

# **COLONA ZONING ORDINANCE**

**Adopted**

**April 22, 2002**

**Amended**

**July 15, 2003**

**Amended**

**July 28, 2014**

*Prepared by:*



1504 Third Avenue, P.O. Box 3368  
Rock Island, IL 61204-3368

Phone: (309) 793-6300 • Fax: (309) 793-6305  
Website: <http://www.bistateonline.org>

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CHAPTER I

**TITLE, PURPOSE AND INTERPRETATION.**

**12-1-1 TITLE AND PURPOSE**

**TITLE:** This Title shall be known as the ZONING ORDINANCE OF THE CITY OF COLONA, ILLINOIS.

**PURPOSE:** The zoning regulations and districts as herein have been made with these objectives: the assuring that adequate light, air and safety from fire and other dangers may be conserved; that traffic congestion be lessened or avoided; and that public health, safety, comfort, morals, and welfare might otherwise be promoted.

The Zoning Ordinance of the City of Colona, Illinois, heretofore adopted April 22, 2002, be and is hereby amended by striking all of said Ordinance except the Title and Purpose thereof and inserting in lieu thereof the following:

**12-1-2 INTERPRETATION**

The provisions of this Ordinance shall be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where this Ordinance imposes greater restrictions upon the use of buildings or other structures, or law or ordinance, the provisions of this Ordinance shall prevail.

## CHAPTER 2

### DEFINITIONS

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meanings customarily assigned to them.

#### **Accessory Building or Use**

- A. **Accessory Structure:** A subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
- B. **Accessory Use:** A structure or use that: (a) is clearly incidental to and customarily found in connection with a principal building or use; (b) is subordinate to and serves a principal building or a principal use; (c) is subordinate in area, extent, or purpose to the principal building or principal use serviced; (d) contributed to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and (e) is located on the same lot as the principal building or use served.

**Adult Bookstore.** An establishment for the sale, rental, or exchange of books, magazines, or video cassettes, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" as defined below including instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. Adult bookstores do not include businesses which sell, rent, or exchange books, magazines, or video cassettes as a sideline or adjunct to sales or rental of books, magazines, or video cassettes not relating to "Specific Sexual Activities" or "Specific Anatomical Area".

A. **Specific Sexual Activities** are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

B. **Specific Anatomical Areas** are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Adult Mini-motion Picture Theaters.** An enclosed building with a capacity for less than fifty (50) persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Anatomical Areas" or "Specific Sexual Activities" for observation by patrons therein.

**Adult Motion Picture Theaters.** An enclosed building with capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein.

**Adult Modeling and Entertainment Facility.** An establishment having its primary activity the presentation of live models displaying lingerie, or otherwise presenting live, artistic modeling, with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on "Specific Anatomical Areas" for observation by patrons therein.

**Alley.** A public right of way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

**Amusement Center.** Any premises which contains four (4) or more coin or token operated devices played for a fee, such as pinball machines, foosball tables, pool tables and other similar entertainment or amusement devices.

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

**Apartment/Dormitory.** A multi-unit dwelling for which each dwelling unit contains fewer than ten (10) occupants whether related or unrelated. Each unit shall have two (2) exits and a common area of not less than three hundred (300) square feet which may include cooking and dining facilities and shall be subject to relevant codes or regulations for behavior by students and others in effect at such educational facility which are enforced by resident personnel of such educational facility.

**Assisted Living.** Rental housing which provides a living arrangement of self-contained units that integrates shelter, food services and other services for independent adults who do not require twenty four (24) hour, professional oversight. Services may include meals, laundry, transportation, housekeeping and organized activities which create opportunities for socialization.

**Automobile Repair - Major.** General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Collision service, including body work, frame or fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth.

**Automobile Repair - Minor.** Minor repairs, incidental body and fender work, touch-up painting and upholstering, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1-1/2) tons capacity.

**Automobile Service Station.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- A. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
- B. Tire servicing and repair, but no recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- D. Radiator cleaning and flushing;
- E. Washing and polishing where no mechanical conveyor, blower, or steam cleaning device is employed provided that no more than one single car bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half (1/2) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard.
- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps and lines;
- H. Minor servicing and repair of engines;
- I. Emergency wiring repairs;
- J. Adjusting and repairing brakes;
- K. Minor motor adjustments not involving removal of the head or crank case or racing the motor;
- L. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- M. Provision of road maps and other informational material to customers and provision of restroom facilities. It shall be unlawful to provide major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles, trucks or trailers not in operating condition, or other work involving noise, glare, fumes, smoke or other such characteristics. An automobile service station is not a repair garage, a body shop, a car wash, an automobile wrecking yard or junk yard, nor a storage place for rental trailers.

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

**Balcony.** Is an outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.

**Bed and Breakfast.** Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

**Boarding House.** An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided (also referred to as Boarding House, Rooming House, Lodging House, Lodging Room, does not include Bed and Breakfast).

**Book/stationery Store.** An establishment dealing in books, printed materials and stationery supplies, which is not an adult bookstore.

**Building.** Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building (see structure).

**Building, Completely Enclosed.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**Building, Height of.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum of any segment of the building.

**Building, Structure.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but not limited to: buildings, walls, swimming pools, signs and fences.

**Building Set-back Line.** See "Setback".

**Bulk Storage.** Means the storage of flammable or combustible liquid in an above ground tank that is not for dispensing purposes. If an above ground tank is used for any bulk storage purposes, it is classified as a "bulk storage tank" for the remainder of the calendar year in which it was so used.

**Care Home, Large Residential.** A Residential Care Home for more than eight (8) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit who are disabled, as defined by "Disability" in this Ordinance, for the primary purpose of providing shelter.

**Care Home, Small Residential.** A Residential Care Home containing a single one family dwelling unit for eight (8) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere.

**Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clinic or Medical Health Center.** A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.

**Club or Lodge, Private.** Non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

**Comprehensive Plan.** The plan or any portion thereof adopted by the City to guide and coordinate the physical and economic development of the City. 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, etc.

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.

**Day Care Home.** A family dwelling unit occupied by attending family which receives more than three (3) and up to a maximum of eight (8) children for less than twenty-four (24) hours a day. The maximum of eight (8) children includes the family's natural or adopted children and all other persons under the age of twelve (12). A Day Care Home may also be a family home which receives adults who are sixty (60) years of age or older.

**Day Care Center.** A child care facility which regularly provides day care for less than twenty-four (24) hours per day for (a) more than eight (8) children in a family dwelling unit, or (b) more than three (3) children in a facility other than a family dwelling unit.

**Deck.** Is an outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade, limited to a maximum height of the adjacent first floor level in the dwelling. It is not allowed any higher level than above grade, to avoid the deck floor from creating a de-facto roofed porch underneath; but a deck can be located on the existing roof of dwellings and garages.

**Disability.** As defined by the Americans with Disability Act (ADA), a person who has:

- A. A physical or mental impairment that substantially limits one or more major life activities;
- B. A record of such an impairment; or
- C. Is regarded as having such an impairment.

**District, Zoning.** A portion of the territory of the City wherein uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the zoning ordinance.

**Dormitory.** A building used as group living quarters for a student body operated by a college or university or other such institution of higher education, subject to relevant codes and regulations for behavior of students and others in effect at such educational facility which are enforced by resident personnel at such institution.

**Dwelling Group.** Two or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.



**Dwelling, One-family.** A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space totaling at least 900 square feet and the structures length does not exceed four times its width and is affixed to a permanent masonry or concrete footing and/or foundation.

**Dwelling, Two-family.** A building designed or altered to provide dwelling units for occupancy by two families.

**Dwelling, Multiple-family.** A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.

**Dwelling, Row (Townhouse).** A row of two to twelve attached, one-family, party-wall dwellings.

**Dwelling Unit.** One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

**Easement.** A right to use a portion of another person's real property for certain limited purposes.

**Educational Institution.** Public, private, or parochial school, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.

**Family.** One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.

**Farm.** An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings.

**Fast Food Restaurant.** An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offers curbside service.

**Fence.** A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials or plantings/shrubbery planted or erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.

**Flood Plain or Special Flood Hazard Area (SFHA).** Those lands within the jurisdiction of the City that are subject to inundation by the flood having a one percent (1%) probability of being equaled or exceeded in any given year (also known as the 100-year flood).

**Floodway.** The portion of the Special Flood Hazard Area (SFHA) required to store and convey the base flood. The floodway and the SFHAs for the Rock and Green Rivers shall be as delineated on the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency.

**Foster Family Home.** A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.

**Foster Group Homes.** A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Illinois. Adult supervision shall be provided on a twenty-four (24) hour basis.

**Frontage Lots.** See Lots, Multiple Frontage

**Garage, Bus or Truck.** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1-1/2) ton capacity.

**Garage, Private.** A detached accessory building or portion of a principal building used for storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than (1) truck of a rated capacity exceeding one and one-half (1-1/2) tons.

**Halfway House/Group Home.** A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:

- A. To help them re-enter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
- B. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;
- C. To provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or
- D. To provide adult congregate living arrangements without nursing care.

**Hazardous Waste.** Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.

**Health/Recreational and Physical Training Club.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, jacuzzi and/or sauna, and pro shop.

**Height.** See Building, height of.

**Home Occupation.** An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, and which is clearly incidental to the use of the dwelling unit for residential purposes. There are major and minor home occupations which are clearly addressed under the General Provisions of this Ordinance.

**Hospital or Sanitarium.** An institution which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminal patients, and may include inpatient overnight care.

**Hotel.** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities and is not a bed and breakfast (also see "Motel").

**Hotel, Transient.** See Boarding House.

**Household Hazardous Waste.** A hazardous waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Common household hazardous waste items, and others not included on this list, might contain materials that are ignitable, corrosive, reactive, or toxic such as: drain openers, oven cleaners, wood and metal cleaners and polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides, and fungicides/wood preservatives.

**Independent Trailer Coach or Independent Mobile Home.** A transportable non-permanent single-family dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air condition, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include recreational vehicle types.

**Junk Yard.** Open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.

**Kennel.** Any structure or premises where dogs and cats over four (4) months of age are kept, raised, bred or boarded for commercial purposes excluding animal hospitals, clinics and pet shops.

**Land Use Plan.** The comprehensive long range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the City Council, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.

**Legal Objector.** The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a Special Use is proposed or which is the subject of an amendment of this Ordinance. For the purposes of this Ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right-of-way between such lots were excluded.

**Loading and Unloading Space, Off-street.** An open hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

**Lodging or Rooming House.** See Boarding House.

**Lodging Room.** See Boarding House.

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

**Lot Area/Coverage.** The area of the lot covered by buildings above grade, excluding permitted projections.

**Lot of Record.** An area of land designated as a lot on a plat recorded with the Recorder of Deeds of Henry County, Illinois in accordance with State law.

**Lot, Corner.** A lot having at least two (2) adjacent sides that abut for their full length upon streets.

**Lot, Front or Frontage.** The length of any one property line of a premises, which property line abuts a legally accessible street right of way, except alleys.

**Lot, Multiple Frontage.** A lot that fronts on two or more street right of ways, such as corner lots, through lots, etc.

**Lot, Interior.** A lot other than a corner or reversed corner lot.

**Lot Line, Rear.** The lot line or lot lines most nearly parallel and most remote from the front lot line.

**Lot Line, Side.** A lot line which is not a front or rear lot line.

**Lot, Reversed Corner.** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**Lot, Through.** A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**Lot, Width.** The horizontal distance between the side lot lines measured at right angles to the side lot lines at the front building line.

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

**Mobile Home/Manufactured Housing.** A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home.

**Modular Home.** Factory-built housing certified to meet the current building codes and amendments as adopted by Henry County, Illinois and the requirements of the Illinois Department of Public Health, applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site built homes.

**Motel.** A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "motel" includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.

**Motor Freight Terminal.** A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

**Nightclub.** A tavern or other commercial establishment where alcoholic beverages and/or food are served for consumption on premises and a dance floor and/or entertainment are provided. See also "Tavern".

**Non-conforming Use.** A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

**Nursery School.** An institution providing instructional/educational services for six preschool aged children.

**Ordinance.** Reference to "Ordinance" herein shall be construed as the Zoning Ordinance.

**Owner.** The word "owner" applies to the entity in which title is vested in the building or land.

**Parking Area, Accessory.** An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

**Parking Space, Automobile.** Space within a public or private parking area of not less than 180 square feet exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

**Person.** An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.

**Plan Commission.** The Plan Commission of the City of Colona.

**Planned Unit Development.** A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single land-owner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

**Porch.** Is a roofed structure (either enclosed or unenclosed), attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.

**Principal Building.** A building in which the primary use of the lot on which the building is located is conducted.

**Property Owner.** Any individual, group of individuals, association, corporation, joint stock association, joint venture, or any other entity in whose name the legal title to the real estate is recorded.

**Recreational Vehicle.** A general term for a vehicular unit bearing current license and/or registration, not exceeding thirty-six (36) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height, which includes but is not limited to the following specific vehicle types:

- A. **Camper trailer:** A folding or collapsible vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and (to) be licensed and registered for highway use.
- B. **Travel trailer:** A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.
- C. **Truck camper:** A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle (shall) be licensed and registered for highway use.
- D. **Motor home:** A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.
- E. **Boat trailer:** A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.
- F. **Horse trailer:** A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.
- G. **Utility trailer:** A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.
- H. **Recreational boat:** A vessel, whether impelled by wind, oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit. If the recreational vehicle is equipped with liquefied gas containers, they shall meet the standards of the Interstate Commerce Commission or the Federal Department of Transportation standards in existence at the passage of this Ordinance.

**Refuse Equipment Operation.** The storage, repair, maintenance, sale or lease of equipment used in the collection, storage or transportation of refuse, including but not limited to vehicles, containers and any repair, parts, accessories and appurtenances thereof.

**Residential Solid Waste.** Waste that normally originates in a residential environment.

**Restaurant.** A food establishment serving full course meals prepared on the premises and which may serve alcoholic beverages.

**Right of Way.** A strip of land dedicated to the City or other unit of government for streets, alleys, and other public improvements.

**Set-back.** The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof, including steps.

**Stable, Riding.** A stable shall mean a building/buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**Story, Half.** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

**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 way for pedestrian use only.

**Structural Alteration.** Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.

**Structure.** Is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Tavern.** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal uses; and where sandwiches, snacks and other food products are available for purchase. "Tavern" does not include "restaurants", where the principal business is serving food (includes "Bar" and "Cocktail Lounge"). (See Nightclub".)

**Terrace/Patio.** Is an unroofed paved area located outside at ground grade, which is paved as concrete, stone, brick or wood paver blocks (also known as patio blocks).

**Theater.** An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor Adult Mini-Motion Picture Theater.

**Tourist Courts, Motor Lodges, Motels.** A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile, tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

**Tourist Home.** A dwelling in which accommodations are provided or offered for transient guests.

**Toxic Waste.** Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment which are being discarded by being disposed, incinerated or recycled.

**Trailer Park or Mobile Home Park.** An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park.

**Truck Parking Area or Yard.** Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.

**Unrelated Group Family.** A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in Chapter 3 of this Zoning Ordinance.

**Yard.** The space adjacent to lot lines which is required to be open and unobstructed from its lowest level upward except as otherwise permitted. The minimum depth of width of a yard shall consist of the horizontal distance between the lot line and nearest point of the foundation or exterior wall of a building.

**Yard, Front.** An open space extending the full width of the lot between a principal building and the street right-of-way except for an alley, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**Yard, Rear.** An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**Yard, Side.** An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**Zoning Maps.** The map or maps incorporated into this Ordinance as a part hereof.

## CHAPTER 3

### ADMINISTRATION AND ENFORCEMENT

#### 12-3-1 Organization

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of Colona: Zoning Officer, Plan Commission, Secretary of the Plan Commission and Board of Appeals, and City Council and Mayor.

##### A. Zoning Officer

1. Appointment of Zoning Officer. The Zoning Officer shall be appointed by the Mayor in consultation and approval of the City Council.
2. Powers and Duties of the Zoning Officer. The Zoning Officer shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:
  - a. Maintain permanent and current records of this Ordinance including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefore.
  - b. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
  - c. Forward to the Plan Commission all applications for amendments to this Ordinance.
  - d. Transmit to the Board of Appeals applications for appeals, variances, conditional uses, or other matters on which the Board of Appeals is required to pass under this Ordinance.
  - e. Initiate, direct, and review from time to time a study of the provisions of the Ordinance and make reports of recommendations to the Plan Commission.

##### B. Plan Commission

1. Creation. The Plan Commission of the City of Colona, as established under the applicable provisions of the Illinois revised statutes and the Municipal Code, is the Plan Commission referred to in this Ordinance.
2. Refer to Title 2 Chapter 1 of the Municipal Code for membership, term of office, compensation, organization and other activities of the Plan Commission.

Immediately following appointment of Plan Commission members, the members of the Plan Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with City Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection. The Commission shall also file an annual report with the Mayor and City Council setting forth its transactions and recommendations.

##### C. Secretary of the Plan Commission and Board of Appeals. The Secretary of the Plan Commission and the Secretary of the Board of Appeals may be the same person. The Mayor and City Council shall authorize the Clerk to assign the Secretary of the Plan Commission and Board of Appeals from the City Clerk Staff.

1. The Secretary of the Plan Commission shall attend all meetings of the Plan Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and



documents for and on behalf of the Plan Commission, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Plan Commission.

2. The Secretary of the Board of Appeals shall attend all meetings of the Board of Appeals, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Board of Appeals, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board of Appeals.
  3. The compensation for the Secretary of the Plan Commission and the Secretary of the Board of Appeals shall be as established from time to time by the Mayor with the approval of the City Council of the City of Colona.
- D. Mayor and City Council. The Mayor and City Council shall discharge the following duties under this Ordinance:
1. Appoint the Zoning Officer whose responsibility will be to enforce the provisions of this Ordinance;
  2. Appoint members to the Board of Appeals as provided for in this Ordinance;
  3. Appoint members to the Plan Commission as provided for in this Ordinance;
  4. Receive and decide upon all recommendations concerning amendments, supplements, changes, or repeal of the Zoning Ordinance submitted to them by the Plan Commission;
  5. Receive from the Plan Commission all recommendations on the effectiveness of this Ordinance; and
  6. To decide all matters upon which it is required to pass under this Ordinance.

### **12-3-2 Permits**

- A. Building Permits. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the City of Colona unless the application for such permit has been examined by the Zoning Officer, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit issued in conflict with the provisions of the Ordinance shall be null and void.
- B. Occupancy Permits. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until an occupancy permit has been reviewed by the Zoning Officer. No change in a use other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Building Inspector in consultation with the Zoning Officer. Every occupancy permit shall state that the use of occupancy complies with the provisions of this Ordinance.
1. Application for Occupancy Permit. Every applicant for a building permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land where no building permit is required shall be made directly to the Building Inspector.
  2. Issuance of Occupancy Permit. No occupancy permit for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any

addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than fourteen (14) days after the request for an occupancy permit.

## CHAPTER 4

### BOARD OF APPEALS

#### 12-4-1 **Creation**

The Board of Appeals, as established under the applicable provisions of the Illinois revised statutes, is the Board of Appeals referred to in this Ordinance.

#### 12-4-2 **Membership**

The Board of Appeals shall consist of seven (7) members appointed by the Mayor with the approval of the City Council. At least two (2) such members shall be named from among the members of the Plan Commission. The members of said Board of Appeals shall serve respectively for the following terms, or until their respective successors are appointed and qualified: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, one (1) for five (5) years, one (1) for six (6) years, and one (1) for seven (7) years; the successor to each member so appointed to serve for a term of five (5) years. One of the members shall be designated by the Mayor with the approval of the City Council as Chairperson and shall hold office until the next Chairperson is appointed.

#### 12-4-3 **Jurisdiction**

The Board of Appeals is hereby vested with the following jurisdiction and authority:

- A. To hear and pass upon the applications for variances from the terms provided in Ordinance in the manner prescribed and subject to the standards established herein;
- B. To hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Officer under this Ordinance;
- C. To interpret the provisions of this Ordinance and the district map in the manner provided for herein; and
- D. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by the applicable provisions of the Illinois revised statutes.

#### 12-4-4 **Meetings and Rules**

All meetings of the Board of Appeals shall be held at the call of the Chairperson and at other such times as the Board of Appeals may determine. All hearings and other meetings conducted by said Board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

The Chairperson, or in the Chairperson's absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed immediately in the office of the Zoning Officer and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Illinois revised statutes, and select or appoint such officers as it deems necessary.

The concurring vote of four (4) members of the Board is necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation in the Ordinance, or to recommend any variation or modification in the Ordinance to the corporate authorities.

**12-4-5 Finality of Decisions of the Board of Appeals**

All decisions and findings of the Board of Appeals on appeals, applications for a variance, or application for a use on review, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as may be provided by law.

## CHAPTER 5

### VARIANCES, APPEALS, ORDINANCE AMENDMENTS AND CONDITIONAL USE PERMITS

#### 12-5-1 Variances

- A. Purpose and Findings of Fact. The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- B. Application for Variance and Notice of Hearing.
1. An application for a variance shall be filed in writing with the Zoning Officer. Said application shall contain such information as the Board of Appeals may by rule require.
  2. Notice of the time and place of such public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation in the City of Colona. The published notice may be supplemented by such additional form of notice as the Board of Appeals by rule may require.
- C. Standards for Variance. The Board of Appeals shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
  2. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
  3. The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
  4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property;
  5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood;
  7. The purpose of the variance shall not be to establish a use otherwise excluded from the particular district in which it is requested; and
  8. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

- D. Authorized Variances. Variances from the regulations of this Ordinance shall be granted by the Board of Appeals only in accordance with the standards established in this Section and may be granted only in the following instances and in no others:
1. To permit any yard or setback of less dimension than required by the applicable regulations;
  2. To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
  3. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots to be less than eighty (80) percent of the required area and width;
  4. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each under does not take place at approximately the same hours of the same days of the week;
  5. To reduce the parking and loading requirements in any of the districts whenever the character or use of a building is such as to make unnecessary the full provision of parking or loading facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely being granted for a convenience;
  6. To permit the alteration or enlargement of an existing building or use located on premises in a district which prohibits that use of land or building, or the height and area of buildings existing at the time of the adoption of this Resolution where such alteration or enlargement is a necessary incident to the use of the structure existing at the time of the adoption, amendment, or change of this Resolution;
  7. To permit the reconstruction of a non-conforming building which as been damaged by explosion, fire, act of God, or the public enemy to the extent of more than fifty (50) percent of its actual cash value, as determined by the official County tax assessment and equalization rate, where the Board finds some compelling public necessity requiring a continuance of the non-conforming use, and the primary purpose of continuing the non-conforming use is not to continue a monopoly; and
  8. To permit other variances as authorized in the Floodplain Ordinance of this Code.
- E. Granting a Variance. The concurring vote of four (4) members of the Board of Appeals shall be necessary to grant a variance. No decision of the Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- F. Effect of Denial of Variance. No application for a variance that has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of said order of denial, except of the grounds of new evidence found to be valid by the Board of Appeals.

#### **12-5-2 Appeals**

- A. Authority. The Board of Appeals, after a hearing, may determine and vary any order, requirement, decision, or determination made by the Zoning Officer.
- B. Initiation of Appeal. Any person, firm, corporation, or any officer, department, board, or bureau of the City may request an appeal.
- C. Application for Appeal. An application for an appeal shall be filed in writing with the Zoning Officer. Said application shall contain such information as the Board of Appeals may, by rule, require.

- D. Imminent Peril to Life and Property. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Board of Appeals, after the application for the appeal has been filed with him/her, that by reason of acts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property.
- E. Hearing on Application. The Board of Appeals shall hold a hearing on each application for an appeal at such time and place as shall be established by the Board of Appeals.
- F. Notice of Hearing. Due notice of the time and place of said hearing on an appeal shall be sent to all affected parties.
- G. Findings on Appeals.
  - 1. The Board of Appeals may affirm or may, upon the concurring vote of four (4) members, reverse wholly or in part or modify, the interpretation. To that end, the Board of Appeals shall have all the powers of the officer from whom the appeal is taken.
  - 2. The Zoning Officer shall maintain records of all actions of the Board of Appeals relative to appeals.
- H. Finality of Decision. All final administrative decisions of the Board of Appeals hereunder, shall be subject to judicial review related to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

**12-5-3 Amendments**

- A. Authority. For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the City, and lessening or avoiding congestion in the public streets and highways, the City Council may from time to time in the manner hereinafter set forth amend the regulations imposed in the districts created by this Ordinance. The Ordinance may be amended, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire community, and the uses to which the property is devoted at the time of the adoption of such amendment.
- B. Initiations of Amendment. Amendments may be proposed by the City Council, Plan Commission, Board of Appeals, or by an interested person or organization.
- C. Application for Amendment. An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer. Such application shall be forwarded to the Plan Commission with the request to hold a public hearing on said application for amendment.
- D. Hearing on Application. The Plan Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Plan Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Plan Commission shall, by rule, prescribe from time to time.
- E. Notice of Hearing. Notice of time and place of such hearing shall be published at least once in one or more newspapers of general circulation in the City of Colona less than fifteen (15) nor more than thirty (30) days before such hearing. Supplemental or additional notices may be published or distributed as the Plan Commission may, by rule, prescribe from time to time.
- F. Findings of Fact and Recommendation of the Plan Commission.
  - 1. Within forty-five (45) days after the close of the hearing on a proposed amendment, the Plan Commission shall make written findings of fact and shall submit same together with its

recommendations to the City Council. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the findings of fact and recommendations shall include the following information:

- a. Existing use of property within the general area of the property in question;
- b. The zoning classification of property within the general area of the property in question;
- c. The suitability of the property in question to the uses permitted under the existing zoning classifications;
- d. The trend in development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification; and
- e. Minimum size of parcel: A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses two hundred (200) feet of frontage or contains twenty-five thousand (25,000) square feet of area, or adjoins a lot, lots or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

2. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest of the applicant. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification that requested by the applicant. For the purpose of this paragraph, the AG-1 Rural Agricultural District shall be considered the highest classification and the I-2 Heavy Industrial District shall be considered the lowest classification.

G. Action by City Council.

1. The City Council shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment.
2. The City Council may grant or deny any application for an amendment, provided, however, that in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the City Council then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

- H. Effect of Denial of Amendment. No application for an amendment that has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Plan Commission.

**12-5-4 Conditional Uses**

- A. Purpose. The development and administration of this Ordinance is based upon the division of the City into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be property classified in any particular district or districts, without consideration in each



case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such conditional uses fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest; and
  2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Initiation of Conditional Use. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.
- C. Application for Conditional Use. An application for a conditional use shall be filed with the Zoning Officer on a form as the Zoning Officer shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Chapter 12-5-4, Section F. Such application shall be forwarded from the Zoning Officer to the Plan Commission with a request for a public hearing and report relative thereto.
- D. Hearing on Application. Upon receipt in proper form of the application and statement referred to in Chapter 12-5-4 Section C, the Plan Commission shall hold at least one (1) public hearing on the proposed conditional use. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in a newspaper of general circulation in the City of Colona. Supplemental or additional notices may be published or distributed as the Plan Commission may, by rule, prescribe from time to time.

The Plan Commission shall hold at least one hearing on the application and may hold as many hearings as necessary when the nature of the application and the nature of any proposed evidence may require additional hearings. All hearings shall be conducted to assure fundamental fairness and a full opportunity by the applicant, objectors, and a reasonable number of other interested citizens to participate fully in the hearing process, including but not limited to the right to present witnesses on the applicable standards in Chapter 12-5-4 Section F and the opportunity to question any witness of the other party. The chairperson shall have the right to restrict repetitive testimony.

Any party appearing before the Plan Commission may exercise the right to transcribe or record the proceedings at the expense of the party. The Plan Commission shall accommodate any request to transcribe or record the proceedings.

The Plan Commission reserves the right to control location of recording devices to insure the orderly nature of the proceedings. The party exercising their right to transcribe or record the proceedings shall have recording equipment and/or person(s) who will transcribe the proceedings available at the commencement of the hearing. The failure of said party to provide recording equipment and/or person to transcribe said hearing shall not be just cause to request continuance.

- E. Authorization. For each application for a conditional use the Zoning Officer shall prepare and relay to the Plan Commission findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
- F. Standards. No conditional use shall be granted by the Plan Commission unless such Commission shall find:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood, and will be located and operated to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for use permitted in the district;
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
6. That the plan of operations for the conditional use is designed to minimize the danger to the surrounding area from fire other operational accidents; and
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council.

After a conditional use has been granted, the Zoning Officer or any person whose property is being, or may be adversely affected by operation of the conditional use, may file a petition in writing with the Plan Commission requesting that the conditional use be modified or revoked. The petitioner shall specifically allege the violation of the conditions under which the permit was granted or facts which would justify modification or revocation of the conditional use.

If the petition is filed by the Zoning Officer, the matter shall be set for hearing. The provision of Chapter 12-5-4 Section D pertaining to hearings and notices shall be applicable. The hearing shall be held within sixty (60) days of the filing of the petition. The petitioner and the holder of the conditional use must be notified. Copies of the petition shall be sent to the holder of the conditional use along with the notice.

In the event the petition is filed by persons other than the Zoning Officer, the petition shall be first referred to the Zoning Officer for investigation. Within forty-five (45) days after the petition has been filed, the Zoning Officer shall report his findings and conclusions to the Plan Commission. Within fifteen (15) days after receiving the Zoning Officer's report, the Plan Commission shall set the matter for hearing within sixty (60) days or shall recommend to the City Council to dismiss the petition. If the petition is dismissed, the Plan Commission shall state its reasons for dismissal and notify the petitioners and the holder of the conditional use accordingly. In the event a hearing is scheduled, Chapter 12-5-4 Section D pertaining to hearing and notice shall be applicable. The petitioner and the holder of the conditional use shall be notified. The holder of the conditional use shall be sent a copy of the petition with the notice.

Prior to filing a petition with the Plan Commission, or reporting findings and conclusions to the Plan Commission, pursuant to this Section, the Zoning Officer shall give the holder of the conditional use a reasonable period of time to correct violations. The other time requirements of this Section shall not be stayed during the period of time the holder of the conditional use is given to correct violations.

After a hearing, the Plan Commission may recommend to the City Council to deny the petition, or if the evidence so warrants, recommend to the City Council to revoke the conditional use or modify the conditions of the permit. The burden of proof shall be on the petitioner.

The hearing shall be governed under the general standards as described in Chapter 12-5-4 Section D. Any decision of the City Council under this Section shall be final.

- G. Conditions and Guarantees. Prior to the granting of any conditional use, the Plan Commission shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Chapter 12-5-4 Section F above. In all cases in which conditional uses are granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- H. Planned Unit Developments (PUD). The regulations established under this Section are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. For the purpose of this text these methods of land development shall be called Planned Unit Developments and shall be characterized by a unified building and site development program which is integrated with the total project by unified architectural and open space treatment.
1. Use Exceptions. The Zoning Officer may recommend and the Plan Commission may authorize that there be in part of the area of such development and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Plan Commission shall find:
    - a. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
    - b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
    - c. That not more than twenty (20) percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exception.
  2. Bulk Regulations. In the case of any Planned Unit Development, the Zoning Officer may recommend and the Plan Commission may authorize exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such development, provided that the Plan Commission shall find:
    - a. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property than would be obtained under the bulk regulations of this Ordinance for buildings developed on separate zoning lots;
    - b. That the minimum lot area per dwelling unit requirements of this Ordinance shall not be decreased by more than twenty (20) percent in any such development containing residential uses and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision shall be provided in a common recreational area within the development; and
    - c. That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

## CHAPTER 6

### DISTRICTS AND MAP

**12-6-1** For the purpose of this Ordinance, the City of Colona is hereby divided into twenty four (24) classes of districts as follows:

AG-1	Agricultural Preservation District
AG-2	General Agricultural District
SE-1	Suburban Estates Low Density District
SE-2	Suburban Estates Medium Density District
"R-1"	One Family Residence District
"R-2"	One Family Residence District
"R-3"	One and Two Family Residence District
"R-4"	One to Six Family Residence District
"R-5"	Multiple Family Residence District
"R-6"	Multi-Family Residence District
"R-7"	Mobile/Home Manufactured Housing District
"U-1"	University/College District
"C-1"	Conservation District
"C-2"	Conservation District
"O-1"	Office District
"B-1"	Neighborhood Business District
"B-2"	General Business District
"B-3"	Community Business District
"B-4"	Highway Intensive Business District
"ORT"	Office/Research Park and Technology District
"I-1"	Light Industrial District
"I-2"	General Industrial District
"PUD"	Planned Unit Development District
"RCO"	Riverfront Corridor Overlay District

**12-6-2** The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, City of Colona, Illinois," hereinafter referred to as the "Zoning Map," which accompanies and is hereby made a part of this Ordinance. The district boundary lines on said map are intended to follow lot lines, the center lines of streets or alleys, the center line of streets or alleys projected, railroad right-of-way lines, or the corporate limit lines, all as they existed at the time of enactment of this Ordinance; but when a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

**12-6-3** Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized on the other district requirements applying to the less restricted portion of such lot is more than fifty (50) feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying beyond fifty (50) feet of said boundary line.

**12-6-4** Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals according to the rules and regulations which it may adopt.

**12-6-5** All territory which may hereinafter be annexed to the City of Colona shall be classed automatically to the R-1 One Family Residence District within the general land use classification shall have been changed by amendment of this Ordinance as provided hereunder or as provided in a pre-annexation agreement as part of the annexation process.

## CHAPTER 7

### GENERAL PROVISIONS

#### **12-7-1 Zoning Affects Every Structure And Use**

Except as hereinafter provided, no building , structure or land shall hereafter be used and no building or part thereof of structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

#### **12-7-2 Continued Existing Uses**

Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in Chapter 12-7-3. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

#### **12-7-3 Non-conforming Uses**

- A. Any lawfully established use of a building or land, at the effective date of this Ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- B. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C. Any building for which a permit has been lawfully granted prior to the effective date of this Ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
- D. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve months (12) of such calamity unless damaged more than fifty percent (50) of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Ordinance.
- E. No building, structure or premises where a non-conforming building or structure which has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- F. Any building or structure devoted to a nonconforming use with a fair market value of less than five hundred dollars (\$500), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of this Ordinance, where upon such nonconforming use shall be removed or changed to a conforming use.
- G. Any legal, nonconforming use shall be enclosed in all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair or maintenance of vehicles, equipment or materials on the premises and not within the building. Said wall or fence shall be maintained to the satisfaction of the Building Inspector. Any use so described that is in existence at the time of this amendment is adopted shall comply with said fencing requirement within one hundred eighty days (180) of the adoption of this amendment.

- H. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and only if the required yards for the district in which it is located are maintained for such enlargement, except as provided for under Variances of this Ordinance.
- I. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- J. No non-conforming building in any Residential District shall be so altered as to increase the number of dwelling units therein.
- K. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this Ordinance, or to displace any conforming use in the same building or the same parcel.

**12-7-4 Street Frontage Required - Flag Lots**

Every lot shall have at least twenty (20) feet of frontage which provides reasonable access onto public right-of-way dedicated to street purposes. No building in the rear of a principal building on the same lot shall be used as a dwelling. Setbacks for flag lots will be determined at the start of the buildable area of the lot.

**12-7-5 Accessory Buildings in Residence Districts**

- A. No accessory building or buildings shall be erected in any required court, or front yard. When erected in a side yard the accessory building shall meet the setback requirements of the principal structure. When erected in a rear yard it or they cumulatively shall not occupy more than thirty (30) percent of a required rear yard and/or it or they shall not exceed the total ground floor footage of the primary structure except for swimming pools and shall be a distance at least three (3) feet from all lot lines adjoining lots which are in any "R" district, and at least six (6) feet from alley lines and from any other building or structure on the same lot. Accessory buildings shall not exceed fifteen (15) feet in height, except that an accessory building used in part or wholly as a dwelling for domestic employees of the owners or of the tenants of the principal building shall not exceed two (2) stories or twenty five (25) feet in height, provided it shall conform to the open space requirements of this Ordinance for a principal building, and for the purpose of determining the front yard in such case, the rear line of the rear yard required for the principal building shall be considered the front lot line for the building in the rear. Where the natural grade of a lot at the front wall of the principal building is more than eight (8) feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten (10) feet of any street line, provided that at least one-half (1/2) of the height of such private garage shall be below the level of the yard or court.
- B. Any accessory building may be erected as an integral part of the principal building, or if at least six (6) feet from the principal building, may be connected to the principal building by a breezeway or similar structure, provided all yard and court requirements of this Ordinance for the principal building are complied with, unless such accessory building is in a rear yard, in which case the applicable provisions of Chapter 12-7-5 Section A shall apply.

**12-7-6 Required Yard Cannot Be Reduced or Used by Another Building**

- A. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum requirement. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.
- B. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

#### **12-7-7 Permitted Obstructions in Required Yards**

The following shall not be considered to be obstructions when located in the required yards specified:

- A. In all yards – porch awnings and canopies, steps which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley; chimneys projecting not more than eighteen (18) inches into the yard; clothes lines; flag poles; arbors, trellises, closed and open-type fences, and hedges six (6) feet or less in height, provided no such fence, the top rail of which is between two (2) and six (6) feet above the roadway surface or no other ground level sight obstructions, exceptions being trimmed tree trunks and poles, shall be placed or permitted to remain on any corner or reversed corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded right-of-way corner, from the intersection of the right-of-way lines extended; open fences exceeding six (6) feet in height.
- B. In front yards – one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard. In A-1 district permitted roadside stands.
- C. In rear yards – open decks not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breeze-ways and open porches; one-story windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
- D. In side yards – overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width but in no case, exceeding eighteen (18) inches.

#### **12-7-8 Conversion of Dwellings**

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such a district, with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject to such further requirements as may be specified hereinafter with the Chapter applying to such district.

#### **12-7-9 Minimum Ground Floor Area for Dwellings**

A one story dwelling or a story and a half, or two story dwelling shall meet the minimum floor area standards in the Uniform Building Code (changed every third year) and be at least nine hundred (900) square feet with the length being no more than four times (4x) the width.

#### **12-7-10 Traffic Visibility Across Corner Lots**

In any district, except B-2, on any lot, no fence structure or planting shall be erected or maintained within twenty (20) feet, measured horizontally from the property line where they intersect on a street corner.

#### **12-7-11 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City of Colona, it being the intention hereof to exempt such essential services from the application of this Ordinance.

## **12-7-12 Fences, Walls and Hedges**

### General Provisions:

- A. Fences, walls and hedges located in a yard adjacent to a public street of residential and college and university zoned property shall be no more than forty two (42) inches in height provided the top rail is not between two (2) and six (6) feet above the roadway surface or other ground level sight obstructions and the smooth, finished, nonstructural or dressed side of a fence, if any, shall be directed toward the neighboring properties.
- B. Fences, walls and hedges shall not exceed six (6) feet in height, except trimmed tree trunks and poles in any side or rear yard, and the smooth, finished, nonstructural or dressed side of the fence, if any shall be directed toward neighboring properties.
- C. All fences, wall or hedges may be placed up to the property line, except in cases of a corner lot or reversed corner lot, where they shall not be placed within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty five (25) feet from the intersection of the right-of-way lines or in the case of a rounded corner from the intersection of the right-of-way lines extended.
- D. Fences up to ten (10) feet in height shall be permitted in any AI@ district.
- E. All refuse and/or discard areas for all commercial, industrial and multi-family residential uses shall be screened on a minimum of three (3) sides by a six foot solid or tight board fence. All refuse and/or discard areas for all commercial and industrial uses which do not conform to all applicable provisions of this section shall be made to conform within three (3) years from the effective date of this Ordinance. The appropriate official, or designee, shall make the determination if it is an unreasonable hardship to require existing refuse and/or discard to be screened on a case-by-case basis.
- F. Snow fencing shall only be used on a temporary basis by public jurisdictions for public safety purposes or in Agricultural Districts or as a permitted use for temporary festival/event enclosure purposes.
- G. Fencing shall not be allowed in floodways.
- H. Swimming pool fencing requirements are outlined in the City building code.

### **Optional:**

- A. Barbed wire fences shall be permitted only in Industrial, Agricultural, or Suburban Estate-1 Districts or on review by the appropriate authority in Industrial districts and the bottom strand shall be a minimum of eight (8) feet above grade.
- B. Electric fences shall be permitted only in Agricultural, or Suburban Estate -1 Districts and only for the enclosure of livestock. Electric fences shall not carry a charge greater than twenty five (25) milliamperes nor a pulsating current lower than one tenth (1/10) second in a one second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.
- C. Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of street right-of-way line where a public sidewalk does not exist. In the latter case, however, either fence may be installed or constructed along the right-of-way line if the property owner agrees to move the fence back the required distance within two (2) months after the installation of a public sidewalk.



## 12-7-13 Home Occupations

A home occupation shall be considered a permitted accessory use in each district in which a residential dwelling unit is permitted and shall be subject to the following limitations:

- A. There shall be no on-site employment or employment of persons not residing at the residence.
- B. A home occupation shall be conducted wholly within the principal building or an accessory structure.
- C. The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character.
- D. The total gross floor area which is used primarily for the operation of the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the home.
- E. The storage of merchandise, supplies, or products for off-premise sales is permitted. For the purposes of this Section, any products shipped or delivered to the ultimate consumer of the goods or merchandise shall be considered off-premise sales.
- F. No display of goods or services pertaining to such home occupations shall be visible from outside the building.
- G. No home occupation or equipment connected with a home occupation, nor any storage of goods, merchandise, supplies, products, materials, shall be allowed outdoors.
- H. No advertising sign, other than a non-illuminated sign, not exceeding one (1) square foot in total face area shall be displayed in connection with a home occupation. No other on-site advertising visible from the exterior shall be used that informs the public of the home occupation.
- I. The home occupation shall not exceed the limitations imposed by the provisions of all applicable building, fire, health, safety, and housing codes and shall conform with all applicable requirements for business and occupational licensing.
- J. There shall be no noise, vibration, glare, heat, smoke, dust, electromagnetic, or electrical interference, nor odor detectable beyond the confines of the subject property including transmittal through vertical or horizontal party walls.
- K. The owner of a home occupation shall not allow more than six (6) clients or customers in the dwelling unit or on the premises during any period of sixty (60) consecutive minutes nor more than sixteen (16) in any given twenty-four (24) hour period.
- L. The owner of a home occupation shall not allow vehicular traffic associated with the business to exceed two (2) vehicles on the property at any one time. Sufficient parking shall be provided on the same lot as the dwelling for all business visitors.
- M. The owner of a home occupation shall prohibit pedestrian and vehicular traffic generated by clients or customers of a home occupation on the premises between the hours of 10:00 p.m. and 7:00 a.m.

- N. The owner of a home occupation shall not allow commercial deliveries related to the home occupation, other than the United States Postal Service and private package and letter delivery services. Under no circumstances shall commercial deliveries by semi-trailer trucks be permitted.
- O. The owner of a home occupation shall limit the use of commercial vehicles in conjunction with a home occupation to one (1) vehicle, not to exceed one (1) ton maximum load weight and owned by a resident of the dwelling. Such vehicle must be parked in a garage or residential drive on-site, and in accordance with provisions elsewhere in this Ordinance.
- P. If more than one home occupation is located within any single dwelling unit, the owner of each home occupation shall not allow the combined impact of the standards contained in this Section, with the exception that each home occupation may have one (1) first division vehicle, as defined elsewhere in this Ordinance, for commercial use provided it is the only vehicle used in conjunction with the home occupation.

**12-7-14 Off-street Parking And Loading**

**A. Purpose:**

The purpose of this section of this Ordinance is to alleviate or prevent congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use of the property.

**B. General Provisions:**

- 1. Procedure – An application for a building permit for a new or enlarged building, structure or use shall include a plot plan, drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this Ordinance.
- 2. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials and merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space accessible from any alley, easement of access, or when there is no such alley or easement of access from a street, plus one (1) additional such loading space for each two thousand (2,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. such space may occupy all or any part of any required rear yard or upon authorization from the appropriate board of review, any part of any other yard or court space.
- 3. In all districts, except "B-2", an off-street parking area in the open or in a garage, shall be provided in connection with the uses set forth herein after and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas in the case of "R" districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than property within one hundred feet (100') of any part of said premises and in the same or less restricted district.
- 4. Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger vehicles owned and occupied.

**C. Units of Measure:**

1. Floor area as employed in this parking and loading section in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for storage accessory to the principal use, incidental repairs, processing or packaging of merchandise, show windows, incidental management offices, restrooms, utilities and dressing/fitting rooms.
2. Parking spaces shall not be less than one hundred eighty (180) square feet in area exclusive of access drives or aisles.
3. Loading spaces shall not be less than ten feet (10') wide, fifty feet (50') in length and fourteen feet (14') in height, exclusive of access and turning areas.

**D. Schedule:**

Parking requirements shall be as follows, reference to maximum number of patrons shall be based on the figure provided by fire code for a given facility:

1. Athletic Field – five parking spaces per acre.
2. Auditorium/Theater – one parking space for every four seats or one parking space for every 150 square feet plus one for every two employees during a maximum shift.
3. Auto Repair – three per bay, plus one per employee during a maximum shift.
4. Auto Gas and Sales – two parking spaces per pump, plus two per service bay plus one per employee during a maximum shift.
5. Banks and Business Offices – four parking spaces per 1000 square feet, plus drive through requirements if applicable.
6. Barber/Beauty Shop Styling and Tanning Salons – two parking spaces per personal grooming station, plus one for every two employees during a maximum shift.
7. Bowling Alleys – six parking spaces per alley plus bar and restaurant requirements, if applicable.
8. Car Wash – six parking spaces per bay.
9. Care Homes – one parking space for every two residents, plus one for each employee during a maximum shift.
10. Churches – one parking space for every four sanctuary seats.
11. Community Center – one parking space for every three maximum patrons.
12. Day Care Centers – one parking space for every two employees during a maximum shift, plus one for every ten children served plus one per institutional vehicle.

13. Drive Through Facility – six stacking spaces for each drive through station or automatic teller machine, plus appropriate employee parking for principal use.
14. Dry Cleaning – one parking space for every two employees during a maximum shift, plus four for patrons.
15. Durable Goods Sales (appliances, furniture, etc.) – one parking space per 500 square feet, plus one per employee during a maximum shift.
16. Elderly Housing Facility – three parking spaces for every four units, plus one per employee during a maximum shift.
17. Fraternities, Sororities and Boarding Houses – one parking space per lodging resident, plus one per employee during a maximum shift.
18. Funeral Home – one parking space per 50 square feet of public access area, plus one per business vehicle.
19. Group Home/Halfway House/Boarding House – one parking space per bedroom.
20. Health Recreation and Physical Training Facility – five parking spaces per 1,000 square feet, plus additional parking for outdoor accessory use if applicable.
21. Hospital – one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift, plus six per 1,000 square feet devoted to outpatient service.
22. Laundromats – one parking space for every two washers.
23. Manufacturing Plants and Testing Labs – three parking spaces for every four employees during a maximum shift, plus one per business vehicle plus four per 1,000 square feet devoted to office space.
24. Medical, Dental or Veterinary Office or Clinic – two parking spaces per treatment room, plus one per employee during a maximum shift.
25. Motel, Hotel or Apartment Hotel – one parking space per unit, plus one for every two employees during a maximum shift plus banquet, restaurant and/or bar requirements if applicable.
26. Mobile Home Park – one parking space and one for every four units.
27. Nursing Home – one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift.
28. Park, Neighborhood – five parking spaces per first two acres, plus one for each additional acre.
29. Park, Community – five parking spaces per acre, plus requirements for major facilities as noted elsewhere in this list if applicable.
30. Residences – two parking spaces per unit and for six-plexes or greater; guest parking equal to 10 percent of the total dwelling units.

31. Restaurants, Taverns, or Night Clubs – one parking space for every 75 square feet of public floor area or for each two persons allowed by fire code, whichever is greater, plus drive through requirements if applicable.
32. Retail, Freestanding and Shopping Centers – five parking space per 1,000 square feet gross floor area, and one for every two employees on a maximum shift
33. Schools, Elementary and Junior High – one parking space per employee, plus one per class room plus one per institutional vehicle.
34. Schools, High School – one parking space per employee, plus one for every four students plus one per institutional vehicle.
35. Sports Stadium, Outdoor – one parking space for every three maximum patrons, plus parking for buses.
36. Swimming Pool – one parking space for every three maximum patrons.
37. Wholesale and Warehouse – two parking spaces per 1,000 square feet for first 10,000 square feet, plus one per 2,000 square feet for the remaining space with office area parking calculated separately at four per 1,000 square feet.

**E. Development Standards:**

1. Off street accessory parking areas shall be of usable shape and shall be improved in accordance with requirements of the City Engineer with asphalt cement concrete, Portland cement concrete or alternate equivalent materials acceptable to the City Engineer, and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking shall be so arranged as to reflect the light away from adjoining premises in any "R@" district and in accordance with illumination standards further described in this Ordinance.
2. Parking lot layout shall be designed so the maneuvering requirements are accomplished without backing into adjacent public streets. Stack parking shall not be allowed to meet parking requirements for uses other than one and two family uses.

**F. Exceptions:**

1. The Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements. Such modification, reduction or waiver shall be justified by the particular nature of the use, or other exception, situation or condition.

**G. Establishment of Off-street Parking:**

1. The Plan Commission, in consultation with other city departments and agencies concerned, shall make studies as found advisable of various areas in the city for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to be provided by the city and to be financed wholly, or in part, by a special assessment district or by other means. Where such need is found, the Plan Commission shall report its recommendation for the acquisition of such off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the areas they are intended to serve.

2. Wherever pursuant to this procedure, off-street parking facilities are established by means of a special assessment district, or other district which the City Council may have determined, they shall be exempt from the requirements of this Chapter for privately supplied off-street parking facilities except as provided in the following: the City Council, upon recommendation of the Plan Commission and after public hearing, may require by resolution, that a portion, not to exceed fifty percent (50%) of the off-street parking facilities required by this Chapter shall be provided in connection with occupancy or use of a building in an area that was included in a special assessment district for the provision of off-street parking facilities, or in any other district which the City Council may have determined to be served by a public off-street parking facility in the following cases:
  - a. In such cases where the use of a building, erected after the levying of the special assessment in such an area or after the establishment of the public off-street parking facility, creates a need for an annual or exceptional amount of off-street parking facilities.
  - b. In such cases where alteration, extension or change in a use of a building, after the levying of the special assessment in such an area or establishment of the public off-street parking facility, creates a need for off-street parking facilities more than thirty percent (30%) in excess of the requirements of off-street parking facilities for such building or use before alterations, extensions or changes in use, as computed on the basis of the requirements in this section.
  - c. In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Chapter 12-7-14.

#### **H. Parking, Storage or Use of Recreational Vehicle:**

1. No recreational vehicle shall be parked or stored on any lot in a residential district except in a required side or rear yard providing all yard setbacks are met by the recreation vehicle and the vehicle is parked on a concrete pad. However, such equipment may be parked anywhere on residential premises for a period of time not to exceed 24 hours during loading and unloading no more than twice in any consecutive period of seven (7) days. At least thirty (30) hours must separate each occurrence. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
2. No recreational vehicle intended for portable temporary housing shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any other location not approved for such use, provided however, that such equipment may be used for the housing of guests of occupants of the principal resident if (a) occupancy shall not exceed thirty (30) consecutive days; and (b) no charge is made for such occupancy.
3. No recreational vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.

#### **12-7-15 Pending Applications For Building Permits**

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance as amended, the construction of which, conforming with such plans shall have been started prior to the effective date of this Ordinance, as amended, and completion thereof carried on in a normal manner within the

subsequent six month period, and not discontinued until completion, except for reasons beyond the builder's control.

**12-7-16 Uses Authorized by the City Council with Recommendation of the Plan Commission**

Any use or structure as regulated by the City Council with recommendation of the Plan Commission in the various districts shall be accumulative in nature beginning with the most restrictive district.

**12-7-17 Principal Building**

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot unless otherwise provided in this Ordinance.

**12-7-18 Adult Regulated Uses**

To prevent undue adverse effects upon adjacent areas in an I-1 and I-2 district from uses, the following will apply:

Not more than two (2) such Adult Use conditional uses will be established within one thousand (1,000) feet of each other.

- B. Adult Special Uses must not be located closer than one thousand (1,000) feet in any direction to the following Zoning Districts and Land Uses, Agricultural, Suburban Estates, Residential or Commercial Districts, Public or Private Schools, Licensed Day Care Centers, Churches or Religious Centers, Public Parks or designated Pedestrian/Bicycle Paths.
- C. No building in which Adult Use conditional uses operate shall display mat photos, live models or drawings on the exterior of said building. Any displays of such materials, photos, live models or drawings will be limited to the interior portion of the building which cannot readily be seen from any entrance, exit or exterior window opening.

## CHAPTER 8

### ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

The requirements and regulations specified herein before this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following:

#### 12-8-1 Height Limits

Height limitations stipulated elsewhere in this Ordinance shall not apply.

- A. To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Appeals.
- B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use for the highest building otherwise permitted in the district.

To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half (½) foot over the side and rear yards required for the highest building otherwise permitted in the district.

#### 12-8-2 Lot Area Requirements

- A. Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of this Ordinance, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the appropriate authority.
- B. Lots Unserved by Sewer and Water. In any district where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirement shall be twenty thousand (20,000) square feet and one hundred (100) feet; respectively, provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet and seventy-five (75) feet respectively, provided further that the County Health Officer has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.



**12-8-3 Lot Area per Family**

- A. Modification of Minimum Lot Area on any lot where more than two dwelling units are permitted. Where part or all of the off-street parking spaces required for dwelling are provided within the principal building, the minimum lot area per dwelling unit specified may be reduced by a maximum of twenty (20) percent, in accordance with the following formula:

$$a/b \times 20\%$$

When a = the number of spaces provided within the principal building, and b = the number of spaces required for the dwellings.

**12-8-4 Front Yard Exceptions and Modifications**

- A. Front Yard Requirements Do Not Apply. To bay windows or balconies occupying, in the aggregate, not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making the interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal planes with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line.
- B. Interior Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred fifty (150) feet in either direction of the lot in question and within the same block front less than the average depth of said existing front yards or the average depth on the two (2) lots immediately adjoining, provided, however, that the depth of a front yard in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet.
- C. Corner Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred and fifty (150) feet of the lot in question and within the same front is less than the least front yard described, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet, except as provided in Section 8.10.

**12-8-5 Side Yard Exceptions and Modifications**

- A. Along any district boundary line, an abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restricted district; and in a "B-2" or "I" district, on a lot abutting a lot in any "R" district, such side yard for a building higher than the limiting height in such "R" district shall be increased by three (3) feet for each story over such limiting height.
- B. Side Yards Shall Be Increased. In width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet in any "R-1" or "R-2" district, or fifty (50) feet in any "R-3" district.
- C. Side Yards May Be Reduced. By three (3) inches from the otherwise required least width or sum of the least widths for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half (2-1/2) stories, and in case the owner of record does not own any adjoining property; provided, however, that no side yard shall be narrower at any point than three (3) feet.

- D. No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.
- E. Side Yards May Be Varied. Where the side walls of a building are not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width, or narrower than three (3) feet in any case.
- F. Structures or Projections into Side Yards May Be Permitted As Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes three (3) feet from a side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the side yard.
- G. Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than one and one-half (1-1/2) feet.
- H. Terraces, steps, uncovered porches, stoops or similar features not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

**12-8-6 Rear Yard Exception and Modifications**

- A. Rear Yards May Be Reduced. Rear yards may be reduced by three (3) inches from the required least depth for each foot by which a lot at the time of enactment of this Ordinance is less than one hundred (100) feet deep, in the case of a building not higher than two and one-half (2-1/2) stories, and in the case the owner of record does not own adjoining property to the rear, provided, however, that no required rear yard shall be less than ten (10) feet deep.
- B. Structures Or Projections Into Rear Yards May Be Permitted As Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes six (6) feet from the building. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within the planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (2) of the width of the rear wall.
- C. Chimneys, flues, belt courses, leaders, sills, pilaster lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required rear yard not more than one and one-half (1-1/2) feet.
- D. Terraces, steps, uncovered porches or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, nor an alley lot line or within six (6) feet of an accessory building.

## CHAPTER 9

### "AG-1" AGRICULTURAL PRESERVATION DISTRICT

#### **12-9-1 General Description**

The AG-1 District is established to conserve farmland and to encourage continued agricultural activities, thereby helping to ensure that sustainable agriculture will continue as a long term land use and a viable economic activity within the District. The AG-1 District is also established to preserve natural features and the rural landscape, while allowing low density residential development that minimizes its impact on agricultural land, farming operations and sensitive environmental features. The preferred use in the AG-1 District is Agriculture. The District is intended to permit a range of uses related to agriculture, to encourage preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. More specifically, the District is established to severely restrict non-farm development in predominantly agricultural areas in order to:

- A. Preserve productive agricultural land for continued food and fiber production;
- B. Protect productive farms from encroachment by incompatible non-farm uses;
- C. Maintain the existing agricultural processing and related service industries;
- D. Preserve the maximum freedom of operation for those legitimate agricultural purposes permitted in this District.

#### **12-9-2 Permitted Principal Uses**

- A. Agriculture
- B. Farm dwelling unit
- C. Roadside stand offering for sale only products grown on the premises
- D. Home occupation, minor
- E. Private stable
- F. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
- G. Public parks and forest preserves
- H. Uses customarily accessory to farm operations
- I. Any other similar uses deemed to be consistent

#### **12-9-3 Permitted Accessory Uses**

- A. Other uses incidental to a permitted use

#### **12-9-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Airstrips/runways and heliports
- B. Aircraft hangars/tiedowns
- C. Agribusiness
- D. Bulk storage of fuel and fertilizers
- E. Cemetery
- F. Churches
- G. Commercial excavation of natural materials and improvements of a stream, lake river channel and removal of dirt and or topsoil, quarry, borrow pits
- H. Density Increase for farm dwellings on a single 40 acre parcel when 40 acre per dwelling requirement is met on entire farmstead
- I. Government buildings
- J. Grain elevator

- K. Home occupation, major
- L. Kennels
- M. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a severe physical condition, with appropriate documentation
- N. Private recreational use on land that is located along a body of water
- O. Public stable
- P. Recreational camps
- Q. Schools
- R. Any other similar use deemed to be consistent by the appropriate authority.

**12-9-5 Height Regulations**

- A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principal structure.

**12-9-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
40 acre	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

## CHAPTER 10

### "AG-2" GENERAL AGRICULTURAL DISTRICT

#### **12-10-1 General Description**

The AG-2 General Agricultural District is established to protect and maintain the agricultural economy and the open space and natural features of rural areas of the County in order to protect lands for continued farming, allow non-farm residential development on a limited basis, and minimize conflicts between agricultural and non-agricultural areas.

The AG-2 District is also established to protect those agricultural lands which, due to their location, soils, and use for agricultural activities, warrant protection from indiscriminate development. However, their proximity to existing development, combined with pressures for new development, makes these lands unsuitable for preservation according to the more restrictive regulations of the AG-1 Agricultural Preservation District. The AG-2 District is also intended to protect those agricultural lands that would otherwise be subject to residential subdivision activity which could render these important farmlands useless for farming.

#### **12-10-2 Permitted Principal Uses**

- A. Agriculture
- B. Cemeteries
- C. Churches
- D. Farm dwelling unit
- E. Governmental uses
- F. Greenhouses, commercial
- G. Home occupation (non-impact, minor Impact)
- H. Nurseries, commercial
- I. Private stable
- J. Public parks and forest preserves
- K. Roadside stand offering for sale only products grown on the premises
- L. Schools
- M. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
- N. Uses customarily accessory to farm operations
- O. Any other similar uses deemed to be consistent

#### **12-10-3 Permitted Accessory Uses**

- A. Other uses incidental to a permitted use

#### **12-10-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Airstrips/runways and heliports
- B. Aircraft hangars/tiedowns
- C. Agribusiness
- D. Auction barns
- E. Bulk storage of fuel and fertilizers
- F. Child care facilities
- G. Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and or topsoil, quarry, borrow pits
- H. Density increase for residential dwellings
- I. Government buildings
- J. Grain elevator
- K. Home occupation (major impact)
- L. Kennels, animal hospitals, veterinary clinics

- M. Landscape contractors
- N. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a severe physical condition, with appropriate documentation
- O. Private recreational use on land that is located along a body of water
- P. Public stable
- Q. Public or private recreational facilities, (i.e., golf course, marina, bock dock)
- R. Recreational camps
- S. Recreational vehicle parks
- T. Residential care homes
- U. Temporary uses
- V. Any other similar used deemed to be consistent

**12-10-5 Height Regulations**

- A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principal structure.

**12-10-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
15 acres	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

## CHAPTER 11

### "SE-1" SUBURBAN ESTATES LOW DENSITY DISTRICT

#### 12-11-1 General Description

The SE-1 Suburban Estates District is established to provide for single family detached housing opportunities in a rural setting at a low density and to preserve open space and natural features. This District is intended to provide a natural buffer between the strictly urban characteristics of the SE-2 Suburban Estates Medium Density District and the R-1 Residential District. The primary difference between the SE-1 and the SE-2 Districts is lot size and the allowance of livestock.

#### 12-11-2 Permitted Principal Uses

- A. Farm
- B. Livestock not less than 100 feet from residentially zoned private property
- C. Nursery or greenhouse
- D. Structure for storage or treatment of seeds
- E. Roadside stand selling products grown on premises
- F. Accessory uses and buildings incidental to the above uses
- G. Any other similar uses deemed to be consistent by the appropriate authority

#### 12-11-3 Permitted Accessory Uses

- A. Private garages or parking areas
- B. Living quarters for persons employed on the premises
- C. Other uses incidental to a permitted use

#### 12-11-4 When Authorized by the City Council with Recommendation from the Plan Commission

- A. Riding stable subject to:
  - 1. All buildings in which horses are kept shall be at least 200 feet from any lot line contiguous with any residentially zoned lot. Animals shall not be permitted to graze or be ridden within 50 feet of any residentially zoned property, and shall not be ridden off the premises.
  - 2. All wastes shall be disposed of in accordance with any applicable laws, regulations, or policies of any agency having jurisdiction over such matters.
  - 3. No odors shall be discernable at the perimeter of the site.
- B. Kennel with buildings and outdoor facilities at least 100 feet from residentially zoned private property
- C. Grain elevator
- D. Utility stations without service yard storage
- E. Recreational facilities such as golf courses, country clubs and tennis courts with no building or pool not less than 100 feet from any lot in an "R" District
- F. Any other similar uses deemed to be consistent by the appropriate authority

#### 12-11-5 Height Regulations

- A. No principal structure shall exceed 2-1/2 stories or thirty five feet (35').
- B. Farm buildings such as barns, silos, windmills and places of public assembly such as schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

**12-11-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
5 acres	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.



CHAPTER 12

"SE-2" SUBURBAN ESTATES MEDIUM DENSITY DISTRICT

12-12-1 **General Description**

The SE-2 Suburban Estates District is established to provide for single family detached housing opportunities in a rural to urban transitional setting at a medium residential density level to preserve open space and natural features. This District is intended to provide a natural buffer between the strictly urban characteristics of the R-1 High Density District. The primary difference between the SE-1 and the SE-2 Districts is lot size and the allowance of livestock.

12-12-2 **Permitted Principal Uses**

- A. One-family detached dwelling
- B. Public libraries
- C. Public cultural buildings
- D. Public parks, playgrounds, and community center
- E. Structure or storage for treatment of seeds
- F. Roadside stand selling products grown on premises
- G. Essential services and municipal administrative or public service buildings not less than 20 feet from any lot
- H. Any other similar uses deemed to be consistent

12-12-3 **Permitted Accessory Uses**

- A. Nursery or greenhouse, private
- B. Private garages or parking areas
- C. Other uses incidental to a permitted use

12-12-4 **When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Major home occupation as defined
- B. Utility stations without service yards or storage
- C. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
- D. Public and parochial schools, churches, and centers not less than 20 feet from any lot in an "R" District
- E. Municipal buildings and libraries
- F. Gardening
- G. Off street parking facilities
- H. Any other similar uses deemed to be consistent by the appropriate authority.

12-12-5 **Height Regulations**

- A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principal structure.

12-12-6 **Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
1 acre	100 ft.	30 ft.	10 ft.	20 ft.	40 ft.

## CHAPTER 13

### "R-1" ONE-FAMILY RESIDENCE DISTRICT

#### 12-13-1 **General Description**

This district is established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity, and welfare. These general goals include, but are not limited to, the following specific purposes:

- A. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors.
- B. To protect residential areas to the greatest extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.
- C. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulations of the bulk of buildings.
- D. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
- E. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- F. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
- G. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character of desirable development, and to protect the value of land and improvements and so strengthen the economic base of the city.

#### 12-13-2 **Permitted Principal Uses**

- A. One family detached dwellings
- B. Day care home
- C. Foster family homes
- D. Unrelated group family uses
- E. Municipal fire and police station
- F. Care home small residential
- G. Essential services and municipal administrative or public service buildings not less than eighty feet (80') from any lot line
- H. Public parks and playgrounds
- I. Existing railroad right-of-way, but not switching storage or freight yards or sidings
- J. Any other similar uses deemed to be consistent

#### 12-13-3 **Permitted Accessory Uses**

- A. Private garages or parking areas
- B. Living quarters for persons employed on the premises
- C. Private office of lawyer, architect, or engineer within their own dwelling
- D. Minor home occupations, as defined
- E. Day care home licensed by the State of Illinois and with occupancy permit.

- F. Other uses incidental to a permitted use

**12-13-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Community Center
- B. Major home occupation, as defined
- C. Utility stations without service yards or storage
- D. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
- E. Public and parochial schools and churches not less than 20 feet from any lot in an "R" District
- F. Municipal buildings and libraries
- G. Off street parking facilities for permitted uses and/or uses permitted upon review of appropriate authority in this zoning district
- H. Day care home, as defined, but serves between nine (9) and twelve (12) children
- I. Any other similar uses deemed to be consistent

**12-13-5 Height Regulations**

- A. No principal structure shall exceed 2-1/2 stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Chapter 12-8-1.

**12-13-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed.

Number of Stories	Lot Area(sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1-1/2	7,500	75 ft.	25 ft.	8 ft.	20 ft.	35 ft.
2 to 2-1/2	7,500	75 ft.	25 ft.	10 ft.	25 ft.	35 ft.

CHAPTER 14

**"R-2" ONE-FAMILY RESIDENCE DISTRICT**

**12-14-1 Permitted Principal Uses**

- A. Any permitted use in an "R-1" District
- B. Any other similar uses deemed to be consistent by the appropriate authority

**12-14-2 Permitted Accessory Uses**

- A. Any permitted accessory use in an "R-1" District
- B. Other uses incidental to a permitted use

**12-14-3 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Any use authorized by appropriate authority in an "R-1" District
- B. Dwelling groups
- C. Any other similar uses deemed consistent by the appropriate authority

**12-14-4 Height Regulations**

- A. No principal structure shall exceed 2-1/2 stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Chapter 12-8-1.

**12-14-5 Lot Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1-1/2	6,000	60 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	6,000	60 ft.	25 ft.	8 ft.	20 ft.	30 ft.

CHAPTER 15

**"R-3" ONE AND TWO FAMILY RESIDENCE DISTRICT**

**12-15-1 Permitted Principal Uses**

- A. All permitted uses in an "R-2" District
- B. Two-family dwellings
- C. Any other similar uses deemed to be consistent

**12-15-2 Permitted Accessory Uses**

- A. Any permitted accessory use in an "R-2" District

**12-15-3 When Authorized by the City Council with Recommendation from the Plan Commission**

- A.. Bed and breakfast inns
- B. Boarding and lodging houses
- C. Any other similar uses deemed to be consistent by the appropriate authority

**12-15-4 Height Regulations**

- A. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height and no accessory structure shall exceed one (1) story, fifteen feet (15') in height, except as provided in Chapter 12-8-1.

**12-15-5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed.

Number of Stories	Lot Area(sq. ft.)	Lot Area per Family (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1 to 1-1/2	5,000 - single 6,000 - duplex	3,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000 - single 6,000 - duplex	3,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

CHAPTER 16

"R-4" ONE TO SIX FAMILY DWELLING DISTRICT

**12-16-1 Permitted Principal Uses**

- A. All permitted uses allowed in an "R-3" District
- B. Boarding and lodging houses
- C. Public and parochial schools and churches not less than 20 feet from any lot in an "R" District
- D. Any other similar uses deemed to be consistent

**12-16-2 Permitted Accessory Uses**

- A. All permitted accessory uses in an "R-3" District
- B. Other uses incidental to a permitted use

**12-16-3 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Care home, large residential
- B. Any use authorized by appropriate authority in an "R-3" District
- C. Nursing homes at least fifty feet (50') from any lot line
- D. Halfway house/group home
- E. Day care centers licensed by the State of Illinois
- F. Private clubs, lodges, union halls
- G. Parking lots accessory to use in an adjoining or less restrictive district when abutting or directly across an alley.
- H. Any other similar uses deemed to be consistent

**12-16-4 Height Regulations**

No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Chapter 12-8-1.

**12-16-5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed along with bufferyard requirements as described in Chapter 12-35-6.

Number of Stories	Minimum Lot Area (sq. ft.)	Lot Area per Family (sq. ft.)	Front Lot Width	Front Yard Depth	Side Yard Width	Side Yard Sum	Rear Yard Depth
1 to 1-1/2	5,000	2,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000	2,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

CHAPTER 17

**"R-5" MULTIPLE FAMILY RESIDENCE DISTRICT**

**12-17-1 Permitted Principal Uses**

- A. All permitted uses in an "R-4" District
- B. Dwellings, multiple family
- C. Any other similar uses deemed to be consistent

**12-17-2 Permitted Accessory Uses**

- A. Any permitted accessory use in an "R-4" District
- B. Other uses incidental to a permitted use

**12-17-3 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Any use authorized by appropriate authority in an "R-4" District
- B. Any other similar use deemed to be consistent by the appropriate authority

**12-17-4 Height Regulations**

- A. No principal structure shall exceed six (6) stories or seventy-five feet (75') in height at the required front, side and rear yard lines, other than as provided in Section 12-8-1. No accessory building shall exceed one (1) story or fifteen feet (15') in height, except as provided in Chapter 12-8-1.

**12-17-5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed along with bufferyard requirements as described in Chapter 12-35-6.

Number of Stories	Minimum Lot Area (sq. ft.)	Required Lot Area per Family for Multi-Family Structures (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	na	2,000	50 ft.	30 ft.	6 ft.	12 ft.	30 ft.
2	na	2,000	50 ft.	30 ft.	6 ft.	15 ft.	30 ft.
3	na	2,000	50 ft.	30 ft.	8 ft.	20 ft.	35 ft.
4	na	2,000	50 ft.	30 ft.	10 ft.	25 ft.	40 ft.
5	na	2,000	50 ft.	30 ft.	12 ft.	30 ft.	45 ft.
6	na	2,000	50 ft.	30 ft.	14 ft.	35 ft.	50 ft.

CHAPTER 18

"R-6" MULTI-FAMILY RESIDENCE DISTRICT

**12-18-1 Permitted Principal Uses**

- A Any permitted use in an "R-5" District
- B. Housing designed for the elderly
- C. Any other similar uses deemed to be consistent by the appropriate authority

**12-18-2 Permitted Accessory Uses**

- A Any permitted accessory use in an "R-5" District
- B. Other uses incidental to a permitted use

**12-18-3 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Any use authorized by appropriate authority in an "R-5" District
- B. Any other similar use deemed to be consistent by the appropriate authority

**12-18-4 Height Regulations**

No principal structure shall exceed twelve (12) stories or one hundred fifty feet (150') in height at the required front, side and rear yard lines, other than as provided in Chapter 12-8-1. No accessory building shall exceed one (1) story or fifteen feet (15') in height.

**12-18-5 Lot Area, Frontage, and Yard Requirements:**

The following minimum requirements shall be observed along with bufferyard requirements as described in Chapter 12-35-6.

Number of Stories	Minimum Lot Area (sq. ft.)	Required Lot Area per Family for Multi-Family Structures (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	na	2,000	50 ft.	30 ft.	6 ft.	12 ft.	30 ft.
2	na	2,000	52 ft.	33 ft.	6 ft.	12 ft.	30 ft.
3	na	2,000	55 ft.	30 ft.	8 ft.	16 ft.	35 ft.
4	na	2,000	65 ft.	30 ft.	10 ft.	22 ft.	40 ft.
5	na	2,000	75 ft.	30 ft.	12 ft.	27 ft.	45 ft.
6	na	2,000	85 ft.	30 ft.	14 ft.	33 ft.	50 ft.
7	na	2,000	95 ft.	30 ft.	18 ft.	42 ft.	55 ft.
8	na	2,000	105 ft.	30 ft.	22 ft.	51 ft.	60 ft.
9	na	2,000	115 ft.	30 ft.	26 ft.	60 ft.	65 ft.
0	na	2,000	125 ft.	30 ft.	30 ft.	69 ft.	70 ft.
1	na	2,000	135 ft.	30 ft.	34 ft.	78 ft.	75 ft.
2	na	2,000	150 ft.	30 ft.	38 ft.	87 ft.	80 ft.



CHAPTER 19

"R-7" MOBILE HOME/MANUFACTURED HOUSING DISTRICT

**12-19-1 Permitted Principal Uses**

- A. Foster family homes
- B. Unrelated group family uses
- C. Mobile home parks (see Mobile Home Ordinance of the City of Colona)
- D. Any other similar uses deemed to be consistent

## CHAPTER 20

### "U-1" UNIVERSITY/COLLEGE DISTRICT

#### **12-20-1 General Description**

This district is established to provide an area for colleges, universities, seminaries and other such institutions of higher education. The intent of the district is to establish an area in which institutions of higher education may operate compatibly with surrounding residential and business areas.

#### **12-20-2 Permitted Principal Uses**

- A. Colleges, universities, seminaries and other such institutions of higher education consisting of any number of educational, residential (apartment/dormitories, dormitories), cultural and recreational buildings and parking areas with all associated buildings located not less than thirty feet (30') from any residentially zoned private property or one or two family used lot
- B. Community residence with appropriate permits and at least one thousand feet from any other community residence
- C. Dwellings, one and two family
- D. Essential services and municipal, administrative or public services, buildings or properties excluding warehouses, storage yards and garages with all associated buildings at least twenty feet (20') from residentially zoned private property
- E. Foster family homes
- F. Parochial buildings such as schools, churches, and parish buildings, public libraries and public safety and municipal government buildings located not less than twenty feet (20') from any residentially zoned private property
- G. Unrelated group homes
- H. Any other similar uses deemed to be consistent

#### **12-20-3 Permitted Accessory Uses**

- A. Accessory uses permitted in an R-1 District
- B. Other uses incidental to a permitted use

#### **12-20-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Boarding and lodging house
- B. Fraternities and sororities
- C. Hospitals, sanitariums and nursing homes with any associated building at least fifty feet (50') from any residentially zoned private property
- D. Any other similar use deemed to be consistent by the appropriate authority

#### **12-20-5 Restrictions**

- A. All buildings affiliated with institutions of higher education shall be not less than thirty feet (30') from residentially zoned lots or existing one and two family used lots.
- B. Private school buildings and public buildings shall be not less than twenty feet (20') from the side lot line in an "R" District.
- C. Small residential care homes shall be one thousand feet (1,000') from any other community residence, shall be state or locally licensed and shall have a certificate of occupancy from the building inspector.

#### **12-20-6 Height Regulations**

- A. No structure shall exceed thirty five feet (35') for the principal structure and fifteen feet (15') for an accessory structure.
- B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy five feet (75'), provided that for each foot

by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

**12-20-7 Lot Area and Yard Requirements**

The following minimum requirements shall be observed with both principal and accessory buildings and along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1-1/2	5,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

## CHAPTER 21

### "C-1" CONSERVATION DISTRICT

#### **12-21-1 General Description**

The C-1 District is intended for environmental protection and preservation. Land parcels within this District will include wetland, marshes, swamps, scenic areas, hillsides of excessive slopes, water courses, aquifer recharge areas, watershed protection areas, wildlife habitat, rough terrain, and areas subject to siltation and erosion.

#### **12-21-2 Permitted Principal Uses**

- A. Open space
- B. Any other similar uses deemed to be consistent

#### **12-21-3 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Agriculture and commercial summer gardens including agricultural buildings but not permanent dwellings not to exceed 750 square feet and no more than one (1) building per five (5) acre tract but not the raising of livestock
- B. Campgrounds, wilderness
- C. Forestry activities and nurseries
- D. Public parks, passive
- E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
- F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
- G. Parking areas and equipment and materials storage yards accessory to principal uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
- H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
- I. Any other use deemed to be consistent by the appropriate authority

## CHAPTER 22

### "C-2" CONSERVATION DISTRICT

#### **12-22-1 General Description**

The C-2 District is intended to provide for the conservation and preservation of land, while allowing for development that will make use of its natural beauty and allow for its enjoyment.

#### **12-22-2 Permitted Principal Uses**

- A. All uses when reviewed by appropriate authority in a C-1 District
- B. Public parks, playgrounds
- C. Any other similar uses deemed to be consistent

#### **12-22-3 Permitted Accessory Uses**

- A. Accessory uses incidental to a permitted principal use other than a permanent residence.

#### **12-22-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Country clubs
- B. Community centers, private or public
- C. Recreational uses, open air such as swimming pools, tennis courts, baseball and football fields and golf ranges, with buildings and outdoor storage when abutting a highway or primary thoroughfare and at least four hundred feet (400') from residentially zoned private property, church, school or human care institution
- D. Church, school, or human care institution
- E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
- F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
- G. Parking areas and equipment and materials storage yards accessory to principal uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
- H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
- I. Any other use deemed to be consistent by the appropriate authority

CHAPTER 23

**O-1" OFFICE DISTRICT**

**12-23-1 General Description**

The office of district set forth herein is established to promote public welfare, convenience, comfort, and orderly growth of the community. These objectives include, but are not limited to the following:

- A. To provide means of transitional use of land between commercial and residential uses.
- B. To promote, enhance, and conserve quality of the manmade environment.
- C. To protect the worth of property.
- D. To promote the most desirable use of land.
- E. To provide an appropriate district for functions separate from those dealing in sales, repair, recreation, storage, processing, assembly, lodging, and eating.
- F. To separate those functions which are obtrusive, quiet, do not generate large quantities of waste, noise, odor or traffic, use heavy machinery, require docking facilities or separate service entrances and which do not make use of large illuminated displays or signs, from those which do.
- G. To provide a use district for offices for those who provide services only including instruments of service.
- H. To provide a district of less intense use and to encourage lower density use and retention of open space.
- I. To make use of areas which are not appropriate for other uses.
- J. To control the growth of other districts.
- K. To make less valuable land available for use other than residential.

**12-23-2 Permitted Principal Uses**

- A. Church
- B. Community service offices
- C. Consultant offices
- D. Dwelling above the ground floor
- E. Funeral Home
- F. Hospital and special care facilities
- G. Nursing Home
- H. Offices providing clerical administration
- I. Professional offices
- J. Schools and facilities for academic instruction
- K. Any other similar uses deemed to be consistent

**12-23-3 Permitted Accessory Uses**

- A. Accessory uses incidental to a permitted principal use other than a permanent residence.

**12-23-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Dwellings
- B. Any other similar uses deemed to be consistent by the appropriate authority

**12-23-5 Height Regulations**

- A. No principal structure shall exceed two (2) stories or thirty feet (30') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Chapter 12-8-1.

**12-23-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Side Yard Width	Side Yard Sum Width	Rear Yard Depth
All Stories	No more than 50% building coverage: 5,000 - single, 6,000 -duplex	None	15 ft. or same as adj. R District	None	15 ft.	15 ft.

## CHAPTER 24

### AB-1" NEIGHBORHOOD BUSINESS DISTRICT

#### 12-24-1 **General Description**

The Neighborhood Business District is intended to permit the development of retail sales and personal services required to meet the day-to-day needs of a fully developed neighborhood. Stores, businesses and offices in this zone should be useful to the majority of the neighborhood residents. The convenience nature of the various business uses located in this District requires them to be in close proximity to residences and is intended to include a narrow range of retail services and convenience goods.

#### 12-24-2 **Permitted Principal Uses**

- A. All uses within this zone must be confined to 2,500 internal square feet of the principal structure
- B. Antique or custom furniture shop with incidental upholstery
- C. Bakery limited to goods for retail on the premises
- D. Banks or similar financial enterprise
- E. Barber or beauty shop
- F. Bicycle sales and service
- G. Business or professional office such as attorney, architect, engineer, dentist, physician etc.
- H. Camera or photographic supply store
- I. Clinics, private, for human care
- J. Costume rental
- K. Day care center meeting state and local permits with fenced play area
- L. Delicatessen
- M. Dry cleaning pick-up station
- N. Dwelling, above ground floor
- O. Health/recreational and physical training club
- P. Hobby shop
- Q. Interior decorating shop including upholstery and drape making
- R. Laundromat
- S. Locksmith
- T. Music studio
- U. Restaurant, not drive-in or drive-thru
- V. Retail uses such as drugstore, florist, grocery, ice cream shop, meat market, appliance, shoe, variety, stationary, book, clothing, packaged liquor sales and candy stores with all activities, except for automobile off-street parking and loading facilities as permitted or required in this district, shall be conducted wholly within an enclosed building
- W. Churches
- X. Any other similar uses deemed to be consistent

#### 12-24-3 **Permitted Accessory Uses**

- A. Other uses incidental to a permitted use

#### 12-24-4 **When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Auto accessory store
- B. Club or lodge
- C. Bus transfer station
- D. Convenience store
- E. Nursing home
- F. Any other similar uses deemed to be consistent by the appropriate authority

**12-24-5 Uses Prohibited**

- A. Any commercial or manufacturing use except that which is clearly necessary for the conduct of a permitted retail business or service on the premise.

**12-24-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
35 ft. or same as adjacent R District	25 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District	In accordance with performance standards



## CHAPTER 25

### "B-2" GENERAL BUSINESS DISTRICT

#### 12-25-1 General Description

The General Business District is intended to be a high density, compact, pedestrian oriented shopping, office, service and entertainment area. This District is one of high traffic generation and is thus located where there can be a concentration of a variety of commercial activities.

#### 12-25-2 Permitted Principal Uses

- A. Any use permitted in a B-1 District and allowing for retail establishments with greater than 2,500 square feet
  - B. Art galleries and studios
  - C. Auction house
  - D. Bar, dance hall, cocktail lounge or night club, private clubs, lodges, union halls, tavern, micro-brewery when enclosed and with building(s) and outside storage
  - E. Bicycle sales and repair
  - F. Blue printing, photostating, print shop and duplicating establishments
  - G. Bus terminal, railroad station, freight terminal or other public transportation terminal
  - H. Business or trade school
  - I. Catering within a building
  - J. Ceramic products manufacture for sale on premises
  - K. Church
  - L. Conservatory for retail sale on premises only
  - M. Commercial parking lot
  - N. Custom rental
  - O. Custom dressmaking, millinery, tailoring or shoe repair for retail sales on premises only
  - P. Drapery and mattress manufacture for sale on premises
  - Q. Department stores
  - R. Employment agency
  - S. Engraving of lithographing
  - T. Funeral home
  - U. Garage, public
  - V. Hardware or paint supply store without outdoor sales or storage
  - W. Hotel/motel
  - X. Laboratories, medical and dental
  - Y. Laundry or dry cleaning shop when enclosed and with building(s) and outside storage
  - Z. Meeting halls, clubs, fraternal organizations and lodges
- 
- 1. Mirror and glazing shop, glass cutting
  - 2. Pawn shop
  - 3. Pet shops, but not animal hospitals
  - 4. Picture framing
  - 5. Plumbing, electrical, heating, and air conditioning supply stores or show rooms without outdoor sales or storage and without repairs or fabrication
  - 6. Public utility collection office
  - 7. Public, customer or accessory parking lot
  - 8. Radio, television and CATV stations, not transmitting towers
  - 9. Second-hand stores and rummage shops
  - 10. Taxidermist
  - 11. Theater, indoor
  - 12. Travel bureau and ticket office
  - 13. Upholstering shop for furniture

- 14. Any other similar type use not specifically permitted herein which would have economic compatibility with the established uses on adjoining properties
- 15. Any other similar uses deemed to be consistent

**12-25-3 Permitted Accessory Uses**

- A. Permitted accessory uses in a B-1 District
- B. Assembly of small electrical appliances, instruments, small computers and other electronic devices.
- C. Other uses incidental to a permitted use.

**12-25-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Any use permitted on review in a B-1 District
- B. Auto accessory store
- C. Auto repair, minor
- D. Transmission and receiving equipment for radio, television, cable, and telephone.
- E. Any other similar uses deemed to be consistent by the appropriate authority

**12-25-5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed with both principal and primary buildings along with bufferyard requirements as described in Chapter 12-35-6. No accessory buildings shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
None	None	None except same as adjacent R District	None except same as adjacent R District	In accordance with Performance Standards

CHAPTER 26

"B-3" COMMUNITY BUSINESS DISTRICT

12-26-1 **General Description**

The Community Business District is intended to provide for major businesses which serve and significant segment of the population. The District may provide for a variety of retail goods and services, along with large traffic generators requiring access from major thoroughfares and a reliance on motor vehicle oriented trade. The district is dominated by uses with indoor operations, although some may have limited outdoor activities. Development in the District is encouraged in a manner which minimizes traffic hazards and interference with other uses in the vicinity.

12-26-2 **Permitted Uses**

- A. Any uses permitted in a B-2 District
- B. Amusement centers, indoor, including bowling alleys, pool halls, billiard parlors, skating rinks arcades and other similar uses
- C. Auto/pickup sales of a two ton capacity or less and service enclosed and with building(s) and outside storage
- D. Car wash, single bay, and outside storage
- E. Drive-in or fast food restaurant
- F. Exterminating shop
- G. Fabric or floor covering sales
- H. Hospital or clinic for small animals with no long term kennel use
- I. Any other similar type use not specifically listed herein, and which has economic compatibility with the established uses on adjoining properties
- J. Any other similar uses deemed to be consistent by the appropriate authority

12-26-3 **Permitted Accessory Uses**

- A. Permitted accessory uses in a B-2 District
- B. Other uses incidental to a permitted use

12-26-4 **When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Any use permitted on review in a B-2 District
- B. Car wash, multiple bays
- C. Recreational uses, open air such as swimming pools, tennis courts, baseball fields and golf ranges, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- D. Any other similar uses deemed to be consistent by the appropriate authority

12-26-5 **Uses Prohibited**

12-26-6 **Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
45 ft.	20 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District	In accordance with Performance Standards

## CHAPTER 27

### "B-4" HIGHWAY/INTENSIVE BUSINESS DISTRICT

#### **12-27-1 General Description**

The Highway/Intensive Business District is intended to permit development of service uses relating to expressways or along other major arterial thoroughfares. This district permits uses that, by their nature, tend to generate heavy traffic usage. This district also provides for functions and businesses which may be characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, and by outdoor commercial amusement and recreational activities not completely enclosed.

#### **12-27-2 Permitted Principal Uses**

- A. Any use permitted in a B-3 District
- B. Auto repair, major, with building(s) and outdoor storage
- C. Agricultural implement sales and services with building(s) and outdoor storage
- D. Air conditioning and heating sales and service with outdoor fabrication and repairs
- E. Bath house or boat house with building(s) and outdoor storage
- F. Boat sales with building(s) and outdoor storage
- G. Building material sales yard, wholesale business with warehouses as specified in this Ordinance
- H. Carpenter and cabinet shop with building(s) and outdoor storage
- I. Car wash
- J. Contractors offices and shops within building
- K. Feed and seed store, wholesale
- L. Greenhouse with outside storage permitted
- M. Kennels with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- N. Motor vehicle dealerships with building(s) and outdoor storage
- O. Recreational uses, public open air, such as swimming pools, tennis courts, baseball fields, and golf ranges with building(s) and outdoor storage
- P. Sign painting shop and similar establishment with building(s) and outdoor storage
- Q. Travel trailer sales and service with building(s) and outdoor storage
- R. Any other similar uses deemed to be consistent.

#### **12-27-3 Permitted Accessory Uses**

- A. Permitted accessory uses in a B-3 District
- B. Other uses incidental to a permitted principal use

#### **12-27-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Any uses permitted on review in a B-3 District
- B. Auditorium
- C. Mini-warehousing

#### **12-27-5 Prohibited Uses**

**12-27-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
45 ft.	20 ft. or same as adjacent "R"	None except same as adjacent "R@"	10 ft. or same as adjacent "R"	In accordance with Performance Standards

## CHAPTER 28

### "ORT" OFFICE/RESEARCH PARK AND TECHNOLOGY DISTRICT

#### **12-28-1 General Description**

The Office/Research Park and Technology District is intended to provide for large attractively landscaped low-density sites primarily along an interstate or expressway corridor. The area is appropriate for regional and/or national businesses and offices, including research activities and some specialized unobjectionable ultra-light industrial activities which take advantage of the transportation corridor but are low intensity and sufficiently restricted to be compatible with adjacent residential and commercial development. This may include manufacturing, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared materials. This district is intended to have a green/open space atmosphere conducive to quality development with the preservation of significant natural features. No outdoor storage is allowed in this district and all operations must be in an enclosed building.

#### **12-28-2 Permitted Principal Uses**

- A. Offices for the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales and engineering excluding medical and dental offices
- B. Computer manufacture, electronic assembly
- C. Custom cabinet shop
- D. Custom drapery manufacture
- E. Data processing and computer centers including computer programming and software development, training, and service and maintenance of electronic data processing equipment
- F. Research and development, technical training and related activities for industrial, scientific and business enterprises, and design of pilot or experimental products
- G. Mattress manufacture with retail activities
- H. Printing, publishing, duplicating and photographic processing
- I. Processing and assembly of engineering, laboratory, scientific, and research instruments and associated equipment
- J. Prosthetic manufacture
- K. Laboratories for research, development, and testing of medical, optical, dental and pharmaceutical products
- L. Hotel/motel
- M. Trade or industrial schools, personnel training center
- N. Any other similar uses deemed to be consistent.

#### **12-28-3 Permitted Accessory Uses**

- A. Bar/cocktail lounge incidental to hotel/motel and/or restaurant
- B. Child care center when accessory to permitted principal use
- C. Convention center, assembly hall, display hall, or similar use when accessory of hotel/motel
- D. Manufacturing when accessory to permitted principal use
- E. Retail business intended to serve the permitted uses within the district and not dependent upon direct visits of retail customers
- F. Residence of caretaker or security personnel
- G. Other uses incidental to permitted principal use

#### **12-28-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. Bank
- B. Restaurant, excluding drive-in/thru
- C. Medical clinic
- D. Essential public services
- E. Hospital

- F. Museum
- G. Post office
- H. Parking lots, public or private
- I. Child care center
- J. Convention center, assembly hall, display hall, or similar use
- K. Manufacturing when accessory to permitted principal use
- L. Radio/television station
- M. Any other uses deemed to be consistent by the appropriate authority

**12-28-5 Prohibited Uses**

- A. Adult uses
- B. Auto service station
- C. Mini-warehousing
- D. Restaurant, drive-in
- E. Retail except as noted
- F. Residential except as noted
- G. Freight terminal
- H. Auto salvage yard
- I. Disposal or storage of toxic waste
- J. Outdoor advertising, off premise

**12-28-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Minimum Lot Area	Height	Front Yard	Side Yard	Rear Yard	Other
20,000 sq. ft.	45 ft.	50 ft.	15 ft.	20 ft.	In accordance with Performance Standards

CHAPTER 29

"I-1" LIGHT INDUSTRIAL DISTRICT

**12-29-1 General Description**

The Light Industrial District is intended to provide for the development of most types of industry with regulations designed to protect adjacent properties.

**12-29-2 Permitted Uses**

- A. Apparel and other products manufactured from textiles
- B. Assembly of products from finished materials and parts
- C. Bottling and canning of soft drinks
- D. Cabinet making
- E. Food processing
- F. Fur repair and storage
- G. Laboratories
- H. Laundry, dry cleaning, dyeing except walk-in/drive-up
- I. Photo processing involving photo engraving
- J. Printing and binding
- K. Services, providing not more than 5% of the business comes from retail on-premise sales and except repair or reconditioning of any motor vehicles
- L. Wholesaling, warehousing and storage, except mini-warehousing
- M. Any other similar uses deemed to be consistent
- N. Any permitted used under B-3

**12-29-3 Permitted Accessory Uses**

- A. Offices
- B. Other accessory uses incidental to a permitted use

**12-29-4 Prohibited Uses**

- A. Disposal or storage of toxic waste

**12-29-5 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
45 ft.	20' for 1 - 3 stories, if > 3 stories, then 40% of building height.	15 ft.	20 ft.	In accordance with Performance Standards



## CHAPTER 30

### "I-2" GENERAL INDUSTRIAL DISTRICT

#### 12-30-1 General Description

The General Industrial District is intended to provide for large scale manufacturing facilities not otherwise permitted which have potential significant external impacts to adjacent properties.

#### 12-30-2 Permitted Uses

- A. Any use permitted in an I-1 District
  - B. Any other use which, in the opinion of the appropriate authority, is of similar character to those specified above
  - C. Any of the following uses, when at least two hundred (200) feet from any residentially zoned private property and at least one hundred (100) feet from any other district, except an I-1 District or when authorized by the appropriate authority
  - D. Acetylene manufacturing in excess of fifteen (15) pounds per square inch
  - E. Acid manufacture
  - F. Aircraft, assembly and testing
  - G. Ammonia, chlorine or bleach powder manufacture
  - H. Animal black, lamp black, bone black or graphite manufacture
  - I. Asbestos and asbestos products manufacture
  - J. Automobile, tractor trailer, farm implement assembly or manufacture
  - K. Blast furnaces, steel works or rolling mills
  - L. Bleaching, cleaning and dyeing plant
  - M. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops
  - N. Box and crate manufacture
  - O. Brewing or distilling of liquors
  - P. Brick manufacture
  - Q. Bulk station
  - R. Candle or sperm oil manufacture
  - S. Cans and other types of containers manufacture
  - T. Celluloid or pyroxyline manufacture, or explosive or inflammable cellulose or manufacture or storage
  - U. Cement, lime, gypsum, plaster or plaster of paris manufacture
  - V. Chalk manufacture
  - W. Charcoal manufacture
  - X. Chemicals, the manufacture or use of, except those which may be inflammable or explosive
  - Y. Coffin manufacture
  - Z. Cooperage works
- 
- 1. Cotton ginning and cotton wadding
  - 2. Cottonseed oil manufacture
  - 3. Creosote manufacture or treatment
  - 4. Dextrin, starch or glucose manufacture
  - 5. Disinfectant, insecticide or poison manufacture
  - 6. Distillation of coal, petroleum, refuse, grain, wood or bones except in the manufacture of gas
  - 7. Dyes, aniline, ink pigments and others manufacture
  - 8. Emery cloth or sandpaper manufacture
  - 9. Enameling, lacquering or japanning
  - 10. Explosive manufacture or storage except for small arms ammunition
  - 11. Fertilizer, compost - manufacture or storage
  - 12. Fish curing, smoking or packing, fish oil manufacture or refining
  - 13. Flammable liquids storage not to exceed a total of twenty-five thousand (25,000) gallons
  - 14. Flour, grain or feed milling or processing

15. Foundry works
16. Gas-generation or storage for illumination or heating
17. Gelatin, vegetable and animal manufacture
18. Glass blowing and manufacture
19. Grain elevators
20. Hair or hair products manufacture
21. Hemp products manufacture
22. Linoleum, oil cloth or oiled goods manufacture
23. Lumber, preserving treatment, processing, sawmills and planing mills manufacture
24. Machinery, heavy manufacture and repair
25. Match manufacture
26. Meat, packing and processing except slaughtering and glue and size manufacture, but not stockyards or slaughterhouses
  - a. Metal stamping and extrusion of metal products manufacture and plating
  - b. Motor testing or internal combustion motors manufacture
  - c. Oil, shellac, turpentine, varnish or enamel manufacture
  - d. Paper and pulp manufacture
  - e. Perfume manufacture
  - f. Petroleum or flammable liquids production and refining
  - g. Pickle, sauerkraut, sausage manufacture
  - h. Porcelain products manufacture
  - ii. Poultry slaughterhouse, including packing and storage for wholesale
  - j. Railroad equipment manufacture
  - k. Rock crushing
  - l. Rubber products, including tires and tubes and tire recapping
  - m. Rubber manufacture and processing
  - n. Sandblasting or cutting
  - o. Sewage disposal plant or incinerator, sanitary landfill, recycling or composting operation except by the municipality
  - p. Shoe blacking or polish or stove polish manufacture
  - q. Soap manufacture
  - r. Steam power plant, except where accessory to a permitted principal use
  - s. Stone and monument works employing power driven tools
  - t. Storage, curing or tanning of raw, green or salted hides or skins when refrigerated storage is provided
  - u. Storage of flammable liquids when facilities are located at least six hundred feet (600') from any "R" District and at least three hundred feet (300') from any other district except "I" Districts and are enclosed by a fence at least eight feet (8') in height
  - v. Sugar refining
  - w. Tar distillation or asphalt roofing or waterproofing manufacture
  - x. Vinegar manufacture
  - y. Wax products manufacture
  - z. Wire or rod drawing - nut, screw or bolt manufacture
    1. Wool scouring and pulling
    2. Yeast manufacture
    3. Any other similar uses deemed to be consistent

**12-30-3 Permitted Accessory Uses**

- A. Permitted accessory uses in an I-1 District
- B. Other uses incidental to a principal use

**12-30-4 When Authorized by the City Council with Recommendation from the Plan Commission**

- A. An establishment which has the potential to be dangerous or extremely obnoxious. Included are those which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive material are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishments=s principal activity.
- B. Automobile salvage and wrecking operations, and industrial metal and waste salvage operations and junk yards not less than two hundred feet (200') from any "B" District and one thousand feet (1,000') from any State or Federal highway enclosed on all sides with solid masonry wall at least twelve feet (12') high; no pile of salvage, scrap or other material shall be higher than twelve feet (12').
- C. Asphalt plant
- D. Aviation facilities, private and public
- E. Landfill, construction debris, rubble, or sanitary
- F. Recycling centers and stations
- G. Resource extraction
- H. Scrap and salvage services
- I. Shooting range
- J. Transfer station for waste
- K. Disposal or storage of toxic waste
- L. Any other similar uses deemed to be consistent

**12-30-5 Prohibited Uses**

- A. Any prohibited use in an I-1 District, except auto salvage yard

**12-30-6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Chapter 12-35-6. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
75 ft.	< 50 ft. then 20 ft. > 50 ft. then 40% of bldg. height	15 ft.	< 50 ft. then 20 ft. > 50 ft. then 30 ft.	In accordance with Performance Standards

## CHAPTER 31

### "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

#### 12-31-1 Purpose

The purpose of the planned unit development (PUD) district is to promote to the extent possible:

- A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this Ordinance.
- B. Permanent preservation of common open space and recreation areas and facilities.
- C. A pattern of development to preserve natural vegetation, topographic, and geologic features.
- D. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities.
- E. An efficient use of the land resulting in more economic networks of utilities, streets, and other facilities.
- F. A land use which promotes the public health, safety, comfort, morals, and welfare.
- G. To improve stormwater management practices and reduce flooding, erosion, and sedimentation through the retention of open space, vegetation, and natural drainage patterns.
- H. To implement adopted land use and community policies.
- I. To implement provision of the Illinois Quad Cities Greenway Plan and/or Henry County Greenway Plan.
- J. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- K. To conserve scenic views and elements of the municipality's rural character.

The PUD district is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but departs from the normal standards and requirements of other sections of this Ordinance.

The planned unit development may provide amenities not otherwise required by law and may establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plan which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

The foregoing purposes and principals shall not be interpreted to permit the reduction of standards set forth in this section.

#### 12-31-2 Procedure

The owner, owners, or bona fide buyer of any tract of land may petition the Plan Commission for a change to the PUD zoning district in accordance with Chapter 5. A planned unit development shall be authorized in accordance with the following procedures:

**A. Application procedure.**

1. The application for a rezoning to the PUD zoning district shall be accompanied by an application plan meeting the requirements of Chapter 12-31-3 Section A. and show evidence that the proposed development will conform to the official city plan and to the purpose of the PUD district set forth in Chapter 12-31-1. The City Council with recommendation from the Plan Commission shall grant or deny said application pursuant to the provisions contained in Chapter 5. Approval of the PUD zoning district shall constitute an expression of approval by the City Council of the application plan as a guide to the preparation of the preliminary PUD plan. The applications shall be accompanied by a filing fee in an amount equal to that prescribed by Chapter 5.
2. To reduce the number of steps involved in the approval of a planned unit development, a preliminary PUD plan meeting the requirements of Chapter 12-31-2 Section B. and Chapter 12-31-3 Section B. may be submitted in lieu of an application plan required in (a) above. This type of application shall be accompanied by a filing fee in an amount equal of one hundred dollars (\$100.00).

**B. Approval of the preliminary plan.**

1. Supporting data in accordance with Chapter 12-31-3 Section B.
  - a. Copies of the preliminary PUD plan and supporting data shall be submitted to the Zoning Officer for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design, if any.
  - b. Copies of the preliminary PUD plan shall be submitted to the Plan Commission who shall hold public hearings on the application for a preliminary PUD plan giving notice of the times and places as required by state law by publishing a notice thereof at least once in a publication having general circulation within the city. Following the public hearings, a recommendation of approval or denial of the preliminary PUD plan shall be made by the Plan Commission to the City Council. If needed, the City Council shall review the preliminary PUD plan and grant or deny any exceptions or variances needed.
2. Findings: The Plan Commission shall set forth the reasons for the recommendation, and said recommendation shall set forth how the proposal would be in the public interest, including but not limited to findings of facts on the following:
  - a. In what respects the proposed plan is consistent with the stated purpose of the planned unit development requirements.
  - b. The extent to which the proposed plan meets the requirements and standards of the planned unit development district.
  - c. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.
  - d. The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light, air, recreation, and visual enjoyment.
  - e. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
  - f. The desirability of the proposed plan to physical development, tax base, and economic well-being of the entire community.

- g. The conformity with the intent and spirit of the comprehensive plan.
  - h. Specific points noted on the plan that have impact on its design, function, and visibility in the community.
3. Following receipt of the recommendation by the Plan Commission and approval by the City Council, the Plan Commission shall, within sixty (60) days, recommend approval, modification within limits of a minor change, or disapproval of the planned unit development plan. As a condition to the approval of the preliminary PUD plan, the Plan Commission shall set forth findings of fact in accord with Chapter 12-31-2 on which they base their approval and describing how the proposal meets the standards of Chapter 12-31-4.
  4. All conditions, documents, and plans required by the Plan Commission must be delineated on the plat or agreed to in writing prior to City Council approval.
  5. The Plan Commission may require such special conditions as they may deem necessary to insure conformance with the intent of all comprehensive plan elements, the stated purpose of the planned development district and established city policies.
  6. Approval of a preliminary planned unit development plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the city. The final plan shall be approved as the final land use and zoning plan if it conforms substantially with the preliminary land use and zoning plan.  
  
The final plan may be considered as a preliminary and final plan and may be submitted for preliminary and final approval, if all of the land is to be developed at one time, and if all requirements hereof are met.
  7. The provisions of Chapter 5 shall be applicable to the preliminary PUD plan.
- C. **Approval of final plan.** The final planned unit development plan shall be submitted to the Zoning Officer who shall refer same to the Plan Commission. The final PUD plan shall conform to the preliminary PUD plan as approved or subject to minor changes, and may be submitted in stages with each stage reflecting the approved preliminary plan; provided, however, that such stage conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:
1. A final planned unit development plan and other supporting data required for approval shall be in accord with the provisions of Chapter 12-31-3. Final plans must be submitted for approval in accordance with agreed-to scheduling, but not later than five (5) years from the approval of the preliminary plan by the City Council. The City Council may grant an extension in time or the developer may resubmit an application; in the event that same is not done, the appropriate authority shall initiate such zoning changes as it deems necessary to preserve the public interest. If construction falls more than two (2) years behind the schedule filed with the final plan, the plan becomes subject to revocation. The Plan Commission shall monitor all pending PUD projects and inform the City Council of those six (6) months or more behind schedule.
  2. The final plan and supporting data shall be submitted to the appropriate authority for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
  3. After review of the final plan, the Plan Commission shall submit the planned unit development plan to the City Council with a recommendation for approval, disapproval, or approval with minor modifications as reviewed at the public hearing. Any changes or modifications which arise subsequent to the public hearing shall be specifically noted and referred to the Zoning Officer who shall determine whether the change constitutes a major or minor change and whether another public hearing is required.

4. The City Council shall, within sixty (60) days, approve, disapprove, or extend the time period for another sixty (60) days in taking action on the final plan.
  5. All conditions, documents, and plans required by the council must be delineated on the plan or agreed to in writing prior to the City Council approval.
- D. **Recording the final planned unit development plan.** The construction of any public improvement in the planned unit development shall be initiated only after recoding of the final PUD plan has been recorded with the County recorder, and shall be issued in full conformance with this Ordinance.
- E. **Changes in the planned unit development.** The planned unit development shall be developed according to the approved and recorded final plan, recorded approved plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.
1. Major changes. A change in the approved preliminary PUD plan or final PUD plan which alters the concept or intent of the planned unit development including a change in usage, the configuration, increase in floor area or the height of buildings, an increase in intensity, a reduction of proposed open space, a change in road locations or standards, a change in the final governing agreement, provisions or covenants, or other major changes, shall be approved only by submission of a new preliminary PUD plan in accordance with the procedures as previously set forth for the approval of preliminary and final PUD plans. All approved major changes in the final PUD plan shall be recorded with the County recorder as amendments to the final PUD plan.
  2. Minor changes. The City Council may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change.

### **12-31-3 Specific Content**

The planned unit development plans and supporting data shall include at least the following information:

A. **Application stage:**

1. General site information. Data regarding site conditions, and characteristics, available community facilities and utilities, existing covenants and other related information.
2. Sketch plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots, and other features.

B. **Preliminary plan stage:**

1. Design plan. A drawing of the planned unit development shall be prepared at a scale of either one inch equals one hundred (100) feet or one inch equals fifty (50) feet, or such other scale that may be recommended by appropriate city authority. Any change in scale between the preliminary and final plan shall be accompanied by a signed statement from the developer attesting that there have been no modifications. All plans shall show the general location of proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
  - a. Boundary lines: Bearing and distances.
  - b. Easements: General location, width, and purpose.

- c. Public and private streets on and adjacent to the tract: Street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, distance to nearest intersection, etc.
  - d. Utilities (public or private) on and adjacent to the tract: Location, size and invert elevations of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights on the tract. The direction and distance to the nearest usable water mains and sewers anticipated to be utilized by the development and elevations of sewers. Drainage district boundaries and appropriate design criteria necessary for storm drainage plans.
  - e. Existing ground elevations on the tract: For land that slopes less than one-half of one (2 of 1) percent, show one foot contours; show spot elevations at all breaks in grades along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half of one (2 of 1) percent show two (2) foot contours.
  - f. Subsurface conditions on the tract, if required by the commission or council: Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet: The location and results of soil percolation tests if individual sewage disposal systems are proposed.
  - g. Other conditions are on the tract: Water courses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings and other significant features.
  - h. Other conditions on adjacent land: Approximate direction and gradient of ground slopes, including any embankments or retaining walls; character and general location of buildings, including a notation on the front setback, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplanted land; for adjacent platted land refer to subdivision plan by name and show approximate percent built up; typical lot size and dwelling type.
  - i. Zoning on and adjacent to the tract.
  - j. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
  - k. Open space: All parcels of land intended to be dedicated for public use of all property owners with the purpose indicated.
  - l. General location, purpose, and height, in feet or stories of each building other than single-family residences on individually platted lots.
  - m. Map data: Name of development, north point and scale, date of preparation, acreage of site and name and address of developer, designer, and engineer.
  - n. Miscellaneous: Such additional information as may be required by the appropriate authority or found in the subdivision control ordinance.
2. Character. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations.
  3. Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the county recorder.
  4. Schedule. Development schedule indicating:



- a. Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage shall be shown on the plan and through supporting graphic material.
  - b. Completion date or dates of new construction for above and below ground facilities, utilities, and buffer planting.
  - c. If different land use types are to be included within the planned unit development, the schedule must normally include the mix of uses to be built in each stage.
5. Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
  6. Density. Provide information on the density of residential uses and the number of dwelling units by type.
  7. Use. Provide a list of uses planned for the ancillary and nonresidential uses.
  8. Service facilities. Provide information on all service facilities and off-street parking facilities.
  9. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size, and type of dwelling units.
  10. Facilities plans (public and/or private). Preliminary plans for:
    - a. Roads, including classification, width of right-of-way, width of pavement, typical construction details, and plan and profile drawings.
    - b. Sanitary sewers.
    - c. Storm drainage and erosion.
    - d. Water supply system, if required by the appropriate authority.
    - e. Lighting program, if required by the appropriate authority.
    - f. Grading.

**C. Final plan stage.**

1. Final detailed plan. A final land use and zoning plan shall be prepared. The purpose of the land use and zoning plan is to designate the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final land use and zoning plan shall include, but not be limited to:
  - a. An accurate legal metes and bounds description of the entire area under immediate development within the planned development.
  - b. A subdivision plan of all subdivided lands in the same form and meeting all the requirements of a normal subdivision final plan.
  - c. An accurate legal metes and bounds description of each separate unsubdivided use area, including common open space.
  - d. Designation of the exact location of all buildings to be constructed in unsubdivided areas.

- e. Tabulations on separate subdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
  - f. Architectural plans unless waived by the appropriate authority during the preliminary stage.
2. Common open space documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to nonprofit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees, in a form approved by the city attorney, that the common open space will be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
  3. Engineering data. All public utilities or improvements required by the City in the development of a planned unit development shall be constructed only after the approval of the final plan. Supporting data to be submitted with the final plans shall include final engineering drawings (construction plans), as required by the appropriate authority.
  4. Guarantee deposit. Prior to the acceptance by the appropriate authority of public utilities and improvements, the contractor(s) for the owner of the land shall furnish to the City a good and sufficient bond with surety to secure to the City the actual construction and installation of such public utilities or improvements according to the City specifications within two (2) years from the date of approval by the appropriate authority of the final plan or a petition to the appropriate authority to provide the required public facilities or improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments; provided, however, that the subdivider or property owners shall be responsible for any differences between the cost of the public utilities or improvements and the amount that can be legally assessed by the City against the subdivided property, and shall furnish the necessary waivers to permit the assessment of the entire costs of the public utilities or improvements. A maintenance bond shall be provided for the repairs necessitated by defects in material or workmanship not to exceed four (4) years from the date of completion as certified by the appropriate authority.
  5. Certificates, seals, and signatures required for the dedication of lands and recording document, as set forth in the subdivision regulations.
  6. Covenants. Final agreements, provisions, or covenants which will provide for the use, maintenance, and continued protection of the planned unit development, if applicable.

**12-31-4 Standards**

The planned unit development must meet the following standards:

- A. **Comprehensive plan.** A planned unit development must conform with the intent and spirit of the comprehensive plan.
- B. **Size.** The site of the total planned unit development must be under single ownership and/or unified control and be not less than sixty thousand (60,000) square feet in area.
- C. **Compatibility.** The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- D. **Space.** Space between buildings shall be subject to approval during the review process.
- E. **Open Space Land Use and Design.**
  1. Permitted open space uses. The following uses are permitted in open space land areas:

- a. Conservation of open land in its natural state (for example, woodland fallow field, or managed meadow).
  - b. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, including residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, and other animals likely to produce highly offensive odors.
  - c. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 65% of the minimum required open space land.
  - d. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
  - e. Neighborhood open space uses such as village greens, commons, picnic areas community gardens, trails, and similar low-impact passive recreational uses. Motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact are specifically excluded.
  - f. Active non-commercial recreation areas, such as ballfields, playgrounds, courts and bikeways, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Ballfields, playgrounds, and courts shall not be located within 100 feet of abutting properties and shall not be illuminated for activity after dark. Parking facilities for the same shall also be permitted and shall generally be gravel-surfaced, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
  - g. Golf courses may comprise up to 75 percent of the minimum required open space land, but shall not include commercial driving ranges or miniature golf. Not more than 10% of the remaining open space land may be wetland, submerged, or used for stormwater management. Golf course parking areas and any associated structures shall not be included within the minimum open space requirement. Parking and access ways may be paved and lighted. Golf courses included as part of the open space shall be designed to maximize the extent of fairways that front along adjacent public roads. Naturalistic plantings comprises of indigenous species shall be established in the buffer areas between the fairways and the adjacent roadways.
  - h. Stormwater drainage and detention areas designed, landscaped, and available for use as an integral part of the open space.
  - i. Easements for drainage, access, sewer or water lines, bike paths, or other public purposes.
  - j. Underground utility rights-of-way. Utility and street rights-of way may traverse conservation areas. Street rights-of way shall not count toward the minimum required open space land, but underground utility rights-of way shall.
2. Open space design standards. The following standards shall be adhered to in the design of the open space and greenway areas:
    - a. Open space shall be laid out in general accordance with the open space and greenway networks.
    - b. Long, narrow strips of open space are discouraged, except where designed to protect linear resources such as streets or trails or to provide connections between larger open space areas.

- c. Fragmentation of open space into isolated unlinked pieces is discouraged, except to provide neighborhood parks and common areas.
- d. Dedicated open space land shall generally remain undivided and may be owned and maintained by a homeowners= association, land trust, another conservation organization recognized by the municipality, or by a private individual (typically as part of "non-common" conservation land used for rural resource activities, such as equestrian facilities, tree nurseries, etc.). However, in no case shall less than 25 percent of the property be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the open space land may be owned by different entities.
- e. The open space shall include land dedicated for public recreational use as outlined in the City subdivision regulations.
- f. Where the proposed development adjoins public parkland, a natural open space buffer at least 50 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the City may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

3. Other requirements.

- a. No portion of any building lot may be used for meeting the minimum open space required. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required open space land.
- b. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with the permitted open space uses specified herein, shall be provided to open space land in accordance with the following requirements:
  - Each neighborhood shall be provided with one centrally located access point to the open space per 25 lots, a minimum of 30 feet in width.
  - Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- c. All open space land areas that are not wooded or farmed shall be landscaped, revegetated, or managed to encourage natural succession to meadow or woodland.

**F. Yards.**

- 1. The required yards along the periphery of the project should be at least equal in width or depth to that of the adjacent zoning district.
- 2. All other yards shall be subject to approval during the review process.

**G. Parking requirements.** Adequate, adjacent parking shall be provided based on design and use.

**H. Traffic.** That adequate provision be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The appropriate authority or council may require a professional traffic engineer to investigate and submit a traffic study.

- I. **Low Density Conservation Standard.** Open space shall comprise a minimum of 50 percent of the development site. In no case shall the gross density of the development exceed 1.4 development units per acre. A development unit is defined as the entire impervious developed area of the unit including the building footprint and surfaced parking, driveways, sidewalks, etc. No more than 20% of the minimum open space land may be wetland, submerged or used as a stormwater retention facility. The open space requirement shall include land dedicated for public recreational use in accordance with the subdivision regulations of this City.
- J. **Medium Density Conservation Standard.** Open space shall comprise a minimum of 30 percent of the development site. In no case shall the gross density of the development exceed 2.0 development units per acre. A development unit is defined as the entire impervious developed area of the unit including the building footprint and surfaced parking, driveways, sidewalks, etc. No more than 20% of the minimum open space land may be wetland, submerged or used as a stormwater retention facility. The open space requirement shall include land dedicated for public recreational use in accordance with the subdivision regulations of this City.
- K. **Other standards.** The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the standard zoning districts and other provisions of this Ordinance to the extent specified in the preliminary land use and zoning plan and documents authorizing the planned unit development so long as the planned unit development project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. All new construction shall conform to City specifications and regulations.

#### 12-31-5 **Conditions and Guarantees**

Prior to the granting of any planned unit development, the City Council may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in Chapter 12-31-4. In all cases in which planned unit developments are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

## CHAPTER 32

### "RCO" RIVERFRONT CORRIDOR OVERLAY DISTRICT

#### **12-32-1 General Description**

The intent of the Riverfront Corridor Overlay District (RCO) is:

- A. To recognize, preserve, maintain and promote economically viable uses that are a benefit to the City;
- B. To maximize public benefit for further development of the riverfront area;
- C. To provide for improved scenic and aesthetic controls;
- D. To recognize the riverfront area as a visual, environmental and recreational resource that affect and benefits the City as a whole;
- E. To protect adjacent properties from the negative effects of incompatible development;
- F. To establish a physically attractive pattern of development for the general welfare of the City.

The RCO extends along the Rock River in the corporate limits of the City of Colona. The exact boundary of the RCO is delineated on the official City zoning map. The Riverfront Corridor Overlay District regulations supplement and control (where inconsistent) the regulations of underlying district(s). All other applicable provisions and standards of this Ordinance and other pertinent ordinances shall remain in effect.

#### **12-32-2 Permitted Principal Uses**

- A. All uses permitted by right in the underlying zoning district(s).

#### **12-32-3 Other Uses**

- A. Uses authorized by the City Council with recommendation from the Plan Commission.

#### **12-32-4 Applicable Regulations**

- A. All requirements of the underlying zoning district(s) concerning site planning, building height, lot area, and yard depths shall remain applicable except where modified by the following sections.

#### **12-32-5 Public Pedestrian/Bike Easement**

For the benefit of the public, access to or along the riverfront is encouraged. This will serve to provide open areas and vehicle-free areas for use by the general public. The desired design standards for such access are as follows:

- A. A public pedestrian/bike easement of at least twenty (20) feet in width running in continuous length through the property for properties ordering the river. The easement shall be adjacent to the riverfront by an alternative location may be proposed if the riverfront location is not possible.
- B. The easement should connect to any adjacent public pedestrian/bike easement in a physically logical and efficient manner.
- C. Such pedestrian/bike easements should be located in a safe and logical fashion and be usable by pedestrians and bicyclists.
- D. The City shall be responsible for the cost, installation, and maintenance of the asphalt surfacing, lighting, signage, security and fencing where needed, and any other facilities necessary for the public use along the pedestrian/bike easement.

**12-32-6 Development Incentives**

- A. If a public pedestrian/bike easement of a least twenty (20) feet in width running continuously through the property is provided by the owner, the maximum building height allowable may be increased up to four (4) stories, not to exceed fifty (50) feet. The granting of this increase shall also be dependent upon design and topographical considerations.
- B. If a public pedestrian/bike easement of at least twenty (20) feet in width running continuously through the property is provided by the owner, the required setbacks from public right-of-way may be varied as long as design, floodplain, safety, topographic and view considerations are satisfactorily addressed; provided, however the setback may not be reduced to less than ten (10) feet.
- C. For every four hundred (400) square feet of dedicated public pedestrian easement which is at least twenty (20) feet wide that is provided by the owner, one parking space may be deducted from the required parking total. This provision shall not apply to residential use within the RCO. Regardless of waivers or exemptions herein above granted or the requirements set forth in the off-street parking regulations of the City of Colona, required parking spaces shall never be reduced to less than fifty percent (50%) of the normal required total number of spaces.

**12-32-7 Site Plan Requirement**

All applicants for proposed uses in the RCO shall be required to submit a site plan for review and recommendation by the Plan Commission and approved by the City Council prior to, or in conjunction with, a zoning change, conditional use or building permit. The Plan Commission shall review site plans for proposed uses requiring approval. The site plan shall include the following information:

- A. A drawing(s) at a scale of one hundred (100) feet or less to the inch indicating:
- B. The legal description of the property;
- C. Existing topography and the proposed finished grade of the site, shown with contour intervals of two (2) feet;
- D. Location and description of existing and proposed utility services on and adjacent to the development, including sanitary sewers, storm sewers, water mains, fire hydrants, and other utilities;
- E. All existing and proposed easements;
- F. The location and size of each existing and proposed structure or use on the site;
- G. The location and width of streets adjacent to or on the property;
- H. The location and width of streets adjacent to or on the property;
- I. The dimensions and capacities of parking areas and loading areas, including the location and type of illumination and landscaping;
- J. The types of surfacing, such as paving, turf or gravel to be used on the site;
- K. A drainage plan for the site;
- L. The location and height of all existing proposed walls, fences, and screen plantings, landscaping and buffer areas; and

**12-32-8 Traffic Analysis**

A traffic study shall be required for developments that are expected to generate large volumes of traffic to and from a site. The Zoning Officer and/or City Engineer shall determine if a traffic study is required for a site. The analysis shall be performed by a registered professional engineer. The analysis shall include the anticipated or projected trip generation per day (ADT) and peak hourly traffic resulting from the proposed use; access points and driveways to and from the site; parking areas and number of parking spaces; stacking areas, sight distances from the access points; distance from proposed access points to existing intersections and driveways within five hundred (500) feet; and other information necessary for proper review by the City.

**12-32-9 Performance Standards for Site Development**

- A. Landscaping and Screening - Commercial, industrial, office and multi-family developments shall be required to provide landscaping or screening adequate to achieve the following objectives:

To screen incompatible land uses and protect residential areas from negative effects such as noise, glare and litter;

To provide a visually attractive site design;

To encourage the creative use of landscaping to frame or enhance views and vistas and discourage the obstruction of existing views; and

To be sensitive to the environmental nature of the riverbank by limiting its alteration except as necessary.

- B. Illumination - Exterior lighting on buildings or in yard and parking areas shall not produce any hazards, nuisances, or unsightly glare for adjacent land uses, pedestrians and motorists.
- C. Refer to Chapters 7, 33, 34 and 35 standards in Title 12 of this City code for specific development.
- D. Signs freestanding

#### **12-32-10 Submission of Site Plan**

A site plan shall be submitted at the time of application for a rezoning, an authorized use, and if applicable, for a variance. If only a building the site plan shall be submitted at the time of application for the permit. The site plan shall be submitted to the appropriate official. A processing fee of twenty-five (\$25) dollars shall be paid to the City at the time the site plan is submitted. This fee shall not be required if the site plan is submitted at the same time as an application for a zoning change or authorized use.

#### **12-32-11 Review Process**

Upon receiving a site plan, the Zoning Officer shall schedule a public hearing for review by the Plan Commission. The Plan Commission shall review and make a recommendation to the City Council for site plans requiring a zoning change, or only a building or sign permit. The City Council shall review and take final action on site plans requiring a zoning change, or only a building or sign permit. The Plan Commission shall review and approve site plans for uses requiring the City Council authorization or variances, if applicable. A site plan approved by the City Council shall not require other authority review before the issuance of a building permit.

#### **12-32-12 Notice of Public Hearing**

If a site plan is submitted as part of an application for a zoning change, authorized use or variance, the appropriate notification procedure established in the Ordinance shall be followed. If only a building or sign permit is required, at least fifteen (15) days before the public hearing, a notice stating the time and place of the hearing shall be placed in a newspaper of general circulation in the City of Colona. Notice shall also be delivered personally or by mail at least five (5) days before the hearing to the applicant, respective owners of record or property adjoining or adjacent to the subject parcel within the City's planning jurisdiction, and the City Council.

#### **12-32-13 Findings of Fact**

Site plans reviewed by the appropriate authority(s). Appeals shall be approved, approved with conditions, or disapproved. In any case, the reviewing body shall make the following specific findings of fact concerning the site plan:

- A. Whether the proposed development conforms to the standards and requirements of the Riverfront Corridor Overlay District;
- B. Whether the proposed development is consistent with the land use recommendations and development policies;
- C. Whether the proposed development is designed to prevent traffic congestion and access problems along adjacent streets;



- D. Whether the proposed development is an attractive design and an efficient use of land;
- E. Whether the proposed development is compatible with adjacent land uses and is designed to protect adjacent properties from adverse effects such as noise, glare, litter and unattractive features;
- F. Whether the proposed development will be adequately served by public facilities; and
- G. Whether the proposed development will have any negative environmental or physical impacts on the site or on adjacent properties.

**12-32-14 Exemptions from Site Plan Requirements**

One and two family residences are exempt from the site plan requirements of the RCO. In addition, a site plan shall not be required for the renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

**12-32-15 Amendments to Approved Site Plans**

Any amendment or change to an approved site plan must be submitted to the appropriate official for review. The Zoning Officer shall determine if the proposed amendment is a major change requiring review and approval by the City Council. Minor changes can be approved by the Zoning Officer.

**12-32-16 Site Plan Review Requirements Outside Riverfront Corridor Overlay District**

Riverfront Corridor Overlay District site plan review requirements that also apply city-wide for site plans requiring a zoning change, authorized use and/or variances. The same notification and public hearing process shall also be followed.

## CHAPTER 32.5

### "MU" Major Utility District

[Amended July 28, 2014]

#### **12-32.5-1 Intent**

The Major Utility District is intended to provide suitable locations for major utilities facilities necessary for the providing of public or privately owned utility services to support business and residential uses in and adjacent to the City. The regulations set forth in this section are meant to achieve the following:

- A. To provide appropriate space for municipal utility infrastructure facilities, including water treatment plants and wastewater treatment plants.
- B. Provide appropriate space for major electrical substations.
- C. To provide space for similar major utility facilities.

#### **12-32.5-2 Permitted Uses**

The permitted uses within the District encompass a range of major utility facilities necessary to provide services for business and residential development within and adjacent to the City. Permitted uses shall include the following and uses of a similar nature:

- A. Electric Substations.
- B. Wastewater Treatment Plants.
- C. Water Treatment Plants.

#### **12-32.5-3 Accessory Uses**

- A. Standby power generators used for emergency power provided such generators are equipped with appropriate sound dampening enclosures and muffler.
- B. Fuel storage for standby generators.
- C. Security fencing and other means of providing site security.
- D. On-site exterior signs which shall be integral or attached to the building and shall not extend above any building line, shall not have a height of more than 2 feet or a length of more than 20 feet, or ground or monument signs not exceeding 4 feet in height or 8 feet in length.
- E. The required, or advisable, warning signs attached to an exterior security fence or installed in a manner to provide the required notification.

#### **12-32.5-4 Area Regulations.**

- A. Lot area. The minimum area for all uses shall be 1 acre.
- B. Lot width. There shall be no minimum required lot width.
- C. Yard depth.
  - a. The minimum front yard depth for all uses shall be 20 feet.
  - b. The minimum rear yard depth for all uses shall be 20 feet.

- c. The minimum side yard depth shall be 20 feet on all sides other than the front and rear for all uses.
- D. Building height. The maximum building height shall be 45 feet.
- E. Ancillary systems height. The maximum height for any ancillary system, not incorporated in a building shall be 80 feet.

**12-32.5-5 Other Applicable Regulations**

Any development in the MU zoning district.

- A. Any development where one or more vehicles are regularly present at the facility for more than one hour per day the development must provide four designated parking stalls, except if the maximum number of vehicles projected to be present at any time on the site is greater than three the minimum number of parking stall shall be based on the maximum number of vehicles projected to be present at any time plus two stalls.
- B. For any development where vehicles are not present on a regular basis for more than one hour per day, designated parking stalls are not required provided the maximum number of vehicles can be accommodated on a paved or granular surface with all vehicles being located a minimum of 10 feet from any property line.

Any municipal services (i.e. sewer, water, water towers, lift stations, pump houses, etc.) shall be exempt from the requirements stated in "12-32.5-4 Area Regulations."

## CHAPTER 33

### PERFORMANCE STANDARDS

#### 12-33-1 Compliance with Provisions

- A. New Uses: Any use established in the business or industrial zones after the effective date hereof shall comply with the minimum performance standards contained in this Chapter.
- B. Existing Uses: Existing business and industrial uses which are not in compliance with the performance standards contained in this Chapter are exempt, except where a use did not comply with performance standards in effect prior to the effective date hereof (effective date).

Conditions which do not comply shall not be increased in scope or magnitude. Such uses shall be permitted to be enlarged or altered, provided the addition or change conforms with the applicable performance standards.

#### 12-33-2 Certification May Be Required

When necessary, the Zoning Officer and/or City Engineer may require of the applicant certification by a registered professional engineer or other qualified person, at the expense of the applicant, that the performance standards for a proposed use can be met.

#### 12-33-3 Smoke Emissions

The emission of smoke from any operation or activity shall not exceed a density or equivalent opacity permitted by the Illinois Environmental Protection Agency (IEPA) .

#### 12-33-4 Particulate Matter

No person shall operate or cause to be operated any process which emits particulate air contaminants exceeding the air quality standards of the Illinois Environmental Protection Agency (IEPA) or its successor.

- A. Prior to the City issuing a certificate of occupancy, an applicant must submit to the appropriate official documentation of the IEPA approval of the applicant=s "application and permit to install or alter equipment or control equipment" if such a permit is required under the applicable IEPA standards.
- B. In the event the IEPA lowers its air quality standards, the IEPA standards in effect on the adoption date of this Ordinance shall remain applicable. Under these circumstances, prior to the City issuing a building permit, an applicant must submit to the Appropriate Official documentation from a licensed engineer demonstrating that the use complies with the IEPA standards (on the adoption date of this Ordinance).
- C. In the event the IEPA raises its air quality standards, the new IEPA standards shall apply, and the applicant must comply with the requirements of Section 12-33-4B.

#### 12-33-5 Toxic Matters

The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life will be required. The measurement of toxic matter shall be on the average of any twenty-four (24) hour sampling period.

- A. All B Zones and the ORT Zone. In all B zones and in the ORT zone, the release beyond lot lines of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values.
- B. I-1 and I-2 Zones. In the I-1 and I-2 zones, the release of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values beyond zone boundary lines.

**12-33-6 Vibration**

Earth borne vibrations from any operation or activity shall not exceed the displacement values below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. The maximum displacements shall be determined by the following formula:

$$D = \frac{K}{f}$$

where

D = displacement in inches

K = a constant given in table below

f = the frequency of the vibration transmitted through the ground in cycles per second

Zone and Place of Measurement	Continuous	Impulsive (at least 1 second rest between pulses which do not exceed 1 second duration)	Less Than 8 Pulses Per 24 Hour Period
B Zones and ORT Zone: At Lot Line	0.003	0.006	0.015
I-1 Zone and I-2 Zone:			
1. At Zone Boundary Line	0.030	0.060	0.150
2. At R Zone, Recreational Area or School Boundary Line	0.003	0.006	0.015

**12-33-7 Glare Illumination**

See Illumination Provisions, Chapter 34.

**12-33-8 Sewage Waste**

Sewers and sewage discharge shall meet the appropriate City code and all IEPA requirements.

**12-33-9 Storage**

- A. The open storage of materials and equipment shall except for sales display shall be subject to the following requirements:
  - 1. Storage of materials and equipment shall be completely screened from view. An eight foot (8') solid wall fence with a level >A= bufferyard as described in Chapter 34 will be required.
  - 2. All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of firefighting equipment.
- B. The bulk storage of flammable liquids and chemicals, when stored in above-ground tanks, shall occur no closer than the lot line or any principal building than the distance indicated by the following table:

Capacity Per Container(Gallons)	Minimum Separation Distances Above Ground Containers
Less than 125	None
125 to 250	10 Feet
251 to 500	10 Feet
501 to 2,000	25 Feet
2,001 to 30,000	50 Feet
30,001 to 70,000	75 Feet
70,001 to 90,000	100 Feet

- C. The underground bulk storage of flammable liquids shall be located in accordance with the Uniform Fire Code regarding tank storage underground, except the minimum distance between such underground tanks and any R zone boundary shall be at least ten feet (10').

**12-33-10 Screening**

See bufferyard requirements as described in Chapter 37.

**12-33-11 Noise**

The following requirements shall apply in all districts:

- A. The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of use districts:

<u>Octave Band Cycles Per Second</u>	<u>Districts</u>  <u>B-1, B-2, B-3</u>	<u>Sound Level, In Decibels</u> <u>All Residential</u>
0 to 75	73	58
76 to 150	69	54
151 to 300	65	50
301 to 600	61	46
601 to 1,200	55	40
1,201 to 2,400	48	33
2,400 to 4,800	41	26
Over 4,800	35	20

- B. Objectionable sounds of an intermittent nature which are not easily measured shall be controlled so as not to become a nuisance to adjacent uses.
- C. Method of Measurement: Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

## CHAPTER 34

### ILLUMINATIONS PROVISIONS

Parking Facility and Exterior Security Lighting:

#### **12-34-1 Purpose**

The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.

#### **12-34-2 Lighting Plan**

Except for single family and two family dwellings, plans for required parking lot and security lighting shall be approved by appropriate officials and the police department prior to approval and issuance of permits. Plans, at appropriate scale, shall be based on accurate, approved final site plans and shall depict all exterior lighting as to its location, orientation and configuration. This must include, but not be limited to:

- A. Luminaire height;
- B. Luminaire and standard technical specifications;
- C. Intensity of illumination measured at the least point of illumination and the greatest point of illumination when measured from ground level;
- D. Type of light source (Metal Halide, High Pressure Sodium, etc.);
- E. Hours of illumination; and
- F. Photometric plan superimposed on the site plan for each classification of lighting with points no greater than 30 feet apart.

#### **12-34-3 Illumination Performance Standards**

- A. **Lighting standards in all zoning districts except those containing single family and two family dwellings**
  - 1. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the police department and the appropriate officials find the following:
    - a. That the proposed lighting is not in conflict with the stated purpose in this section.
    - b. That the proposed lighting will not unreasonable harm or restrict public health, safety, and welfare or create a nuisance; and
    - c. The proposed luminaire has a cutoff angle of less than or equal to 66 degrees.
  - 2. Any open area used for motor vehicle parking, storage, or access shall be illuminated with free-standing luminaries. Free-standing luminaries are permitted to be a maximum of 30 feet in height with a 3 foot support, for a maximum height from the ground of 33 feet. When a luminaire is located within 500 feet of a protected residential property, the maximum permitted luminaire height shall be 25 feet. All measurements shall be taken from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminaire. All luminaries must have a total cutoff angle equal to or less than 90 degrees. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the police department and appropriate official find the following:
    - a. That the lighting is not in conflict with the stated purpose in this section;
    - b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and

- c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
- 3. In no instance shall Low Pressure Sodium fixtures be used to illuminate non-protected residential property unless the police department find the following:
  - a. That the proposed lighting is not in conflict with the stated purpose in this section;
  - b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
  - c. The color distortion effect of Low Pressure Sodium lighting will not create a hindrance to crime prevention and investigation.

**B. Intensity of lighting in all zoning districts except those containing single family and two family dwellings**

- 1. The amount of illumination attributable to exterior lighting from a property shall not exceed 1 foot-candle when measured at any boundary line with an adjoining property. This provision may be waived by the issuing authority when:
  - a. The proposed lighting is not in conflict with the stated purpose of this section;
  - b. The proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
  - c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
- 2. All parking lot and parking structure lighting located within 300 feet of a protected residential property line may be illuminated not more than one (1) hour before the start of business and shall be extinguished within one (1) hour after the end of business except as approved by the police department after finding the following:
  - a. The property has been identified as an area where the incidence or potential for crime warrant additional lighting;
  - b. Additional lighting is required to increase visibility of a property which is not readily accessible for police during routine patrol; and
  - c. The use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.

**C. Glare/Illumination**

In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

**D. Parking structures**

Luminaries used for illumination of designated pedestrian walkways in parking structures shall be of a significantly different color value than luminaries used for illuminating vehicle parking and drive aisles.

**12-31-4 Compliance**

Any new lighting installed after the effective date of this Ordinance shall be in compliance with the requirements of this Ordinance. Any lighting in existence before the effective date of this Ordinance that does not comply with its requirements shall be considered legally non-complying and may remain, subject to the following provisions:



**A. Alterations to existing lighting**

1. When policies and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, policies and supports that comply with this section; and
2. When luminaries are replaced, they must be replaced with luminaries that comply with all provisions of this section.

**B. Removal and replacement of parking lot surface**

When less than 50% of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50% of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section.

1. A parking lot or portion thereof is "removed and replaced" when any portion of the existing parking surface material is removed and a new surface is installed.

**C. New parking lots or parking lot additions**

When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.

**D. New structures, additions, or replacements**

When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting. The parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement. In the event that the new structure, addition or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under this section.

**E. Change of type of occupancy**

When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, to comply with this section for the structure and the parking lot be upgraded for the required parking for the occupancy as established in this code. For purpose of determining the type of occupancy of a site, the occupancy classifications of the city code shall be utilized.

**F. Unoccupied sites**

When a site has been unoccupied for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.

**G. Development application**

When a development application is made for a site, the city council may as a condition of approval require compliance with any or all of the performance standards of this section and the extent of compliance required in such cases may be greater than that otherwise required in this section, if deemed reasonably necessary to protect the public health, safety, or welfare and to achieve the proposes of this section.

**12-34-5 Point of Measurements**

Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination of said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.

**12-34-6 Applicability**

Modifications to the requirements of this section may be approved as part of a final development plan for a planned development overlay district, pursuant to the provisions provided:

- A. That any deviations from lighting standards established by this section are clearly delineated in the plan submission reviewed by the Plan Commission and approved by the City Council;
- B. That any deviations are consistent with the purposes of this section;
- C. That the minimum light level proposed provides a minimum of 75 percent of the illumination required in this section;
- D. That the height of support poles above grade does not exceed the maximum permitted by this section by more than 25 percent, except that no development shall be allowed for increased support pole height within 500 feet of a protected residential property; and
- E. That no increase in glare occurs as a result of deviation from the adopted standards.

## CHAPTER 35

### LANDSCAPE AND BUFFERYARD REQUIREMENTS

#### 12-35-1 **Site Plans**

If a building or parking lot permit is applied for and no zoning action is required, an administrative site plan approval will be required.

#### 12-35-2 **Site Plan Review**

An application for a building or parking lot permit shall promptly be forwarded to the Zoning Officer and/or City Engineer. Review must be completed within fifteen (15) days of the receipt by the City of a complete site plan review application. If, in the judgment of the Zoning Officer and/or City Engineer, the site plan review application does not contain sufficient information to enable the appropriate city officials to properly carry out its responsibilities, the appropriate officials may request additional information from the applicant. In that event, the 15 day period previously referred to shall be suspended, pending the receipt of all information requested by the appropriate officials.

#### 12-35-3 **Appeal Process**

If the appropriate officials approve a site plan, a building or parking permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate officials' decision to the appropriate authority. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

#### 12-35-4 **Exemption from Site Plan Requirements**

One and two family residences are exempt from city-wide site plan review requirements. In addition, site plans shall not be required for renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

#### 12-35-5 **Parking Lots**

- A. **Permits for Off-Street Parking Lots** – No person shall expand an existing parking lot or construct a new parking lot of five (5) spaces or more without having first obtained a written permit therefor, issued by the appropriate official, or his designee representative. Prior to obtaining a permit for such expansion or new construction, the applicant shall submit to the appropriate official or his designated representative, a landscape/site plan as required in the Zoning Ordinance, and plans showing the construction specifications for all off-street parking lots and he shall provide for proper inspection of construction.
- B. **Construction** – All off-street parking lots required to obtain a permit as identified in the above section shall be laid to the line and grade of, and shall conform to surface thickness and other specifications of the appropriate city official or his designated representative.
- C. **Landscaping and Screening Requirements for Off-Street Parking Lots** – The provisions of this section for the installation and maintenance of landscaping and screening requirements are intended to protect the character and stability of residential, commercial, industrial and conservation areas, and to enhance the aesthetic and visual image of the city.
  - 1. Parking lots of five (5) or more spaces shall be set back ten feet (10') from the front property line(s). Landscaping requirements with the front yard(s) include that the yard be seeded or sodded with lawn. Rock cover may be used, but may not exceed twenty percent (20%) of the landscaped front yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground cover landscape coverage of shrubs and evergreens/conifers shall be required.

The ten foot (10') front yard setback may be reduced to five feet (5') if there is a continuous twenty-six inch (26") solid wall/fence or shrubbery hedge provided. Sodding, rock ground cover, canopy tree and ground cover landscape coverage requirements will still be applied if a solid wall/fence is provided. Sodding and/or rock ground requirements will still be applied if a shrubbery fence is provided.

2. Parking lots of five (5) or more spaces shall be setback five feet (5') from side and rear property lines. Landscaping requirements within the side and rear yards include that the yard be seeded or sodded with lawn. Rock ground cover may be used, but may not exceed twenty percent (20%) of the landscaped side and rear yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground landscape coverage of shrubs and evergreens/conifers shall be required.

When a side and/or rear yard is adjacent to a residential use, a continuous four foot (4') solid wall/fence or shrubbery hedge shall also be provided with the five foot (5') setback yard. If a four foot (4') shrubbery hedge is provided, canopy tree and ground landscape coverage shall not be required.

3. Wherever landscaping and screening requirements may interfere with traffic vision, the height and placement shall be determined by the City Engineer.
4. Trees and other landscaping shall be of a species which are hardy to the area and have measured diameters of such identified in the Minimum Standards for Plantings section of this appendix. Prohibited trees are identified in the section so identified in this appendix.
5. Subject to the approval of the appropriate official, alternate landscaping plans may be substituted for consideration.
6. A landscape/site plan will be required to be submitted for staff review prior to issuing a parking lot development permit for parking lots of five (5) spaces or more. The following basic standards should be set:
  - a. Drawn to scale;
  - b. Identify location of landscaping or other features;
  - c. Specify nature of materials (i.e., species, variety, etc.);
  - d. Specify number of plants, shrubs, trees, etc., by species.
7. Landscaping and screening must be maintained in good condition, free of refuse and debris, and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

- D. **Appeal Process** – If the appropriate officials approve a site plan, a parking lot permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate officials' decision to the appropriate authority. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

#### **12-35-6 Bufferyard Requirements**

- A. **Intent** – The provisions of this section are to provide specific landscape screening and bufferyard requirements to reduce the incompatibility between zoning districts of different intensity and type. These bufferyards will lessen the adverse impact of more intense land uses upon residential areas and/or other areas of less intense use by reducing noise, visual and other environmental impacts.
- B. **Requirements** – In addition to landscaping and screening requirements for off-street parking areas, bufferyard standards will also apply for site plans requiring a zoning change, special use permit and non-exempt site plan review requirements. The bufferyard requirement is determined by the difference between the zoning district of the subject property and the zoning district of adjacent properties. The specific requirements are identified in the following sections

and the accompanying table: "Schedule of Bufferyard Requirements. Landscaping and screening requirements for off-street parking areas apply to the side of the property abutting a public street right-of-way. A list of prohibited trees is provided in the section entitled "Prohibited Trees".

### C. Description of Bufferyards A through D

1. **Type A Buffer** – The standard buffer within Type A is eight feet (8') wide and contains the following number of required plants per one hundred feet (100'):
  - a. 1 canopy tree;
  - b. 1 understory tree;
  - c. 6 shrubs;
  - d. 1 evergreen/conifer.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type A buffer, each with a different amount of required plantings reflected as a multiplier of the required plant units per one hundred feet (100'). The alternatives include the following:

- a. Twenty-foot (20') wide buffer with fifty percent (50%) of the required plant units per one hundred feet (100').
  - b. Sixteen-foot (16') wide buffer with sixty percent (60%) of the required plant units per one hundred feet (100').
  - c. Twelve-foot (12') wide buffer with eighty percent (80%) of the required plant units per one hundred feet (100').
  - d. Four-foot (4') wide buffer with ninety percent (90%) of the required plant units and a continuous hedge set back three feet (3') from the property line or fence.
2. **Type B Buffer** - The standard buffer with Type B is ten feet (10') wide and contains the following number of required plant per one hundred feet (100'):
    - a. 2 canopy trees;
    - b. 2 understory trees;
    - c. 6 shrubs;
    - d. 2 evergreens/confers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type B buffer, each with a different amount of required plantings. Type B buffer alternatives range from a twenty-five foot (25') wide buffer with fifty percent (50%) of the required plantings to a five-foot (5') wide buffer with ninety percent (90%) of the required plantings and a continuous hedge or fence.

3. **Type C Buffer** – The standard buffer within Type C is fifteen feet (15') wide and contains the following number of required plantings per one hundred feet (100'):
  - a. 3 canopy trees;
  - b. 2 understory trees;
  - c. 9 shrubs;
  - d. 3 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type C buffer, each with a different amount of required plantings. Type C buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent (60%) of the required plantings to a six foot (6') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

4. **Type D Buffer** – The standard buffer within Type D is fifteen feet (15') wide and contains the following number of required plants per one hundred feet (100'):
  - a. 3 canopy trees;
  - b. 2 understory trees;
  - c. 15 shrubs;
  - d. 5 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type D buffer, each with a different amount of required plantings. Type D buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent of the required plantings to an eight-foot (8') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

#### **12-35-7 Minimum Standards for Plantings**

- A. **Canopy Trees** – Two inches (2") diameter, six inches (6") above ground level, and ten feet (10') in height when planted.
- B. **Understory Tree** – One inch (1") diameter, six inches (6") above ground level, and six feet (6') in height when planted.
- C. **Shrubs** – Twenty-four inches (24") in height when planted; forty percent (40%) or more must reach a mature height of six feet (6') or more.
- D. **Evergreens/Conifers** – Two inches (2") in diameter, six inches (6") above ground level, and six feet (6') in height when planted. Twenty feet (20') minimum height at maturity.

#### **12-35-8 Prohibited Trees**

The following weak-wooded trees and generally undesirable trees for urban conditions shall be prohibited for use in meeting any of the landscaping/screening requirements for off-street parking areas and/or bufferyard requirements:

- A. Ailanthus (tree of heaven)
- B. Box Elder
- C. European Mountain Ash
- D. European White Birch
- E. Poplar
- F. Siberian Elm
- G. Silver Maple
- H. Willow
- I. All fruit bearing including Crab Apple, Bradford Pear, Purple-Leaf Plum, Mulberry, Russian Olive
- J. Sweet Gum
- K. Hawthorne
- L. Pin Oak
- M. Gingko

#### **12-35-9 Maintenance of Landscaping And Screening**

Bufferyard landscaping and screening must be maintained in good condition, free of refuse and debris and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

**12-35-10 Schedule of Bufferyard Requirements**

**ZONING OF ADJACENT PROPERTY**

SUBJECT PROPERTY		R-1 R-2 R-3	R-4 R-5 R-6 R-7	O-1	B-1	B-2	B-3	B-4	U-1	ORT	C-1	C-2	I-1	I-2
	R-1 R-2 R-3	N	N	N	N	N	N	N	N	N	N	N	N	N
	R-4 R-5 R-6 R-7	A	N	N	N	N	N	N	N	N	B	B	N	N
	O-1	A	A	N	N	N	N	N	N	N	B	B	N	N
	B-1	B	A	N	N	N	N	N	N	N	B	B	N	N
	B-2	C	B	N	N	N	N	N	N	N	B	B	N	N
	B-3	C	B	C	N	N	N	N	N	C	B	B	N	N
	B-4	C	C	C	N	N	N	N	A	C	B	B	N	N
	U-1	C	C	N	N	N	N	N	N	N	B	B	N	N
	ORT	D	D	N	N	N	N	N	N	N	B	B	N	N
	C-1	N	N	N	N	N	N	N	N	N	N	N	N	N
	C-2	A	N	N	N	N	N	N	N	N	N	N	N	N
	I-1	C	C	D	B	A	N	N	B	C	C	C	N	N
I-2	D	D	D	B	A	A	A	C	C	D	D	N	N	

**A. Approximate bufferyard requirement:**

- A - 8 feet (8') in width;
- B - 10 feet (10') in width;
- C - 15 feet (15') in width;
- D - 15 feet (15') in width;
- N - No buffer required.

**B. Position of property abutting public right-of-way is governed by landscaping for parking lot requirements.**

**12-35-11 Appeal Process**

If the appropriate officials approve a site plan, a building permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate officials' decision to the appropriate authority. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

## CHAPTER 36

### **VALIDITY AND REPEAL**

Should any section, subsection, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than that which is so declared to be invalid. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.



CHAPTER 37

**WHEN EFFECTIVE**

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.