



DANVILLE
ILLINOIS

ZONING ORDINANCE

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GENERAL PROVISIONS

150.001 TITLE AND PURPOSE.

- (A) These provisions shall be known and may be cited as the Zoning Ordinance of the City of Danville, and is herein referred to as "this chapter".
- (B) It is the general purpose and intent of this chapter to foster the use and development of land in an orderly manner in accordance with the goals, objectives and policies of the City of Danville's Comprehensive Plan. In addition to this general purpose and intent, this chapter is specifically intended:
- (1) To promote and protect the public health, safety, morals, comfort, and general welfare;
 - (2) To provide adequate light, air, privacy, and safety;
 - (3) To conserve the assessed value of land and buildings throughout the city's zoning jurisdiction;
 - (4) To limit congestion in the public streets, and provide for the off-street parking of motor vehicles, and the loading and unloading of commercial vehicles;
 - (5) To protect against fire, explosion, noxious fumes, and other dangers;
 - (6) To regulate the use and bulk of buildings and structures in relation to the land surrounding them;
 - (7) To establish and regulate building setback lines along any public street or alley;
 - (8) To regulate the intensity of use of lot areas and to determine the area of open spaces surrounding buildings;
 - (9) To protect the character and stability of residential, business, and manufacturing areas within the city's zoning jurisdiction;
 - (10) To divide the city and the area within one and one-half miles of the city limits into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land;
 - (11) To fix reasonable standards to which buildings, structures and uses shall conform;
 - (12) To prohibit uses, buildings, or structures incompatible with the character of specified zoning districts;
 - (13) To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed here under;
 - (14) To protect storm or flood water run-off channels, and lessen or avoid the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
 - (15) To generally enhance the aesthetic quality of the community and encourage the development of buildings and neighborhoods of distinguished architectural character and appearance;
 - (16) To provide for the elimination of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of other development;
 - (17) To define and limit the powers and duties of the administrative officers and bodies as provided herein.

(Ord. 8612, passed 12-2-08)

150.002 AUTHORITY.

This chapter is enacted pursuant to the authority granted by ILCS Chapter 65 and Article III, Section 6 of the Illinois Constitution of 1970. Statutory references are provided within this chapter solely as a means of

assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this chapter.

(Ord. 8612, passed 12-2-08)

150.003 APPLICATION OF ORDINANCE.

The provisions of this chapter shall apply to all lots, uses, buildings, and structures, or portions thereof, as specified herein.

- (A) Use of Buildings and Land. No building, structure, or premises shall be used or occupied, and no buildings or parts thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with the regulations herein specified for the zoning district in which it is located, and as otherwise regulated herein, except as otherwise specifically provided for by this chapter.
- (B) Bulk of Buildings. No building, structure, or premises shall be erected, altered, or used so as to produce greater heights, smaller yards, or less unoccupied area, and no building shall be occupied by more families or persons than prescribed for such buildings, structure, or premises, for the district in which it is located and as otherwise regulated herein, except as otherwise specifically provided for by this chapter.
- (C) Mixed/Multiple Use. In cases of mixed-occupancy or multi-use, the regulations for each use shall apply to the portion of the structure or property so occupied or so used.
- (D) Existing Development. To the extent that a building, structure or use not lawfully existing at the time of adoption of this chapter is not in compliance with the requirements of this chapter, said building, structure or use shall remain unlawful hereunder.

(Ord. 8612, passed 12-2-08)

150.004 INTERPRETATION.

- (A) Minimum Regulations. The regulations set by this chapter shall be held to be the minimum requirements deemed necessary for the promotion of the public health, safety, morals and welfare and shall apply uniformly to all lots, uses, buildings, and structures, or portions thereof, except as hereinafter provided.
- (B) Existing Restrictions. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, ordinance, contract, or deed, the provisions of this chapter shall govern.
- (C) Relationship with Other Laws. Wherever the requirements of this chapter vary with the provisions in another part of the Municipal Code, the most restrictive or higher standards, shall govern.
- (D) Uses Not Specifically Permitted. Uses, other than those uses specified as permitted, shall be expressly prohibited, except when it is determined by the Zoning Administrator, that a proposed use is similar in nature to a use specified as a permitted or special use in the appropriate section of this chapter. Unspecified uses may be added to the list of specified uses by amendment to this chapter.
- (E) Open Spaces. No yard, court, or open space, or part thereof, shall be included as a part of the yard, court, or open space similarly required for any other buildings, structure, or dwelling, except as otherwise specifically provided for by this chapter.
- (F) Existing permits. This chapter is not intended to abrogate or annul any building permits, certificates of occupancy, variances, or other lawful permits issued before the effective date of this chapter.
- (G) Completion permitted. Any building or structure for which a building permit has been issued prior to the date of enactment of this chapter may be completed and used in accordance with the plans,

specifications, and permits on which that building permit was granted, provided construction commences within 180 days of passage of this chapter and is diligently prosecuted to completion.

- (H) Measurements. All measured distances shall be to the nearest integral foot and if a fraction is one-half (½) foot or more the integral foot next above shall be taken.
- (I) General Interpretations. As part of the administration and enforcement of this chapter certain words, provisions and requirements will occasionally have to be interpreted in regards to their applicability to situations under consideration, or in general. The Zoning Administrator shall have the authority to make such interpretations. Interpretations shall be made in writing and included in a file for further reference. Appeals of the Zoning Administrator's interpretation(s) may be made to the Zoning Board of Appeals by the party directly affected.

(Ord. 8612, passed 12-2-08)

150.005 RULES OF CONSTRUCTION.

The language set forth in this chapter shall be interpreted in accordance with the following rules of construction, unless the context clearly requires a different construction:

- (A) The singular includes the plural and the plural the singular.
- (B) The present tense includes the past and the future and the future includes the present.
- (C) The word "shall" is mandatory, while the word "may" is permissive.
- (D) Terms connotating a particular gender shall include each and every gender.
- (E) The word "lot" shall include the words "plot", "piece", and "parcel".
- (F) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "occupied for", and "maintained for".
- (G) The term "city" shall refer to and be interpreted to mean the City of Danville, Illinois, and that portion of the area within one and one-half miles of the city limits that the City designates for inclusion within its area of zoning jurisdiction.
- (H) The terms Corporate Authorities, Mayor and Council, City Council and Council all mean the Mayor and City Council of the City of Danville.
- (I) The term "Commission" shall refer to the Danville Area Planning and Zoning Commission.
- (J) Whenever a word or term defined hereinafter appears in the text of this Code its meaning shall be construed as set forth in the definitions thereof, and any word appearing in the parenthesis between a word and its definition shall be construed in the same sense as that word.
- (K) All words and terms not defined herein shall be construed in their generally accepted meanings.

(Ord. 8612, passed 12-2-08)

150.006 SEVERABILITY.

If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.

(Ord. 8612, passed 12-2-08)

150.007 CONTINUATION AND EFFECTIVE DATE.

- (A) The provisions of this codification of this chapter shall be construed as a continuation of prior Zoning Ordinances in effect at the time this chapter was enacted, notwithstanding the repeal of said prior Zoning Ordinances. It is the intention of this chapter to re-enact and continue to enforce such existing provisions

so that all rights, obligations, and responsibilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter or altered by the Official Zoning Map. The adoption of this chapter shall not adversely affect the City's right to prosecute any violation of the preceding Zoning Ordinance provided the violation occurred while that Ordinance was in effect.

- (B) All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than six months after the effective date of this chapter. This chapter shall become effective ten days after passage and publication according to law.

DEFINITIONS

150.010 DEFINITIONS.

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

"ABANDONED." To have ceased in actively utilizing a building or premise for a specified period of time.

"ABUTTING OR ADJOINING." Having a common border with; touching or contiguous.

"ACCESS." The means of vehicular or non-vehicular approach, ingress or egress from a property to a street.

"ACCESSORY BUILDING OR STRUCTURE." A building or structure located on the same lot (or on a contiguous lot in the same ownership) as the principal building to which it is related, and which is clearly incidental to and customarily found in connection with the principal building; and is operated and maintained for the benefit or convenience of owners, occupants, employees, customers, or visitors of the lot with the principal building.

"ACCESSORY USE." A use which is incidental and subordinate to the principal use of the premises, and which does not change the basic character thereof as determined by its principal use.

"ADJACENT." Lying close to or near, including across an alley or street.

"ADMINISTRATIVE REGULATION." Written orders or interpretations issued by the Zoning Administrator, that which comply with the intent and purpose of this chapter.

"ADULT USE BUSINESSES." As defined in [127.02](#) of the Code of Ordinances.

"AGRICULTURE." Land or lands, buildings, and structures, the principal use or uses of which are the growing of a farm or garden crop, dairy, pasture, agriculture, horticulture, viticulture, or animal or poultry husbandry. Includes accessory uses customarily incidental to agricultural activities, including but not limited to the farm dwelling, dwellings for tenants and full-time hired farm workers, and the dwelling or living quarters for seasonal workers.

"AIRPORT." A tract of land with facilities for the landing, take-off, shelter, supply, and repair of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.

"ALLEY." A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

"ALTERATION." An installation that becomes an integral part of the building and changes its structural quality; a substantial change therein; varying or changing the form or nature of a building without destroying its identity.

"AMORTIZATION." A method of eliminating non-conforming uses by requiring the termination of such non-conforming uses after a specified period of time.

"APARTMENT." A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

"ASSISTED LIVING FACILITY." A facility housing elderly individuals who, because of their advanced age, require assistance with the activities of daily living from staff who periodically provide supportive services.

"ATTACHED BUILDING." A building attached to another building by a common wall.

"AUTOMOBILE PARKING AREAS." A lot or part thereof used for the parking of motor vehicles with or without the payment of rent or charges.

"AUTOMOBILE REPAIR SERVICE." A building or open area which is, or is intended to be, used for repairing or equipping automobiles, excluding body repair, painting or engine repair/replacement activities.

"AUTOMOBILE OR TRAILER SALES AREA." An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

"AUTOMOBILE SALVAGE YARD." Any place where two or more motor vehicles, not in running condition, or parts thereof, are stored, and are not being restored to operation. Any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, including any used farm vehicles or farm machinery or parts thereof, which are not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise.

"BANNER." A temporary sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

"BASEMENT." A floor or portion of a building which is beneath the principal story or beneath the surface of the ground.

"BERM." A man-made landform typically built as an earth mound and used as a buffer, screening or landscaping device.

"BLOCK." An area of land bounded by streets, or by public parks, cemeteries, railroads, rights-of-way, shorelines of waterways, or municipal boundaries.

"BOARDING HOUSE." A building, other than a hotel or restaurant, where meals and/or lodging are provided to three or more persons but not more than ten, who are not members of the keeper's family; for compensation and by prearrangement for definitive periods, and which is not open on a daily, overnight, or per-meal basis to transient guests.

"BUFFER AREA." Land used to visibly separate one use from another. Buffers may include fences, berms, shrubs, trees, or other natural or human-made structures that will mitigate the impact of the uses on each other.

"BUILDABLE AREAS." The space remaining on a lot after the minimum open space, yard and/or setback requirements of this chapter have been complied with.

"BUILDING." Any permanently anchored structure built for the shelter or enclosure of persons, animals, property, or substance of any kind, excluding fences.

"BUILDING, PRINCIPAL." A non-accessory building in which the primary use of the lot on which the building is located is conducted.

"BUILDING, TEMPORARY." Any building not designed or intended to be permanently located at the place where it is located.

"BUILDING HEIGHT." The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building, to the highest point of the copings of a flat roof, or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable tip or gambrel roof. Where a

building is located upon a natural terrace or slope, the height may be measured from the average ground level at the building wall.

"BULK." The term used to indicate the size and setback of buildings or structures, and the location of same with respect to one another. Includes the size and height of building; location of exterior walls at all levels in relation to lot lines, streets, or to other buildings; and the amount of lot area and lot width provided per dwelling or dwelling unit.

"BULK STORAGE." More than 50 gallons of material in a single above or below ground storage container.

"BUSINESS." An occupation, employment, or enterprise that occupies time, attention, labor, and materials; or where merchandise is exhibited or sold, or where services are offered.

"CARPORT." A roofed automobile shelter with one or more open sides.

"CAR WASH." A building or portion thereof, where automobiles are washed using production line methods with a chain conveyor and blower, or steam cleaning or other mechanical devices, or high pressure spray devices in wash bays.

"CHANGEABLE COPY." Sign copy that changes at intervals of more than once every 6 seconds.

"CITY ENGINEER." The official of the City of Danville, duly appointed and designated as the City Engineer.

"CLINIC." A place used for the care, diagnosis, and treatment of sick, ailing and injured persons, but who are not provided with room or board nor kept overnight on the premises.

"CLUB." A non-profit association of persons who are bona fide members organized for some common purposes and paying regular dues. Does not include a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

"COMMUNITY FACILITIES/SERVICES." Facilities and services provided by a public or quasi-public authority to improve the quality of life in a given area; such as but not restricted to sanitary sewers, storm sewers, educational facilities, recreational facilities, cultural facilities, and governmental facilities.

"COMPREHENSIVE PLAN." The official plan most recently adopted by the City Council which sets goals, objectives and policies for guiding the future growth, development and redevelopment of the community.

"CONFORMING BUILDING OR STRUCTURE." Any building or structure which complies with all the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which the building or structure is located.

"CURRENCY EXCHANGE." A commercial use, which exchanges common currency, sells money orders or cashiers checks and cashes checks, as its principal business activity. This shall not include a financial institution.

"DAY CARE SCHOOL OR CENTER." An establishment licensed by the State of Illinois providing specialized group care on a planned regular basis for less than 24 hours per day for more than 12 children at one time in a dwelling, or more than three children at one time in a facility other than a dwelling.

"DENSITY." The number of dwelling units per acre of land.

"DESIGN STANDARDS." A set of guidelines regarding the architectural appearance of a building or improvement which governs the alteration, construction, demolition or relocation of a building or improvement.

"DEVELOPMENT." Any man-made change to improved or unimproved real estate, including, but not limited to, construction of, or substantial improvements to buildings, structures, roads, utilities or other areas.

"DISABILITY." A physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such impairment, not to include use or addiction to a controlled substance.

"DRIVE-UP OR DRIVE-THROUGH." The portion of a building designed for and intended to provide sales and service to patrons while they remain in their vehicles, and including that portion of the premises upon which vehicles are stacked while they wait for service.

"DWELLING." Any building or portion thereof designed or used exclusively as permanent living quarters.

"DWELLING, DETACHED." A dwelling which is not attached to any other dwellings by any means.

"DWELLING, COMMON LOT LINE." A dwelling unit that adjoins another dwelling unit at a common lot line with each dwelling unit being located on its own separate lot.

"DWELLING, MULTIPLE-FAMILY." A building consisting of three or more dwelling units.

"DWELLING, SINGLE-FAMILY." A building consisting of only one dwelling unit.

"DWELLING, TWO-FAMILY." A building consisting of two dwelling units.

"DWELLING UNIT." One or more rooms designed for occupancy by or used as separate living quarters for one family and having its own permanently installed cooking and sanitary facilities.

"ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITIES SERVICES." The erection, construction, alteration, or maintenance by public utilities or municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories (but not including buildings) in connection therewith, reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions, for the public health or safety or general welfare.

"EXTRATERRITORIAL AREA OF JURISDICTION." That area outside of the municipal limits wherein the City may enforce zoning and other development regulations according to the provisions of the State Statutes.

"FAMILY."

- (1) A single individual living on the premises as a separate housekeeping unit.
- (2) A collective body of persons living together upon the premises as a separate housekeeping unit with a domestic relationship based upon birth, marriage, adoption, or employment as domestic servants.
- (3) Two unrelated persons and any children related to either of them living together on the premises as a separate housekeeping unit.
- (4) A group of not more than three unrelated persons living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

"FAMILY COMMUNITY RESIDENCE." A single dwelling unit occupied on a relatively permanent basis in a family environment by a group of no more than eight unrelated persons with disabilities, plus support staff either present at the dwelling unit on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling.

"FAMILY DAY CARE HOME." A dwelling licensed by the State of Illinois which receives more than three, up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural, foster or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household.

"FENCE." A constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

"FLOOR AREA, GROSS." The sum of the horizontal areas of the floors of a building included within the exterior walls of the building or structure, including habitable penthouses and attic space, but excluding air shafts, open porches, uninhabitable areas below ground level or in attics and interior space devoted to off-street parking.

"FLOOR AREA, NET." The total of all gross floor areas of a building or portion thereof, excluding those areas not directly devoted to the principal use or uses of the building or structure, such as stairwells, elevator shafts, utility equipment rooms, hallways, and restrooms.

"FRONTAGE." That portion of a lot abutting a street.

"GARAGE, PRIVATE." A building or portion thereof for the storage of one or more motor vehicles for persons living on the premises.

"GARAGE, PUBLIC PARKING." A building or portion thereof used by the public for the storage of parking of motor vehicles for compensation or otherwise.

"GASOLINE SERVICE STATION." A building or premises or portion thereof used for the retail sale of gasoline, oil, or other fuel, automotive parts, supplies, or accessories for motor vehicles; which may include, as an incidental use only, facilities used for polishing, greasing, washing, or otherwise cleaning or light servicing of motor vehicles.

"GRADE." The highest level of the finished surface of the ground adjacent to exterior walls of the building or structure.

"GROUP COMMUNITY RESIDENCE." A single dwelling unit occupied on a relatively permanent basis in a family environment by a group of nine to fifteen unrelated persons with disabilities, plus support staff either present at the dwelling unit on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling.

"HALFWAY HOUSE." A temporary living arrangement for persons who are receiving therapy and counseling from support staff, who are present at all times residents are present, for the following purposes: recuperating from drug and alcohol addiction, readjustment to society following imprisonment, assistance to emotionally and mentally unstable persons.

"HAZARDOUS SUBSTANCES." Substances and materials regulated by the Federal Emergency Planning and Community Right-to-Know Act of 1986.

"HOME OCCUPATION." A business activity customarily carried out for gain that is conducted within a dwelling unit by a person that resides within that dwelling unit.

"HOSPITAL." Any building or portion thereof used for diagnostic treatment and care of sick, injured or infirm persons, primarily on an inpatient basis, that is licensed as a hospital by the State of Illinois.

"HOTEL/MOTEL." A facility offering transient lodging accommodations to the general public, typically on a short term basis, and possibly providing additional related services such as restaurants, meeting rooms, entertainment and recreational facilities.

"JUNKYARD." An area that is used for the collection, storage, and handling of scrap materials and where items such as old iron or other base metals, rope, rags, waste paper, empty bottles, and other items which have outlived their usefulness are discarded to be sold or to be converted into another product.

"KENNEL." Any structure or lot on which four or more dogs or cats over four months of age are boarded, trained, or bred for remuneration or sale.

"LAKE VERMILION HIGH WATER MARK." The elevation determined by Aqua-Illinois Water Company and shown on a map provided by said company.

"LANDSCAPING." Trees, plants and other natural materials arranged so as to enhance the aesthetic value of an area of land.

"LAUNDRIES."

(1) Laundromat: A business that provides home-type washing, drying, and ironing machines for hire to be used by the customers on the premises.

(2) Commercial and industrial laundries: A business that provides washing, drying, and ironing services operated by the employees on the premises.

"LOADING SPACE." An off-street berth on the same lot as a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which abuts upon a street, alley, or other appropriate means of access.

"LOT." A parcel of land (whether a portion of a subdivision or otherwise) occupied or intended to be occupied by one principal building and its accessory buildings, or utilized for a principal use and uses accessory thereto, together with such yards as are required under the provisions of this chapter, and having frontage on a public or private street. A lot may or may not coincide with a "lot of record".

"LOT AREA." The total area within the lot lines of a lot, excluding public streets.

"LOT, CORNER." A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, the streets or parts of the same street forming an interior angle of less than 135 degrees.

"LOT COVERAGE." The area of a lot occupied by the principal building and accessory buildings.

"LOT DEPTH." The main horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

"LOT, INTERIOR." A lot whose side lot lines do not abut on any street.

"LOT LINE, FRONT." The line separating the lot from the street. On a corner lot, the front line shall be the street lot line having the least dimension.

"LOT LINE, REAR." The lot line or lot lines most nearly parallel to and most remote from the front lot line.

"LOT LINE, SIDE." Any lot line other than a front or rear lot line.

"LOT OF RECORD." A legally divided parcel of land which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Vermilion County, Illinois; or a parcel of land, the deed to which was of record as of May 26, 1959.

"LOT, THROUGH." Lot having frontage on two parallel or approximately parallel streets.

"LOT WIDTH." The mean horizontal width of the lot measured at right angles to its depth at the front building setback line.

"MANUFACTURED HOME (HUD)." A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling and attached to a permanent foundation and when connected to the required utilities, that was manufactured after June 14, 1976 to comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

"MANUFACTURED HOUSING UNIT (STATE)." Also referred to as a "panelized home", "sectionalized home", or "modular home". A structure designed for habitation as a dwelling, including necessary electrical, plumbing, heating, air conditioning and other service systems which is of closed or open construction and which is made or assembled by a manufacturer on or off the building site, said structure being intended for assembly and installation on a building site and attached to a permanent foundation which extends below the frost line.

"MEDICAL CANNABIS CULTIVATION CENTER." A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

"MEDICAL CANNABIS DISPENSARY." A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

"MENU BOARD." A free standing sign oriented to a drive through lane that advertises menu items available from the business, and which as no more than 20 percent of the total area for such a sign utilized for business identification.

"MOBILE HOME." A structure, transportable in one or more sections, which in the travel mode, is eight body feet or more in width or forty body feet or more in length, or when erected is 320 square feet or more in area, and which is built on a permanent chassis and designed to be used as a dwelling unit attached or unattached to a permanent foundation when connected to the required utilities, that was manufactured prior to June 15, 1976.

"MOBILE HOME/MANUFACTURED HOME PARK." A parcel or tract of land developed with facilities for locating three or more mobile or manufactured homes, provided each home contains a kitchen, flush toilet, and shower or bath. These parks shall be for use only by non-transient dwellers remaining continuously for more than a month, whether or not a charge is made. The term shall not include a sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale.

"MOBILE/MANUFACTURED HOME STAND." That part of an individual mobile or manufactured home site which has been constructed with concrete for the placement of a mobile or manufactured home.

"MODULAR HOME." A structure without a permanent steel chassis designed for habitation as a dwelling for one or more persons, including necessary electrical, plumbing, heating and air conditioning and other service systems, which is of open or closed construction and which is made or assembled by a manufacturer on or off the building site. Said structure being intended for assembly and installation on a building site with a permanent foundation which extends below the frost line and which complies with all local and state codes.

"MOTOR VEHICLE." Any passenger vehicle, truck, tractor, trailer, or semi-trailer propelled or drawn by mechanical power.

"NONCONFORMING BUILDING." A building or structure or portion thereof legally existing at the time of adoption of this chapter or an amendment thereto, which does not comply with all the bulk regulations applicable to the District in which it is located.

"NONCONFORMING USE." A use of a building or land legally existing at the time of adoption of this chapter, or any amendment thereto, which does not conform with the use regulations of the District in which it is located.

"NURSING HOME." A home for the aged, chronically ill, or incurable persons, or a place of rest for those suffering bodily disorders in which three or more persons, not members of the immediate family residing on the premises, are received, kept, or provided with food, shelter, or care; but not including clinics, hospitals, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

"OPEN SALES LOT." Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out of doors prior to sale. Such merchandise includes but is not limited to automobiles, trucks, motor scooters, motorcycles, boats, monuments, garden supplies, or similar commodities.

"PANELIZED HOMES." A panelized home consists of factory produced wall panels constructed eight feet high and four feet to 40 feet in lengths, which is of open or closed construction. Open wall panels are sections containing exterior sheathing only, with necessary plumbing, electrical, heating and air

conditioning, insulation and interior sheathing installed at the building site. Closed wall panels are shipped from the factory as complete wall units containing necessary electrical, plumbing, heating and air conditioning, insulation, interior and exterior sheathing installed and connected at the site.

"PARCEL." Any legally described piece of land in single ownership or under single control designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.

"PARKING AREA, PRIVATE." An open hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory to.

"PARKING AREA, PUBLIC." An open hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles, and available to the public whether for a fee or as an accommodation for clients or customers.

"PARKING SPACE, AUTOMOBILE." Space within a public or private parking area of not less than 162 square feet (nine feet by 18 feet), exclusive of access drives, aisles, ramps, columns, or office and work areas, for the storage of a passenger automobile or a commercial vehicle under one and one-half ton capacity.

"PERMITTED USE." Any use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, of the district.

"PLANNED UNIT DEVELOPMENT." A residential, commercial, or industrial development on a parcel of land with single ownership or control, and consisting of two or more buildings having any yard, or parking or loading space in common.

"PORTABLE TEMPORARY STORAGE CONTAINER." A fully enclosed, box-like container with or without signage on one or more of its outer surfaces that is designed for temporary storage of tangible personal property. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

"PREMISES." A lot together with all the buildings, structures and uses thereon.

"PRINCIPAL RESIDENCE." The place where a person resides seven months or more in a 12-month period.

"PRINCIPAL USE." A primary use of land or buildings, as distinguished from a subordinate or accessory use.

"PRIVATE SANITARY SEWAGE SYSTEM." Septic Tanks, Sand Filters, Aeration Systems, and other similar types of sanitary sewage collection/treatment facilities that are installed and maintained by private individuals or a group of private individuals.

"PROFESSIONAL OFFICE." An office utilized by members of a recognized professional occupation that is maintained for the conduct of that profession. Recognized professional occupations include: accountants, appraisers, architects, engineers, lawyers, insurance or real estate agents, surveyors, doctors, dentists, psychologists and other similar professionals.

"PUBLIC ASSEMBLY FACILITY." An enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings.

"PUBLIC BUILDING." A building or structure or portion thereof used for the operations of the Local, State, or Federal governments or any other unit of government authorized by City, State, or Federal legislation. Buildings owned by a governmental entity, which are leased or operated as a private enterprise shall not be classified as a public building.

"PUBLIC OPEN SPACE." Any publicly owned or maintained open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

"PUBLIC SEWER AND WATER FACILITIES." Those water or sewer facilities of the county, state, or federal government, or the city, or of the sanitary sewer district which complies with applicable public health standards.

"RESIDENCE-BASED SCAVENGER/SALVAGE OPERATIONS" Operations conducted for remuneration generally operated out of a residence involving moving around the City in search of discarded or garage-sale items to be obtained or collected with the intent of resale from a residential location.

"RETAIL STORE." Any building or structure in which one or more articles of merchandise or commerce are sold at retail, including department stores.

"ROADWAY." That portion of a street between the regularly established curb line, or that part, improved or unimproved, which is used or intended to be used for vehicular traffic.

"SATELLITE DISH OR ANTENNAS." Any of the following:

- (1) A signal-receiving device (antenna, dish, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources, excludes telecommunication towers as defined herein.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component, and the purpose of which is to magnify, store, transfer, or transmit electronic or light signals.
- (3) A coaxial cable, the purpose of which is to carry or transmit signals to a receiver.

"SETBACK, BUILDING." The minimum distance, in linear feet, measured on a horizontal plane between the outer perimeter of a building or structure (as described in the definition of buildable area) and each of its lot lines; however, balconies may not project into an interior side yard.

"SHELTER CARE FACILITY." A facility for the sheltered care of persons with special needs, excluding such facilities defined herein as a community residence or halfway house, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation, including but not limited to homeless or domestic violence shelters.

"SHOPPING CENTER." A complex of three or more business or commercial establishments, planned, developed, and managed as a unit, and designed to share common parking facilities and common signage.

"SIGN." Any writing, pictorial representation, illustration, decoration (including any material used to differentiate sign copy from its background), landscaping form, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that: is a structure or any part thereof (including the roof or wall of a building); or is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into landscaping or a structure or a board, plate, canopy, awning, marquee, or vehicle or upon any material object or device whatsoever; and by reason of its form, color, wording, symbol, design, illumination, or motion attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement or political or artistic expression or decoration; but landscaping constitutes a sign only to the extent that it is planted, trimmed, graded, arranged, or installed in such a manner as to convey an explicit commercial message.

"SIGN, ANIMATED." A sign employing actual motion or the illusion of motion by means of electronic, electrical or mechanical input and/or illumination capable of simulating movement through flashing or patterned movement.

"SIGN AREA." The total surface area of the entire sign, including all parts and appurtenances thereof; except principal supports, the total cross section area of which does not exceed one square foot and on which there is no display or advertising material or any lighting. In the case of any sign having display services which are not continuous (e.g., separate letter displays or separate display surfaces), sign area shall include a theoretical display surface equal to the area of the smallest enclosure to which the combined non-continuous display surface can be fitted, and including intermediate structural supports.

"SIGN, AWNING OR CANOPY." A sign which is attached to a permanent nonstructural covering that is either permanently attached to a building or freestanding away from a building.

"SIGN, CHANGEABLE MESSAGE." A sign with the capability of content change by means of electronic, electrical or mechanical input.

"SIGN, COMMUNITY EVENT." A sign advertising or announcing a community special event or activity conducted by or sponsored by or on behalf of a local government, charitable organization or not-for-profit corporation that occurs less than twice a year.

"SIGN, DIRECTIONAL." A sign at the exit or entrance of a premises that has two or more driveways.

"SIGN FACING." Each separate surface which contains alphabetical or numerical information intended for public viewing.

"SIGN, FREESTANDING." A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building, including monument style and pole style signs.

"SIGN, ILLUMINATED." A sign characterized by the use of artificial light, either projecting through its surface (internally illuminated) or reflecting off its surface (externally illuminated).

"SIGN, MARQUEE." A display sign which is attached or suspended from a marquee, canopy, or other colored structure projecting from and supported by the building, and extending beyond the building wall or building line.

"SIGN, MONUMENT STYLE." A freestanding sign which is attached to the ground with no exposed uprights or posts, and not attached to any part of a building. The sign must employ two building materials similar to the respective building and/or brick, stone or a material otherwise specified and approved by the Zoning Administrator.

"SIGN, OUTDOOR ADVERTISING/BILLBOARD." A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where the sign is located.

"SIGN, POLE STYLE." A freestanding sign supported by one or more uprights or posts that are exposed and attached to the ground and not attached to any part of a building.

"SIGN, PROJECTING." A display sign which is attached directly to the wall of the building, and which extends more than 15 inches from the face of the wall.

"SIGN, REAL ESTATE." A sign indicating the availability for sale, rent, or lease of the specified lot or building upon which the sign is erected or displayed.

"SIGN, ROOF." A sign primarily attached to a roof surface for support which sign extends above the highest elevation of the roof. Signs attached to mansard roof sections, pitched roofs or parapet wall shall not be considered roof signs provided they do not extend above the highest elevation of said roof structures. These exceptions shall be considered wall signs.

"SIGN, SUBDIVISION." A sign advertising the general development, sale, or subdivision of land, and displayed or erected on the subject property, as distinguished from a real estate sign.

"SIGN, TEMPORARY." Any signage not permitted as a permanent sign, including a sign, banner, or other device constructed of cloth, canvas, cardboard, wall board, or other similar materials, with or without a structural frame, intended for a limited or intermittent period of display.

"SIGN, WALL." Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall and extending not more than 15 inches from the face of the wall.

"SIGN, WINDOW." A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

"SOLID WASTE LANDFILL." A disposal site employing an engineering method of disposing of solid waste in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover over all exposed waste at the end of each operating day.

"SPECIAL USE." Use for which a special permit, issued in accordance with Article IX of this Ordinance, is required prior to the commencement of that use.

"SPECIALTY SCHOOL." A secondary or higher education facility primarily teaching skills that prepare students for a job in a trade or business, commonly referred to as a vocational school.

"STORMWATER DETENTION." Any storm drainage technique that retards or detains runoff such as detention or retention basin, parking lot storage, roof top storage, dry wells, porous pavement or any combination thereof.

"STORMWATER MANAGEMENT." Any management technique that controls or manages the path storage or rate of release of storm water runoff. Such facilities include storm sewers, retention and detention basins, drainage channels, drainage swale, inlet or outlet structures or other similar facilities.

"STORY." That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there are no floors above, then the space between the floor and the ceiling next above.

"STREET." Any public right-of-way containing a roadway which affords the primary means of vehicular access to abutting properties. An alley shall not be considered a street.

"STRUCTURE." Anything constructed or erected with a fixed location on the ground, but not including poles, lines, cables, and other transmission and distribution facilities of public utilities.

"STRUCTURAL ALTERATION." Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders; or any substantial change in the roof or the exterior walls; excepting such repairs or replacement as may be required for the safety of the building.

"TELECOMMUNICATION TOWER." Any structure that is constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, cellular telephone towers, and the like.

"TRAILER - COMMERCIAL." A structure or vehicle without motive power, used or adaptable for business or storage purposes, having no foundation other than wheels. When used for business purposes, a trailer must comply with applicable building, electrical, and plumbing codes and zoning area-bulk requirements.

"TRANSIENT MERCHANT." As defined in [115.02](#) of the Code of Ordinances.

"TRAVEL TRAILER." A trailer designed and constructed to be towed by a motorized vehicle and intended to provide temporary living quarters for campaign, recreational travel or vacation use.

"USE." The purpose or activity for which land or buildings thereon is designed, arranged, or intended, or for which it is occupied or maintained.

"VARIATION/VARIANCE." A deviation from the bulk requirements of this chapter granted when such deviation will not be contrary to the public interest and where, due to conditions unique to the property, a literal enforcement of the chapter would result in unnecessary hardship.

"VETERINARY HOSPITAL - LARGE ANIMAL." An establishment designed or used for the care, observation, or treatment of large domestic animals such as livestock or horses, and other predatory or wild animals.

"VETERINARY HOSPITAL - SMALL ANIMAL." An establishment designed or used for the care, observation, or treatment of small domestic animals, which shall include all animals, other than livestock or animals considered predatory or wild, which is kept either inside or outside a dwelling unit.

"WHOLESALE ESTABLISHMENT." A business establishment engaged in selling to retailers or jobbers rather than to consumers.

"YARD." An open space not occupied or obstructed by any structure or portion of a structure except as otherwise provided for herein.

"YARD, FRONT." A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

"YARD, REAR." A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

"YARD, SIDE." A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the principal building.

"ZONING ADMINISTRATOR." The Director of the Department of Public Development or an individual assigned by the Director to enforce the provisions of this chapter.

"ZONING AREA." The geographic area to which this chapter applies, including all land within the City limits and those lands within one and one-half miles of the City limits that have been designated on the Official Zoning Map for inclusion.

"ZONING DISTRICT." An area into which the zoning area has been divided in order to apply uniform zoning regulations and requirements.

(Am. Ord. 8912, passed 12-17-13; Am. Ord. 8959, passed 9-16-14; Am. Ord. 9060, passed 7-19-16)

ZONING DISTRICTS AND MAP

150.014 ESTABLISHMENT OF ZONING DISTRICTS.

(A) For the purpose of carrying out the regulations in this chapter, the City's zoning area is hereby divided into the following zoning districts:

- (1) AG Agriculture
- (2) RR Rural Residential
- (3) R-1 Single Family Residential - Low Density
- (4) R-2 Single Family Residential - Medium Density
- (5) R-3 Mixed Residential - Medium Density
- (6) R-4 Multiple Family Residential - High Density
- (7) MHP Mobile Home Park
- (8) P-1 Professional Office
- (9) B-1 Neighborhood Business
- (10) B-2 Highway Business
- (11) B-3 General Business
- (12) B-4 Central Business
- (13) I-1 Light Industrial
- (14) I-2 General Industrial

(B) Whenever a reference by letter designation is hereinafter made to any of the foregoing districts, the reference shall mean and include all of those districts whose symbols include the letter used in the reference (i.e., "R" districts include the second through the sixth of the aforesaid districts), unless otherwise indicated in the reference. Whenever a reference by word designation is hereinafter made to any of the foregoing districts, the reference shall mean and include those districts whose names include the word used in the reference (i.e., "Residential districts" means and includes the second through the sixth of the aforesaid districts), unless otherwise indicated in the reference.

(Ord. 8612, passed 12-2-08)

150.015 INTENT AND PURPOSE OF ZONING DISTRICTS.

(A) AG Agriculture District. The AG District is intended to encompass areas where soil, water, vegetative, and topographical conditions are well suited for the raising of crops and livestock or where essential public facilities or services do not yet or are not reasonably expected to serve the property in the near future. The purpose of this District is to facilitate orderly and efficient urban development by preventing the inappropriate and untimely intrusion of non-agricultural land uses into such areas. As development pressures dictate, certain areas within this District as recommended in the City's Comprehensive Plan may be rezoned to open additional lands for development. This District is also intended to encompass natural resource and open space areas and to provide for the preservation and protection of such areas.

(B) RR Rural Residential District. The RR District is intended to encompass areas outside the corporate limits but within the City's zoning area that are unsuitable for agricultural production and are not valuable areas for natural resources or open space and in which public facilities and services cannot reasonably be expected to serve in the future. The purpose of this District is to maintain the viability of such areas while also supplying an option to urban living by providing low density residential development of these areas in the form of single family dwellings at densities up to one dwelling unit per three acres. This District is also intended to encompass and preserve existing areas of low density rural residential development that have previously been developed in the absence of essential public facilities or services.

(C) R-1 Single Family Residential - Low Density District. The R-1 District is intended to encompass areas inside the corporate limits, but on the perimeter of the community, where the creation and maintenance of stable and enduring residential neighborhoods can take advantage of existing public facilities and services while avoiding conflicts with natural features and incompatible uses. The purpose of this District is to encourage and protect single family residential neighborhoods and the land uses which are compatible with them by providing for the establishment of residential development areas that are characterized almost exclusively by single family detached dwellings on medium to large lots at densities ranging from three to five dwelling units per acre.

(D) R-2 Single Family Residential - Medium Density District. The R-2 District is intended to encompass areas within the community where established residential neighborhoods exist and where the maintenance of stable and enduring residential neighborhoods can take advantage of existing public facilities and services and existing development while avoiding conflicts with natural features and incompatible uses. The purpose of this District is to encourage and protect single family residential neighborhoods and the land uses which are compatible with them by providing residential development areas that are characterized primarily by single family detached dwellings on medium lots at densities ranging from six to eight dwelling units per acre.

(E) R-3 Mixed Residential District. The R-3 District is intended to encompass areas within the community adjacent to the downtown core where the community's oldest residential neighborhoods exist and where greater concentrations of residences can take full advantage of existing public facilities and services and can directly support the downtown core, while preserving the unique historical and architectural fabric of such areas. The purpose of this District is to encourage the preservation of the community's oldest residential neighborhoods in order to facilitate the renaissance of such areas and of the downtown area as a whole. This District provides and preserves residential development areas that are characterized primarily by medium density residential development that consists of a mixture of single family dwellings, two family dwellings and low intensity multi-family dwellings with average neighborhood densities ranging from six to eight dwelling units per acre. The defining traditional neighborhood design elements that are

present in such areas should be preserved and enhanced and new development in such areas should incorporate these elements in keeping with the character of the neighborhood.

- (F) R-4 Multiple Family Residential - High Density District. The R-4 District is intended to encompass areas within the community that are adjacent to centers of activity or near high traffic corridors where high concentrations of residences can take advantage of existing public facilities and services and can support such centers of activity, while reducing travel distances and supplying a transitional buffer between non-residential areas and surrounding single family residential areas. The purpose of this District is to provide for the development of multi-family housing within specific areas of the community in order to make a variety of housing types available to meet the housing needs of the community. This District provides residential development areas that are characterized primarily by multiple family dwellings at densities greater than eight dwelling units per acre.
- (G) MHP Mobile Home Park District. The MHP District is intended to encompass select areas within the City's zoning area where a mobile home park development could be served by essential public facilities and services and can complement existing development while avoiding conflicts with natural features and other developments. The purpose of this District is to provide for the development of mobile home parks within specific areas of the community in order to make another type of housing available to meet the needs of the community. This District provides residential development areas characterized almost exclusively by mobile homes and manufactured homes at densities up to five dwelling units per acre.
- (H) P-1 Professional Office District. The P-1 District is intended to encompass areas within the community that are adjacent to centers of activity or near high traffic corridors and where such development can take advantage of the surrounding concentrations of activity while serving as a transitional buffer between residential areas and non-residential uses that are incompatible with residential districts. The purpose of this District is to encourage the establishment of office developments of varying scales within specific areas of the community in order to facilitate development areas specifically designed for businesses that serve the specialized care and other professional service needs of the community or the region. This District is characterized by development consisting predominately of office buildings of a low intensity that lack the off-site impacts typically created by and associated with commercial developments.
- (I) B-1 Neighborhood Business District. The B-1 District is intended to encompass select areas within the community that are on the edge of or between established residential neighborhoods with such areas typically positioned adjacent to arterial or collector streets and designed so as to accommodate a combination of automobile and pedestrian traffic. The purpose of this District is to provide for the establishment of small scale commercial developments within specific areas of the community in order to encourage and facilitate commercial activity that serves the neighborhoods in which the development is located. This District is characterized by low intensity commercial development that consists of a limited range of service and retail uses. Some buildings may also contain a mix of uses with ground floor retail and second story offices or residential units. These areas should not be extensive in size, nor should they generate substantial amounts of vehicular traffic and the level of evening business activity should be kept to a minimum.
- (J) B-2 Highway Business District. The B-2 District is intended to encompass select areas within the community that are along high traffic corridors and designed so as to accommodate the needs of customers that are primarily motorists passing on the roadway. The purpose of this District is to provide for the establishment of medium sized commercial development within specific areas of the community in order to accommodate commercial activity that is designed to be served primarily by automobile traffic. This District is characterized by low intensity commercial development that consists of a mix of certain retail and service uses which typically satisfy the convenience needs of the traveling public.
- (K) B-3 General Business District. The B-3 District is intended to encompass select areas within the community that are most suitable to accommodate the impacts of more intense commercial development and is designed to be served by a combination of automobile and pedestrian traffic. The purpose of this District is to provide for the establishment of medium and large scale commercial development within selected areas of the community in order to accommodate a wider variety of commercial uses at intensities greater than that of the B-2 District but less than that of the B-4 District. This District is characterized by medium intensity commercial development that consists of a wide variety of commercial

uses which serve the whole community and in some instances the region. Given the size and intensity of developments within such areas, off-site impacts can be significant and need to be minimized to achieve compatibility with adjoining districts.

- (L) B-4 Central Business District. The B-4 District is intended to encompass a select area within the community that is centrally located and that functions as the commerce and activity hub for the community and is designed so as to be a compact and pedestrian oriented downtown core. The purpose of this District is to provide for the development of a densely developed central business area that acts as the focal point of the community and serves as the center of government while providing space for a variety of professional, service and retail uses as well as entertainment and residences. The central business district differs from neighborhood business areas only in intensity and location. This District is characterized by high intensity mixed use development that consists of a variety of different uses that serve the downtown area and to an extent the community as a whole. This area should be compact and pedestrian oriented with no front or side setbacks and parking needs met on street or in public lots.
- (M) I-1 Light Industrial District. The I-1 District is intended to encompass select areas within the community where a satisfactory combination of such factors as adequate topographical conditions, proximity to transportation facilities, accessibility for employees, efficient land assembly, and adequate public facilities and utilities that may be required by industrial uses, can be achieved. The purpose of this District is to provide for the establishment of less intensive areas of industrial development within specific areas of the community in order to accommodate assembly and warehousing activities at a scale and intensity of use compatible with adjacent areas. This District is characterized by low to medium intensity industrial development that consists primarily of businesses which assemble or warehouse products for sale and distribution to markets outside the community, but in which no manufacturing activity is conducted.
- (N) I-2 General Industrial District. The I-2 District is intended to encompass select areas within the community where a satisfactory combination of such factors as adequate topographical conditions, proximity to transportation facilities, accessibility for employees, efficient land assembly, and adequate public facilities and utilities that may be required by industrial uses, can be achieved without creating incompatibilities with surrounding non-industrial development and uses. The purpose of this District is to provide for the establishment of larger scale, higher intensity areas of industrial development within specific areas of the community in order to accommodate any type of manufacturing, processing, fabricating, assembling or warehousing operations which generally exhibit higher levels of objectionable external effects and ensure they are carried out in a manner that will not endanger the public health, safety, and general welfare. Such areas should not be located adjacent to residential districts. This District is characterized by medium to high intensity industrial development that consists primarily of industrial uses that manufacture, process, fabricate, assemble or warehouse products for sale and distribution to markets outside the community.

(Ord. 8612, passed 12-2-08)

150.016 ZONING MAP.

- (A) The boundaries of the zoning districts are hereby established as shown on the map designated as the City's Official Zoning Map. The map together with all notations, references, data, district boundaries, and other information thereon are made a part of this Ordinance by reference. The most recent Official Zoning Map certified by the City Clerk shall remain on file in the office of the City Clerk and the Zoning Administrator, respectively.
- (B) Subject to the provisions of this Ordinance, the City Council may by Ordinance change the zoning classification of specific parcels of land within the City's zoning area. Said changes shall be binding even though they may not be included on the most recent Official Zoning Map.

(Ord. 8612, passed 12-2-08)

150.017 INTERPRETATION OF DISTRICT BOUNDARIES.

- (A) District boundaries indicated on the Official Zoning Map as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines.
- (B) District boundaries indicated on the Official Zoning Map as approximately following lot lines, shall be construed to follow the lot lines.
- (C) Where the boundary of a district on the Official Zoning Map follows a railroad line, the boundary shall be deemed to be located at the railroad right-of-way line closest to the most restrictive zoning district line shown on the Official Zoning Map. Notwithstanding anything here to the contrary, any railroad right of way adjoining a Residential Zoning District shall be deemed to be located in said Residential District.
- (D) Where the boundary of a district on the Official Zoning Map follows a stream, lake, or other body of water, the boundary line shall be construed to be the centerline of the stream, lake, or other body of water.
- (E) Where district boundaries are indicated on the Official Zoning Map as approximately following section lines or divisions thereof, and township lines, those section and township lines shall be construed to be those boundaries.
- (F) Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of that street, alley, or public way shall automatically extend to the center of the area vacated, and all areas included in the vacated area shall thereafter be subject to all regulations of the extended district.
- (G) Where any land or territory within the jurisdiction of the City is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.
- (H) Where a lot under single ownership is divided, at the time of enactment of this Ordinance or subsequent amendments, by a zoning district boundary line, the requirements of the more restrictive district adjacent to the line shall apply to the entire lot.

(Ord. 8612, passed 12-2-08)

150.018 AREA OF JURISDICTION.

With the adoption of this chapter, the City exercises its legal authority under Illinois State law to zone those lands within the corporate limits of the City, and in the absence of county zoning, the City also exercises its authority under Illinois State law to zone those lands within one and one-half miles of its corporate limits. Specific areas to be regulated by this Ordinance are indicated on the Official Zoning Map.

(Ord. 8612, passed 12-2-08)

150.019 CLASSIFICATION OF TERRITORY RESULTING FROM ANNEXATION.

Any territory hereafter brought within the City's zoning jurisdiction as a result of an annexation of territory that is contiguous to the corporate limits shall automatically be classified in the AG Agriculture Zoning District until duly changed by an amendment to this Ordinance.

(Ord. 8612, passed 12-2-08)

DISTRICT REGULATIONS

150.020 DISTRICT USE REGULATIONS.

- (A) In any zoning district, no lot or building shall be used, and no building or structure shall hereafter be erected or structurally altered, except for:
 - (1) One or more of the uses listed as permitted uses in that Zoning District in [Table IV-1](#), which can be found in [Appendix A](#), attached to and made a part of this chapter;

(2) One or more of the uses listed as special uses in that Zoning District in [Table IV-1](#), provided that a special use permit therefor has been issued, according to the procedures specified in [150.130](#) through [150.134](#) of this chapter.

(B) The uses listed in [Table IV-1](#) are meant to serve as principal uses. As indicated by [Table IV-1](#), each principal use may be either: permitted by right, permitted after the issuance of a special use permit, or prohibited.

(C) In the case of a use not specifically listed in [Table IV-1](#), such a use shall be expressly prohibited unless the Zoning Administrator, after consultation with the Corporation Counsel, determines that such a use is related to or is substantially similar to a use that is listed. In such cases the use shall be subject to the regulations of the use to which it is most related or similar. A written record of all such determinations by the Zoning Administrator shall be kept, and may be consulted in the future.

(Ord. 8612, passed 12-2-08)

150.021 DISTRICT AREA AND BULK REGULATIONS.

A lot, building or structure hereafter erected or structurally altered shall be subject to and in compliance with the area and bulk regulations for the District in which it is to be located as listed in [Table IV-2](#), unless indicated otherwise elsewhere in this chapter. [Table IV-2](#) can be found in [Appendix B](#), which is attached to and made a part of this chapter.

(Ord. 8612, passed 12-2-08)

150.022 BUSINESSES IN THE B-I DISTRICT.

The following additional requirements shall apply to the B-I Neighborhood Business District and uses allowed therein. The aggregate gross floor area of all buildings in a contiguous area of neighborhood business district zoning shall not exceed 50,000 square feet, and no individual shopping facility or business shall comprise more than one-third of the total floor area permitted.

(Ord. 8612, passed 12-2-08)

150.023 SUPPLEMENTAL REGULATIONS FOR THE R-3 DISTRICT.

(A) Purpose. The purpose of this section is to provide supplementary regulations for developments in the R-3 Zoning District in order to sustain the existing development pattern of the area and support the preservation of existing contributing buildings within the District while enhancing the aesthetic quality of the area and encouraging the development of new buildings of distinguished architectural character and appearance.

(B) Applicability. Whenever a building or structure in the R-3 District is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure in the R-3 District is established, expanded or changed, the resulting development shall comply with the standards of this section.

(C) Location of Parking Areas. Off-street parking areas shall not be located between the principal building and the street.

(D) Vehicular Access. The primary vehicular access shall be provided by way of a rear alley.

(E) Pedestrian Access. A sidewalk should be provided that connects the front entrance door or porch to the public sidewalk along the street.

(F) Location of Mechanical Equipment and Meters. Mechanical equipment and meters shall not be located between the principal building and the street. Mechanical equipment and meters shall be placed at the rear of the lot behind the principal building. If this cannot be achieved, they may be located along the side of the principal building, provided they are screened from view from the street.

(Ord. 8612, passed 12-2-08)

SUPPLEMENTARY USE REGULATIONS

150.030 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

- (A) Requirements. A building, structure or use may be erected or established on a lot as an accessory structure or use provided that the following requirements are met:
- (1) A permitted principal building/use exists on the lot.
 - (2) The accessory use is related to the principal use.
 - (3) The accessory use is incidental or subordinate to the principal use.
 - (4) The accessory buildings or structures shall not be used for dwelling purposes.
 - (5) The use of accessory buildings and structures in residential districts shall not involve the conducting of a business.
 - (6) No new accessory use may be established for a legal non-conforming principal use.
 - (7) No mobile home or other portable structure shall be used as an accessory building or structure except when used incidentally to and temporarily for construction operations of a principal use, with said structure removed prior to the occupancy of the principal use, or as temporary storage in accordance with subsection (H) below.
- (B) Standards. An accessory building, structure or use constructed, erected, or placed on a lot shall conform to the following standards.
- (1) An accessory building or structure in a residential district shall be located on the rear one-half of the lot and at least five feet from any dwelling existing or under construction on the same lot or an adjacent lot, and no closer than five feet to any side or rear lot line. Furthermore, an accessory building or structure shall not exceed 15 feet in height.
 - (2) An accessory building or structure in a residential district, including one private detached garage, shall not exceed 864 square feet in area on lots up to 22,000 square feet in area, or 1,056 square feet in area or 4% of the total lot area, whichever is greater, on lots 22,001 square feet in area and over. Other accessory structures such as garden shelters and storage sheds shall be permitted provided that such structures do not in aggregate exceed 250 square feet in area.
 - (3) Accessory buildings and structures in all other zoning districts shall conform to the area and bulk standards of [Table IV-2](#) of this chapter.
 - (4) Accessory buildings and structures may be erected detached from the principal building or may be erected as an integral part of the principal building, or may be connected therewith by a breezeway or similar structure. An accessory building attached to the principal building shall be made structurally a part of and have a common wall with the principal building, and shall comply in all respects with the requirements applicable to the principal building.
 - (5) No accessory building or structure shall be constructed over or upon an existing public easement without specific written permission to do so from the City Engineer.
- (C) Satellite Dishes and Antennas. Satellite dishes and antennas accessory to permitted principal uses are hereby regulated as accessory uses hereunder. Any such device which transmits or receives signals, including all satellite/television dishes, microwave receiving and/or radio transmitting antennas, but excluding telecommunication towers, is subject to the following requirements.
- (1) General Requirements. For the purposes of this chapter, satellite dishes and antennas shall be classified based on the location, type, extent and/or nature of the support mechanism and/or structure as

either roof-mounted or ground-mounted. No satellite dish or antenna shall be permitted until and unless the following requirements are met.

(a) Satellite dishes and antennas, and their accompanying support structures, shall be painted a solid neutral color, shall not exhibit any advertising, and to the extent possible, should be compatible with the appearance and character of the neighborhood.

(b) Ground-mounted satellite dishes and antennas shall not be located within a required front yard of a lot nor shall they be located within 20 feet of any lot line abutting a street.

(2) Roof Mounted. In addition to the other provisions of this Section, roof-mounted satellite dishes and antennas attached to a building or structure shall also fully comply with the following standards.

(a) In any commercial or industrial zoning district, satellite dishes may be erected to a maximum height of 12 feet above the maximum height of the building on which it is to be located and the satellite dish shall not exceed 10 feet in diameter.

(b) In any residential or mobile home zoning district, satellite dishes may be erected to a maximum height of 12 feet above the maximum height of the building on which it is to be located and the satellite dish shall not exceed three feet in diameter.

(c) In any zoning district, roof-mounted antennas may be erected to a maximum height of 20 feet, above the maximum height of the building on which it is to be located and the antenna shall not exceed four feet in diameter.

(3) Ground Mounted. In addition to the other provisions of this Section, ground-mounted satellite dishes or antennas shall only be located on a lot with an existing principal building/use and shall also fully comply with the following standards.

(a) In any zoning district a ground-mounted satellite dish may be erected to a maximum height of 15 feet above adjacent ground level, the satellite dish shall only be located in a rear yard, and the diameter of the satellite dish shall not exceed 10 feet.

(b) In any zoning district a ground-mounted antenna may be erected to the maximum height allowed in the underlying zoning district.

(D) Drive-Up or Drive-Through Facilities. Drive-up or drive-through facilities shall be considered accessory to permitted principal uses and are hereby regulated as an accessory use hereunder, and shall be subject to the following requirements:

(1) Drive-through facilities shall not be located in the front yard of the principal building and the maneuvering space shall be provided in the side or rear yard.

(2) Speakers at drive-through facilities shall not be audible from adjacent properties.

(3) Establishments with drive-through facilities shall provide a stacking lane for the stacking of automobiles waiting to drive through the facility.

(4) Each stacking lane shall have a minimum number of stacking spaces. Establishments with a single drive-through facility shall provide a minimum of six stacking spaces. Establishments with more than one facility shall provide a minimum of five stacking spaces per facility. The space directly adjacent to the facility is considered a stacking space. Each stacking space shall measure at least eight feet in width and 18 feet in length.

(5) The stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on or off site, and traffic visibility. The stacking spaces shall not block a public street or common drive lane used by other businesses.

(6) No drive-through lane shall exit directly into a public right-of-way. The stacking lane shall be integrated with the onsite circulation and shall merge with the driveway.

- (7) Stacking areas shall be constructed in accordance with required specifications for off-street parking areas.
- (8) AH drive-through facilities shall require site plan approval by the Zoning Administrator and City Engineer.
- (E) Outdoor Storage of Recreational Vehicles, Watercraft, Off-Road Vehicles, and Utility Trailers. The outdoor storage or parking of recreational vehicles, watercraft, off-road vehicles and utility trailers shall be considered accessory to permitted principal uses and is hereby regulated as an accessory use hereunder. In addition to the other provisions for accessory uses in this Section, the outdoor storage of said objects shall be subject to the following requirements:
- (1) No recreational vehicle shall be used as a business or for living, sleeping, or housekeeping purposes while stored or parked in a residential zoning district or on a public street.
 - (2) Recreational vehicles, watercraft, off-road vehicles and utility trailers stored or parked outdoors shall be legally registered with the State and registered to the tenant or owner of the lot upon which the object is stored.
 - (3) Such objects stored or parked outdoors shall be stored or parked only in side or rear yards, excluding side yards on corner lots that adjoin a public street.
 - (4) Such objects may be temporarily parked in other required yards for up to 30 days during any calendar year with the approval of the Zoning Administrator provided they are stored on a hard surface.
 - (5) No such object shall be parked within any public right-of-way for more than 24 hours.
- (F) Outdoor Storage of Commercial Vehicles. The outdoor storage of commercial vehicles shall be considered accessory to permitted principal uses and is hereby regulated as an accessory use hereunder. Commercial vehicles shall include trucks with a gross weight in excess of 12,000 pounds, tractor trailers, farming equipment and machinery, and construction equipment and machinery. In addition to the other provisions for accessory uses in this Section, the outdoor storage of these vehicles shall be subject to the following requirements:
- (1) The parking of commercial vehicles on a lot shall be permitted in the I-1 and I-2 Zoning Districts, and shall be allowed in the B-3 District after application and issuance of a special use permit.
 - (2) No commercial vehicle shall be parked on any public street in a residential zoning district at any time.
- (G) Keeping Large Animals. No large animals (cattle, swine, goats, horses) or poultry shall be permitted on any lot within the City at any time. Large animals may be permitted outside the City if the animals are confined more than 150 feet from any lot having a lot area of less than one acre which is improved with a residential dwelling.
- (H) Portable Temporary Storage Containers. Portable temporary storage containers shall be regulated as an accessory structure hereunder and shall be subject to the requirements for accessory buildings, structures and uses as listed in subsection (A) of [150.030](#).
- (1) Portable temporary storage containers shall conform to the setbacks for the District in which they are located for accessory buildings and structures as described in subsection (B) of [150.030](#).
 - (2) A portable temporary storage container placed on a lot in any residential zoning district shall not exceed 130 square feet in size, with no more than one such container allowed per lot. A portable temporary storage container placed on a lot in any other zoning district shall not exceed 300 square feet in size, with no more than one such container allowed per lot.
 - (3) In any zoning district the placement of a portable temporary storage container on a lot is permitted for a period not to exceed 30 consecutive days within a six month period, or for the time period for which there is an active building permit on the lot.

- (4) A portable temporary storage container shall be placed on either a hard concrete or asphalt surface and may displace one or more off-street parking spaces, provided there is adequate parking already being provided.

(Ord. 8612, passed 12-2-08)

150.031 HOME OCCUPATIONS.

- (A) Purpose. The purpose of this Section is to specify requirements for the establishment and operation of home occupations to ensure that home occupations are compatible with the neighborhood in which they are located.
- (B) Classification of Home Occupations. A home occupation shall be considered an accessory use to any residential dwelling unit and permitted subject to the following regulations. For the purpose of this chapter, home occupations shall be further classified as either a minor, major or prohibited home occupation. Home occupations complying with the general requirements and the standards established in subsection (D) below shall be considered minor in character and permitted by right with no further approval required. Home occupations that are considered major home occupations shall be permitted by right in all non-residential zoning districts, but shall require a special use permit in a residential zoning district.
- (C) General Requirements. All home occupations shall be subject to the following requirements:
 - (1) The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - (2) The home occupation shall be operated and contained entirely within the interior of the dwelling unit or other accessory buildings and there shall be no outside storage or display of material used in conjunction with the home occupation on the premises.
 - (3) The appearance of the dwelling shall not be altered nor the home occupation be conducted in a manner which would cause the premises to differ from its residential character.
 - (4) No highly explosive or combustible material shall be used or stored on the premises.
 - (5) No activity shall be allowed which would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the lot line.
 - (6) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises, i.e., direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above; and incidental retail sales may be made in connection with the home occupation; e.g., a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to their customers. However, a dressmaker would be required to do only custom work for specific clients, and would not be allowed to develop stocks of dresses for sale to the general public on-site.
 - (7) Deliveries from commercial suppliers shall not be received more than once a week and the deliveries shall not be made by semi-trailer trucks.
 - (8) Deliveries to or from the residence shall not be made between the hours of 8:00 pm and 6:00 am.
 - (9) No more than one business vehicle used in conjunction with the home occupation may be parked on the premises or an abutting street at any time.
 - (10) Pedestrian and vehicular traffic generated by clients or customers of a home occupation shall be prohibited on the premises between the hours of 8:00 pm and 6:00 am.
 - (11) Additional parking spaces shall be made available to compensate for parking needs generated by providing one additional space for each 300 square feet of floor area used for the home occupation.

(D) Minor Home Occupations. Any activity that meets but does not exceed the following standards shall be classified as a minor home occupation:

- (1) No person who is not a resident of the dwelling unit may be employed on the lot in connection with the home occupation.
- (2) No customers or clients shall be permitted on the lot in connection with the home occupation.
- (3) No more than one room of the dwelling unit may be used for the home occupation.
- (4) There shall be no advertising, display, or other indications of a home occupation on the premises.
- (5) Permitted minor home occupations may include, but are not necessarily limited to, the following: artists and sculptors; authors and composers; home crafts for sale off-site; office facility of minister, rabbi, or priest; office facility of a salesperson, sales representative, or manufacturer's representative, provided that no transactions are made in person on the premises; telephone solicitation work.
- (6) Prohibited minor home occupations shall include those activities listed in subsection (F) below.

(E) Major Home Occupations. Any activity that exceeds the standards set forth above for minor home occupations but does not exceed the following standards shall be classified as a major home occupation:

- (1) No more than one person, who is not a member of the immediate family that resides in the dwelling unit, shall be employed on the lot and engaged in the home occupation.
- (2) No more than four customers or clients of the home occupation shall be allowed in the dwelling unit or on the premises during any 60 minute period nor more than 10 in any given 24 hour period.
- (3) Vehicular traffic associated with the home occupation shall not exceed two vehicles on the lot at any one time.
- (4) The total floor area used for the home occupation (including storage) shall not exceed 25% of the gross floor area of the dwelling unit.
- (5) No signs shall be present on the lot except for one wall sign, not to exceed one square foot, indicating the occupant's name and occupation, e.g., "John Doe, Accountant".
- (6) Permitted major home occupations may include, but are not necessarily limited to, the following: single-chair beauty parlors and barber shops; organized classes; small engine repairs, excluding automobile, motorcycle, and snowmobile engines.

(F) Prohibited Home Occupations. Any activity that would exceed the standards for a major home occupation shall be prohibited as a home occupation. In addition, the following activities, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use of and devalue a neighborhood for residential purposes and therefore shall be prohibited as home occupations: minor or major auto repair; painting of vehicles, trailers, or boats; funeral chapel or home; gift shops; medical or dental clinics; rental businesses; catering businesses; welding or machining work; residence-based scavenger/salvage operations; animal kennels; private clubs.

(G) Exceptions. Family day care homes, as defined in this chapter and which are licensed by the Illinois Department of Children and Family Services, shall be classified as minor home occupations and permitted by right in any zoning district where minor home occupations are permitted, even if a particular family day care home exceeds the criteria as set forth in this Ordinance for minor home occupations.

(Ord. 8612, passed 12-2-08)

150.032 TEMPORARY USES.

(A) A temporary use is a use established for a limited period of time with the intent to discontinue such use upon the expiration of such time. Such uses are subject to the time restrictions and limited to the specific

uses contained in this section. Only one temporary use shall be permitted per lot at any one time. Adequate off-street parking shall be provided for the temporary use, but this parking shall not displace the required off-street parking of the permitted principal use or uses on the lot. Additional standards for specific temporary uses follow.

- (1) **Garage Sales.** Garage, rummage, yard and similar sales shall be permitted as temporary uses in any zoning district provided that no such sale shall be more than 72 hours in duration and the total number of sales on a lot shall not exceed two in any calendar year.
- (2) **Home Parties.** Home parties for the purpose of selling merchandise or taking orders shall be permitted as temporary uses in any zoning district provided that a party is not held at the same location more than two times per month.
- (3) **Transient Merchant Sales.** Sales by transient merchants within the City limits shall be allowed only after the receipt of a transient vendor's license from the City Clerk per [Chapter 115](#) of the Code of Ordinances. Additionally, such sales within the City shall be allowed as a temporary use in the B-3 zoning district only and only after application for and issuance of a special use permit in accordance with [150.130](#) through [150.134](#) of this chapter. Transient sales shall not be permitted to occur at any one location for longer than six months in any one calendar year.

(Ord. 8612, passed 12-2-08)

150.033 DWELLING STANDARDS.

- (A) **Single-family dwellings.** Every single-family dwelling hereafter erected or structurally altered shall have a total usable floor area of not less than 864 square feet.
- (B) **Two-family dwellings.** Every building hereafter erected, converted, or structurally altered to a two-family dwelling shall have a total usable floor area of not less than 1200 square feet, no dwelling unit of which shall have a total usable floor area of less than 400 square feet.
- (C) **Multi-family dwellings.** Every building hereafter erected, converted, or structurally altered to a multi-family dwelling shall have a total minimum usable floor area of 1500 square feet. All dwelling units shall contain a minimum usable floor area of 400 square feet, except that not more than 10% of the units may be studio or efficiency type apartments with a minimum usable floor area of 250 square feet, including a sleeping area of not less than 70 square feet.

(Ord. 8612, passed 12-2-08)

150.034 CONVERSION OF DWELLINGS.

The conversion of any building into a dwelling, or the conversion of any existing dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a zoning district in which a new building for similar occupancy would be permitted by this chapter, and only when the resulting occupancy will comply with the area and bulk requirements of the underlying zoning district.

(Ord. 8612, passed 12-2-08)

150.035 ADULT USE BUSINESSES.

The establishment of an adult use business shall be subject to the following additional requirements.

- (A) An adult use business shall not be located:
 - (1) Within 500 feet of another existing adult use business.
 - (2) Within 1,000 feet of a preexisting school, place of worship, publicly owned facilities, adult day care center, group home, day care school or center, or family day care home.
 - (3) Within 500 feet of a lot in any residential zoning district.

- (B) An adult use business shall not be located in a building or structure which contains another business that sells, dispenses in some manner, or allows the consumption of alcoholic beverages.
- (C) For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the lot line of the adult use business to the nearest lot line of another adult use business, school, place of worship, or residential zoning district.

(Ord. 8612, passed 12-2-08)

150.036 DRIVE-IN THEATERS.

In zoning districts where drive-in theaters are permitted, the establishment of such use shall be subject to the following regulations:

- (A) Projection screens and parking areas shall not be closer than 50 feet from any public street, and not closer than 500 feet from any residential zoning district boundary.
- (B) The projection surface of motion picture screens shall not be visible from any collector or arterial street as designated by the City's Comprehensive Plan.
- (C) Loudspeakers shall be limited to the individual type, which are designed to be heard by the occupants of one car only.
- (D) Entrances and exists shall connect only to arterial or collector streets, and shall be designed so as not to interfere with or unnecessarily impede traffic flow.
- (E) Entrances and exit waiting space for cars shall be provided to accommodate not less than 5% of the theater's parking capacity.
- (F) Drive-in theaters shall be surrounded with a six-foot high opaque fence.

(Ord. 8612, passed 12-2-08)

150.037 JUNKYARDS.

In zoning districts where junkyards are permitted, the establishment and maintenance of such use shall be subject to the following regulations:

- (A) All handling and storage of junkyard materials and items shall be done within a completely enclosed building, or within an area enclosed by a solid wall or solid (opaque) fence not less than eight feet in height.
- (B) The lot line of junkyard shall be located not less than 300 feet from any residential zoning district boundary.
- (C) The premises on which a junkyard is located shall not have more than two entrances and two exits at the perimeter, each of which shall not exceed 15 feet in width.
- (D) At no time shall operations be conducted or junkyard materials and items be stored on the public street, alley or public right-of-way bordering the junkyard.

(Ord. 8612, passed 12-2-08)

150.038 ANIMAL KENNELS.

In zoning districts where animal kennels are permitted, the establishment of such use shall be subject to the following regulations:

- (A) An animal kennel shall not be located within 100 feet of a lot in any residential zoning district.
- (B) Any outdoor areas designated for animal use shall be completely enclosed by a solid (opaque) fence not less than six feet in height.

(Ord. 8612, passed 12-2-08)

150.039 MANUFACTURED HOUSING.

A manufactured housing unit proposed in the R-2, R-3 or R-4 zoning districts shall be permitted only after a manufactured housing design review has been conducted in accordance with the procedures outlined in [150.140](#) through [150.145](#) of this chapter. This manufactured housing design review should establish that the manufactured housing unit conforms to the design standards for manufactured housing in [150.140](#) through [150.145](#) of this chapter and is therefore appropriate for the neighborhood in which it is to be placed.

(Ord. 8612, passed 12-2-08)

150.040 MOBILE HOME PARKS.

In any district where mobile home parks are permitted the following requirements shall be applied to new mobile home parks and to improvements or extensions of existing parks. Additionally, those regulations contained in [Chapter 156](#) of the Municipal Code shall also apply.

- (A) No part of any mobile home park shall be used for nonresidential purposes, except uses that are required for the direct servicing and well being of park residents and for the maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile stand and connected to the pertinent utilities.
- (B) Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property, health, or safety of the occupants, or residences or businesses adjacent thereto. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influence, which would expose persons or property to hazards to health or safety.
- (C) Density and yard regulations. The maximum density of mobile homes shall be regulated by separation requirements, occupied lot area ratios, and recreation area requirements as set forth herein. Density will vary considerably in accommodating different sizes of mobile home units with accessory structures used in the locality and the type of layout proposed.
 - (1) A mobile home park shall be located on a tract of land not less than ten acres in area, with a minimum width and depth dimension of 200 feet.
 - (2) Each mobile home stand shall be separated from other mobile home stands by a yard of not less than 20 feet. However, no mobile home lot shall have width of less than 30 feet or depth of less than 100 feet.
 - (3) Mobile home stands shall not occupy an area in excess of one-fourth of the respective lot area. The accumulated occupied area of the mobile home and its accessory structures on a mobile home lot, including parking space and driveway, shall not exceed one-half of the respective lot area.
 - (4) All mobile homes shall be located at least 40 feet from the exterior lot boundary line of the mobile home park. All mobile homes or other structures shall have a front and rear yard of at least 25 feet from the right-of-way line of any internal public or private street.
- (D) Not less than 8% of the gross site area of a mobile home park shall be devoted to recreational facilities, generally provided in a central location. However, this requirement shall not be less than one-half acre for each 100 lots, and the minimum area of any recreational development shall be not less than one-half acre. In larger developments, recreation facilities can be decentralized with at least one area large enough for a small park (one acre). Recreation areas may include space for community buildings and community use facilities such as indoor recreation areas, swimming pools, hobby and repair shops, and service buildings.
- (E) Each mobile home lot shall be provided with an outdoor living and service area. This area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area shall be not less than 300 square feet, with at least a dimension of 15 feet.

- (F) Entrance to mobile home parks shall have direct access to a public street, and shall be designed to allow free movement on adjacent public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from the public street.
- (G) Parking facilities shall be based upon two parking spaces for each mobile home lot. Parking may be in tandem and may be located in the required yards provided it conforms to applicable provisions of this Ordinance.
- (H) Each mobile home stand shall be located within 100 feet of a public or internal street, and shall have free and unobstructed access to the street. Pavement widths and other street design standards shall conform to those provided in the Subdivision Regulations.
- (I) A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Common walks shall have a minimum width of three and one-half feet.
- (J) All mobile home stands shall be connected to common walks, to streets, to driveways, or to parking spaces with individual walkways. Such individual walks shall have a minimum width of two and one-half feet.
- (K) The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on the approved site plans.
- (L) Mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Anchors or tie-downs shall be provided according to the Tie-Down Act administered by the Illinois Department of Public Health, a copy of which shall be available from the Zoning Administrator.
- (M) Improved driveways should be provided on lots where necessary for convenient access to mobile homes. The minimum width shall be ten feet.
- (N) Each mobile home shall be skirted to enclose the space between the ground and the bottom of the mobile home.

(Ord. 8612, passed 12-2-08)

150.041 NURSING HOMES.

In zoning districts where nursing homes are permitted, the establishment of such use shall be subject to the following regulations:

- (A) The minimum site for any nursing home shall be two acres, provided that for a nursing home containing more than 40 beds, the minimum site area shall include one additional acre for each 40 beds or fraction thereof.
- (B) All principal buildings shall be located at least 25 feet from all lot lines.
- (C) The site shall have minimum length and width dimensions of 200 feet.

(Ord. 8612, passed 12-2-08)

150.042 PLANT NURSERIES AND GREENHOUSES.

In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

- (A) No fertilizer, compost, manure, or other odor- or dust-producing substance shall be stored within 50 feet of any lot line.
- (B) Greenhouse heating plants shall be in an enclosed building and shall not be less than 50 feet from any lot line.

- (C) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

(Ord. 8612, passed 12-2-08)

150.043 PUBLIC BUILDINGS.

In any district where publicly owned buildings or government services are permitted, the following additional requirements shall be met.

- (A) In any residential or agricultural zoning district, all publicly owned buildings shall be located at least 25 feet from all lot lines.
- (B) In any zoning district except industrial districts, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building, or enclosed within a solid wall or fence at least six feet in height. These storage areas, maintenance yards, or storage warehouses shall be located at least 25 feet from any front or side lot line.
- (C) All public buildings shall be located, and landscaped according to an approved site plan.

(Ord. 8612, passed 12-2-08)

150.044 PUBLIC UTILITY STATIONS, EXCHANGES, ESSENTIAL SERVICES.

Electrical substations, gas regulator stations, or telephone exchange facilities in any residential or agricultural zoning district shall be subject to the following regulations.

- (A) No public office, repair, or storage facilities shall be maintained in connection with such substations or exchanges.
- (B) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.
- (C) The area on which the facility is located shall be landscaped and maintained in conformance with the general character of the surrounding area.
- (D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot may be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the three-foot minimum rear yard.
- (E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than 15 feet to any side or rear lot line.
- (F) If transformers are exposed there shall be provided an enclosing fence or wall, at least six feet in height.

(Ord. 8612, passed 12-2-08)

150.045 SERVICE STATIONS/CONVENIENCE CENTERS WITH FUEL PUMPS.

In districts where service stations/convenient centers with fuel pumps are permitted, the establishment of such uses shall be subject to the following additional requirements.

- (A) All fuel pumps, lubrication devices, overhead canopies, and freestanding or projecting weather protection devices shall be located at least 20 feet from any street right-of-way and adjacent lot line.
- (B) The total height of any overhead canopy or weather protection device shall not exceed 20 feet.
- (C) Open storage of inoperative or unlicensed motor vehicles, other than motor vehicles for rent, shall not be permitted for a period of more than 48 hours.

- (D) No sales of motor vehicles, trailers, or campers shall be permitted.
- (E) All goods offered for sale by a service station/convenience center with fuel pumps, including those generally required for the operation and maintenance of motor vehicles, shall be displayed immediately adjacent to or within the principal structure.
- (F) The entire site, other than that part devoted to landscaping and buildings, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage. Such surfaces shall be designed to meet the requirements of a minimum four-ton axle load.
- (G) Wherever a site abuts a residential district, a fence or compact hedge planting, which is a minimum 25% opaque, and not less than six feet high, shall be erected and maintained along the side and rear lot line that abuts the residential district. Application of this provision shall not require a fence within 15 feet of any street right-of-way.
- (H) All trash, garbage, refuse, rubbish and waste materials and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the service station/convenience center.
- (I) All rental campers, trailers, or motor vehicles shall be stored within the rear or side yard. Rentals shall not be stored within the front yard setback.
- (J) All outside parking spaces shall be approved by the Department of Public Development.
- (K) All outdoor illumination shall be provided with lenses, reflectors, or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light from being directly visible upon any adjacent street, roadway, or private property occupied for residential purposes.
- (L) Notwithstanding anything to the contrary in other sections of this Ordinance, the following minimum requirements shall be observed for yards and setbacks for service stations/convenience centers with fuel pumps; lot width, 150 feet; front yard, 60 feet; side yard adjacent to another lot, 30 feet; side yard adjacent to street, 60 feet; rear yard, 30 feet.

(Ord. 8612, passed 12-2-08)

150.046 SOLID WASTE LANDFILLS.

In any district where a sanitary landfill is permitted, all requirements of the State Environmental Protection Agency and the U.S. Environmental Protection Agency shall apply.

(Ord. 8612, passed 12-2-08)

150.047 TELECOMMUNICATION TOWERS.

In zoning districts where telecommunication towers are permitted, the establishment of such towers shall be subject to the following requirements:

- (A) **Principal or Accessory Use.** A telecommunication tower may be considered either a principal or accessory use. Another principal use of an existing building on the same lot shall not preclude the installation of a tower on such lot.
- (B) **Tower Separation.** No telecommunication tower shall be constructed within 500 feet of an existing telecommunication tower unless the owner proposing the new tower demonstrates that an attempt to co-locate onto the existing tower was made and dismissed as infeasible for reasons other than competitive conflict.
- (C) **Height.** In the AG, RR, R-2, P-1, B-2, B-3 or B-4 zoning districts, a telecommunication tower may be erected to a maximum height of 150 feet above the adjacent ground level. In the industrial zoning districts, a tower may be erected to a maximum height of 180 feet above the adjacent ground level. Measurement of tower height shall include any antennas or other appurtenances attached to the structure.

- (D) Setbacks. A telecommunication tower shall meet the lot setback requirements of the underlying zoning district in which they are to be located except towers in the R-2, P-1, B-2, B-3 or B-4 districts shall not be placed closer than 100% of its height from a lot line. In addition, a tower shall be setback from existing principal buildings by at least 50 feet.
 - (E) Fencing. A telecommunication tower shall be completely enclosed by a solid fence not less than six feet in height.
 - (F) Telecommunication towers shall be designed to blend into the surrounding environment through the use of color and camouflaging treatments, except where this would conflict with other state or federal requirements.
 - (G) Telecommunication towers shall be of a monopole design unless the Zoning Administrator determines that an alternative design would blend better with the surrounding environment.
 - (H) No rungs or other appendages used for the purpose of tower access shall be located within 20 feet of the ground.
 - (I) Any telecommunication tower that is no longer being utilized as such shall be disassembled and removed by the tower owner within 90 days after notice from the City to remove the tower. If the owner of the abandoned tower cannot be located or is no longer in business, the requirements of this Section shall be the responsibility of the landowner on whose lot the tower is located.
- (Ord. 8612, passed 12-2-08)

SUPPLEMENTARY DEVELOPMENT REGULATIONS

150.060 LOT REQUIREMENTS.

- (A) Except as otherwise specified in this subchapter, all lots shall be subject to the lot requirements in [Table IV-2](#) of this chapter.
- (B) Number of principal buildings on a lot. Every principal building hereafter erected or structurally altered shall be located on a lot, and in no residential zoning district shall there be more than one principal building on a lot, except as provided in this section or elsewhere in this chapter. In the event that a lot is to be occupied by a group of two or more related principal buildings to be used for multi-family dwellings, institutional, or hotel purposes, there may be more than one principal building on the lot when adequate open space is provided between all buildings. The required minimum width of this open space shall be determined in relation to the height and length of each building wall and the placement of walls therein, as follows:
 - (1) If the wall contains one or more windows, the minimum width of the open space shall be 15 feet, plus two feet for each story in height, plus one foot for each 15 feet in length of the wall.
 - (2) If the wall contains no windows, the minimum width of the open space shall be five feet, plus one foot for each story in height, plus one foot for each 15 feet for the length of the wall.
- (C) Lot frontage. In order to be considered a legal lot, a lot must have frontage on a public street or private lane. This frontage must be at least 30 feet in width.
- (D) Combination of contiguous lots. When two or more lots are contiguous and are held in one ownership, they may be combined to create a single lot for purposes of meeting yard requirements to construct improvements. Upon construction of such improvements, the lot shall be considered one lot.
- (E) Division of lots. No improved lot shall hereafter be divided into two or more lots and no part of a lot shall be sold unless all resultant lots conform to all lot requirements for the district in which the lots are located.

- (F) Exception to minimum lot area and width. A lot of record that does not meet the minimum lot area and/or width requirements for the zoning district in which it is located may still be improved provided the lot has a lot width of at least 40 feet at the building line and is at least 5,000 square feet in area, and can provide side yards (when required) of at least five feet and can meet all other bulk requirements of this Ordinance.
- (G) Lots developed with individual water and sewage systems. In any district where private water and sanitary sewage systems are used instead of public utilities, the minimum lot area, width and depth shall be subject to approval of the Zoning Administrator after conformance with County Health Department regulations. No building or structure served by a private sanitary sewer system shall be allowed within 300 feet of the high water level of Lake Vermilion.
- (H) Lots for common lot line dwellings. Minimum lot area and lot widths for common lot line dwellings shall be as follows:
 - (1) If a common lot line dwelling contains two units, each lot shall be 1/2 the required lot area and lot width of the underlying zoning district.
 - (2) If a common lot line dwelling contains three or more units, each lot shall be a minimum of 2,000 square feet and have a minimum width of 20 feet.

(Ord. 8612, passed 12-2-08)

150.061 YARDS AND SETBACK REQUIREMENTS.

- (A) Except as otherwise specified in this subchapter, all improvements on a lot shall be subject to and in compliance with the yard and setback requirements in [Table IV-2](#) of this chapter.
- (B) Visibility triangle at intersections. On corner lots, no obstruction greater than five inches in diameter or higher than 30 inches above the centerline grade of the intersecting streets, shall be permitted in the following described triangle area of any required front yard. The visibility triangle shall be as follows: from the corner property pin at the intersection of the two street right-of-way lines, measure along the property lines a distance of 20 feet to form the legs of the triangle, then connect those two end points to close the triangle. In addition, at any intersection involving a collector or arterial street as designated in the City's Comprehensive Plan, the visibility triangle shall increase to 30 feet. This requirement will be waived only if the subject intersection is signalized to assure safety.
- (C) Front yards for corner lots and through lots. For any corner lot or through lot, both frontages shall comply with the front yard requirement of the district in which it is located, except that neither the buildable width nor depth of the lot shall be reduced to less than 30 feet. The rear lot line of a rectangular shaped lot with frontage on two intersecting streets shall be that line which is parallel to the narrower of the two street frontages.
- (D) Location of required yards. All yards and open spaces required by the provisions of this chapter shall be located on the same lot as the principal building or use. No portion of a lot, used to document compliance with the provisions of this chapter, shall be used to satisfy minimum bulk requirements for any other lot, either through change of ownership or other means, if the portion to be reallocated would cause the original lot to fall below the minimum requirements of this chapter.
- (E) Yards for common lot line dwellings. Each lot which contains a common lot line dwelling unit shall be considered separate and independent from adjoining common lot line dwelling units for the purpose of determining front and rear yards. No side yard setback shall be required for interior lots or for the interior portion of end lots for common lot line dwellings.
- (F) Average setback. In all residential zoning districts, the front yard may be reduced to a setback equal to the average alignment of existing principal buildings on the same side of the street upon meeting the following conditions:
 - (1) 51% or more of the lots on the same side of the street, within the same block, are improved with principal buildings;

- (2) 75% of the principal buildings extend into the required front yard;
- (3) No principal building shall project beyond the average alignment of existing principal buildings which are located on the same side of the street, within the same block, and within 200 feet of the proposed principal building;
- (4) No principal building shall project beyond the shortest depth of existing front yards on the lots abutting on each side.

(Ord. 8612, passed 12-2-08)

150.062 PROJECTIONS AND ENCROACHMENTS IN YARDS.

- (A) No building or structure, or portion of a building or structure, shall be erected in, occupy, or obstruct a required yard, except for the following:
 - (1) Cornices, eaves, chimneys, planters, or other similar architectural features may encroach no more than two feet into a required yard, but in no case less than three feet from a side lot line.
 - (2) Open, unenclosed, uncovered porches at ground level may encroach into a required yard not more than six feet, but in no case less than five feet from a lot line.
 - (3) Fire escapes may project into a required yard not more than four feet. This encroachment or projection shall not be permitted on new construction.
 - (4) Patios, may be covered by a roof, but shall not be enclosed by walls and shall encroach no more than ten feet into the required rear yard.
 - (5) Decks, provided they are no more than one foot in height from the ground, may extend into any required side or rear yard not more than three feet.
 - (6) Driveways, walks and fences, provided fences comply with the visibility requirement for intersections.
 - (7) Accessory structures in the residential zoning districts are permitted in required side and rear yards provided they do not encroach to within less than five feet from a side or rear lot line.
 - (8) Canopies, balconies, roof overhangs, or other similar features not included in the foregoing divisions, may project into a required front or rear yard not more than three feet.

(Ord. 8612, passed 12-2-08)

150.063 BUILDING HEIGHT REQUIREMENTS.

- (A) Except as otherwise specified in this article, all improvements on a lot shall be subject to and in compliance with the maximum height in the applicable zoning district as indicated in [Table IV-2](#) of this chapter.
- (B) Exceptions to maximum height requirements. The height limitations of [Table IV-2](#) shall not apply to the following:
 - (1) Barns, silos and other farm structures, spires, belfries, cupolas, penthouses, domes, monuments, flag poles, radio and television towers, water storage tanks, windmills, chimneys, smoke stacks, ventilators, parapet walls, cornices without windows, or other necessary mechanical appurtenances usually carried above the roof level, except within the approach surface as defined within the Airport Hazard Zoning Regulations for the Vermilion County Airport, which shall be available from the Vermilion County Airport Authority.
 - (2) Places of public assembly in religious institutions, schools, and other public buildings may be erected to a height not to exceed 75 feet, provided that for each two feet by which the height of such building exceeds the maximum height otherwise permitted in the district, the side and rear yards shall be increased by one additional foot.

(Ord. 8612, passed 12-2-08)

150.064 OFF-STREET PARKING.

- (A) **Applicability.** Off-street parking shall be provided in accordance with the provisions of this section whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded or changed. This requirement shall not prohibit the owner of an existing building occupied by a conforming use from enlarging or structurally altering said building for the purpose of meeting the minimum requirements of applicable health, fire, and safety regulations.
- (B) **Location of Parking Areas.** All off-street parking spaces required by this section shall be located on the same lot as the use to which they are accessory, except as provided herein.
- (1) Off-street parking areas may be located on a lot other than the lot of the principal use provided the other lot is located in the same zoning district as the principal use and is:
- (a) Within a radius of 100 feet in a residential Zoning District.
 - (b) Within a radius of 200 feet in a business or professional Zoning District.
 - (c) Within a radius of 500 feet in the A-1, M or I-2 Zoning District.
- (2) Accessory parking lots and the lot containing the principal use for which the parking is required shall be held under unified ownership or controlled as required for a lot.
- (3) Parking areas in a required yard are prohibited except in the following instances:
- (a) Access drives clearly serving single family or two family dwelling units may contain required parking in the required front or side yard except that such area devoted to parking and access thereto shall not exceed 50% of the total lot width. Such spaces may be stacked.
 - (b) Parking areas may be located in a required side or rear yard provided that the parking is located behind the rear face of the principal building. In the case of a lot with no principal building on which a principal use parking lot is to be located, parking may occupy the side and rear yards.
 - (c) Parking areas in the B-2, B-3, and P-1 Zoning Districts may extend into the required front yard setback if a landscaped buffer yard is maintained in accordance with [150.067](#) of this chapter.
 - (d) Parking areas in the B-2, B-3 and P-1 Zoning Districts may extend into the required side yard if the adjacent lot is also zoned B-2, B-3 or P-1 and a landscaped buffer yard is maintained in accordance with [150.067](#) of this chapter.
- (C) **Design Standards for Parking Areas.** The requirements in this subsection shall apply to the design and construction of all parking areas, regardless of whether said area is required parking or in excess of required parking.
- (1) All parking aisles and parking spaces shall be entirely within the lot lines and not in a public right-of-way. Additionally, parking areas shall be designed so the maneuvering requirements are accomplished without backing into adjacent public right-of-way.
- (2) All parking areas shall be designed or arranged so that no vehicle can have direct access to or egress from any off-street parking space to a public right-of-way.
- (3) Parking spaces shall be arranged so that no part of any vehicle overhangs any public right-of-way or adjoining property.
- (4) Stack parking shall not be allowed to meet parking requirements except for single and two-family dwellings.

(5) All off-street parking areas, including areas used to sell vehicles which require State of Illinois licensing, and access ways shall be paved with a hard surface, including oil and chip, concrete, asphalt, or brick with the work completed in accordance with specifications provided in the most recent version of the "Standard Specifications for Road and Bridge Construction" adopted by the Illinois Department of Transportation.

(6) All parking areas shall be pitched and drained so as to prevent the flow of water from such areas directly onto adjoining property.

(7) All off-street parking areas shall comply with the landscaping and screening provisions of this chapter.

(8) All off-street parking areas that have parking spaces abutting a property line, required landscaping or screening materials, building, or some other structure shall be required to have wheel stops of masonry, steel, or heavy timber placed so as to prevent the protrusion of vehicles over property lines or into buildings, fences or required screens.

(D) Required Number of Parking Spaces. Except as otherwise provided herein, whenever a use is established or a building or structure is erected, enlarged or converted to another use the minimum off-street parking space requirements in [Table IV-1](#) shall apply. In the case of a use that is not specifically listed in [Table IV-1](#), parking shall be provided according to the requirements for the use to which it is most related or similar as determined by the Zoning Administrator.

(1) Off-street parking spaces are not required for permitted business and office uses in the B-4 Zoning District.

(2) Two or more buildings or uses may collectively supply the required off-street parking spaces provided the total of such off-street parking spaces supplied collectively shall not be less than 85% of the sum of the requirements computed separately and provided the provisions of this section governing the location of off-street parking are fully complied with.

(3) In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, floor area shall mean the gross floor area as defined in [150.010](#), but exclusive of such floor areas the Zoning Administrator determines to be utility equipment rooms or storage closets.

(E) Handicapped Parking. When federal or state law or local ordinances require handicapped accessibility, all off-street parking areas, except those servicing single family and two-family dwelling units, shall have an appropriate number of handicapped parking spaces in conformance with [Table VI-1](#) hereinafter set forth.

(1) Handicapped spaces shall be located adjacent to an accessible building entrance.

(2) Handicapped parking spaces shall be at least 16 feet wide and 18.5 feet in length and shall include an eight-foot wide access aisle. Adjacent handicapped parking spaces shall not share a common access aisle.

(3) The design of handicapped parking spaces shall comply with the State of Illinois Accessibility Code as amended. When the requirements of this subsection and the State code differ, the more restrictive of the two standards shall apply.

TABLE VI-1. HANDICAPPED PARKING SPACES

<i>Total # of Parking Spaces Provided</i>	<i># of Handicapped Parking Spaces Required</i>
1 to 25	1
26 to 50	2
51 to 75	3

76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

Total # of Parking Spaces Provided	# of Handicapped Parking Spaces Required
401 to 500	9
501 to 1,000	2% of total # of parking spaces provided
Over 1,000	20 plus 1 for each 100 over 1,000

(F) Standards for Parking Spaces. Parking spaces shall be provided either in garages or parking areas that conform to the provisions of this section.

(1) Each standard off-street parking space shall not be less than nine feet wide and 18 feet long (162 square feet).

(2) Each parallel off-street parking space shall not be less than nine feet wide and 22 feet long (198 square feet).

(G) Sales in Parking Areas. It shall be unlawful to maintain a permanent outdoor sales area in required off-street parking spaces. Temporary sales shall not occupy any spaces designated for handicapped parking or emergency access. Temporary sales may be conducted on other parking spaces under the following conditions:

(1) Temporary sales are allowed at any time in parking areas that exceed the minimum required number of spaces provided the products sold or services provided shall be the property of and sold by personnel employed by an on premise business, except transient merchants licensed and approved in conformance with the applicable provisions of the City code shall be exempt from the provisions of this division.

(2) Temporary sales in required spaces shall not exceed a total of 90 days in any one-year.

(3) No displays or product shall be located in such a way as to create, in the opinion of the Zoning Administrator, a safety problem for people moving in and around the area in vehicles.

(Ord. 8612, passed 12-2-08)

150.065 OFF-STREET LOADING.

(A) Applicability. Off-street loading facilities shall be provided in accordance with the provisions of this section whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of a building or structure is established, expanded or changed in which a non-residential use requires loading and unloading of materials or goods on a routine basis. This requirement shall not prohibit the owner of an existing building occupied by a conforming use from enlarging or structurally altering said building for the purpose of meeting the minimum requirements of applicable health, fire, and safety regulations.

(B) Location of Loading Areas. All off-street loading spaces shall be located on the same lot as the use to be served. No off-street loading areas shall be located in a required front or side yard, but off-street loading areas may be located in a required rear yard.

(C) Design Standards for Loading Areas. The requirements in this division shall apply to the design and construction of all loading areas, regardless of whether said area is required loading spaces or in excess of required loading spaces.

(1) All off-street loading areas and access ways shall be paved with a hard surface, including concrete or asphalt, with the work completed in accordance with specifications provided in the most recent version of the "Standard Specifications for Road and Bridge Construction" adopted by the Illinois Department of Transportation.

(2) All loading areas shall be pitched and drained so as to prevent the flow of water from such areas directly onto adjoining property.

(3) All off-street loading areas shall comply with the landscaping and screening provisions of this chapter.

(4) All loading areas shall be served by appropriate means of access to a street or alley in a manner which will least interfere with traffic movements as determined by the City Engineer.

(D) Required Number of Loading Spaces. Off-street loading spaces shall be required in accordance with [Table VI-2](#) hereinafter set forth. In no case shall off-street loading spaces be considered as part of the area provided to satisfy off-street parking requirements.

(E) Standards for Loading Spaces. Each loading space shall be at least 12 feet in width by 50 feet in length and shall have a vertical clearance of at least 14 feet.

TABLE VI-2. LOADING SPACES

<i>Floor Area of Building</i>	<i>Off-street Loading Spaces Required</i>
1,000 to 19,999	1
20,000 to 79,999	2
80,000 to 129,999	3

<i>Floor Area of Building</i>	<i>Off-street Loading Spaces Required</i>
130,000 to 189,999	4
190,000 to 249,999	5
250,000 to 319,999	6
320,000 to 399,000	7
Plus 1 space for each additional 75,000 square feet	

(Ord. 8612, passed 12-2-08)

150.066 ACCESS DRIVES.

(A) Applicability. All off-street parking areas shall be provided with appropriate means of vehicular access to a public street or alley in a manner which will least interfere with traffic movements.

(B) Standards. The requirements in this division shall apply to the design and construction of all access drives.

- (1) No lot shall have more than two access drives per frontage and no access drive shall be located less than 200 feet from any parallel access drive on the same lot.
- (2) An access drive shall have a minimum width of at least eight feet to a private garage and ten feet to other off-street parking areas. In no case shall any access way from a public street exceed 24 feet in width unless approved by the City Engineer.
- (3) Access drives shall intersect an abutting street at approximately a right angle, with variations not to exceed 20 degrees.
- (4) No access drive shall be within 30 feet of a corner formed by the intersection of the rights-of-way of two or more streets. On a corner where a traffic signal or stop sign exists, the access way shall be located at such distance and in such manner so as not to cause or increase traffic hazard or undue congestion.
- (5) A distance of not less than 40 feet shall be provided between all access drives unless the City Engineer determines otherwise.
- (6) All access drives shall be paved with a hard surface, including oil and chip, concrete, asphalt, or brick with the work completed in accordance with specifications provided in the most recent version of the "Standard Specifications for Road and Bridge Construction" adopted by the Illinois Department of Transportation.
- (7) If a public alley is utilized as an access drive for a non-residential use, the intersection of said alley and the adjoining street and that portion of the alley adjoining the subject parcel(s) used for access shall be reconstructed and/or paved according to specifications provided by the City Engineer.

(Ord. 8612, passed 12-2-08)

150.067 LANDSCAPING.

- (A) Applicability. Landscaping shall be provided in accordance with the provisions of this section whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded or changed. This shall not apply to single and two-family dwellings or agricultural uses.
- (B) Landscaping Plan. When landscaped areas or screens are required, a landscaping plan shall be submitted showing the elements listed below. The landscaping plan may be shown on a required site plan or may be submitted as a separate document. The landscaping plan shall be drawn to scale and shall include dimensions, property lines, locations of buildings and structures, parking areas and access drives. The landscaping plan shall also include the following:
 - (1) Location of trees, shrubs and ground cover to be planted;
 - (2) Location of any existing trees, shrubs, or ground cover that will remain to satisfy the requirements of this section;
 - (3) Any walls, fences or berms being erected or installed to meet the requirements of this section or [150.068](#).
- (C) Standards for Plant Materials. Plant materials required for landscaping or screening purposes shall be provided in accordance with the following requirements.
 - (1) Trees. Trees shall be divided into two categories as described below. All trees shall be a minimum of seven feet in height at planting. No trees may be planted closer together than the following: small trees - 25 feet, large trees -75 feet.
 - (a) Large (shade) trees. Trees that are self supporting, woody plants of species which normally grow to a height of at least 30 feet in East-Central Illinois.
 - (b) Small (flowering) trees. Trees that are self supporting, woody plants of species which normally grow to a height of at least 15 feet in East-Central Illinois.

- (2) Shrubs. Shrubs shall be a minimum of two feet in height at planting.
- (3) Ground Covers. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after planting.
- (4) Grass. Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. Grass areas shall be planted in species normally grown in East-Central Illinois.

(D) Off-street Parking Areas and Other Vehicular Use Areas. Landscaping shall be provided in and around all off-street parking areas and around all other vehicular use areas in accordance with this division.

(1) Perimeter. The perimeter of all off-street parking areas and other vehicular use areas fronting on a public street shall have a minimum setback of ten feet between the edge of the right-of-way and the edge of the parking area and a minimum setback of five feet between abutting lots and the edge of the parking area. These areas shall be maintained as landscaped bufferyards and shall be landscaped in accordance with the following provisions. Landscaping shall include one large tree for each 75 linear feet but no less than one large tree per landscaped bufferyard. Such trees shall be located in the landscaped bufferyard and shall be planted in a planting area of at least 25 square feet with a minimum dimension of five feet. The landscaped bufferyards shall also contain a minimum of six plant units of landscape material for each 75 linear feet as set forth in [Table VI-3](#). The remainder of the landscaped areas shall be landscaped with grass, ground cover or other acceptable landscape treatment of which 70% must be live plant material. The following exceptions apply to the aforementioned:

- (a) Corner lots that adjoin two public streets may reduce the size of the landscape bufferyard described above to five feet in depth on one of the frontages.
- (b) Access drives from the public right-of-way through such landscaped bufferyards shall be permitted to service the parking or other vehicular use areas and such access drives may be subtracted from the linear dimension used to determine the number of large trees required.
- (c) When an off-street parking area or other vehicular use area is used for commercial display purposes, the ten-foot landscaped bufferyard at the front of the property need not contain large trees or landscape material as set forth in [Table VI-3](#), but shall be landscaped with grass, ground cover or other acceptable landscape treatment of which 70% must be live plant material.

TABLE VI-3. LANDSCAPE PLANT UNITS

<i>Plant Type</i>	<i># of Plant Units</i>
Small (Flowering) Trees	3
Evergreen Shrubs	2
Deciduous Shrubs	1

(2) Interior. Off-street parking areas and other vehicle use areas with an interior area of at least 32,000 square feet shall provide interior landscaping in the amount of 5% of that area which is within the parking or other vehicular use area perimeter. Landscape islands shall be located at the ends of all rows of parking. For rows of parking greater than 30 spaces in length, there shall be additional islands at a rate of 1 per 20 spaces. Landscape islands shall be at least 100 square feet with a minimum interior dimension of five feet and shall be protected by a barrier curb. Each island shall contain at least one tree. Islands may be evenly spaced in between the two end islands or combined to form one large island. A combined island shall be equal in size and planting material to the total of the individual islands being combined. In no case shall there be more than 60 spaces between landscaped islands. The remainder of the

landscape islands shall be landscaped with grass, ground cover or other acceptable landscape treatment of which 70% must be live plant material. The following exceptions apply to the aforementioned:

(a) A continuous planting strip between rows may be substituted for the required landscaped islands. The planting strip shall be a minimum of six feet in width and shall be protected by a barrier curb. There shall be a minimum of six plant units of landscape material for each 75 linear feet as set forth in [Table VI-3](#).

(b) When the off-street parking area or other vehicular use area is used for commercial display purposes, trees shall not be required for interior landscaping islands.

(c) In other vehicular use areas where the strict application of this subsection will seriously limit the function of said area, the required landscaping may be located near the perimeter of the paved area including such perimeters which may be adjoining to a building on the site. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.

(E) Exterior Building Walls. Landscaping shall be provided along any blank exterior building wall that fronts a public street in accordance with this subsection. There shall be a minimum of six plant units of landscape material for each 75 linear feet of wall as set forth in [Table VI-3](#). This landscape material shall be installed within 20 feet of the building foundation.

(F) Other Open Areas. The portions of a property that are not paved for off-street parking areas or vehicular use areas or in the required landscaped bufferyards shall also be landscaped with grass or other approved landscape materials.

(G) Preservation of Existing Plant Materials. Existing plant material that meets the requirements of this section and which will be preserved on the subject property following completion of the development, may be counted as contributing to the landscaping requirements.

(H) Installation. All landscaping material required by this section shall be installed in accordance with an approved landscaping plan prior to the issuance of a certificate of occupancy for any building on the subject property.

(I) Maintenance. The continued maintenance of all required landscaping shall be the responsibility of the owner of the property on which said materials are required. All plant materials required, by this section shall be maintained as living vegetation and shall be promptly replaced if the plant material has died. Planting areas shall be kept free of trash, litter, and weeds at all times.

(Ord. 8612, passed 12-2-08)

150.068 SCREENING.

(A) Applicability. Screening shall be provided in accordance with the provisions of this section whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded or changed. Screening requirements may be waived by the Zoning Administrator where the view is or will be blocked by a change in grade, by the natural vegetation, or by man-made features.

(B) Types of Screens. The following shall be the permitted types of screens for meeting the screening requirements for incompatible uses in division (C) below.

(1) Type A Screening. This screen shall consist of a fence or wall not more than six feet in height along the lot line.

(2) Type B Screening. This screen shall consist of a five-foot bufferyard and a fence, wall or landscaping placed along the lot line. A fence or wall shall be at least six feet in height, while landscaping shall attain a height of at least six feet within two years. If landscaping is used as the screen the landscaping shall be provided in accordance with the requirements for landscaping the perimeter of off-street parking areas.

(3) Type C Screening. This screen shall consist of a ten-foot bufferyard and a fence, wall or landscaping placed along the lot line. A fence or wall shall be at least six feet in height, while landscaping shall attain a height of at least six feet within two years. If landscaping is used as the screen the landscaping shall be provided in accordance with the requirements for landscaping the perimeter of off-street parking areas.

(C) Screening Incompatible Uses. The provisions of this subsection are intended to reduce the incompatibility between Zoning Districts of differing types and intensities. Whenever land uses of differing intensities are adjoining one another or across a public alley from one another, screening shall be provided in accordance with [Table VI-4](#) hereinafter set forth.

(1) In addition to the required screen located in a bufferyard the remainder of a screened bufferyard shall be landscaped with grass, ground cover or other acceptable landscape treatment of which 70% must be live plant material.

(2) If any or all of the bufferyard is already provided on the adjoining property, the subject property shall provide only the amount of the bufferyard which is not provided on the adjoining property.

TABLE VI-4. SCREENING REQUIREMENTS

Zoning of Subject Property	Zoning of Adjacent Property											
	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2
R-1	N	N	N	N	N	N	N	N	N	N	N	N
R-2	N	N	N	N	N	N	N	N	N	N	N	N
R-3	A	N	N	N	N	N	N	N	N	N	N	N
R-4	A	A	N	N	N	N	N	N	N	N	N	N
MHP	B	A	N	N	N	N	N	N	N	N	N	N
P-1	B	A	N	N	N	N	N	N	N	N	N	N
B-1	B	A	N	N	N	N	N	N	N	N	N	N
B-2	B	B	B	A	A	A	A	N	N	N	N	N
B-3	C	C	B	B	B	B	B	A	N	N	N	N
B-4	C	C	B	B	B	B	B	A	N	N	N	N
I-1	C	C	C	B	B	B	B	B	B	B	N	N
I-2	C	C	C	C	C	C	C	C	C	C	N	N

A = Type A Screen, B = Type B Screen, C = Type C Screen, N = No Screen

(D) Screening Utilitarian and Storage Areas. Utility areas accessory to a building, including but not limited to loading docks, mechanical equipment, dumpsters, and outdoor storage yards for construction materials, machinery, or inoperable vehicles, which are visible from public right-of-way or adjacent property that is in residential use or in a residential zoning district, shall be screened with a 100% opaque wood fence, masonry wall, earthen berm, landscaping, or any combination which provides a minimum height of six feet and ensures that such locations are not visible from any public right-of-way or adjacent property.

- (E) Standards for Plantings. All planting materials utilized to satisfy the requirements of this section shall conform to the standards of § [150.067](#) (F) of this chapter and shall reach a height of at least six feet or greater within three years.
- (F) Standards for Fences and Walls. The following regulations shall apply to all fences and walls, regardless of whether or not the fence or wall is required to be installed to meet the requirements of this section of this chapter. All fences shall be decorative solid wood or vinyl or another material approved by the Zoning Administrator. Walls shall be masonry or concrete. All fences and walls shall be at least six feet, but not more than ten feet, in height and shall form a solid screen. Fences and walls may be located along lot lines. The following exceptions apply to the aforementioned:
- (1) Fences and walls exceeding six feet in height shall be subject to the minimum setback requirements of the Zoning District in which the fence is located.
 - (2) Fences constructed in front yards in Residential Districts shall not exceed four feet in height and shall be at least 70% open. Fences erected in either side or rear yards in Residential Districts shall not exceed six feet in height.
 - (3) No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in the A-1 or I-Districts. Any strand of barbed wire shall be at least seven feet above ground level.
 - (4) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the City Engineer. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed, and, in event of necessity for removal of the fence for maintenance or other purpose, removal or replacement of the fence or other improvement shall be the responsibility of the property owner.
- (G) Installation of Screens. All planting materials utilized to satisfy the requirements of this section shall be installed in accordance with an approved landscaping plan prior to the issuance of a certificate of occupancy for any building on the subject property.
- (H) Maintenance of Screens. The continued maintenance of all required screening shall be the responsibility of the owner of the property on which said materials are required. All plant materials placed to meet the requirements of this section shall be maintained as living vegetation and shall be promptly replaced if the plant material has died. Planting areas shall be kept free of trash, litter, and weeds at all times. Fences and walls should be kept in good repair and shall be promptly repaired or replaced to the original required state when necessary.
- (Ord. 8612, passed 12-2-08)

150.069 LIGHTING.

- (A) General. On site lighting shall be provided where hazards exist which can be minimized by lighting or where the use extends into hours of darkness. The lighting of parking areas, drives and walks shall be required in such a manner as is described in this section in the interest of public safety and security. Light fixtures shall operate from dusk until dawn or until the business closes for the night. The owner shall maintain all lights and lights shall be kept in working order.
- (B) Parking lot lighting. All parking lots containing more than 10 spaces but less than 50 spaces shall provide at least one freestanding lighting fixture for every 10 parking spaces. All parking lots containing 50 or more spaces shall submit a lighting plan to the Zoning Administrator which demonstrates that adequate illumination will be provided to meet I.E.S. illuminance level guidelines.
- (C) Lighting standards. The maximum height for lighting fixtures shall be as follows:
- (1) A light fixture with no cutoff or total cutoff of light at an angle greater than 90 degrees: 10 feet in residential zoning districts, 15 feet in B-1, B-4, and P-1 zoning districts, and 20 feet in the B-2, B-3, I-1 and I-2 zoning districts.

(2) A light source with total cutoff of light at an angle less than or equal to 90 degrees: 15 feet in residential zoning districts, 20 feet in B-1, B-4 and P-1 zoning districts, and 30 feet in the B-2, B-3, I-1 and I-2 zoning districts.

(3) Lighting fixtures within 50 feet: of a property in a residential zoning district shall have a total cutoff of light at an angle of less than 90 degrees and be located so that the bare light bulb or lamp is completely shielded from the direct view of an observer five feet above the ground at the point at which the cutoff angle intersects the ground. Such light shall face away from any property in a residential zoning district.

(D) Intensity of lighting. Any light fixtures used for the illumination of parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from adjoining properties and away from the vision of passing motorists.

(E) Exempt lighting. The following uses shall be exempt from the lighting standards in this section:

(1) Ball diamonds, tennis courts and other recreational playing fields.

(2) Street lights and traffic control fixtures on utility poles.

(F) Prohibited lighting. The following lighting is prohibited for all uses in all zoning districts:

(1) Flickering or flashing lights.

(2) Laser lights or holograms.

(Ord. 8612, passed 12-2-08)

150.070 EROSION CONTROL.

Development of any lot where the slope of the lot exceeds 12% within 50 feet of any wall of the principal building shall be subject to the following additional requirements in order to control erosion.

(A) The site plan submitted for the development shall include two foot contour intervals.

(B) A stable angle of reclines for the properties of soil on the lot shall be provided.

(C) Adequate evidence must be presented to show that undue erosion will not result from development and use of the lot. Appropriate steps must be taken to prevent soil and debris from washing from said lots onto a street, alley, or other public or private property. Structural and mechanical devices shall be installed to provide reasonable protection against undue hazards created or caused by the development, such as fences or retaining walls along steep slopes over 12%.

(Ord. 8612, passed 12-2-08)

150.071 FLOOD HAZARD AREAS.

Development of any lot located within a floodplain shall not be permitted unless in compliance with the provisions of [Chapter 157](#) of the Danville Code of Ordinances.

(Ord. 8612, passed 12-2-08)

150.072 STORMWATER MANAGEMENT.

All developments shall be reviewed for applicability of the stormwater management provisions of [Chapter 162](#) of the Danville Code of Ordinances. If the provisions of [Chapter 162](#) are deemed applicable to the development, changes to the drainage and runoff of surface water shall be assessed as part of the site plan review of the development. If storm water runoff related to any change to land may affect drainage systems within the City, the developer or land owner may be asked to provide, at the developer's expense, a certification by a licensed design professional retained by the developer or owner, stating that to the best of their knowledge and belief, the drainage of surface waters affecting the City will not be changed by the construction or development of the proposed use, building or structure. If surface water

runoff will be increased as a result of the development, or if the impervious area of the site increases, adequate provision shall be made on the subject lot for the collection and diversion of any excess runoff as is required by Chapter 162 of the Danville Code of Ordinances. Such excess runoff shall not be deposited on the property of adjoining land owners or onto City property in such concentrations as may cause damage to these other properties.

(Ord. 8612, passed 12-2-08)

150.073 DEVELOPMENT ALONG BOWMAN AVE AND WEST NEWELL ROAD.

In accordance with the Comprehensive Plan and the City's desire to promote sustainable growth, the following regulations shall apply to development along the North Bowman Ave. and West Newell Rd. corridors, notwithstanding any requirements herein to the contrary.

- (A) Any new non-residential use must be adjoining an existing legal non-residential use.
- (B) Any new non-residential use shall be required to utilize both public sanitary sewers and public water.

(Ord. 8612, passed 12-2-08)

150.074 DEVELOPMENT IN THE LAKE VERMILION WATERSHED.

In accordance with the City's general desire to preserve and protect a healthy drinking water supply, the following regulations shall apply within that portion of the Lake Vermilion watershed that is upstream from Fairchild Street and included within the City's zoning area, notwithstanding any requirements herein to the contrary.

- (A) Un-sewered development shall not be permitted within 500 feet of the lake's high water line.
- (B) Development of intensive, high volume commercial livestock and poultry raising operations, slaughter houses or other similar uses not specifically protected by state statute, shall not be allowed.
- (C) Storage of hazardous materials of any type in a quantity sufficient to be regulated by the Illinois Environmental Protection Agency or other state or federal regulatory agency shall not be allowed.

(Ord. 8612, passed 12-2-08)

SIGNS

150.100 GENERAL PROVISIONS.

- (A) Purpose. The purpose of this subchapter is to protect the public safety, enhance the City's physical appearance and promote orderly development of the community through the regulation of signs and sign structures.
- (B) Regulation. All signs hereafter constructed, erected, or otherwise established, moved, altered or changed shall comply with the regulations contained herein. Signs shall be specifically regulated by this subchapter on the basis of the following factors:
 - (1) The Zoning District in which the sign is displayed,
 - (2) The type of sign,
 - (3) The size of the sign,
 - (4) The height of the sign from the ground,
 - (5) The spacing between signs,
 - (6) The illumination and animation of a sign,

- (7) The classification of the sign as either an on-premise or off-premise sign.
 - (C) Conformance to codes. Any sign hereafter erected shall conform to the provisions of this chapter and the provisions of the adopted building code and of any other applicable ordinance or regulation of the City.
 - (D) General sign types. Sign types allowed shall be as described within this subchapter and depicted in [Appendix C](#), attached to and made a part of this chapter.
 - (E) Computation of sign area. The area of a sign face shall be computed by determining the area of the smallest convex geometric figure that can encompass the sign, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing. The computation of sign area is illustrated for various sign types in [Appendix C](#) of this chapter. For the purposes of computing sign area, a sign with two facings shall be computed as a single sign face if the two facings are erected at no greater than a 45 degree angle, for a v-type sign, or the distance between the backs of each facing does not exceed three feet for a double sided sign.
 - (F) Computation of sign heights. The height of a sign shall be computed by determining the distance from the top of the highest portion of the sign or structure to the grade at the foundation of the sign or the average grade of the lot, whichever is less. This is illustrated for various sign types in [Appendix C](#).
 - (G) Computation of lot frontage. If a lot contains walls facing more than one property line or encompasses property frontage bounded by more than one street, the sign area for each building wall or property frontage will be computed separately. The sign area thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
 - (H) Setbacks for freestanding signs. All pylon and monument style freestanding signs shall be setback a minimum of five feet from all property lot lines.
 - (I) Signs in public right-of-way. No sign, other than an official traffic sign or similar sign, shall be erected in a public right-of-way or encroach onto a public right-of-way, unless specifically authorized by other ordinances or regulations of the City or by specific authorization of the Zoning Administrator.
 - (J) Projections over public right-of-way. Signs projecting over public right-of-way shall be permitted to do so only in compliance with the projections and clearance limits set forth in [150.107](#).
 - (K) Traffic visibility. No sign or sign structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
 - (L) Maintenance and repair. Every sign permitted by this chapter shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the Zoning Administrator, the owner or user of the sign shall make such sign conform to the provisions of this chapter or shall remove it within 15 days of a written notification from the Zoning Administrator.
 - (M) Removal of abandoned signs. Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy removed and replaced with a blank white face within 30 days of a written notification from the Zoning Administrator. Any freestanding sign that is non-conforming and that no longer advertises or identifies a use conducted on the property on which said sign is erected must have all sign copy and the sign structure, in its entirety, removed within 30 days of a written notification from the Zoning Administrator.
 - (N) Noncommercial signs and messages. Any sign that can be displayed under the provisions of this subchapter may contain a noncommercial message.
- (Ord. 8612, passed 12-2-08; Am. Ord. 9060, passed 7-19-16)

150.101 PROHIBITED SIGNS.

The following signs shall be expressly prohibited by this chapter:

- (A) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (B) Signs which blink, flash, or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warning lights from a distance.
- (C) Signs attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- (D) Portable signs, except as allowed as temporary signs.
- (E) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting all of the following:
 - (1) The primary purpose of such a vehicle or trailer is not the display of signs.
 - (2) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - (3) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- (F) Balloons, streamers, ribbons or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this division "temporarily" means no more than 20 days in any calendar year.
- (G) Any sign which directs attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the lot.

(Ord. 8612, passed 12-2-08)

150.102 EXEMPT SIGNS.

The following signs shall be exempt from the regulations of this subchapter:

- (A) Official notices authorized by a court, public body or public safety official.
- (B) Directional, warning or information signs authorized by federal, state or municipal governments.
- (C) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- (D) The flag of a governmental unit or noncommercial institution, such as a school.
- (E) Religious symbols and seasonal decorations within the appropriate public holiday season.
- (F) Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed four square feet in area.
- (G) Signs placed by a public utility showing the location of underground facilities.
- (H) A temporary sign not directed towards or prominently visible from the public right-of-way.

(Ord. 8612, passed 12-2-08; Am. Ord. 8912, passed 12-17-13)

150.103 PERMITS.

- (A) No sign shall be erected or displayed unless the Zoning Administrator has issued a permit for the sign or this subchapter exempts the sign from the permit requirement.

- (B) A person proposing to erect or display a sign shall file an application for a permit with the Zoning Administrator. The application shall contain the following:
- (1) Name, address, and telephone number of the property owner;
 - (2) Address where sign is to be installed;
 - (3) Zoning of lot where sign is to be installed;
 - (4) Description of sign to be erected, including specifications for the construction or display of the sign and for its illumination and mechanical movement if applicable;
 - (5) Location of sign in relation to the building, structure or lot to or upon which it is to be erected;
 - (6) Name, address, and telephone number of person or firm installing the sign, if different from owner;
 - (7) Such other information as the Zoning Administrator may require.
- (C) Upon the receipt of a completed application and payment of the required permit fee, the Zoning Administrator shall promptly review the application and grant or deny the permit application within seven days.
- (D) The following signs are exempt from these permit requirements:
- (1) Signs exempted from the provisions of this subchapter.
 - (2) Temporary signs listed in [150.113\(C\)](#).

(Ord. 8612, passed 12-2-08)

150.104 FREESTANDING SIGNS.

- (A) One freestanding sign may be displayed on each street or highway on which a lot has frontage in the following zoning districts: B-1, B-2, B-3, B-4, P-1, I-1, or I-2. Freestanding signs must comply with the regulations in [Table VII-1](#).
- (B) A shopping center may display one freestanding sign at each entrance/exit. Individual tenants of a shopping center may not display individual freestanding signs however. No single sign face may exceed 50% of the total allowable area of the sign. Freestanding shopping center signs must otherwise comply with the regulations in [Table VII-6](#).
- (C) On a lot zoned B2 and located within 5,280 feet from the centerline of Interstate Highway 74, the maximum height for a freestanding sign may be increased to 40 feet and the maximum sign area to 100 square feet, provided the sign is at least 150 feet from any other freestanding sign.

(Ord. 8612, passed 12-2-08; Am. Ord. 8865, passed 2-19-13; Am. Ord. 9060, passed 7-19-16)

150.105 WALL SIGNS.

- (A) Wall signs may be displayed by each tenant of a building on a lot in the following zoning districts: B-1, B-2, B-3, B-4, P-1, I-1, or I-2. Wall signs must comply with the bulk standards for wall signs listed in [Table VII-2](#).
- (B) Wall signs shall not project above the top or ends of the wall surface on which they are placed.

(Ord. 8612, passed 12-2-08)

150.106 ROOF SIGNS.

Roof signs shall not be permitted in any zoning district.

(Ord. 8612, passed 12-2-08)

150.107 PROJECTING SIGNS.

- (A) On a lot where no freestanding sign is displayed, one projecting sign may be displayed on each street or highway on which the lot has frontage in the following zoning districts: B-1, B-2, B-3, B-4, I-1, or I-2. Projecting signs must comply with the bulk standards for projecting signs listed in [Table VII-3](#).
- (B) Any wall area selected for display of a projecting sign shall not exceed and shall be subtracted from the wall area percentage allocated to wall signs permitted for a lot.
- (C) Projecting signs shall be pinned away from the wall at least six inches and must project from the wall at an angle of 90 degrees. A projecting sign may project no more than five feet from a building.

(Ord. 8612, passed 12-2-08)

150.108 AWNING AND CANOPY SIGNS.

- (A) One awning or canopy sign may be displayed by each tenant of a building on a lot on each street or highway on which the lot has frontage in the following zoning districts: B-1, B-2, B-3, B-4, I-1, or I-2. Awning and canopy signs must comply with the bulk standards for awning and canopy signs listed in [Table VII-4](#).
- (B) Any wall area selected for display of an awning or canopy sign shall not exceed and shall be subtracted from the wall area percentage allocated to wall signs permitted for a lot.

(Ord. 8612, passed 12-2-08)

150.109 MISCELLANEOUS SIGNS.

- (A) Window Signs. Permanent window signs may be displayed by each tenant of a building on a lot provided said signs do not exceed 10 percent of the window area of the facade of the building.
- (B) Directional Signs. One directional sign may be displayed at each entrance to or exit from a lot provided said signs do not exceed 4 feet in height and 2 square feet in size on two lane streets and any street with a posted speed limit less than 35 miles per hour, and do not exceed 4 feet in height and 4 square feet in size on multi-lane roads and streets with a posted speed limit of 35 miles per hour or greater.

(Ord. 8612, passed 12-2-08; Am. Ord. 9060, passed 7-19-16)

150.110 OUTDOOR ADVERTISING SIGNS/BILLBOARDS.

- (A) Notwithstanding any regulation contained herein to the contrary, outdoor advertising signs/billboards may be erected in the I-1 and I-2 zoning districts and would be permitted after issuance of a special use permit in the B-2 and B-3 zoning districts. Outdoor advertising signs/billboards shall comply with the bulk standards for outdoor advertising signs listed in [Table VII-5](#).
- (B) Outdoor advertising signs shall not be located on the same lot as any other principal building or use.
- (C) Outdoor advertising signs/billboards shall only be erected as freestanding signs of a monopole design. Only one outdoor advertising sign/billboard shall be allowed per lot, and there shall be no more than two sign facings permitted per sign location.
- (D) An outdoor advertising sign/billboard shall be erected in compliance with the building setback requirements of the underlying zoning district.
- (E) Outdoor advertising signs/billboards shall not be located within 200 feet of any residential zoning district boundary.
- (F) A new outdoor advertising sign/billboard shall only be erected after three existing nonconforming outdoor advertising signs/billboards are first removed from inside the City.

(Ord. 8612, passed 12-2-08)

150.111 SIGNS IN RESIDENTIAL ZONING DISTRICTS.

- (A) Home Occupation Signs. In any residential zoning district a person operating a permitted home occupation may display one wall sign, with an area not exceeding one square foot, indicating the occupant's name and occupation.
 - (B) Subdivision/Neighborhood Identification Signs. In any residential zoning district a subdivision or neighborhood may erect two monument style freestanding identification signs provided that: said signs are only erected at the entrances to the subdivision or neighborhood; do not exceed 32 square feet in size per sign; contain lettering not exceeding ten inches in height; and the maximum height of the sign does not exceed six feet.
 - (C) Dwelling Complex Identification Signs. In the R-3 and R-4 zoning districts, multi-unit dwelling complexes consisting of ten or more dwelling units may erect one wall mounted or one monument style freestanding identification sign, with a sign area not exceeding 25 square feet and containing lettering not exceeding eight inches in height and the maximum height of the sign does not exceed 12 feet.
 - (D) Conforming Non-Residential Use Identification Sign. In any residential zoning district a lot containing a legally conforming non-residential use (churches, schools, etc.) may erect one monument style freestanding identification sign provided that: said sign does not exceed 32 square feet in size; contain lettering not exceeding 10 inches in height; and the maximum height of the sign does not exceed eight feet.
- (Ord. 8612, passed 12-2-08; Am. Ord. 8865, passed 2-19-13)

150.112 ANIMATED/ILLUMINATED SIGNS.

- (A) Subject to the other regulations below, a sign may be animated and may have changeable copy and may be illuminated with bare bulb, neon tube or flashing illumination in the following zoning districts: B-2, B-3, I-1, or I-2. Signs in the B-4 zoning district may be animated and may contain changeable copy with the animated or changeable copy portion of such sign being restricted to no more than 32 square feet in size. After application for and issuance of a special use permit, signs in the R-4 Zoning District would be permitted to be animated and could contain changeable copy with the animated or changeable copy portion of such sign being restricted to no more than 18 square feet in size. Signs may also be illuminated, provided the illumination is not from neon tube or flashing lights, in the following zoning districts: B-1, B-4, P-1, R-3, and R-4. Signs erected under [150.111\(D\)](#) may also be internally illuminated.
- (B) No animated or flashing sign shall project into any public right-of-way.
- (C) No animated or flashing sign face within 50 feet of any public right-of-way may exceed 50 square feet in area.
- (D) No animated or flashing sign shall contain or emit only red or green color unless located at least 150 feet from a traffic signal controlled intersection.
- (E) A permanent sign may be non-illuminated, illuminated by internal, internal indirect, or external indirect illumination. Signs that are externally lit shall be illuminated only with steady, stationary, down-directed, and shielded light sources directed solely onto the sign.
- (F) Any lighting fixture on a sign that is located within ten feet of a residential zoning district boundary or an existing residential use, or within ten feet of a public right-of-way, shall be aimed away from and shielded on the side closest to the residential use, residential zoning district, or public right-of-way.
- (G) Signs which are illuminated by flashing, intermittent, or moving lights and located within 50 feet of a public street right-of-way shall be at least 20 feet (bottom of sign) above grade elevation.
- (H) Animated or flashing signs shall be equipped with light sensing devices or a scheduled dimming timer which automatically dims the intensity of light emitted by the sign during ambient low-light and nighttime (dusk to dawn) conditions. The spillover at any property line shall not exceed one foot candle.

(Am. Ord. 8865, passed 2-19-13; Am. Ord. 8949, passed 6-17-14)

150.113 TEMPORARY SIGNS.

- (A) This section establishes regulations for the posting of temporary signs. Temporary signs may be posted on property in all zoning districts of the City, subject to the following provisions.
- (1) The total number of temporary signs posted on a lot shall not exceed one in any residential zoning district and shall not exceed one per 100 feet of street frontage on a lot in all other zoning districts. An individual temporary sign may not exceed eight square feet in size in a residential zoning district and shall not exceed 32 square feet in size in all other zoning districts.
 - (2) A temporary sign shall be designed to be stable under all weather conditions, including high winds. Any banner that is not attached to a building wall must be enclosed in or anchored to a rigid frame.
 - (3) No temporary sign shall be animated, illuminated or painted with light reflecting paint.
 - (4) A temporary sign shall only be posted with the consent of the property owner or occupant.
 - (5) Any temporary sign which becomes torn, broken, tattered, mutilated, defaced, damaged, deteriorated or otherwise falls into disrepair shall be deemed a nuisance and such sign shall be immediately removed or replaced.
 - (6) The person who has posted or directed the posting of a temporary sign is responsible for the removal or replacement of the sign in accordance with this section. If that person does not remove or replace the temporary sign in accordance with this section, then the property owner or occupant of the lot where the sign is posted is responsible for the signs removal or replacement.
 - (7) The Zoning Administrator is authorized to remove any temporary sign posted in the public right-of-way in accordance with the policy of the Department.
- (B) Temporary signs which require a permit. The following types of temporary signs require a permit issued in accordance with the provisions of this subchapter prior to the display of such signs.
- (1) Temporary - Advertising Sign. A temporary sign that contains a message advertising a product or service sold or offered at the property where the sign is displayed, such as for business promotional events. A maximum of two temporary - advertising signs shall be permitted per lot. The fee for a permit for such sign shall be \$10 per sign per 30 days. An individual temporary - advertising sign shall be displayed for no more than 90 consecutive days.
 - (2) Portable Signs. A maximum of one portable sign is permitted per lot. Such signs shall not exceed five feet in height and shall be displayed for no longer than 15 consecutive days with a minimum of 60 days between display periods. The fee for a permit for such sign shall be \$25 per sign per placement.
- (C) Temporary signs which do not require a permit. Such signs shall be limited in placement by the allowances of subsection [150.113\(A\)\(1\)](#) above. The following types of temporary signs do not require a permit prior to display.
- (1) A-frame, Tee-Pee or similarly constructed signs. A maximum of one A-frame, Tee-Pee, or similarly constructed sign is permitted per business per lot. Such sign shall only be displayed during the normal hours of operation of the subject business.
 - (2) Grand Opening/Closing Signs. A temporary sign announcing a business grand opening event or store closing event, or seeking employees. Such sign shall be displayed for no more than 30 consecutive days.
 - (3) Political Signs. A temporary sign announcing candidates seeking public office or identifying political issues. Political signs shall be no more than eight square feet in residential zoning districts and no more than 32 square feet in non-residential zoning districts. Signs announcing candidates seeking public office shall be removed within seven days following the election. The requirements of division (A)(1) above shall not apply to political signs.

- (4) Real Estate Signs. A temporary sign announcing the sale or lease of a property or building space. Said sign shall be located on the property subject to the sale or lease and no more than one sign per street frontage shall be placed on a lot. A real estate sign shall be removed within seven days of the closing of the sale or execution of a lease for the property or space to which the sign pertains.
- (5) Construction Signs. A temporary sign identifying the parties involved in the construction occurring on the lot on which the sign is displayed. Only one construction sign per street frontage may be placed on a lot. Construction signs shall be removed within seven days of the completion of the project.
- (6) Garage Sale Signs. A temporary sign announcing a yard sale or garage sale. Garage sale signs shall be no more than five square feet and shall be posted not more than two days before and shall be removed within two days following the event, with a total time of display not to exceed six days.
- (7) Community Event Signs. A temporary sign announcing a community or cultural event. Community event signs shall be displayed for no more than 30 days prior to the event and shall be removed within seven days of the conclusion of the event.
- (8) Other Temporary Signs. Any other temporary sign that is not specifically noted above and that does not contain an advertising message. Such sign shall be displayed for no more than 30 consecutive days.

(Ord. 8612, passed 12-2-08; Am. Ord. 8912, passed 12-17-13)

150.114 NONCONFORMING SIGNS.

- (A) Signs that do not conform to the provisions of this subchapter are nonconforming structures and are subject to regulation as a nonconformity under [150.150](#) through [150.155](#) of this chapter.
- (B) A nonconforming sign or sign structure may be continued under the provisions of [150.150](#) through [150.155](#), but the sign shall be brought into conformity with this subchapter when it is altered, reconstructed, replaced, or relocated. A change in sign copy is not considered an alteration or replacement for purposes of [150.153](#) of this chapter.
- (C) No sign that is nonconforming solely because it violates a spacing requirement between signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the lot is not physically possible.
- (D) All nonconforming signs shall be brought into conformity with this subchapter or eliminated at the owner's expense within the following time periods:
 - (1) Five years from the official notification of the nonconforming status by the Zoning Administrator, however, no sign controlled by this subchapter need be removed sooner than ten years from the date the sign permit authorizing the erection of the sign was issued.
 - (2) Nonconforming temporary signs shall be removed within ten days of the official notification of the nonconforming status by the Zoning Administrator.

(Ord. 8612, passed 12-2-08)

150.115 SIGN AREA AND BULK STANDARDS.

TABLE VII-1. STANDARDS FOR FREESTANDING SIGNS

Districts Permitted	Maximum Area of Sign	Maximum Height of Sign	Style of Sign
B-1	32 square feet	12 feet	Monument

B-2	40 square feet or 80 square feet when sign is a monument style	20 feet	Pole or Monument
B-3	40 square feet or 80 square feet when sign is a monument style	16 feet	Pole or Monument
B-4	40 square feet	12 feet	Monument
P-1	24 square feet	12 feet	Monument
I-1	25 square feet or 50 square feet when sign is a monument style	16 feet	Pole or Monument

TABLE VII-2. STANDARDS FOR WALL SIGNS

<i>Districts Permitted</i>	<i>Maximum Area of Signs Per Frontage</i>	<i>Maximum Area of Individual Sign</i>
B-1	10% of wall area, up to a maximum of 150 square feet	50 square feet
B-2	10% of wall area, up to a maximum of 250 square feet	80 square feet
B-3	10% of wall area, up to a maximum of 300 square feet	100 square feet
B-4	10% of wall area, up to a maximum of 200 square feet	50 square feet
P-1	5% of wall area, up to a maximum of 50 square feet	25 square feet
I-1	10% of wall area, up to a maximum of 300 square feet	80 square feet
I-2	10% of wall area, up to a maximum of 400 square feet	100 square feet

TABLE VII-3. STANDARDS FOR PROJECTING SIGNS

<i>Districts Permitted</i>	<i>Maximum Area of Sign</i>	<i>Minimum Height</i>	<i>Maximum Height</i>
B-1	32 square feet	Projecting signs must clear sidewalks by at least eight feet.	No projecting sign shall project above the highest point of the roof structure of the building to which it is attached.
B-2			
B-3			
B-4			
I-1	60 square feet		
I-2			

TABLE VII-4. STANDARDS FOR AWNING AND CANOPY SIGNS

Districts Permitted	Maximum Area of Sign	Minimum Height and Extension
B-1	32 square feet	Awning or canopy signs must clear sidewalks by at least eight feet and may extend to within two feet of the vertical plane formed by the curb or right-of-way line.
B-2		
B-3		
B-4	50 square feet	
I-1		
I-2		

TABLE VII-5. STANDARDS FOR OUTDOOR ADVERTISING SIGNS/BILLBOARDS

Districts Permitted	Maximum Area of Sign	Minimum Height and Extension
B-1	32 square feet	Awning or canopy signs must clear sidewalks by at least eight feet and may extend to within two feet of the vertical plane formed by the curb or right-of-way line.
B-2		
B-3		
B-4	50 square feet	
I-1		
I-2		

TABLE VII-6. STANDARDS FOR FREESTANDING SHOPPING CENTER SIGNS

Class of Shopping Center	Maximum Area of Sign	Maximum Height of Sign	Style of Sign
Large (more than 50,000 square feet of building area)	50 square feet or 150 square feet when sign is a monument style	20 feet	Pole or Monument
Small (10,000-50,000 square feet of building area)	50 square feet or 100 square feet when sign is a monument style		

(Am. Ord. 8865, passed 2-19-13; Am. Ord. 9060, passed 7-19-16)

PLANNED UNIT DEVELOPMENTS

150.120 GENERAL PROVISIONS.

- (A) **Planned Unit Developments.** The term Planned Unit Development refers to a type of development which incorporates either a single use or a mixture of uses that are planned and developed as a unit. The Planned Unit Development classification acts as an overlay zone. With this approach, the overall intensity of a development is consistent with the underlying zoning district and the Comprehensive Plan. These Planned Unit Development (PUD) regulations provide design flexibility that may be desired, but is not available through the application of the standard Zoning Districts established by this chapter. Such flexibility requires a review process and detailed development plans. In exchange for flexibility, PUDs may be required to provide amenities not otherwise required through traditional zoning techniques. This requirement is designed to offset the impact of changes in development standards allowed through these provisions such as mixed land uses, increased open space and reduced setbacks. Because of the complex nature of Planned Unit Developments, specific procedures, standards, fees and exceptions are hereby established to govern PUDs.
- (B) **Purpose.** The purpose of these Planned Unit Development regulations is to encourage and allow more creative and imaginative design for land developments than is possible under the more conventional zoning regulations of this chapter. The Planned Unit Development designation also provides for a more efficient use of land and thus results in more economical physical development.
- (C) **Intent.** The Planned Unit Development method is intended to:
- (1) Promote a creative approach to the use of land and related physical facilities that results in better design and development;
 - (2) Combine and coordinate architectural styles, building forms and building relationships with a possible mixing of different urban uses in an innovative design;
 - (3) Promote flexibility in design and permit planned diversification in the location of structures;
 - (4) Promote an efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities, and the conservation of energy;
 - (5) Preserve to the greatest extent possible the existing landscape features and amenities, and to utilize such features in a harmonious fashion;
 - (6) Create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development;
 - (7) Provide for more usable and suitably located recreation facilities, schools, and other public and private facilities;
 - (8) Allow development, under a specifically approved design concept and site plan, which otherwise may not be permitted by the Zoning Ordinance.
- (D) **Size & Location.** The site of a PUD must be at least two acres in area and of reasonable dimensions to allow a practical arrangement of improvements, open spaces and land uses. A PUD shall front on an arterial or collector roadway as defined in the City's Comprehensive Plan. Under no circumstances shall a single PUD lie on two sides of an existing public street or alley.
- (E) **Ownership.** The site of a PUD must be under single ownership and/or unified control prior to application for a PUD approval.
- (F) **Permitted Uses.** The particular uses included in a proposed PUD are subject to the review and approval procedures specified herein, and shall not be deemed to be permitted by right. All uses permitted in the PUD may be mixed. The mixture of uses must be arranged in such a way as to ensure compatibility among uses.

- (1) Residential PUDs may include any use permitted by right or as a special use as a principal or accessory use within any Residential Zoning Districts. A maximum of 10% of the gross site area of a residential PUD may be devoted to commercial uses permitted by right or as a special use in the B-1 Neighborhood Business District, including the required parking and any other accessory uses.
- (2) Commercial PUDs may include any use permitted by right or as a special use as a principal or accessory use within any Business or Professional Zoning Districts.
- (3) Industrial PUDs may include any use permitted by right or as a special use as a principal or accessory use in the Industrial Zoning Districts.

(Ord. 8612, passed 12-2-08)

150.121 DEVELOPMENT STANDARDS.

- (A) **Default Standards.** The use, bulk, development and improvement standards for each planned unit development shall be derived from the underlying zoning district. In the context of the planned unit development those standards shall be referred to as default standards. The PUD shall be consistent with the underlying zone upon which the PUD is based. Deviations from any of the default standards may be approved only as provided in this subchapter and shall be explicitly stated in the Ordinance approving the PUD.
- (B) **Density.** Dwelling unit densities in a planned unit development shall not exceed the maximum densities as designated in the Comprehensive Plan. However, increases in dwelling unit densities above the densities allowed by the underlying zoning district may be allowed according to the following criteria:
 - (1) Incorporation of common open space, an increase of up to 10%.
 - (2) Preservation of natural features or utilization of existing natural features in a harmonious fashion within the design of the site, an increase of up to 5%.
 - (3) Removal of deteriorating structures occupying 15% or more of the development site, an increase of up to 5%.
 - (4) Donation of land for schools or other public facilities, an increase of up to 10%.
- (C) **Lot Coverage.** The maximum lot coverage over the entire PUD site shall be no more than 15% above the maximum lot coverage of the underlying zoning district.
- (D) **Yards and Setbacks.** The required setbacks along the periphery of the PUD site shall be at least equal in width or depth to the minimum requirements of the underlying zoning district unless the applicant can demonstrate that a reduction of setbacks is necessary for protection of natural resources, and the reduced setbacks will be offset by additional screening or common open space.
- (E) **Common Open Space.** The amount and location of common open space provided shall be consistent with the declared function of the common open space as set forth in the application for a planned unit development. There shall be such provisions for the ownership and maintenance of the common open space to reasonably ensure its continuity and conservation. This assurance shall be attained through the formation of a homeowner's association for the area involved in the planned unit development, or by such other provisions as may be required by the Commission.
- (F) **Off-street Parking.** In no instance shall the off-street parking requirements be less than that provided for in [150.060](#) through [150.074](#) of this chapter.
 - (1) Parking for Residential PUDs shall be not less than one space for each efficiency dwelling unit, one and one-half spaces for each one bedroom unit, and two spaces for each two or more bedroom unit.
 - (2) Parking for Commercial PUDs shall be not less than four and one-half parking spaces per 1,000 square feet, or fraction thereof, of gross leaseable floor area in all buildings and structures.

- (G) Landscaping. A minimum of 2% of all off-street parking areas shall be designated and improved as landscaped areas. Landscaped areas shall be adequately protected from vehicular traffic and properly maintained.
 - (H) Screening. In addition to the landscaping requirements, a fence that is a minimum of five-foot high and keeps with the general architectural design of the development or a densely planted hedge shall be provided along any side or rear yard abutting a residentially zoned district.
 - (I) Signage. Signs for commercial uses in a Residential PUD with underlying residential zoning shall comply with the sign regulations for the B-1 Zoning District. All other signs and sign structures must comply with the regulations for the underlying zoning district.
 - (J) Sewers. All PUDs shall be connected to the public sanitary sewer system prior to occupancy and refuse removal shall be provided to the entire development.
 - (K) Conformity with Subdivision Standards. The provisions of the City of Danville Subdivision Regulations, as amended, shall be adhered to, unless a variance is granted by the Commission in accordance with the provisions therein.
- (Ord. 8612, passed 12-2-08)

150.122 APPLICATION AND REVIEW PROCEDURES.

The approval and classification of a proposed PUD shall be accomplished in accordance with the following procedures:

- (A) Prior to the preparation of a formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development. The purpose of this meeting is to afford the applicant the opportunity to be advised of the procedures and requirements involved in submitting an application and the policies that may affect the application.
- (B) The applicant shall complete a PUD application and shall prepare a preliminary development plan and other supporting materials to generally describe:
 - (1) General layout of proposed land uses;
 - (2) Location of proposed buildings, structures and other improvements;
 - (3) Location of proposed streets, sidewalks, access ways, parking areas, and screening;
 - (4) Location of common open space and the use of common open space being provided, where applicable;
 - (5) Location of all existing property lines, easements, buildings, streets, sidewalks and other improvements;
 - (6) Location of any significant physical features existing on the site including floodplains, waterways and topography and the pattern of surface water drainage;
 - (7) A legal description of the entire area proposed for development;
 - (8) The total number of dwelling units proposed and a description of the types of residential units, if applicable;
 - (9) The proposed gross leaseable floor area of commercial and/or industrial buildings, if applicable;
 - (10) The proposed lot coverage of buildings and structures as a percentage of the total development area;
 - (11) The present and proposed ownership arrangement of all land within the site;

- (12) Preliminary engineering plans or information on existing and proposed sanitary sewers, storm drainage, water supply and other utilities necessary to adequately service the development;
 - (13) Proposed agreements, provisions or covenants which will govern the use, maintenance, and continued protection of the development and any of its common open space;
 - (14) A timetable for development that indicates the approximate date when construction would begin, the stages in which the project would be built and the approximate dates when construction of each stage would begin and end;
 - (15) Additional information that may be requested by the Zoning Administrator.
- (C) The applicant shall file the completed application, the preliminary development plan and other exhibits with the Zoning Administrator and shall pay a filing fee according to the fee schedule in [150.189](#) of this chapter. Once filed with the Zoning Administrator the PUD shall be scheduled for a public hearing before the Commission.
- (D) The PUD shall be filed and the public hearing conducted in accordance with the standard hearing requirements for zoning district amendments. The applicant shall have notice of the public hearing published in a newspaper of general circulation in the City at least 15 days but not more than 30 days prior to the public hearing. Notices of the public hearing shall be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing.
- (E) The Commission shall hold a public hearing and shall review the application and preliminary development plan to determine possible adverse effects of the proposed PUD and to determine what additional requirements may be necessary to reduce such adverse effects.
- (F) General Review Criteria. The Commission's review of the PUD preliminary and final development plans and exhibits shall be based on the following criteria:
- (1) The PUD is in general conformance with the Comprehensive Plan;
 - (2) The use or uses within the PUD are compatible with surrounding land uses;
 - (3) The intensity of development imposes no unreasonably adverse effects on surrounding property;
 - (4) Adequate public facilities exist or will exist to serve the requested use at the time such facilities are needed;
 - (5) Ingress and egress to the PUD is provided in a manner that facilitates access by emergency vehicles and efficient and safe traffic circulation in the vicinity;
 - (6) The plan has minimized, to the degree possible, adverse effects on the natural environment;
 - (7) The request conforms to all applicable provisions of this chapter unless specifically excluded by this section.
- (G) Following the public hearing and review, the Commission shall recommend approval, modification or disapproval of the PUD and preliminary development plan within 30 days. In doing so the Commission shall develop findings of fact, in accordance with [150.123](#) of this chapter on which to base its recommendation.
- (H) The City Council, within a period of 60 days after receipt of the Commission's recommendation, shall approve, approve with modifications or disapprove the PUD and the preliminary development plan. In the case of approval or approval with modifications, the City Council shall pass an ordinance granting the PUD classification.
- (I) Approval of the preliminary development plan by the City Council shall not constitute final approval of a PUD. Rather, it shall be deemed an expression of approval of the basic provisions and concepts of the plan and act as a guide for the preparation of the final development plan. The final development plan shall

conform to the approved preliminary development plan. Approval of the preliminary development plan shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be in written form and must accompany the final development plan.

- (J) The approval of the preliminary development plan by the City Council shall be valid for one year from the date of approval. If a final development plan is not filed within one year from the date of approval of the preliminary development plan by the City Council, the approval of the preliminary development plan shall lapse, and the PUD classification shall be void and no longer in effect.
- (K) After receiving approval of the PUD designation and the preliminary development plan the applicant shall prepare a final development plan and other supporting materials to specifically include:
 - (1) A subdivision plat in the same form and meeting all the requirements of a semi-final subdivision plat under the Subdivision regulations, if the subdivision of land is necessary;
 - (2) A legal description of each separate unsubdivided use area, including common open space;
 - (3) Specific types of uses and location of such uses to be created within the PUD;
 - (4) Designation of the exact location of all buildings to be constructed and the internal uses of these buildings;
 - (5) Final tabulation of number of dwelling units per acre, residential unit types and lot coverage;
 - (6) Complete landscaping plan for the development;
 - (7) Detailed maintenance plan for open space and responsibilities for all public and private improvements;
 - (8) Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, utilities, and other facilities by the City Engineer;
 - (9) Certificates, seals, and signatures required for the dedication of lands, and recording of the documents;
 - (10) The other materials required for the preliminary development plan submission in their final form;
 - (11) Declaration of covenants, easements and restrictions affecting any of the uses within the PUD;
 - (12) Additional information that may be requested by the Zoning Administrator.
- (L) Once the final development plan has been completed and filed with the Zoning Administrator, the final development plan shall be scheduled for review by the Commission.
- (M) Following the review of the final development plan, the Commission shall recommend approval, modification or disapproval of the final development plan for the PUD within 30 days.
- (N) The City Council, after receipt of the Commission's recommendation, shall approve, approve with modifications or disapprove the final development plan within a period of 60 days.
- (O) The final approval of the PUD shall be effective only upon the passage of an ordinance by the City Council and the filing of the final development plan with the Recorder of Deeds. The recording of the final development plan shall inform all who deal with the PUD of the terms, conditions and provisions of the plan, which shall run with the land. A PUD shall be developed only according to an approved and recorded final development plan.
- (P) The final development approval may be granted in phases as approved by the City Council. Each final development approval of a phase shall be recorded in the same manner as the final approval of an entire PUD.
- (Q) City Council approval of a final development plan for a PUD that involves the subdivision of land shall also constitute semi-final plat approval under the Subdivision regulations.

(R) No construction shall commence until the provisions of this section are met, along with all other applicable City codes and ordinances.

(Ord. 8612, passed 12-2-08)

150.123 FINDINGS.

(A) As part of making a recommendation to the City Council on an application for a Planned Unit Development and preliminary development plan, the Commission shall make findings of fact based upon the evidence presented in the hearing. These findings should detail the degree to which the proposed PUD is consistent with the general review criteria for PUDs and should assist in clarifying any conditions or restrictions recommended as a result of this review process. The approval of a Planned Unit Development shall not be made unless a preponderance of the evidence establishes all of the following:

- (1) That the proposed PUD is consistent with the stated purpose of these PUD regulations;
- (2) That the proposed PUD meets the requirements and standards of these PUD regulations;
- (3) That the proposed PUD is in the public interest and is compatible with adjacent properties and neighborhoods;
- (4) That the proposed PUD is in conformity with the intent and spirit of the planning objectives of the City.

(B) As part of making a recommendation to the City Council on a final development plan, the Commission shall confirm whether the final development plan complies with the requirements of this subchapter.

(Ord. 8612, passed 12-2-08)

150.124 CHANGES SUBSEQUENT TO APPROVAL.

No amendments or modifications shall be made to the final development plan after approval and recording, except as provided below.

(A) Minor Amendments. Changes which do not alter the basic provisions and concepts of the final development plan shall be considered minor amendments and may be authorized at the discretion of the Zoning Administrator. Minor amendments may include changes in the location, siting, and height of buildings, provided these changes are necessitated by engineering limitations or other circumstances unforeseen at the time the final development plan was approved. No amendment to the approving ordinance shall be needed in such cases, but a memorandum of changes shall be filed and recorded with the Recorder of Deeds.

(B) Major Amendments. All other changes to the uses, common open spaces, arrangement of lots, lot coverage, or development schedule may only be made by following the procedures for final development plan approval as provided herein. Any changes which are subsequently approved must be recorded as amendments to the final development plan in accordance with the procedure established for the recording of the initial final development plan.

(Ord. 8612, passed 12-2-08)

150.125 EXPIRATION AND TERMINATION.

(A) The applicant shall conform to the development schedule that is approved with the final development plan. If the applicant has not complied with the approved development schedule a new hearing shall be scheduled before the Commission, to determine whether the approval of the final development plan shall lapse, and the PUD classification be void and no longer in effect. At its discretion and for good cause, the Zoning Administrator may extend up to one additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of the development as indicated in the approved development schedule.

- (B) If the final approval of a PUD lapses under the provisions of this section, the City Council shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section, and shall direct the City Clerk to record said vacation ordinance.
- (C) Once the final development plan for a PUD is recorded, if the applicant desires to abandon and vacate such final development plan, the applicant shall petition the City Council for the passage of an ordinance vacating such final development plan. If such an ordinance is passed, the City Clerk shall record such vacation ordinance with the County Recorder, with the recording fee to be paid by the applicant. Unless such vacation is approved by the City Council and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.

(Ord. 8612, passed 12-2-08)

150.126 REQUIRED DOCUMENTS AND BONDS.

- (A) All common open space, upon mutual agreement of the applicant and the City, shall be either conveyed to the City or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or adjoining property owners by providing perpetual maintenance of all lands in common within the PUD; or guaranteed by a restrictive covenant describing the open space and its maintenance and improvement and running with the land for the benefit of the residents of the PUD or adjoining property owners or both.
- (B) The construction and maintenance of all public facilities and improvements which are a part of a PUD shall be bonded for in accordance with the Subdivision Regulations, and approved prior to the recording of the final development plan. Such bonding shall also be required for private drives that provide ingress or egress for more than one structure.

SPECIAL USE PERMITS

150.130 GENERAL PROVISIONS.

- (A) Classification of Special Uses. To provide for the location of certain uses with unique characteristics which may be appropriate for and compatible within a given zoning district, but depending on how the use is designed and operated, there is the potential that the use could be incompatible with surrounding properties, or adversely affect the future development of the community, a classification of special uses is established. The review requirements and standards outlined in this subchapter are designed to provide a stricter examination of such uses in order to assure compatibility within the Zoning District and to minimize potential harmful effects of the use. Special uses, as denoted in [Table IV-1](#), shall be subject to the provisions of this subchapter. Such special uses may be developed in the zoning districts specified only if findings are made that the standards and conditions set forth in the appropriate sections of this subchapter are met.
- (B) Special Use Permits. Utilizing the provisions established by this subchapter, an applicant may file an application for a special use permit, allowing for the establishment, operation and maintenance of a particular use, which traditionally affects the public interest, but whose unusual nature may give rise to unique problems for neighboring property or public facilities.
- (C) Conformance with Other Requirements. Special uses shall conform to all the applicable requirements governing bulk, off-street parking and loading and all other applicable provisions of this chapter.

(Ord. 8612, passed 12-2-08)

150.131 APPLICATION AND REVIEW PROCEDURES.

An application for a special use permit shall be made in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.

- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials that contain the information requested in [150.185](#) of this chapter as well as the following:
- (1) Description of business operations, including hours, products, market area, traffic volumes, and timetable for development (if applicable);
 - (2) A written joinder agreement signed by the title holder of the property and notarized, concurring with the special use request (if the applicant is not the owner of the property).
- (C) The applicant or his agent shall file the completed application form, and the required site plan and exhibits, with the Zoning Administrator at least 20 days prior to the required public hearing, and shall pay a filing fee according to the fee schedule in this chapter. The Zoning Administrator shall schedule the application for a public hearing before the Commission.
- (D) The applicant shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (E) Notices of the public hearing shall be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing. The failure of any property owner to receive such notification shall not invalidate the proceedings.
- (F) If all required site plans and exhibits are provided, the Commission shall hold the public hearing and shall study the application to determine possible adverse effects of the proposed special use and to determine what additional requirements may be necessary to reduce such adverse effects. If all required plans and exhibits are not available for the Commission's consideration, action on the application may be delayed until the information is made available.
- (G) In reviewing the special use permit application and the other evidence presented, the Commission shall consider the following criteria. Any request for a special use permit shall be reviewed for consistency with the following criteria:
- (1) The use is in substantial harmony with the purpose and intent of the Zoning District in which it is to be located.
 - (2) The use conforms to all applicable regulations of the Zoning District in which it is to be located.
 - (3) The use is necessary for the public convenience at the location.
 - (4) The use is consistent with applicable provisions of the Comprehensive Plan.
 - (5) The use is compatible with the existing or allowable uses of adjacent properties.
 - (6) The use will preserve the essential character of the neighborhood in which it is located.
 - (7) The use will not adversely affect the public health, safety or welfare.
 - (8) The use will not adversely influence living conditions in the immediate vicinity.
 - (9) The use will not adversely affect adjacent properties.
 - (10) The use will not create undue traffic congestion.
 - (11) The request conforms to all applicable provisions of this chapter.
- (H) The Commission shall prepare and adopt findings and make a recommendation on the application in accordance with [150.132](#) of this chapter.

(Ord. 8612, passed 12-2-08)

150.132 FINDINGS AND DETERMINATION.

- (A) Findings of Fact. Before making a recommendation to the City Council on an application for a special use permit, the Commission shall make findings of fact based upon the evidence presented in the hearing. These findings should detail the degree to which the proposed special use is consistent with the review criteria and should assist in clarifying any conditions or restrictions recommended as a result of this review process. The approval of a special use permit shall not be made unless the evidence presented is such to establish all of the following:
- (1) That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious to the district in which it shall be located or otherwise detrimental to the public health, safety or general welfare.
 - (2) That the proposed use substantially complies with the specific requirements of, and preserves the essential character of the Zoning District in which it shall be located.
 - (3) That the proposed use is reasonably necessary for the public convenience at the location in question.
- (B) Conditions. In granting approval for any special use permit, the Commission may recommend and the City Council may impose additional conditions as are deemed appropriate or necessary for the reasonable protection of the public health, safety, and welfare and to carry out the purposes of this chapter including but not limited to the following:
- (1) Regulate the location, extent, and intensity of such uses.
 - (2) Require adherence to an approved site plan.
 - (3) Require additional landscaping and the screening of such uses by means of fences, walls, or vegetation.
 - (4) Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures.
 - (5) Regulate vehicular access and volume, and the design and location of parking and loading areas and structures.
 - (6) Require conformance to health, safety, and sanitation requirements, as necessary.
 - (7) Regulate signs, architectural features, and outdoor lighting.
 - (8) Any other conditions deemed necessary to effect the purposes of this chapter.
- (C) Commission Recommendation. Based upon the findings, the Commission shall make a recommendation on the special use permit application and shall forward its findings and recommendation to the City Council. The Commission shall recommend to the City Council one of the following three actions: approval, conditional approval, or denial. The Commission's recommendation shall be made within 20 days of the hearing. A tie vote by the Commission shall be considered a recommendation to deny the special use permit request.
- Upon receipt of written objections to the proposed special use from more than 50% of the property owners within 250 feet of the subject property, a favorable vote of two thirds of those commissioners present shall be required to forward a recommendation of approval of the special use permit.
- (D) Final Determination. The City Council shall take final action on the application within 45 days of the public hearing. If the City Council votes to approve the request, it shall do so by adopting the proposed request by ordinance. If the Commission voted to deny an application for a special use permit, a two thirds (2/3rds) affirmative vote of the City Council then holding office is required to override the Commission's action and approve the request.
- (E) Withdrawal. An application may be withdrawn any time prior to the beginning of the public hearing without penalty. If the application is withdrawn between the time the hearing begins and the City Council takes final action, said application cannot be reheard for 12 months.

(F) Denial. If an application is considered and ultimately denied by the City Council, that request shall not be reconsidered by the Commission or the City Council at any time in a substantially similar form unless the Zoning Administrator determines that conditions affecting the requested special use have changed significantly enough to justify reconsideration of said request.

(G) Re-submittal. Resubmitting another application for a special use after denial or withdrawal shall be accomplished in the same general manner as is prescribed in this subchapter.

(Ord. 8612, passed 12-2-08)

150.133 CHANGES SUBSEQUENT TO APPROVAL.

An applicant desiring to amend the plans that were approved as part of the special use permit approval process shall contact the Zoning Administrator.

(A) Minor Amendments. If the Zoning Administrator deems the amendments minor and not significant, the Zoning Administrator shall review the revised plans and make a determination as to whether the changes will be allowed.

(B) Major Amendments. If the Zoning Administrator deems the amendments significant, an application for a new special use permit will need to be submitted and approval of that special use permit application granted.

(Ord. 8612, passed 12-2-08)

150.134 EXPIRATION AND REVOCATION.

Once a special use permit is approved by the City Council for a specific location, the permit and each condition thereof shall be deemed continuing until the permit is revoked or otherwise terminated.

(A) Expiration. In any case where a special use permit has been approved, the special use permit shall terminate and the use of the property authorized by the special use permit shall be ended immediately if:

(1) Once a special use is established, a change in use occurs from the established special use to another use.

(2) An established special use is abandoned or discontinued for a period of 12 consecutive months.

(3) The special use is not established within 18 months of the date of final approval by the City Council. Within that period, if an applicant can show the Zoning Administrator that progress is being made towards establishing an approved special use, then the Zoning Administrator has the discretion to grant in writing one time extension for a reasonable period under the circumstances.

(B) Revocation. Violation of the conditions of a special use permit shall be deemed a violation of this chapter and shall be grounds for revocation of a special use permit.

(1) In the event of a violation of the special use permit or any condition thereof, the Zoning Administrator will notify the property owner of the violation in writing. If the violation specified in such notice is not corrected within 30 days after the notice is issued, then the Zoning Administrator shall cause a citation for such violation to be issued and served on the property owner at the location for which the permit was granted and the penalty provisions of this chapter shall apply; provided, however, that, if in the judgment of the Zoning Administrator, the violation cannot be corrected or the property owner has refused to correct the violation and the Zoning Administrator is satisfied that such violation will not be corrected under the circumstances, then the Zoning Administrator may elect to commence revocation proceedings.

(2) The Zoning Administrator commences revocation proceedings by filing a complaint with the Commission, alleging the facts and circumstances of the violation of the special use permit or any condition and requesting that the permit be revoked. Within ten days after filing such complaint, the Zoning Administrator shall cause a copy thereof to be served on the property owner, who shall have a period of 20 days after such service to file with the Commission a response to the allegations of the

complaint. Any allegation which is not denied is deemed admitted. The Commission shall set the matter for public hearing at its next regular meeting after the response is filed or the time for filing the response has elapsed without a response being filed. At the hearing, the Commission shall determine whether the complaint has been proven by a preponderance of the evidence, and, if so, the Commission shall recommend the revocation of the special use permit. The property owner shall have the right to cross-examine witnesses and present evidence at the hearing.

(3) If the Commission recommends the revocation of the special use permit, the City Council shall approve or reject such recommendation at a regular meeting occurring within 30 days of the decision of the Commission.

(4) In the event the City Council approves the revocation of the special use permit, the permit shall be revoked and the use of the premises that had been permitted under the special use permit shall cease.

(Ord. 8612, passed 12-2-08)

COMMUNITY DESIGN REGULATIONS

150.140 GENERAL PROVISIONS.

The purpose of this Article is to establish standards and procedures for the review of the exterior designs of buildings and structures in order to enhance the aesthetic quality of the community and encourage the development of buildings and neighborhoods of distinguished architectural character and appearance.

(Ord. 8612, passed 12-2-08)

150.141 GENERAL BUILDING DESIGN STANDARDS.

(A) **Applicability.** All projects within the City of Danville that involve the construction of a new building or structure or an addition to an existing building or structure shall comply with the standards of this section.

(B) **Building Design Focus.** The front facade of a building and the main entrance shall be designed as focal points to the building. The main entrance shall incorporate at least two of the following design elements: canopies, overhangs, arcades, raised parapets over the door, larger door openings, display windows, or architectural details such as accent moldings. The remaining portions of the building shall be designed in a way that complements and is consistent with the building's front facade.

(C) **Visual interest.** At a minimum, facades facing public or private streets shall incorporate at least one of the following features along each applicable facade:

(1) Windows, awnings, arcades or other significant architectural features used along at least 60% of the front building facade length or 30% of the side or rear building facade length.

(2) Brick, natural or fabricated all-weather stone covering at least 50% of the area when applied to the front building facade or 25% of the area when applied to a side or rear building facade.

(D) **Materials.** All materials exposed to view on the front facade and at the main building entrance shall be high quality durable materials. The remaining building facades shall consist of materials that are compatible with the materials used on the buildings front facade and at the main building entrance. The following materials are permitted:

(1) Concrete (cast-in-place or precast panels). The following finishes for concrete surfaces exposed to view are permitted: exposed aggregate, hammered, sandblasted, cement based acrylic cement.

(2) Masonry. The following masonry materials are permitted: face brick, concrete masonry units, stone (natural or manufactured), glass block, glazed or porcelain tile.

(3) Exterior Insulation and Finish System (EIFS).

(4) Portland Cement Stucco.

(5) Prefinished Metal. Permitted only for canopies, soffits and as an accent material for trim, fascias, and fascia bands located at the top of a wall.

(6) Siding. The following siding materials are permitted on all facades: cedar siding, redwood siding, cedar shingles. The following siding materials are permitted on all facades except the front facade: prefinished vinyl siding, prefinished metal siding or wall panels, prefinished composition siding.

(7) Structural steel or aluminum.

(8) Glass.

(9) The following materials are prohibited on any facade: corrugated metal wall panels/siding, plywood wall panels/siding.

(E) Design Review. All projects to which this section applies shall submit drawings, material samples and other information in sufficient detail as necessary to determine compliance with these standards. This submission shall accompany either the site plan review or building permit plan review submissions. Upon a submission of the necessary information to the Zoning Administrator, a review of the design shall begin in accordance with the procedures for site plan review or building plan review. In reviewing the information provided, the Zoning Administrator shall determine whether or not the submission complies with the standards set forth in this section.

(F) Determination. If the Zoning Administrator determines that the submission complies with the standards, the Zoning Administrator shall approve the design portion of the submission. If the Zoning Administrator determines that the submission does not comply with the standards, the Zoning Administrator shall deny the design portion of the submission, in which case the applicant shall then provide revised information to show that the project will meet the standards, prior to the issuance of construction permits and the beginning of any construction.

(Ord. 8612, passed 12-2-08)

150.142 MANUFACTURED HOUSING DESIGN STANDARDS.

(A) Purpose. In situations where a proposed manufactured housing unit requires a design compatibility review, the design of the proposed manufactured housing unit shall comply with the general design standards in [150.141](#) as well as the standards in this section. These standards are generally intended to preserve the character and integrity of established neighborhoods, and to protect residential property values throughout the City.

(B) Standards. In reviewing the design of a proposed manufactured housing unit, the proposed manufactured housing unit shall comply with the following standards:

(1) Each exterior doorway must be provided with a porch that is a minimum of five-foot square. Porches shall have a roof structure that is connected to and compatible with the remainder of the home.

(2) The home shall have a pitched roof with a minimum of a 4/12 pitch.

(3) Roof material shall be consistent with the roof materials of homes in the immediate neighborhood.

(4) The total floor area of the manufactured housing unit shall be at least 864 square feet.

(5) All towing devices, wheels, axles and hitches must be removed.

(6) The home shall be attached to a permanent foundation.

(Ord. 8612, passed 12-2-08)

150.143 MANUFACTURED HOUSING DESIGN REVIEW PROCEDURES.

A manufactured housing unit design compatibility review shall be conducted in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials that contain the information requested in [150.185](#) of this chapter as well as the following:
 - (1) Elevation drawings, material samples and other information in sufficient detail as necessary to determine compliance with these standards.
- (C) The applicant or his agent shall file the completed application form, and the required site plan and exhibits, with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.
- (D) Notices of the application submittal shall be mailed to all property owners within 250 feet of the outer boundaries of the property in question for informational purposes. Said mailing shall be completed within five days of the receipt of the application.
- (E) The Zoning Administrator shall then conduct the review and make a determination at least ten days but not more than 20 days after the receipt of the application. In conducting the design compatibility review the Zoning Administrator shall determine whether or not the submission complies with the standards set forth in this subchapter. Evaluation of the design of a manufactured housing unit shall also be based on the quality of the design in relation to surroundings. A proposed manufactured housing unit shall be compared to other housing within 250 feet of the proposed location. Anticipated development of an area may be considered when making a decision about compatibility.
- (F) The Zoning Administrator shall approve, reject, or approve with conditions the design at least ten days but not more than 20 days after the receipt of the application.
- (G) Approval of a design shall be granted upon a finding that:
 - (1) The proposed manufactured housing unit complies with all standards in [150.141](#) and [150.142](#) of this chapter;
 - (2) The proposed manufactured housing unit is compatible in design with homes within the immediate area;
 - (3) The proposed manufactured housing unit is comparable in construction value with homes within the immediate area; and
 - (4) Siding and roofing materials are compatible with the general aesthetic appearance of existing residential structures within the immediate area.

(Ord. 8612, passed 12-2-08)

150.144 BUILDING DESIGN STANDARDS IN THE R-3 DISTRICT.

- (A) Purpose. The purpose of this section is to establish standards for the exterior designs of buildings and structures in the R-3 Zoning District in order to ensure the compatibility of infill development with existing development and to encourage the development of new buildings of distinguished architectural character and appearance in this District.
- (B) Applicability. All projects within the R-3 Zoning District that involve the construction of a new building or structure or an addition to an existing building or structure shall comply with the standards of this section.
- (C) Building Orientation. Orientation of the "front" of the principal building shall be towards the street in a manner similar to existing buildings within the District.
- (D) Building Modulation. The front elevation of the principal building shall be varied such that no continuous wall plane or surface exceeds 35 feet in length, and such that variations between wall planes

or surfaces are at least 18 inches in depth. Variations in wall planes should be accompanied by corresponding changes in the roofline or other architectural elements of the building.

- (E) **Building Style.** Traditional architectural building styles shall be incorporated into the design of a building. Architectural styles typically found within these older neighborhoods that can be used to help guide the styling of a building include Italianate, Queen Anne, Craftsman, Prairie, Foursquare, Greek revival, and Tudor.
- (F) **Building Base.** A raised foundation or "base" shall be incorporated into the design of a new building. The utilization of a material that differs from the primary exterior building material, including stone or brick of a different color or size than that used for the overall building, or another durable masonry material, may also be used at the base of the building to give the appearance of a raised foundation.
- (G) **Building Materials.** Suitable exterior building materials exposed to view shall include those listed in [150.141](#) (D).
- (H) **Architectural Details.** Architectural details shall be provided on building elevations visible from the public street, including, but not limited to, the following: quoins, lentils, cornice moldings, brackets, arches, corner boards, keystones, decorative lintels and sills, soldier courses, belt course, bay windows and other decorative features as appropriate for the design style of the overall building and material being used.
- (I) **Windows/Fenestration.** Windows and doors placed on the front elevation shall be consistent with the size, scale and proportion of windows and doors of other buildings within the immediate neighborhood. This shall include the utilization of double hung windows or windows similar in appearance to double hung windows where possible.
- (J) **Roofline.** The roofline of the building shall reflect the predominate roof type, orientation, scale and pitch of existing buildings within the immediate neighborhood.
- (K) **Garage Doors.** Garage doors shall not be located on any building elevation facing a street. When located on a side wall or on a rear wall on a corner lot, the garage door shall be screened from view from the street. Where it is demonstrated that rear or side access is not possible, front access may be permitted provided that the garage and garage door is recessed behind the front wall of the building, the garage door does not occupy more than 50% of the linear face of the building, and no more than one double or two single stall garage doors are utilized.
- (L) **Porches.** The incorporation of a covered front porch of an appropriate size and scale in areas where porches are prevalent on existing structures within the surrounding neighborhood shall be required. Front porches must be covered by a roof that is compatible with the roof over the rest of the structure.
- (M) **Balconies/Decks.** If balconies and decks are incorporated into a building they shall be designed so that they are integrated into the overall style of design of the building. Methods of integrating balconies into the building design may include fully or partially recessing them into the facade of the building, placing them under a roof that is integrated into the overall roof plan, utilizing supports that are compatible with the rest of the building in terms of materials and design, and utilizing supports that reach to the ground rather than append to the exterior of the building.
- (N) **Alternative Designs.** Alternative design solutions or exceptions to the mandatory standards of this section will be considered if it is demonstrated that strict compliance with a specific standard is not practical, or that the alternative being proposed will help in achieving a development that is compatible with its surrounding neighborhood or would provide some environmental benefit.

(Ord. 8612, passed 12-2-08)

150.145 DESIGN REVIEW PROCEDURES IN THE R-3 DISTRICT.

Design review of buildings in the R-3 District shall be conducted in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials that contain the information requested in [150.185](#) of this chapter as well as the following: Elevation drawings, material samples and other information in sufficient detail as necessary to determine compliance with these standards.
- (C) The applicant or his agent shall file the completed application form, and the required site plan and exhibits, with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.
- (D) The Zoning Administrator shall then notify the DDI Design Committee of the receipt of an application and the DDI Design Committee shall conduct a review and make a recommendation on the application to the Zoning Administrator not more than 30 days after the filing of the application. In conducting the design review the DDI Design Committee shall determine whether or not the submission complies with the applicable standards set forth in this subchapter. Evaluation of the design shall also be based on the quality of the design in relation to surroundings.
- (E) The Zoning Administrator shall approve, reject, or approve with conditions the design within five days of the receipt of the recommendation of the DDI Design Committee.
- (F) Approval of a design shall be granted upon a finding that:
 - (1) The building or structure complies with the standards in section [150.141](#) and [150.144](#) of this chapter; and
 - (2) The building or structure is compatible in design with buildings within the immediate area.

(Ord. 8612, passed 12-2-08)

NONCONFORMITIES

150.150 GENERAL PROVISIONS.

- (A) Purpose. The purpose of this subchapter is to define and regulate different types of nonconformities with the intent that ultimately most nonconformities will be eliminated or brought into compliance with the requirements of this chapter.
- (B) Classification of Nonconformities. An existing building, structure, use, or lot legally established prior to the effective date of this chapter, or subsequent applicable amendments thereto, that does not conform to one or more of the regulations currently applicable to the zoning district in which the building, structure, use or lot is located shall be classified as a nonconformity and subjected to the regulations of this subchapter.
- (C) Interpretations. The regulations for nonconforming uses shall apply not only to the principal building but also to all accessory buildings or structures located on the same lot. In addition, the regulations of this subchapter pertaining to a building occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use, but shall also apply to a building in which the nonconforming use occupies only a portion of the building.
- (D) Evidence of Legal Status. The evidence of the legal status of a nonconformity shall be supplied by the owner of the property upon request of the Zoning Administrator. Owners who fail to present sufficient evidence to indicate that the nonconformity was lawfully established at some point may be denied the rights and privileges granted by this subchapter and may subject the owner to enforcement proceedings by the City in order to obtain full compliance with this chapter. An owner of record seeking to establish the legal status of a nonconformity shall provide documentation, in a form acceptable to the Zoning Administrator of the following:

(1) The date of construction for all buildings and structures or the date the use was initially established. Such documentation may include, but not be limited to, a certified copy of the building permit, certificate of occupancy, certificate of zoning compliance, business license or Federal Employer Identification Number.

(2) Indication of continuous on-site operation of said use, or a use determined by the Zoning Administrator to be similar in nature to a previous use, on said lot, in the previous 12 months.

(E) Continuation. Any legal nonconformity may be continued under this subchapter, but shall be subject to full compliance with the other applicable provisions of this subchapter.

(Ord. 8612, passed 12-2-08)

150.151 CHANGE OF USE.

A nonconforming use of any building or lot may not be changed to another use unless the new use is a permitted use in the zoning district in which it is located and complies with the provisions of this chapter. When a nonconforming use is replaced by a permitted use, the building or lot shall not thereafter be used or occupied by a nonconforming use.

(Ord. 8612, passed 12-2-08)

150.152 ADDITIONS OR EXPANSIONS.

(A) Additions or enlargements to nonconforming buildings or structures shall be permitted, provided that no such addition or enlargement increases an existing nonconformity or creates a new nonconformity.

(B) Any nonconforming use of a building shall not be expanded into any other portion of the building.

(C) A nonconforming use shall not be expanded or moved to any other part of a lot.

(Ord. 8612, passed 12-2-08)

150.153 ALTERATIONS, REPAIRS, AND MAINTENANCE.

(A) Structural alterations designed to extend the life of a nonconformity shall not be made to a nonconforming building or structure, except when:

(1) Required by law or a regulatory authority pursuant to law.

(2) The alteration will actually result in the elimination of the nonconformity.

(3) A building in a residential district containing nonconforming residential uses is being altered to improve the livability, provided that the structural alterations shall not increase the number of dwelling units or increase the nonconformity.

(B) Routine repairs and maintenance on nonconforming buildings or structures shall be permitted.

(Ord. 8612, passed 12-2-08)

150.154 DISCONTINUANCE AND ABANDONMENT.

When any nonconforming use has been discontinued for a period of 12 consecutive months, regardless of any intent to resume operations, the nonconforming use shall be presumed to be abandoned and the rights provided by this subchapter shall be forfeited and any subsequent use of the premises shall be in compliance with the requirements applicable to the zoning district in which the use is located.

(Ord. 8612, passed 12-2-08)

150.155 DAMAGE OR DESTRUCTION.

- (A) If a nonconforming building or structure or building containing a nonconforming use is damaged or destroyed, by any means, to the extent of 50% or more of its fair market value, based on the valuation of the township assessor, then it shall not thereafter be reconstructed or repaired unless in full compliance with the provisions of this chapter.
 - (B) In the event the damage or destruction is less than 50% of its fair market value, the building or structure may then be restored to its preceding condition and the occupancy and use of the building or structure which existed at the time of the damage may be continued, provided that the restoration is completed within 12 months of the date of damage or destruction.
- (Ord. 8612, passed 12-2-08)

VARIATIONS

150.160 GENERAL PROVISIONS.

- (A) Purpose. This subchapter affords property owners a process by which variations from certain provisions of this chapter may be considered in order to prevent unnecessary and undue hardship that may be caused by the literal enforcement of the provisions of this chapter.
- (B) Applicability. Variances may be granted with respect only to the following provisions of this chapter:
 - (1) Area and bulk regulations in [Table IV-2](#) (Appendix B) or in [150.030](#) et seq., Supplementary Use Regulations,
 - (2) Parking space requirements in [Table IV-1](#) (Appendix A), loading and landscaping requirements,
 - (3) Sign height and area requirements, of up to a 50% variation.
- (C) Classification of Variations. In order to ensure efficient consideration of all applications for variances under the provisions of this chapter, said applications shall be separated and classified as either a minor or major variance according to the degree of non-compliance said variance will produce in relation to the amount required for full compliance with the applicable provisions of this chapter.
 - (1) Minor Variance. Applications seeking relief from specific provisions of this chapter, which will produce an increase or decrease in the degree of compliance by not more than 25% of the amount required for full compliance, shall be classified as a minor variance.
 - (2) Major Variance. All applications seeking relief from specific provisions of this chapter, which will produce an increase or decrease in the degree of compliance by more than 25% of the amount required for full compliance, shall be classified as a major variance.
- (D) Conditions. In granting any variation, the Zoning Administrator or Zoning Board of Appeals may prescribe appropriate conditions as are deemed appropriate or necessary for the reasonable protection of the public health, safety, and welfare and to carry out the purposes of this chapter. Violations of such conditions shall be deemed a violation of this chapter.

(Ord. 8612, passed 12-2-08; Am. Ord. 8851, passed 12-18-12)

150.161 PROCEDURES FOR MINOR VARIANCES.

An application for a minor variance shall be in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials to describe:
 - (1) Location of the property;

- (2) Actual dimensions of the lot;
 - (3) Location of the building or structure to be erected, converted, enlarged, or structurally altered and distance from the building or structure to each lot line;
 - (4) Other such information as may be necessary to determine and provide for the enforcement of this chapter.
- (C) The applicant or his agent shall file the completed application form together with the required site plan with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.
- (D) The Zoning Administrator shall review the application and other related evidence, and then prepare findings and make a final determination on the application in accordance with [150.163](#) of this subchapter within 20 days of the filing of an application.
- (Ord. 8612, passed 12-2-08)

150.162 PROCEDURES FOR MAJOR VARIANCES.

An application for a major variance shall be in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials to describe:
 - (1) Location of the property;
 - (2) Actual dimensions of the lot;
 - (3) Location of the building or structure to be erected, converted, enlarged, or structurally altered and distance from the building or structure to each lot line;
 - (4) Other such information as may be necessary to determine and provide for the enforcement of this chapter.
- (C) The applicant or his agent shall file the completed application form together with the required site plan with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.
- (D) The Zoning Administrator shall schedule the application for a public hearing before the Zoning Board of Appeals within ten days of the receipt of an application.
- (E) The applicant shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (F) Notices of the public hearing shall be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing.
- (G) The Zoning Board of Appeals shall hold the public hearing and shall consider the application and other evidence to determine possible adverse effects of the proposed variation.
- (H) In reviewing the variance application and the other evidence presented the Zoning Board of Appeals shall consider the following criteria. Any request for a variation shall be found to be consistent with the following criteria:
 - (1) The request is not the result of a situation or condition that was knowingly or deliberately created by the applicant.
 - (2) The variation will not adversely affect adjacent properties.

- (3) The variation is consistent with applicable provisions of the Comprehensive Plan.
- (4) The variation conforms to the purpose and intent of this chapter.
- (I) The Zoning Board of Appeals shall review the application and other related evidence, and then prepare findings and make a determination on the application in accordance with [150.163](#) of this subchapter within 20 days of the close of the public hearing.
- (J) All decisions of the Zoning Board of Appeals on major variances shall be subject to the following:
 - (1) Any decision of the Zoning Board of Appeals concerning a major variance request shall be considered a provisional decision for a period of 15 days. During the 15 day provisional period the variance applicant or any member of the City Council may file in writing with the City Clerk an appeal for a stay of the decision. Upon receipt of such an appeal the City Clerk shall forward a notice of such appeal to the applicant and the Chairman of the Zoning Board of Appeals. The provisional Zoning Board of Appeals decision shall then be forwarded to the next regularly scheduled City Council meeting and be deemed a recommendation from the Zoning Board of Appeals on the variation requested. At that Council meeting, the City Council shall conduct a de novo hearing and hear arguments by the parties. Parties shall include: (1) the applicant, (2) any other interested person filing a written entry of appearance. The City Council shall in the exercise of its legislative authority then render a final decision on the variance request. The City Council shall render its final decision within 30 days of the filing of the notice of appeal. Such time period may be extended by agreement with the applicant.
 - (2) In the event the applicant or a City Council member does not file an appeal for a stay of the provisional decision as provided above, the provisional decision shall become a final decision of the Zoning Board of Appeals on the 16th day following the initial decision.
 - (3) All final decisions of the City Council and the Zoning Board of Appeals on major variations shall be subject to judicial review in accordance with applicable law.

(Ord. 8612, passed 12-2-08; Am. Ord. 8851, passed 12-18-12)

150.163 FINDINGS AND DETERMINATION.

- (A) Findings of Fact. Before making a determination on an application for variation, the decision maker shall develop findings of fact based upon the evidence presented in the hearing. These findings should detail the degree to which the applicant has established that the variation is necessary and should assist in clarifying any conditions or restrictions recommended as a result of this review process. The approval of a variation shall not be made unless the evidence presented is such to establish all of the following:
 - (1) That there are special circumstances or practical difficulties that exist that have created an undue hardship that is applicable only to the property involved.
 - (2) That the undue hardship was not created by the action or inaction of the applicant, owner of the property or any previous property owner.
 - (3) That the applicant cannot derive a reasonable use of the property without the variance.
 - (4) That the literal interpretations of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
 - (5) That the proposed variance represents the minimum necessary to make possible the reasonable use of the lot or structures.
- (B) Final Determination. Once the findings are made the decision maker shall then make a final determination on the variance application. The decision maker shall make one of the following determinations: approval, conditional approval, or denial. The Zoning Administrator shall immediately notify the applicant of the decision and the findings and final determination shall be filed in the office of the Zoning Administrator.

(Ord. 8612, passed 12-2-08; Am. Ord. 8851, passed 12-18-12)

AMENDMENTS

150.170 GENERAL PROVISIONS.

- (A) Authority. The regulations and standards of this chapter and the district boundaries on the Official Zoning Map may be amended from time to time by following the provisions set forth in this subchapter.
- (B) Classification of Amendments. In order to ensure efficient consideration of all proposed amendments under the provisions of this chapter, said amendments shall be separated and classified as either a textual amendment or a map amendment.
 - (1) Textual Amendment. All petitions for additions, modifications, deletions or other substantive changes to the text, requirements or procedures of this chapter shall be defined as textual amendments.
 - (2) Map Amendment. All petitions for modification to the delineation of zoning district boundaries on the Official Zoning Map shall be defined as map amendments.
- (C) Initiation of Amendments. Textual amendments may be proposed by the City Council, Commission, or Zoning Administrator. Map amendments may be proposed by the City Council, Commission, Zoning Administrator, or any person with an ownership interest in the property which is subject of the proposed amendment.
- (D) Definition of Person. "Person" shall include an individual, corporation, partnership, limited liability company, trust, or other entity.

(Ord. 8612, passed 12-2-08)

150.171 PROCEDURES FOR AMENDMENTS INITIATED BY THE CITY.

A petition to amend the Official Zoning Map or the text of this chapter that is initiated by the City Council, Commission, or Zoning Administrator shall be made in accordance with the following procedures.

- (A) The Zoning Administrator shall file a completed petition with the City Clerk on behalf of the City of Danville at least 20 days prior to the required public hearing. The filing fee shall be waived. The Zoning Administrator shall then schedule the petition for a public hearing before the Commission.
- (B) The Zoning Administrator shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (C) If the petition is for a map amendment, notices of the public hearing shall be mailed to the owners of all property subject to the amendment. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing. The failure of any property owner to receive such notification shall not invalidate the proceedings.
- (D) The Commission shall then hold the public hearing and shall review the petition and other related evidence, and then prepare and adopt findings and make a recommendation on the petition in accordance with [150.173](#) of this subchapter.

(Ord. 8612, passed 12-2-08)

150.172 PROCEDURES FOR AMENDMENTS INITIATED BY OTHERS.

A petition to amend the Official Zoning Map that is initiated by a person other than the City shall be made in accordance with the following procedures.

- (A) Prior to the preparation of a formal petition, a petitioner or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain a petition, and present any preliminary information.

- (B) The petitioner or his agent shall complete the petition and shall prepare a site plan and other supporting materials that contain the information requested in [150.185](#) of this chapter as well as the following:
- (1) Description of business operations, including hours, products, market area, traffic volumes, and timetable for development (if applicable);
 - (2) A written joinder agreement signed by the title holder of the property and notarized, concurring with the requested amendment (if the petitioner is not the owner of the property).
- (C) The petitioner or his agent shall file the completed petition, together with the required site plan and exhibits, with the Zoning Administrator at least 20 days prior to the required public hearing, and shall pay a filing fee according to the fee schedule in this chapter. The Zoning Administrator shall then schedule the petition for a public hearing before the Commission.
- (D) The petitioner shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (E) Notices of the public hearing shall be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing. The failure of any property owner to receive such notification shall not invalidate the proceedings.
- (F) If all required site plans and exhibits are provided, the Commission shall then hold the public hearing and shall review the petition and other related evidence. If all required plans and exhibits are not available for the Commission's consideration, action on the petition may be delayed until the information is made available.
- (G) In reviewing the petition and the other evidence presented, the Commission shall consider the criteria listed here. Any request for a map amendment shall be reviewed for consistency with the following criteria:
- (1) The request is consistent with all applicable provisions of the Comprehensive Plan.
 - (2) The request is compatible with the existing or allowable uses of adjacent properties.
 - (3) The request will preserve the essential character of the neighborhood in which it is located.
 - (4) The request will not adversely affect the public health, safety or welfare.
 - (5) The request will not adversely influence living conditions in the immediate vicinity.
 - (6) The request will not adversely affect adjacent properties.
 - (7) The request will not create undue traffic congestion.
 - (8) The request has minimized, to the degree possible, adverse effects on the natural environment.
 - (9) The request can demonstrate that adequate public facilities exist or will exist to serve the requested use at the time such facilities are needed.
 - (10) The request conforms to all applicable provisions of this Ordinance.
- (H) The Commission shall then prepare and adopt findings and make a recommendation on the petition in accordance with [150.173](#) of this subchapter.
- (Ord. 8612, passed 12-2-08)

150.173 FINDINGS AND DETERMINATION.

- (A) Findings of Fact. Before making a recommendation to the City Council on an amendment petition, the Commission shall first make findings of fact based upon the evidence presented in the hearing. These

findings should detail the degree to which the proposed amendment is consistent with the review criteria. The approval of an amendment shall not be made unless the evidence presented is such to establish the following:

- (1) That the proposed amendment is consistent with the goals, objectives and policies of the City's Comprehensive Plan and is in conformity with the designations delineated on the Future Land Use Map.
 - (2) That the proposed amendment is consistent with the spirit, purpose and intent of this chapter.
 - (3) That the development allowed by the proposed amendment will be compatible with existing uses and existing zoning classifications of property within the general area.
- (B) Commission Recommendation. Based upon the findings, the Commission shall make a recommendation on the amendment petition and shall forward its findings and recommendation to the City Council. The Commission shall recommend to the City Council one of the following three actions: approval, conditional approval, or denial. The Commission's recommendation shall be made within 20 days of the hearing. A tie vote by the Commission shall be considered a recommendation to deny the amendment request.
- (C) Final Determination. The City Council shall then take final action on the petition within 45 days of the public hearing. If the City Council votes to approve the request, it shall do so by adopting the proposed amendment by ordinance. If the Commission voted to deny an amendment request, a two thirds (2/3rds) affirmative vote of the City Council then holding office is required to override the Commission's action and approve the request. If an amendment request is contrary to the Future Land Use Map of the Comprehensive Plan, a two thirds (2/3rds) affirmative vote of the City Council then holding office is required to approve the request.
- (D) Written Protests. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by either (1) the owners of 20% of the frontage proposed to be altered, (2) the owners of 20% of the frontage immediately adjoining or across the alley therefrom, or (3) the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk on or before the date of the public hearing set forth in the notice of hearing so published, the amendment shall not be passed except by an affirmative vote of two thirds (2/3rds) of the City Council then holding office. In such cases, a copy of the written protest shall be served by the protestor(s) on the petitioner for the proposed amendment and a copy upon the attorney, if any, for the petitioner, by certified mail at the address of such petitioner and attorney as shown in the petition for the proposed amendment.
- (E) Withdrawal. A petition may be withdrawn any time prior to the beginning of the public hearing without penalty. If the petition is withdrawn between the time the hearing begins and the City Council takes final action, said petition cannot be reheard for 12 months.
- (F) Denial. If a petition is considered and ultimately denied by the City Council, that request shall not be reconsidered by the Commission or the City Council at any time in a substantially similar form unless the Zoning Administrator determines that conditions affecting the requested amendment have changed significantly enough to justify reconsideration of said request.
- (G) Re-submittal. Resubmitting another petition for an amendment after denial or withdrawal shall be accomplished in the same general manner as is prescribed in this subchapter.

150.174 ANNEXATION AGREEMENTS.

- (A) If a proposed annexation agreement prescribes any zoning classification change for the property to be annexed, which would represent an amendment to the Official Zoning Map, the Commission shall conduct a public hearing concerning the proposed agreement according to the procedures outlined in [150.172](#) above.
- (B) Other proposed annexation agreements prescribing only variances or other modifications to the application of this chapter shall be submitted directly to the City Council for a public hearing, consideration and final determination by that body.

(Ord. 8612, passed 12-2-08)

ADMINISTRATION AND ENFORCEMENT

150.180 ZONING ADMINISTRATOR.

- (A) Powers and Duties. The Zoning Administrator shall have the authority to administer and enforce this chapter. In carrying out the administration and enforcement of this chapter the Zoning Administrator may:
- (1) Interpret, construe and apply the provisions of this chapter;
 - (2) Maintain permanent records pertaining to this chapter, including: maps, amendments, special uses, variations, appeals and applications therefor;
 - (3) Conduct inspections of buildings, structures and uses as may be necessary to determine compliance with this chapter;
 - (4) Order the discontinuance of uses of land, buildings or structures, the discontinuance of work being done or any other actions authorized by this chapter to insure compliance with or to prevent violations of its provisions;
 - (5) Issue all sign permits where authorized by this chapter, and keep permanent records thereof;
 - (6) Enforce all provisions of this chapter and all permits and approvals granted hereunder;
 - (7) Carry out such other responsibilities as may be specifically delegated to the Zoning Administrator by this chapter, or by the City Council.

(Ord. 8612, passed 12-2-08)

150.181 PLANNING AND ZONING COMMISSION.

- (A) Purpose. The Danville Area Planning and Zoning Commission, as established by and described in [33.01](#) of the Danville Code of Ordinances, shall act as an advisory body to the City Council with respect to planning and zoning matters outlined in this chapter.
- (B) Powers and Duties. The Commission shall have the following authority and duties under this chapter:
- (1) Prepare and recommend to the City Council an official Comprehensive Plan to guide the future development or redevelopment of the City and its planning area and, from time to time, to recommend amendments to the plan;
 - (2) Propose amendments to this chapter, and make recommendations thereon to the City Council;
 - (3) Conduct public hearings and review applications for proposed zoning map amendments, special use permits, and Planned Unit Developments, and make recommendations thereon to the City Council;
 - (4) Carry out such other responsibilities as may be specifically delegated to the Commission by this chapter, or by the City Council.

(Ord. 8612, passed 12-2-08)

150.182 ZONING BOARD OF APPEALS.

- (A) Creation. A Zoning Board of Appeals is hereby established to satisfy the Illinois Municipal Codes requirement for a zoning decision appeals process. The Zoning Board of Appeals shall consist of five members, appointed by the Mayor and affirmed by the City Council. The Zoning Board of Appeals shall be comprised of two existing Planning and Zoning Commission members and three other City residents, who are not employees of the City. The Mayor shall designate one member to serve as chairman. The

Zoning Board of Appeals shall appoint a vice- chairman to conduct activities during the chairman's absence. Once appointed, members shall serve three year terms. The Mayor may, from time to time, designate an alternate member to serve on a particular appeal in order to avoid any conflict of interest.

- (B) Powers and Duties. The Zoning Board of Appeals shall have the following powers and duties:
- (1) Hear and decide appeals of any interpretation or decision made by the Zoning Administrator;
 - (2) Hear and decide requests for major variations from the regulations and standards of this chapter;
 - (3) Carry out such other responsibilities as may be specifically delegated to the Zoning Board of Appeals by this chapter, or by the Illinois Compiled Statutes.
- (C) Proceedings. Meetings of the Zoning Board of Appeals shall be held as the need arises at the call of the Chairman and at such reasonable times and places as the Zoning Board of Appeals may determine, though all hearings shall be scheduled within 30 days of receiving an application. When conducting hearings and making decisions a quorum consisting of at least three board members shall be present. All meetings of the Zoning Board of Appeals shall be public, and shall be subject to the Open Meetings Act. The Zoning Board of Appeals may adopt its own rules and procedures for hearings which are not in conflict with the statutes or this chapter. A recording secretary shall be present at all meetings where formal action is to occur. The recording secretary shall create an audio tape of the hearing and prepare a detailed set of minutes for each case. After having heard evidence, the Zoning Board of Appeals shall make a decision, which shall be supported by written findings of fact. A decision made on an appeal application shall be final and subject to review in accordance with the Administrative Review Act of the State of Illinois. A decision made on a major variance shall be considered to be a provisional decision and subject to the requirements described in § 150.162. All hearing minutes as well as actions and determinations of the Zoning Board of Appeals shall immediately be filed in the office of the Zoning Administrator and the City Clerk and shall be a public record.

(Ord. 8612, passed 12-2-08; Am. Ord. 8851, passed 12-18-12)

150.183 CITY COUNCIL.

- (A) In the administration and enforcement of this chapter, it shall be the duty and responsibility of the City Council to:
- (1) Review recommendations of the Commission on zoning map amendments, special use permits, Planned Unit Developments, and other amendments to this Ordinance and make final determinations thereon;
 - (2) Consider all appointments made by the Mayor to the Commission;
 - (3) Carry out such other responsibilities as may be specifically delegated to the City Council by this chapter.

(Ord. 8612, passed 12-2-08)

150.184 CONSTRUCTION PERMITS.

- (A) Building Permit. A building permit is issued to ensure that all structures comply with the provisions of this chapter and the applicable building codes. No person shall construct or modify a building or structure until a building permit has been issued. The Zoning Administrator shall review each application for a building permit made under the building code of the City, prior to the issuance of a building permit. If an application for a building permit is for any new construction of a building or structure or an addition to an existing building or structure the application shall be accompanied by a site plan, as described in [150.185](#) of this chapter. Site plan review and approval by the Zoning Administrator shall be required prior to the issuance of a building permit in such instances.
- (B) Other Construction Permits. Applications for electrical, plumbing, HVAC, and any other similar permits authorizing a change in a building or property shall contain a statement indicating the existing and

proposed use for which the building or structure will be used. The Zoning Administrator shall review each application which indicates a change of use, even if the proposed permit does not indicate a change in the exterior elements of the property. The permit shall be issued subject to zoning approval.

- (C) Voided Permits. Any construction permit issued which purports to authorize a use, structure or improvement to the land not in compliance with the requirements of this chapter shall be void.

(Ord. 8612, passed 12-2-08)

150.185 SITE PLAN REVIEW.

(A) In order to ensure conformity with the provisions of this chapter and compatibility with adjacent development prior to construction, a site plan review procedure is hereby established. Projects that involve the construction of a new building or structure or an addition to an existing building or structure require site plan review and approval. Site plan review may also be required in order to ensure compliance with any other provisions of this chapter at the discretion of the Zoning Administrator. When a site plan review is required, site plan approval by the Zoning Administrator must be granted prior to the issuance of a construction permit or certificate of occupancy. A project which requires site plan review shall be accompanied by a site plan drawn to scale, and supporting documents that contain the following information:

- (1) Location of the property;
- (2) Actual dimensions of the lot;
- (3) Location and exact size of the building or structure to be erected, converted, enlarged, or structurally altered;
- (4) Distance from proposed buildings or structures to each lot line;
- (5) Existing and intended use of each building or part thereof;
- (6) Location of all existing buildings and structures;
- (7) Location of each parking space, loading space, access way and curb cut;
- (8) Location of trash disposal areas and screening for such areas;
- (9) Landscaping plan for the development;
- (10) Lighting plan for parking areas;
- (11) Location of principal signage along with conceptual designs;
- (12) Other such information as may be necessary to determine and provide for the enforcement of this chapter.

(B) The submitted site plan shall be reviewed by the Zoning Administrator to determine the following:

- (1) That the proposed building or structure is either entirely occupied by a conforming use; or that if the structure is occupied wholly or partly by a nonconforming use, that such nonconforming use is allowed under and complies with the regulations of [150.150](#) through [150.155](#);
- (2) That the proposed building or structure complies with the applicable height, area, yard, parking and landscaping regulations as required by this chapter;
- (3) That the proposed building or structure complies with all other applicable standards as required by this chapter.

(C) Upon a determination that all the requirements above are met or not met, the Zoning Administrator shall approve or disapprove the site plan.

(Ord. 8612, passed 12-2-08)

150.186 CERTIFICATE OF OCCUPANCY.

A certificate of occupancy is needed to ensure that all structures and uses comply with the provisions of this chapter and all preceding development permit approvals. No building or structure shall be occupied, and no change shall be made in the use of any land, building or structure until a certificate of occupancy permit has been issued by the Zoning Administrator or the building inspector, stating that the building and use comply with the provisions of this chapter.

(Ord. 8612, passed 12-2-08)

150.187 ZONING COMPLIANCE LETTER.

A zoning compliance letter is issued by the Zoning Administrator to certify that a proposed or existing use or development is or is not in compliance with the provisions of this chapter. Any person with an interest in a property may request a zoning compliance letter from the Zoning Administrator at any time. In no case shall the issuance of a zoning compliance letter alleviate an applicant from having to obtain any other form of development approval otherwise required by this chapter or other City codes.

(Ord. 8612, passed 12-2-08)

150.188 APPEALS.

- (A) Any decision regarding the interpretation or enforcement of the provisions of this chapter may be appealed to the Zoning Board of Appeals by any person claiming to be aggrieved thereby, in accordance with the provisions of this section.
- (B) In order to initiate the appeals process, an application for zoning appeal must be completed and filed with the City Clerk within 180 days of the decision of the Zoning Administrator, and a filing fee paid according to the fee schedule in this chapter. The application for appeal shall contain the following information:
 - (1) Identification of the decision being appealed including the section of the chapter subject to the appeal;
 - (2) Identification of the grounds for the appeal including sufficient facts and conditions which serve to notify the Zoning Board of Appeals of the basis for the appeal.
- (C) Once an appeal has been filed, no permits shall be issued or other approvals granted for the subject property until the appeal is decided. A hearing shall be scheduled before the Zoning Board of Appeals and the appeal shall be heard within 45 days of the filing date of the appeal. Notice of the time and place of the hearing shall be provided to the applicant at least 20 days prior to the hearing.
- (D) The applicant shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (E) The hearing shall be held in accordance with the rules and procedures established by the Zoning Board of Appeals and the Board shall make a determination on the appeal within 30 days of the close of the hearing.
- (F) On an appeal of any decision or determination of the Zoning Administrator, the Zoning Board of Appeals shall be limited to a determination of the propriety of the questioned action taken by the Zoning Administrator. The Board may reverse, affirm, or modify the decision appealed. In order to reverse or modify a decision, any one or combination of the following findings must be satisfied:
 - (1) That the Zoning Administrator misinterpreted the provisions of this chapter.
 - (2) That the section of this chapter does not apply in this situation.

(3) That the provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.

(G) In making its determination, the Zoning Board of Appeals may not grant a variation in the application of the regulations of this chapter.

(Ord. 8612, passed 12-2-08)

150.189 FEES.

Any application for a zoning map amendment, special use permit, planned unit development, variation, or appeal to the Zoning Board of Appeals shall be filed with the City Clerk and accompanied by a fee in the amount prescribed in this section. Once an application has been filed and the fee paid the fee is non-refundable.

Zoning Map Amendment - \$200

Special Use Permit - \$200

Planned Unit Development - \$300

Design Compatibility Review - \$50

Minor Variance - \$50

Major Variance - \$125

Appeal - \$75

(Ord. 8612, passed 12-2-08)

150.190 VIOLATIONS.

(A) No person shall erect, construct, alter, use, maintain or allow any building, lot, or parcel of land to be used or maintained in violation of this chapter. In addition to other actions which may constitute a violation, the following constitute violations of this chapter:

(1) The use, arrangement, or construction of a building, structure or improvement to land does not conform with that authorized by approved plans.

(2) An improvement is constructed or a use is operating without obtaining the appropriate permits or zoning approvals.

(3) The use of a structure or land which is nonconforming does not meet the requirements of [150.150](#) through [150.155](#).

(4) The use of a structure or parcel of land which is a conforming use, but does not meet the applicable district standards or other requirements of this chapter, unless otherwise provided for in [150.150](#) through [150.155](#).

(5) The use of a structure or parcel of land does not comply with conditions or standards enumerated in a special use approval.

(6) The sale, conveyance, or use of any portion of a lot which reduces the lot area below the minimum area required, depth or width of a yard to less than the minimums required, or the number of parking spaces below the minimum number of spaces required.

(B) The following shall be presumed for assessing the existence and length of a violation:

(1) Persons are presumed to be fully aware of the provisions of this chapter and ignorance of such does not exempt such persons from the enforcement actions provided for in this chapter.

- (2) A violation shall be presumed to have existed from the earliest date that can be legally established from the following:
- (a) The date of issuance of a notice of violation, license, permit, registration, inspection report, or other documentation in relation to the offense or that permits a use that would not otherwise be permitted in this chapter.
 - (b) The date of any advertisement, correspondence, or other documentation generated by the establishment announcing or describing the illegal operation of that establishment.
 - (c) The date of collection or reporting of taxes, fees, or other payments to any agency in relation to the offense.
- (3) A separate offense shall be deemed committed on each day during which a violation of this chapter occurs or continues after it has been established that the violation existed, unless the person charged establishes that the violation did not occur on a subsequent date or dates.
- (C) Enforcement of a violation may be initiated against the owner, whether legal, equitable, or in the case of an Illinois land trust, a beneficial interest holder, a tenant, occupant, or other person with ownership interest in or control of the property.
- (D) Whenever the Zoning Administrator determines that there has been a violation of this chapter, or has reasonable grounds to believe that a violation has occurred, the Zoning Administrator shall give notice of the violation to the owner or person or persons responsible therefor in the manner prescribed here. Such notice shall be in writing and shall include:
- (1) The date the violation was established;
 - (2) A description of the subject property;
 - (3) A statement of the reason or reasons why the notice is being issued, including the section of this chapter that is being violated;
 - (4) A correction order allowing a reasonable time for the action necessary to bring the property into compliance with the provisions of this chapter or otherwise cease the violation;
 - (5) An explanation of the owner or person(s) charged with the violation the right to appeal the notice to the Zoning Board of Appeals.
- (E) Such notice of violation shall be deemed to be properly served upon such owner or person charged if:
- (1) A copy thereof is personally delivered to the owner or person(s) charged, or
 - (2) The notice is sent by first class mail and addressed to the last known address of the owner or person(s) charged, or
 - (3) If the letter is returned stating that it is undeliverable, by posting a copy thereof in or about the structure or property affected by such notice and publishing of such notice in a local newspaper of general circulation.
- (F) When a person receives notice of a violation and does not comply with the order to correct the violation within the specified time, the Zoning Administrator may elect to proceed under any one, or combination of, the enforcement measures described within this subchapter or otherwise authorized by law to seek correction of the violation or punishment for the offense or both.
- (G) The Zoning Administrator is authorized to issue a failure to comply ticket, or similar instrument, to any person that has violated any of the provisions of this chapter. The failure to comply ticket may function as the notice of violation. A failure to comply ticket shall be served in the manner described in division (D) above.

(H) The Zoning Administrator shall have the authority to issue a stop work order to any person the Zoning Administrator has reasonable grounds to believe is committing or has committed a violation of this chapter.

(I) Nothing herein shall limit any other right or remedy of the City or other person in interest including, but not limited to, the right to obtain an injunction of any violation from a court of competent jurisdiction.

(Ord. 8612, passed 12-2-08)

150.999 PENALTIES.

A violation by any person, corporation, or other entity, whether as principal, agent, employee, or otherwise, of any provisions of this chapter shall be punishable by a fine of not less than \$100 per day per violation, nor more than \$1,000 per day per violation. In addition to any fine imposed hereunder, the violator shall pay all of the costs and fees incurred by the City in prosecuting the violation, which shall include but not be limited to: the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 8612, passed 12-2-08)

APPENDIX A: TABLE OF USES
TABLE IV - 1. TABLE OF USES

(X)=Permitted Use (S)=Special Use Type of Use	Zoning District														Off-Street Parking
	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	Spaces Required
I. RESIDENTIAL															
Single Family Dwelling - Detached	X	X	X	X	X	X	X	X	X	X	X	X			2/dwelling unit
Two-Unit Common Lot Line Dwelling			S	X	X	X		X	X	X	X	X			2/dwelling unit
Multi-Unit Common Lot Line Dwelling					X	X		S	S	X	X	X			2/dwelling unit
Two Family Dwelling				S	X	X		X	X	X	X	X			2/dwelling unit
Multi-Family Dwelling					S	X		S	S	X	X	X			1.5/dwelling unit
Manufactured Home (HUD)	X	S					X								2/dwelling unit
Manufactured Housing Unit (State)	X	X	X	X*	X*	X*	X	X	X	X	X	X			2/dwelling unit
Mobile Home	S						X								2/dwelling unit
Mobile Home Park							X								2/dwelling unit
Nursing Home				S	S	X		X		X	X	X			1/6 beds + 1/3 employees
Assisted Living Facility					S	X		X		X	X	X			1/4 beds + 1/3 employees
Dormitory						X				X	X	X			1/3 beds
Rooming & Boarding House					S	X				X	X	S			1/2 lodging rooms
Halfway House				S	S	X				X	X	S			1/lodging room
Family Community Residence			X	X	X	X	X	X	X	X	X	X			1/3 employees + 1/4 beds

Group Community Residence			S	S	X	X	X										1/3 employees + 1/4 beds
Other Group Quarters							S					X	S				1/lodging room

II. PUBLIC/QUASI-PUBLIC

	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	
Cemetery/Mausoleum	X	S	S	S	S	S									n/a
Church/Other Places of Worship	S	S	S	S	S	X		X	X	X	X	S			1/5 seats
Community Center			S	X	X	X		X	X	X	X	X			1/200 sq ft of floor area
Correctional Institution											S		X		1/1,000 sq ft of floor area
Detention Center											X		X		1/1,000 sq ft of floor area
Fire/Police Station			X	X	X	X		X	X	X	X	X	X		1/peak-shift employee
Government Facilities								X	X	X	X	X	X		1/300 sq ft of floor area
Library					X	X		X	X	X	X	X			1/400 sq ft of floor area
Memorials/Monuments	X	X	X	X	X	X		X	X	X	X	X			n/a
Public Parking Garage/Lot										X	X	X			n/a
Recycling Collection Center										X	X		X		n/a
School			S	X	X	X		X	S	X	X				1/6 students
Specialty School				S	S	X		X	S	X	X				1/400 sq ft of floor area

III. CULTURAL, ENTERTAINMENT, RECREATIONAL

	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	
Adult Use Business											S				1/6 seats
Amusement Park										S	X				1/1,000 sq ft of lot area
Athletic Training Facility	S										X	X			1/400 sq ft of floor area
Campgrounds	X														n/a
Country Club/Golf Course	X	X	X	X											2/tee
Cultural Facility								S		S	X	X			1/500 sq ft of floor area
Dance Studio									S	X	X	X			1/200 sq ft of floor area
Drive-In Theater	X														n/a
Fairgrounds	X														1/1,000 sq ft of lot area
Firearm/Archery Ranges	S												S	S	1/3 shooting stations
Fitness/Health Club									S	X	X	X			1/200 sq ft of floor area
Indoor Athletic Club											X	X			1/200 sq ft of floor area
Indoor Recreation Center										S	X	X			1/200 sq ft of floor area

Indoor Theater												X	X			1/5 seats
Marina	X															1/5 boat slips
Park	X	X	X	X	X	X	X	X	X	X	X	X	X			n/a
Private Club	S	S	S	S	S	S		X	S	X	X	X	X	X		1/100 sq ft of floor area
Public Assembly Facility												X	X			1/6 seats
Riding Stables	X															n/a
Sports & Recreation Club - Outdoor	X											X				1/2000 sq ft of lot area
Other Cultural, Entertainment or Recreational Facilities											S	X	S			1/400 sq ft of floor area

IV. COMMERCIAL - RETAIL TRADE

	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	
Agricultural Implement Sales and Service										X	X		X	X	1/500 sq ft of floor area
Agricultural Supply Sales											X		X		1/200 sq ft of floor area
Antiques/Used Furniture Sales and Service											X	X			1/300 sq ft of floor area
Apparel Sales											X	X			1/200 sq ft of floor area
Appliance Sales and Service											X	X			1/200 sq ft of floor area
Art Studio								X	X	X	X	X			1/500 sq ft of floor area
Auction House											X	X			1/150 sq ft of floor area
Auto Parts/Accessories Sales										X	X	X			1/300 sq ft of floor area
Automobile Sales										X	X		X		1/300 sq ft of floor area
Bait Sales	X										X	X			1/200 sq ft of floor area
Bakery									S	X	X	X			1/200 sq ft of floor area
Bar/Tavern or Night Club										S	X	S			1/100 sq ft of floor area
Bicycle Sales and Service									X	X	X	X			1/300 sq ft of floor area
Boat/Recreational Vehicle/Trailer Sales										X	X		X		1/300 sq ft of floor area
Bookstore									S		X	X			1/200 sq ft of floor area
Building Material Sales										S	X	S	X		1/300 sq ft of floor area
Cafe/Deli									S	X	X	X			1/100 sq ft of floor area
Candy Store									X	X	X	X			1/200 sq ft of floor area
Computer Sales and Service									S	X	X	X			1/200 sq ft of floor area
Convenience Store									S	X	X	X			1/200 sq ft of floor area

Department Store											X	X			1/200 sq ft of floor area
Drugstore									S	X	X	X			1/200 sq ft of floor area
Electronics Sales and Service									S	X	X	X			1/200 sq ft of floor area
Floral Shop									X	X	X	X			1/200 sq ft of floor area
Fuels and Heating Oils Retail Sales											X	X	X		1/200 sq ft of floor area
Furniture Sales											X	X			1/300 sq ft of floor area
Gasoline Station										X	X		X		1/300 sq ft of floor area
Hardware Sales									X	X	X	X			1/200 sq ft of floor area
Hobby Shop											X	X			1/200 sq ft of floor area
General Household Goods Sales											X	X			1/200 sq ft of floor area
HVAC Sales and Service										X	X	X	X		1/300 sq ft of floor area
Jewelry Store									S		X	X			1/200 sq ft of floor area
Lawn and Garden Supply Sales											X	X			1/200 sq ft of floor area
Manufactured Home Sales											X		X		1/200 sq ft of floor area
Medical Equipment/Supply Sales											X				1/200 sq ft of floor area
Medical Cannabis Dispensary										S	X				1/200 sq ft of floor area
Monument Sales										S	X				1/200 sq ft of floor area
Motorcycle Sales and Service										S	X		X		1/300 sq ft of floor area
Music Sales									X		X	X			1/200 sq ft of floor area
Office Supplies/Equipment Sales and Service											X	X			1/200 sq ft of floor area
Optical Goods Sales											X	X			1/200 sq ft of floor area
Packaged Liquor Sales										S	X				1/200 sq ft of floor area
Pawn Shop											X	X			1/200 sq ft of floor area
Pet Store										X	X	X			1/200 sq ft of floor area
Photographic Equipment Sales and Service									X	X	X	X			1/200 sq ft of floor area
Restaurant									S	X	X	X			1/100 sq ft of floor area
Roadside Produce Sales	X	X									S				2
Semi-Tractor Sales and Service										S	X		X		1/300 sq ft of floor area
Shoe Store									S		X	X			1/200 sq ft of floor area
Specialty Goods Sales								S	S	S	X	X			1/200 sq ft of floor area
Sporting/Recreational Goods Sales									X		X	X			1/200 sq ft of floor area
Stationary, Gifts, Art Supply Sales									X		X	X			1/200 sq ft of floor area
Supermarket/Grocery Store										S	X	X			1/200 sq ft of floor area

Toy Sales													X	X			1/200 sq ft of floor area
Transient Merchant Sales													S				1/200 sq ft of floor area
Variety Store											S	X	X	X			1/200 sq ft of floor area
Video Store												X	X	X			1/200 sq ft of floor area
Wedding/Bridal Supplies Sales and Service											X	X	X	X			1/200 sq ft of floor area

V. COMMERCIAL - SERVICE

	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	
Ambulance Service										X	X				1/300 sq ft of floor area
Automobile Detailing Service									S	X	X				1/300 sq ft of floor area
Automobile Repair Service										X	X				1/300 sq ft of floor area
Banks/Savings and Loan/Credit Unions									S	X	X	X			1/300 sq ft of floor area
Banquet Facilities										X	X	X	X		1/4 seats
Barber/Beauty Shop								S	X	X	X	X			1/200 sq ft of floor area
Bed & Breakfast Inn					X	X		X	X	X	X	X			2 + 1/lodging room
Car Wash										X	X				1/400 sq ft of floor area
Catering Service											X	X			1/400 sq ft of floor area
Check Cashing Service										X	X	X			1/300 sq ft of floor area
Commercial Laundry											X	X	X		1/3 peak-shift employees
Contractors Shop											X	X	X		1/400 sq ft of floor area
Copy and Printing Service									S	X	X	X			1/300 sq ft of floor area
Currency Exchange										X	X	X			1/300 sq ft of floor area
Day Care School/Center						S		S	X	X	X	X			2 + 1/1.5 employees
Equipment Rental and Leasing										X	X	X	X		1/300 sq ft of floor area
Funeral Home									S	X	X	X			1/100 sq ft of floor area
Hospital								X			X	X			1/2 beds + 1/3 employees
Hotel/Motel										X	X	X			1/lodging room
Kennel - Excluding Outdoor Runs	X	X									X		X		1/400 sq ft of floor area
Kennel - Including Outdoor Runs	X	S											X		1/400 sq ft of floor area
Laundromat/Dry Cleaners									S	X	X	X			1/100 sq ft of floor area
Massage - Therapeutic								X	S	X	X	X			1/300 sq ft of floor area
Medical Clinic								X		X	X	X			1/200 sq ft of floor area
Mini Warehouses										S	S		X		n/a

Motor Vehicle Body Repair and Painting Services																		S	X			X	X	1/300 sq ft of floor area
Motor Vehicle Engine Repair/Replacement																		S	X			X	X	1/300 sq ft of floor area
Packaging/Mailing Service																		X	X	X				1/300 sq ft of floor area
Pet Care/Grooming																		X	X	X	X			1/300 sq ft of floor area
Photographic Studio																		X	X	X	X	X		1/300 sq ft of floor area
Professional Office																		X	X	X	X	X	X	1/300 sq ft of floor area
Other Offices																		X	S	X	X	X	X	1/300 sq ft of floor area
Shelter Care Facility																		X		X	X	X		1/300 sq ft of floor area
Shoe Repair																		S		X	X			1/300 sq ft of floor area
Social Service Facility																		X		X	X	X		1/300 sq ft of floor area
Substance Abuse Counseling/Treatment Center																		X		X	X	X		1/300 sq ft of floor area
Tailor Shop																		S		X	X			1/300 sq ft of floor area
Tanning Salon																			X	X	X			1/200 sq ft of floor area
Tattoo Parlor																				X	S			1/300 sq ft of floor area
Taxicab Service																			X	X	X			1/300 sq ft of floor area
Truck Stop																				S		X		1/300 sq ft of floor area
Truck/Trailer Rental Service																			X	X				1/300 sq ft of floor area
Veterinary Hospital - Large Animals	X																						X	1/400 sq ft of floor area
Veterinary Hospital - Small Animals	X																		X	X	X	X		1/400 sq ft of floor area

VI. TRANSPORTATION, COMMUNICATIONS & UTILITIES

	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	
Airport	X														1/3 peak-shift employees
Bus Garage											X		X		1/3 peak-shift employees
Bus Terminal/Station										X	X	X	X		1/400 sq ft of floor area
Heliport	X	S						S					S	X	1/helipad
Intermodal Transfer Facility											X	X	X	X	1/3 peak-shift employees
Power Plant	X													S	1/3 peak-shift employees
Radio and Television Facilities	S									S	X	X	X		1/3 peak-shift employees
Railroad Yard													S	X	1/3 peak-shift employees
Sewage Treatment Plant	S												S	X	1/3 peak-shift employees

Solid Waste Landfill	S													X	1/3 peak-shift employees
Telecommunication Tower	X	S		S				S		S	X	S	X	X	n/a
Telephone Exchange Station											X	X	X	X	1/3 peak-shift employees
Truck Freight Terminal											S		X	X	1/3 peak-shift employees
Utility Substation	S									S	X		X	X	1/3 peak-shift employees
Water Filtration/Treatment Plant	S												S	X	1/3 peak-shift employees
Water Tower	X	S	S	S				X		X	X		X	X	n/a
Other Trans/Comm/Utility Facilities													S	X	1/3 peak-shift employees

VII. RESOURCE PRODUCTION & EXTRACTION

	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	
Commercial Breeding Facility	X												S	X	1/3 peak-shift employees
Commercial Livestock/Poultry Facility														X	1/3 peak-shift employees
General Agriculture	X	X	X	X									X	X	N/A
Grain Storage Facility	X												X	X	1/3 peak-shift employees
Medical Cannabis Cultivation Center	X												S		1/3 peak-shift employees
Mineral Extraction/Quarrying	S													X	1/3 peak-shift employees
Nursery/Greenhouse	X									S	X		X	X	1/400 sq ft in sales area
Stockyards	S													X	1/3 peak-shift employees

VIII. INDUSTRIAL

	AG	RR	R-1	R-2	R-3	R-4	MHP	P-1	B-1	B-2	B-3	B-4	I-1	I-2	
Automobile Wrecking & Salvage Yard														X	1/3 peak-shift employees
Beverage Processing and Packaging													X	X	1/3 peak-shift employees
Bulk Storage Tanks	X												X	X	1/3 peak-shift employees
Chemical and Allied Product Manufacturing														X	1/3 peak-shift employees
Concrete/Asphalt Manufacturing and Processing														X	1/3 peak-shift employees
Confectionary Product Manufacturing and Packaging													S	X	1/3 peak-shift employees
Electrical & Electronic Manufacturing and Assembling													X	X	1/3 peak-shift employees
Food Product Processing													X	X	1/3 peak-shift employees

APPENDIX B: TABLE OF DISTRICT AREA AND BULK REGULATIONS

TABLE IV-2. DISTRICT AREA AND BULK REGULATIONS

Zoning District	Minimum Lot Area		Lot Width Minimum (ft.)	Lot Coverage Maximum (%)	Minimum Yards			Height Maximum (ft.)
	Per Lot	Per Dwelling Unit			Front (a) (ft.)	Side (ft.)	Rear (ft.)	
	(sq. ft. except as indicated)							
AG Agriculture	15 acres	15 acres	300	2	25	15	25	35
RR Rural Residential	3 acres	3 acres	150	5	25	15	25	35
R-1 Single Family Res.	8,000	8,000	70	25	25	8	25	35
R-2 Single Family Res.	6,000	6,000	50	30	25	6	20	35
R-3 Mixed Res.	6,000	3,000	50	35	20	6	20	35
R-4 Multiple Family Res.	6,000	2,000	60	35	25	8	20	45
MHP Mobile Home Park	20,000	8,000	70	20	25	10	25	35
P-1 Professional Office	7,500	(b)	60	35	20	10(d)	20	85
B-1 Neighborhood Business	5,000	(b)	50	35	15	5	15	35
B-2 Highway Business	10,000	(b)	75	35	25	10	25	35
B-3 General Business	5,000	(b)	50	50	20	10	10	45
B-4 Central Business	5,000	(b)	50	100	0	0	0	140
I-1 Light Industrial	10,000	-	50	50	20	10	10	45
I-2 General Industrial	15,000	-	100	50	25(c)	10(e)	10(e)	55

Footnotes

Note: In addition to the footnotes below, please refer to [150.030](#) through [150.047](#) for use specific regulations, and [150.060](#) through [150.074](#) for development specific regulations and for exceptions to the standards in [Table IV-2](#).

a. Or other yard abutting a street. On a corner lot, the minimum required front yard on the 2nd frontage (the side street or lesser traveled street) may be reduced by up to 40% provided this yard shall always be at least 10 feet in width.

b. Residential uses shall comply with those per dwelling unit lot area requirements for the R-2 District (single family dwellings) or the R-3 District (two-family & multi-family dwellings).

c. 50 feet when across the street from a residential zoning district.

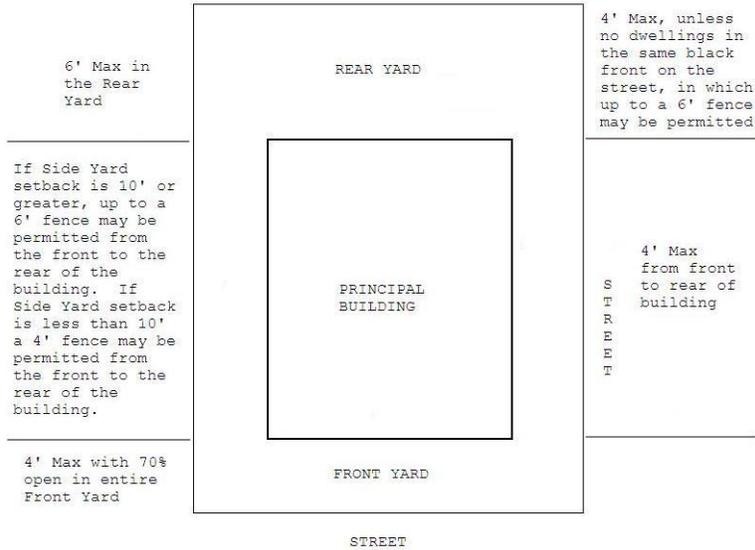
d. Or 4 inches per foot of building height, whichever is greater.

- e. 50 feet when abutting a residential zoning district.

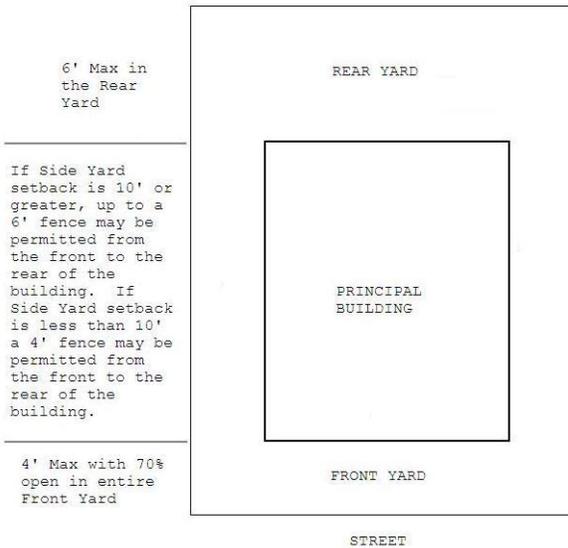
(Ord. 8612, passed 12-2-08)

APPENDIX C: ILLUSTRATIONS

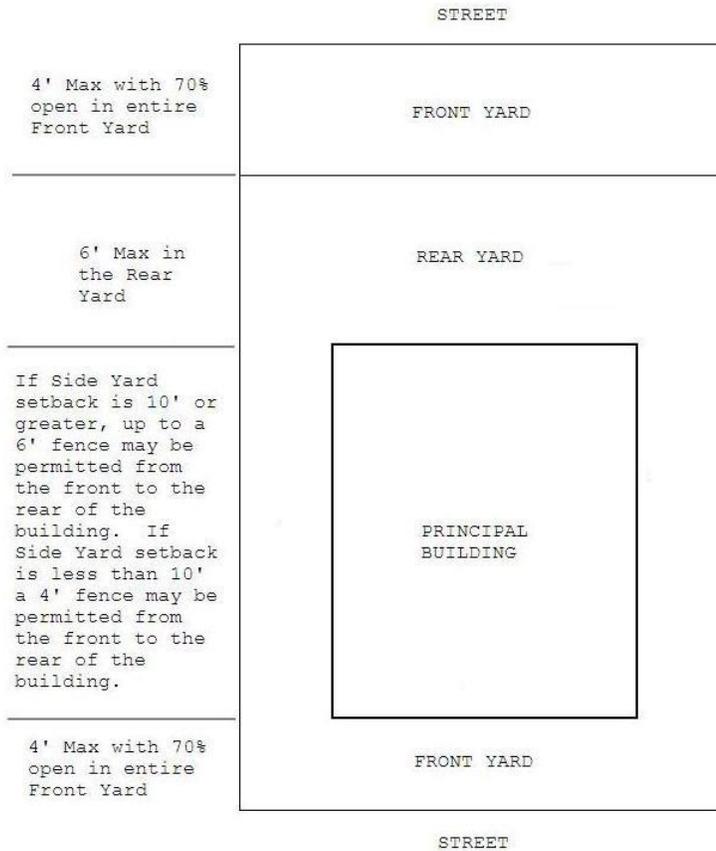
Fencing Requirements for Corner Lots



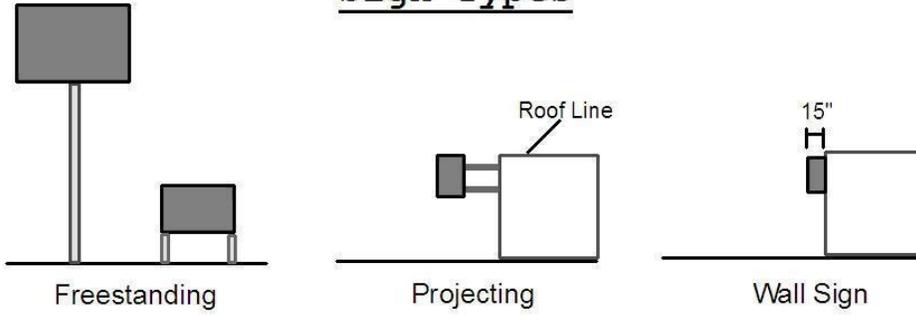
for Interior Lots



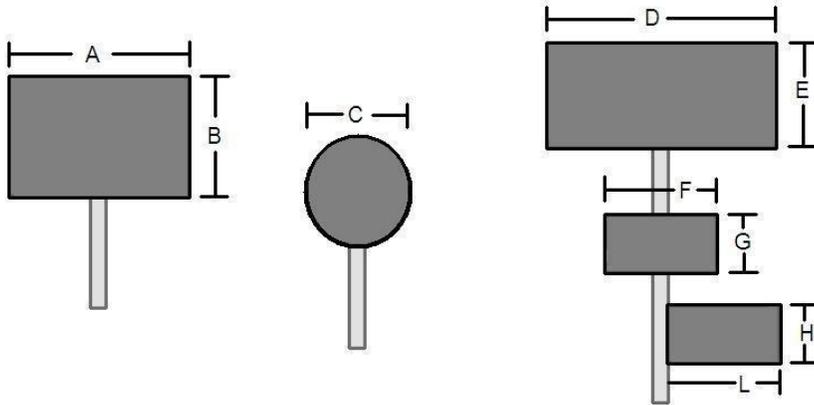
Fencing Requirements for Through Lots



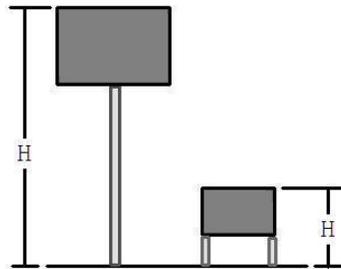
Sign Types



Calculating Sign Area



Calculating Sign Height



(Ord. 8612, passed 12-2-08)