planning Commission shall review the site plan and recommend it be considered by City Council.

(C) *Site plan specifications.* The following required information shall be placed on the site plan or on a separate sheet accompanying the plan:

(1) Site plan application;

(2) Present record owner of the tract;

(3) Location map showing the location of the property reference to government survey section lines and major streets, north arrow and engineer's scale;

(4) Location of all existing and proposed buildings, structures, utilities, drives, approaches, parking and other prominent physical features on the site;

(5) Boundary of the entire tract by courses and distances and adjacent streets, alleys, drainage facilities and public

utilities;

- (6) Area of tract;
- (7) Zoning of the tract, subdivision name, lot number, and zoning of adjacent parcels where different than site;
- (8) All zoning setback requirements and sight lines;
- (9) Name, address, telephone number of person or firm submitting the plan;
- (10) Seal of architect, engineer or land surveyor preparing the site plan;
- (11) Proposed use of the building and its construction type and distance from adjacent property lines;
- (12) Size in square feet, and use for each building, including the height(s) of each building;
- (13) Off-street parking calculation table including number, those designated for the handicapped;
- (14) Width and layout, including elevations, of all streets, alleys and public rights-of-way adjoining the tract;
- (15) Existing and proposed storm water runoff patterns and flows including calculations of flow and adequacy of receiving storm water gathering facilities to accommodate calculated increase of rate of runoff without adverse effect;
- (16) Location of existing public utility easements and facilities, proposed public utility easements and facilities and their dimensions as may be required;
- (17) Layout, arrangement and specifications for paving and base, off-street parking spaces, aisles and drives, pedestrian walks and walkways, drainage, lighting, signs and traffic control, safety islands, parking bumpers, curbs and gutters, fencing and screening and landscaping. Dimensional requirements for stall widths and depths, aisle widths, drive widths, radii, sidewalks and walkways, sight lines, setback and the like shall conform with regulations of the chapter;
- (18) Layout, location and dimensional arrangement of poles, fire hydrants, Siamese connections, water valves, catch basins, underground piping and conduits, lighting fixture standards, retaining walls, pump islands, signs, doorways, window wells, waste receptacles or areas, guy wires, storage sheds or areas, fencing and any other structure, facility or feature that might interfere with the safe and orderly movement of motor vehicles and/or pedestrians;
- (19) The locations, size, layout and type of entrances and driveways;
- (20) Location and width of all sidewalks, crosswalks and safety islands and conformance with the ANSI Standard A 117.1 for making facilities accessible to, and usable by the physically handicapped (AAA minimum standards);
- (21) Fencing, screening, and/or walls to be erected; specifications, locations, dimensions, height;
- (22) Topography, existing and proposed, indicating area of excavation, backfill and grading, slopes to be maintained and earth work specifications;
- (23) Disposition of storm water runoff from buildings, paved areas, and ground surfaces and indicating surface grades and elevations, catch basins, underground storm drains and their grades and elevations outfalls, headwalls, and specifications and drainage calculations;
- (24) All public utilities and their easements indicating sizes, lines, grades and types/ specifications all conforming to the appropriate city codes;
- (25) Existing and proposed landscape planting, clearly identified, showing locations, type and size;
- (26) All site plans for staff review shall be drawn to an appropriate scale on a sheet or sheets whose dimensions do not exceed 24 inches by 32 inches; a sufficient number 11x17 and electronic copies for Planning Commission and City Council shall also be provided;
- (27) Architectural elevations to appropriate scale;
- (28) Site plans for residential lots in zoning classifications can be exempted from the requirement for preparation under a professional seal, but they shall be suitable for the purpose intended and as determined by the Director of Economic Development and Planning; and
- (29) Approval of City Council-approved site plans shall be null and void unless recorded within 30 days of approval, unless a written request for extension of time is submitted and approved.

(D) *Site plan to conform with city codes.* All features and elements of the site plan required by this section shall in all respects conform to all applicable provisions of the codes and ordinances of the city.

(E) *Refuse disposal enclosures.* All refuse, grease containers and compacting equipment shall be stored within a designated refuse enclosure. The container lids shall be kept closed at all times. The enclosure shall be used strictly for the confinement of refuse, grease containers and compacting equipment and shall not be used for the outside storage of any other materials or equipment. The gate shall be maintained in the closed position, except when the enclosure contents are removed and replaced. Maintenance of the enclosure shall be the responsibility of the owner of the property. All new disposal enclosures shall require a permit. Disposal enclosures shall be required for all multi-family residential buildings containing four or more dwelling units, all buildings in the commercial districts and all buildings in the industrial districts. Said

enclosures shall be required for only new construction and for properties on which the building size has been increased by 50%. In the event that three citations are issued for a nuisance for any dumpster, within any one-year period, the owner of the property on which the dumpster is located shall comply with the requirement set forth in this division (E) within one year of the date of the citation was issued.

(1) *Enclosure specifications.*

(a) A site plan prepared in accordance with the provisions outlined herein, as well as enclosure plans and specifications and a building permit application shall be required to be approved before the construction of a new disposal enclosure.

(b) All enclosures shall screen from view on three sides all refuse disposal areas. Construction of the enclosure shall be of low-maintenance sight-proof materials such as a solid commercial grade wood, composite wood, stone, brick, vinyl or other approved material as determined by the Building Commissioner or his or her designee. The materials of which the enclosure is constructed shall conform to the primary building materials of the principal building on the lot. The materials of which the enclosure is constructed shall conform to the primary building materials of the principal building on the lot.

(c) On the fourth side a gate shall be constructed so that all containers may easily be removed and replaced when emptied. The gate shall be secured with a post that inserts into a pipe embedded into the pavement to ensure the gate's stability and proper placement when closing. The gate shall be constructed of low maintenance sight proof materials such as vinyl, composite wood, chain link vinyl/composite wood slats added to effectively screen the dumpster.

(d) The enclosure walls shall not exceed seven feet, nor be less than six feet in height. The minimum size and/or minimum number of refuse enclosures shall be sufficient to hold all refuse and recycling containers of two cubic yards in volume or more, and grease containers of any size.

(e) There shall be three four-inch concrete bollards, minimum 36 inches in height placed inside the back wall of the enclosure to ensure that the enclosure is not damaged by the placement of the dumpster too near the wall.

(f) There shall be four latch-pin receivers located so that the gate is able to be held in the open and closed position.

(g) The enclosure shall be constructed on a concrete pad four inches thick and large enough to extend six feet beyond the enclosure to allow the wheels of the collection vehicle to rest upon a stable surface for service which shall be a minimum of six inches thick concrete and to prevent damage to the lot.

(h) The minimum access required shall be the amount of road area needed for a standard size disposal truck to gain access to and from the disposal area.

(i) Any existing enclosure that becomes damaged to an extent determined by the Building Commissioner or his or her designee must be replaced in conformance with the provisions of this section.

(2) *Food waste.* Dumpsters, trash receptacles and other containers utilized for food waste shall be emptied twice weekly cleaned (sanitized and deodorized) regularly. Odor complaints shall be handled as a nuisance under § 93.002 of this Code.

(3) *Commercial establishments.* Roll-off trash or compactor type trash receptacles may be utilized for commercial establishments within strip or shopping center developments and shall be placed within service areas of the property that are restricted to delivery and service vehicle traffic. Such containers shall not be required to be enclosed. However, they shall be visually screened at grade from adjoining properties utilizing materials, such as a densely planted hedge, berm complete with landscape plantings or screening wall.

(4) *Construction.* Roll-off trash receptacles or dumpsters utilized during active construction or demolition of structures and which are limited to the duration of the project shall be exempt from enclosure/screening requirements.

(5) *Size.* Enclosures shall be of adequate size to allow for removal and replacement of refuse containers by a trash hauler.

(6) *Location.* The enclosures shall not be located in any front yard or public right-of-way or obscure visibility of vehicles entering or exiting the subject property or immediately adjacent property. Dumpsters located on a corner lot shall be placed behind the building line of subject property and the immediate adjacent property.

(7) *Maintenance.* Enclosures shall be maintained and structurally sound, free of deterioration and shall be kept in a sanitary condition so as not to pose a threat to the health and safety of the public. Any enclosure surface or screening component that is damaged, deteriorated, decaying, disintegrating or which has otherwise lost its capability to effectively enclose/screen shall be replaced or repaired.

(1960 Code, § 60-10-16) (Ord. 6138, passed 5-1-2000; Ord. 7174, passed 8-18-2008; Ord. 7200, passed 11-3-2008; Ord. 7527, passed 10-3-2011; Ord. 8039-2017, passed 4-3-2017; Ord. 9124-223, passed 2-6-2023) Penalty, see § 162.999

SPECIAL USE PERMITS

§ 162.515 SPECIAL USE PERMITS.

This chapter divides the city into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics,

may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such special uses require careful case-by-case review, and may be allowed only by permission of the Council. Any special use permit approved expires in one year unless substantial development (in excess of 80%) has been completed.

(1960 Code, § 60-11-1) (Ord. 6338, passed 10-1-2001)

§ 162.516 APPLICATION.

(A) *General.* Every applicant for a special use permit shall submit to the Administrator, in narrative and/or graphic form, the items of information enumerated below. The Administrator shall prepare an advisory report on every request for a special use permit. He or she shall promptly transmit the completed application and his or her advisory report to the Zoning Board of Appeals.

(B) *Items of information.*

- (1) Name and address of the applicant;
- (2) Name and address of the owner or operator of the proposed structure or use, if different from divisions (B)(1) above;
- (3) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees and similar matters;
- (4) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (5) Area and dimensions of the site for the proposed structure or uses;
- (6) Existing topography of the site (U.S.G.S. ten-foot contour data is acceptable), and proposed finished grade;
- (7) Existing and proposed screening, landscaping and erosion-control features on the site, including the parking area;
- (8) Height and setbacks of the proposed structure;
- (9) Number and size of proposed dwelling units, if any;
- (10) Location and number of proposed parking/loading spaces and access ways;
- (11) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) Any other pertinent information that the Administrator may require.

(1960 Code, § 60-11-2)

§ 162.517 PUBLIC HEARING, NOTICE.

The Zoning Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to it. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney. Notice indicating the time, date and place of the hearing and the nature of the proposed special use shall be given not more than 30, nor less than 15, days before the hearing:

- (A) By registered mail to the applicant and to all parties whose property abuts the proposed special use;
- (B) By publication in a newspaper published within the city; and
- (C) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.

(1960 Code, § 60-11-3) (Ord. 7537, passed 10-3-2011)

§ 162.518 ADVISORY REPORT, FACTORS CONSIDERED.

(A) Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council.

(B) In deciding what its advice should be, the Zoning Board of Appeals shall consider the following factors:

- (1) Whether the proposed design, location and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment;
- (2) Whether the proposed special use is consistent with the city's Comprehensive Plan;
- (3) The effect the proposed special use would have on the value of neighboring property and on the city's overall tax base;
- (4) The effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and
- (5) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

(1960 Code, § 60-11-4)

§ 162.519 ACTION BY COUNCIL.

The Council shall act on every request for a special use permit at its next regularly scheduled meeting following submission of the Zoning Board of Appeals advisory report. Without further public hearing, the Council may approve or disapprove a special use permit by an ordinance passed by simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the Council shall state its findings of fact, and indicate its reasons for approving (with or without conditions) or denying the request for a special use permit.

(1960 Code, § 60-11-5)

§ 162.520 APPLICATIONS.

(A) *Withdrawal of application.* A petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit petitioner from being able to refile such application, but any such refile shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the city code in the same manner as any other new application.

(B) *Repeated application.* Where an application for a special use permit has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the city, shall be filed as to the same property within a period of six months following final action by the City Council subject to all applicable fees.

(1960 Code, § 60-11-6) (Ord. 7215, passed 1-5-2009)

BOARD OF APPEALS

§ 162.535 BOARD OF APPEALS ESTABLISHED.

The Zoning Board of Appeals of the city is established in accordance with state law.

(1960 Code, § 60-12-1)

Statutory reference:

Related provisions, see 65 ILCS 5/11-13-3

§ 162.536 MEMBERSHIP, APPOINTMENT, COMPENSATION.

The Board of Zoning Appeals shall consist of seven members, all of whom shall reside within the city. Each Board member shall be appointed by the Mayor, with the advice and consent of the City Council. One of the members so appointed shall be named as Chairperson at the time of his or her appointment. Each Board member shall serve without compensation.

(1960 Code, § 60-12-2)

§ 162.537 TERM OF OFFICE, VACANCIES.

(A) Every member of the Board of Zoning Appeals shall hold office for five years from the date of his or her appointment and until his or her successor has been selected and qualified.

(B) (1) With the advice and consent of the City Council, the Mayor may remove any member of the Board of Zoning Appeals for cause, after a public hearing.

(2) Vacancies on the Board of Zoning Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

(1960 Code, § 60-12-3)

§ 162.538 MEETINGS, QUORUM.

All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this chapter and the applicable state statutes. The Board may select such officers as it deem necessary. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. Four members of the Board shall constitute a quorum, and the affirmative vote of at least four members shall be necessary to authorize any Board action.

(1960 Code, § 60-12-4)

§ 162.539 RECORDS.

The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote of abstention of each member on each question and any official action taken. A copy of every rule, variance, order or decision of the Board shall be filed immediately in the Board's office and shall be a public record.

(1960 Code, § 60-12-5)

APPEALS

§ 162.550 APPEALS.

Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this chapter may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with state law (65 ILCS 5/11-13-12) and the provisions of this section.

(1960 Code, § 60-12-7)

§ 162.551 FILING, RECORD TRANSMITTAL.

(A) Every appeal shall be made within 15 days of the matter complained of by filing with the Administrator and the Board of Appeals, a written notice specifying the grounds for appeal.

(B) Not more than five working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case.

(1960 Code, § 60-12-8)

§ 162.552 STAY OF FURTHER PROCEEDINGS.

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board, after the notice of appeal has been filed with him or her, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

(1960 Code, § 60-12-9)

§ 162.553 PUBLIC HEARING, NOTICE.

(A) The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney.

(B) Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than 30, nor less than 15, days before the hearing:

(1) By registered mail to all parties whose property abuts the property affected by the appeal;

(2) By publication in a newspaper published within the city; and

(3) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.

(1960 Code, § 60-12-10) (Ord. 7537, passed 10-3-2011)

§ 162.554 ADVISORY REPORT, FINDINGS OF FACT.

Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding the appeal.

(1960 Code, § 60-12-11)

§ 162.555 ACTION BY COUNCIL.

The Council shall act on every appeal at its next regularly scheduled meeting following submission of the Board of Appeals advisory report. Without further public hearing, the Council may approve or deny the appeal by simple majority vote of all the members then holding office.

(1960 Code, § 60-12-12)

VARIANCES

§ 162.570 VARIANCES.

(A) *Definition.* For the purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VARIANCE. A relaxation of the requirements of this chapter that are applicable to a particular lot, structure, or use. A so-called use variance (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment, and may be granted only as provided for in § 162.574 of this chapter. No use or area/bulk variance shall be granted if it is in conflict with the standards of division (B) below. Any area/bulk or use variance approved expires in one year unless substantial development (in excess of 80%) has been completed.

(B) The City Council shall not grant a variance unless it shall, in each case, make specific written findings based upon the particular evidence presented to it that supports the following conclusions:

(1) The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant;

(2) The strict application of the provisions of this chapter, from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

(3) The variance requested will not adversely affect the adjacent properties or public health, safety, order, convenience or general welfare of the community;

(4) The variance granted does not allow for the establishment of a defined use identified within other underlying zoning districts;

(5) Granting the variance desired will not violate the general spirit and intent of this chapter.

(1960 Code, § 60-12-14) (Ord. 6338, passed 10-1-2001; Ord. 9056-2022, passed 5-16-2022)

§ 162.571 APPLICATION.

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application, together with any advice he or she might wish to offer, to the Board of Appeals.

(B) The application shall contain sufficient information to allow the Board to make an informed decision and shall include, at a minimum, the following:

(1) Name and address of the applicant;

(2) Brief description of the variance requested;

(3) Location of the structure use for which the variance is sought;

(4) Relationship of said structure/use to existing structures/uses on adjacent lots;

(5) Specific section(s) of this chapter containing the regulations which, if strictly applied, would cause a serious problem; and

(6) Any other pertinent information that the Administrator may require.

(1960 Code, § 60-12-15)

§ 162.572 PUBLIC HEARING, NOTICE.

(A) The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to it. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney.

(B) Notice indicating the time, date and place of the hearing and the nature of the proposed variance shall be given not more than 30, nor less than 15, days before the hearing:

(1) By registered mail to the applicant and to all parties whose property abuts the property on which the proposed variance is located;

(2) By publication in a newspaper published within the city; and

(3) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.

(1960 Code, § 60-12-16) (Ord. 7537, passed 10-3-2011)

§ 162.573 ADVISORY REPORT, FINDINGS OF FACT.

(A) Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding the proposed variance.

(B) The Board of Appeals shall not recommend any variance unless, based upon the evidence presented to it, it determine that:

(1) The proposed variance is consistent with the general purposes of this chapter (see §162.001 of this chapter);

(2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property;

(3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property;

(4) The plight of the applicant is due to peculiar circumstances not of his or her own making;

(5) The peculiar circumstances engendering the variance request are not applicable to other property within the district and, therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(6) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of the city's Comprehensive Plan.

(1960 Code, § 60-12-17)

§ 162.574 ACTION BY COUNCIL.

The Council shall act on every proposed variance at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report. Without further public hearing, the Council may approve or disapprove any proposed variance by simple majority vote of all the members then holding office.

(1960 Code, § 60-12-18)

§ 162.575 APPLICATIONS.

(A) *Withdrawal of application.* A petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the city code in the same manner as any other new application.

(B) *Repeated application.* Where an application for a variance has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the city, shall be filed as to the same property within a period of six months following final action by the City Council subject to all applicable fees.

(1960 Code, § 60-12-19) (Ord. 7215, passed 1-5-2009)

AMENDMENTS

§ 162.590 AMENDMENT PROCEDURE.

(A) The Council may amend this chapter in accordance with state law (65 ILCS 5/11-13-14) and the provisions of this section.

(B) Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments.

(C) Amendments may be proposed by the Council, the Administrator, the Board of Appeals, the Planning Commission or any party in interest.

(1960 Code, § 60-12-20)

§ 162.591 FILING.

Every proposal to amend this chapter shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said proposal, together with any comments or recommendation he or she may wish to make, to the Board of Appeals for a public hearing.

(1960 Code, § 60-12-21)

§ 162.592 PUBLIC HEARING, NOTICE.

(A) The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to it. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney.

(B) Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment shall be given not more than 30, nor less than 15, days before the hearing:

(1) By publication in a newspaper published within the city;

(2) When the amendment involves a rezoning, not a text amendment, by registered mail to all parties whose property abuts the property for which rezoning is requested; and

(3) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.

(1960 Code, § 60-12-22) (Ord. 7537, passed 10-3-2011)

§ 162.593 ADVISORY REPORT, FINDINGS OF FACT.

(A) Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding adoption of the proposed amendment and

its reasons therefor.

(B) If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in its advisory report findings of fact concerning each of the following matters:

- (1) Existing use(s) and zoning of the property in question;
- (2) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- (3) Suitability of the property in question for uses already permitted under existing regulations;
- (4) Suitability of the property in question for the proposed use;
- (5) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and
- (6) The effect the proposed rezoning would have on implementation of the city's Comprehensive Plan.

(1960 Code, § 60-12-23)

§ 162.594 ACTION BY COUNCIL.

(A) (1) The Council shall act on every proposed amendment at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report.

(2) Without further public hearing, the Council may pass any proposed amendment or may refer it back to the Board of Appeals for further consideration, by simple majority vote of all the members then holding office.

(B) Exception: the favorable vote of at least two-thirds of all the members of the Council is required to pass an amendment to this chapter when the proposed amendment is opposed, in writing, by the owners of 20% of the frontage proposed to be altered, or by owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.

(1960 Code, § 60-12-24)

Statutory reference:

Related provisions, see 65 ILCS 5/11-13-14

§ 162.595 APPLICATIONS.

(A) *Withdrawal of application.* A Petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the city code in the same manner as any other new application.

(B) *Repeated application.* Where an application for an amendment has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the city, shall be filed as to the same property within a period of six months following final action by the City Council subject to all applicable fees.

(1960 Code, § 60-12-25) (Ord. 7215, passed 1-5-2009)

§ 162.999 PENALTY.

(A) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$250, nor more than \$1,000, plus costs, for each offense. For the second offense of conviction of any provision of this chapter, the person shall be fined \$500, for a third offense the fine shall be \$750 and for a fourth offense the fine shall be \$1,000. Each day said violation continues shall be deemed a separate and distinct offense. As a part of the judgment, the defendant must comply with all applicable codes and ordinances relating to the property which is the subject of the violation.

(B) Nothing contained in this section shall prevent the city from taking any other lawful action that may be necessary to secure compliance with this chapter.

(1960 Code, § 60-10-14) (Ord. 7102, passed 4-8-2008)