CHAPTER 156: ZONING

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§ 156.001 TITLE AND JURISDICTION.

This chapter shall be known, referred to, and cited as “The Zoning Ordinance of the City of Lockport” and shall apply to structures and uses of land in the city.

(‘79 Code, § 151.001) (Ord. 90-194, passed 4-2-90)

§ 156.002 PURPOSE AND INTENT.
This chapter is adopted for the following purposes.

(A) To promote the public health, safety, morals, comfort and general welfare of the people.

(B) To divide the city into zones or districts regulating and restricting the location and use of buildings, structures and land for residence, business, manufacturing and other specified purposes.

(C) To protect the character and stability of the residential, business, and manufacturing areas within the city and to promote the orderly and beneficial development of these areas.

(D) To provide adequate light, air, privacy and convenience of access to property;

(E) To regulate the intensity of use of lot areas, and determine the area of open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health.

(F) To establish building lines and the location of buildings designed for residential, business, and manufacturing or other uses within the areas.

(G) To fix reasonable standards to which buildings or structures shall conform.

(H) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts.

(I) To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles;

(J) To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare.

(K) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation so the land surrounding them.

(L) To conserve the taxable value of land and building throughout the city.

(M) To provide for the gradual elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district.

(N) To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed.

(O) To facilitate and insure the preservation of sites, areas and structures of historical, architectural and aesthetic importance.

(P) To define and limit the powers and duties of the administrative officers and bodies provided herein.

(Q) To prescribe penalties for the violation of, and methods for the enforcement of, the provisions of this chapter or any amendment thereto.

(’79 Code, § 151.002) (Ord. 90-194, passed 4-2-90)

§ 156.003 DEFINITIONS.

(A) Use of definitions. In the construction of this code, the definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

(B) Definitions. The following words and terms, when used in the interpretation and administration of this chapter, shall have the meaning set forth except where otherwise specifically indicated. Words and terms not defined here shall be defined as specified in Webster's New Collegiate Dictionary, 1984 Edition.

ACCESSORY STRUCTURE OR USE. A building, structure or use customarily incidental and auxiliary to the use of a principal building or use, on the same premises with the principal building or use.
ACRE. A measure of land containing 43,560 square feet.

ADULT BOOKSTORE. An establishment having as more than 25% of its stock and trade in books, films, video cassettes (whether for viewing off premises or on premises), or magazines and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

ADULT CABARET. A cabaret that features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

ADULT ENTERTAINMENT. Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has, as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of 50 or more persons regularly used for presenting material having as a dominant theme, or presenting material distinguished or characterized by an emphasis on, matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

ADULT MINI-MOTION PICTURE THEATER. An enclosed building with a capacity of less than 50 persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

AGRICULTURE. Land, including necessary buildings and structures, for the raising of soil crops or the raising of domestic animals as the principal occupation of the resident or user. It shall also include truck farming, bee-keeping, the raising of fruit and berries, and selling the products thereof, but shall not include the keeping, raising or feeding of pigs, hogs or swine, or poultry.

AIR TRANSPORTATION. Any area of land used or intended for use for the landing and takeoff of aircraft, helicopters and similar transportation devices, together with all attendant structures.

ALLEY. A public or private way primarily designed to serve as a secondary means of access to those parcels whose principal frontage is on a public street.

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure, including, among others, any change in the bearing walls, columns, beams or girders, and floor joist, or rafters, or change in roof or external line.

AMUSEMENT ARCADE. An establishment devoted to the use of five or more coin-operated amusement devices.

ANIMAL HOSPITAL. A place where animals are given medical or surgical treatment, and the boarding of animals is limited to short-term care incidental to the hospital use.

ANTENNA. An arrangement of wires, metal rods, or similar materials used for the transmission and/or reception of electromagnetic waves.

ANTENNA TOWER. Any structure designed for the purpose of mounting an antenna.

ANTIQUE SHOP. Any premises used for the sale or trading of articles of which 80% or more of the products are antiques. An antique is a product sold or exchanged because of value derived because of oldness as respect to present age, and not simply because the same is not a new product. For the purposes of this definition, an antique is typically over 50 years old or has collectable value. Based on this definition, an ANTIQUE SHOP is not considered a “secondhand retail store”. 
**AUTOMOBILE RENTAL AND LEASING.** An establishment that primarily engages in the rental or leasing of automobiles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include, but are not limited to, sports arena, convention and exhibition halls, stadiums and amphitheaters.

**AUTOMOBILE MINI MARKET.** An automobile service station that offers or includes as an accessory use, the retail sale of merchandise or services not related to the maintenance, service or repair of motor vehicles.

**AUTOMOBILE REPAIR SHOP.** Any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame, welding and/or painting of motor vehicles. Maintenance, service and the repair or replacement of engines, transmissions, differentials and drive trains may be performed as an auxiliary function to the body work. Any maintenance or service to vehicles in excess of 8,000 is included in this definition. Engine degreasing and other similar automobile cleaning services are not included in this definition. This definition excludes those operations specified under AUTOMOBILE REPAIR SHOP or AUTOMOBILE BODY SHOP. Previously referred to as a "tire, battery and accessory store."

**AUTOMOBILE BODY SHOP.** Any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame, welding and/or painting of motor vehicles. Maintenance, service and the repair or replacement of engines, transmissions, differentials and drive trains may be performed as an auxiliary function to the body work. Any maintenance or service to vehicles in excess of 8,000 is included in this definition.

**AUTOMOBILE DEALERSHIP, NEW.** Any establishment involved in the display, sale, rental or lease of new automobiles, light trucks or motorcycles, and any financial service areas, warranty repair work and other repair service conducted as an accessory use. Used automobiles, light trucks and motorcycles may be sold at the location. However, at least 51% of the vehicles displayed, sold, rented or leased must be new automobiles, light trucks or motorcycles.

**AUTOMOBILE DEALERSHIP, USED.** The use of any building, land area or other premises, or portion thereof, for the display, sale, rental or lease of used automobiles. Any establishment involved in the display, sale, rental or lease of used or new automobiles, light trucks or motorcycles, and any financial service areas, warranty repair work and other repair service conducted as an accessory use. At least 50% of the vehicles displayed, sold, rented or leased must be used automobiles, light trucks or motorcycles.

**AUTOMOBILE DRIVING SCHOOL.** A school that instructs individuals how to operate passenger motor vehicles, and that possesses and uses automobiles for instruction.

**AUTOMOBILE ACCESSORY STORE WITH LIMITED SERVICES.** A retail establishment selling new parts and accessories for motor vehicles, including but not limited to, tires, batteries, oil filters, floor mats, and other similar items. The retail component must comprise of at least 80% of the gross sales. Minor service and parts installation ancillary to the retail component is permitted and may include, but is not limited to, wheel alignment, battery replacement, brake service, including pad or rotor replacement, headlight and taillight replacement, oil changes, transmission fluid change, tire replacement, window tinting and alarm installation. Tire recapping and/or the repair or replacement of any part that requires the removal of the engine head or pan, engine transmission or differential is not permitted under this definition. Engine degreasing and other similar automobile cleaning services are not included in this definition. This definition excludes those operations specified under AUTOMOBILE REPAIR SHOP or AUTOMOBILE BODY SHOP. Previously referred to as a "tire, battery and accessory store."

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**AUTOMOBILE DEALERSHIP, NEW.** Any establishment involved in the display, sale, rental or lease of new automobiles, light trucks or motorcycles, and any financial service areas, warranty repair work and other repair service conducted as an accessory use. Used automobiles, light trucks and motorcycles may be sold at the location. However, at least 51% of the vehicles displayed, sold, rented or leased must be new automobiles, light trucks or motorcycles.

**AUTOMOBILE DEALERSHIP, USED.** The use of any building, land area or other premises, or portion thereof, for the display, sale, rental or lease of used automobiles. Any establishment involved in the display, sale, rental or lease of used or new automobiles, light trucks or motorcycles, and any financial service areas, warranty repair work and other repair service conducted as an accessory use. At least 50% of the vehicles displayed, sold, rented or leased must be used automobiles, light trucks or motorcycles.

**AUTOMOBILE DRIVING SCHOOL.** A school that instructs individuals how to operate passenger motor vehicles, and that possesses and uses automobiles for instruction.

**AUTOMOBILE MINI MARKET.** An automobile service station that offers or includes as an accessory use, the retail sale of merchandise or services not related to the maintenance, service or repair of motor vehicles.

**AUTOMOBILE RENTAL AND LEASING.** An establishment that primarily engages in the rental or leasing of automobiles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include, but are not limited to, sports arena, convention and exhibition halls, stadiums and amphitheaters.
include auto rental agencies.

**AUTOMOBILE REPAIR SHOP.** Any building, or portion thereof, used for the repair or replacement of engines, transmissions, differentials, drive trains, or any part thereof, and/or the replacement of parts, service and incidental repairs to motor vehicles, but excluding operations specified under **AUTOMOBILE BODY SHOP.** Services permitted under **AUTOMOBILE ACCESSORY STORE WITH LIMITED SERVICES** are permitted under this definition. Above stated is applied to passenger automobiles and trucks not over 8,000 pounds.

**AUTOMOBILE SALVAGE.** Any place where three or more motor vehicles or trailers, not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, buildings or structures used for the wrecking, sale or storage of these motor vehicles, trailers, or the parts thereof.

**BAKERY.** A retail establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on- or off-site. This definition does not include those uses permitted under **BAKERY PRODUCTS, WHOLESALE AND PRODUCTION.**

**BAKERY PRODUCTS, WHOLESALE AND PRODUCTION.** A bakery in which there is permitted the production and/or wholesaling of baked goods, but over-the-counter or retail dispensing of baked goods at the premises is prohibited.

**BALCONY.** An open, habitable portion of an upper floor extending beyond the building's exterior wall, which is not supported from below by vertical columns or piers, but is instead supported by either a cantilever or brackets. There are no stairs or direct access to the balcony from the exterior of the building; instead, access is from within the home or building.

**BANQUET HALL.** A facility or hall available for lease by private parties.

**BAR OR DRINKING PLACE WITH ENTERTAINMENT.** An establishment whose primary activity is the retail sale of beer, wine or distilled liquors and other intoxicating beverages, for use or consumption upon the premises, and licensed as such. These establishments may also provide limited food, dancing, and entertainment (primarily music) services. Entertainment, including but not limited to, dancing, bands and comedians, is permitted. Examples include, but are not limited to, cocktail lounges and night clubs.

**BAR OR DRINKING PLACE WITHOUT ENTERTAINMENT.** An establishment whose primary activity is the retail sale of beer, wine or distilled liquors and other intoxicating beverages, for use or consumption upon the premises, and licensed as such. These establishments may also provide limited food. Entertainment, including but not limited to, dancing, bands and comedians, is not permitted. Examples include bars and taverns.

**BASEMENT.** That portion of a building that is partly or wholly below grade, such that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story.

If “A” (vertical distance from average grade to floor) is greater than “B” (vertical distance from average grade to ceiling) it shall be considered a basement.

If “A” is less than or equal to “B” is shall be counted a story.

**BED AND BREAKFAST LODGE, INN.** A residential building containing not more than five lodging rooms, offered for rent to transient guests for a continuous period of 30 days or less, and containing the owner's principal residences; food may be served only to overnight guests, exclusively between the hours of 5:00 a.m. and 10:00 a.m.

**BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, municipal, township and county boundary lines.

**BODY ART STUDIO.**
(1) An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

(a) Placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or

(b) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

(2) This definition does not include, for the purposes of Ord. 12-047, passed 11-7-12, ear piercing.

**BUILDABLE AREA.** The area of a lot or parcel remaining after yard, parking or any other requirements of this chapter have been satisfied.

**BUILDING.** A permanently located, roofed structure, designed or intended for the enclosure, shelter or protection of persons, animals or other property. All forms of vehicles, even if immobilized, are excluded from this definition.

**BUILDING HEIGHT.** The overall height of a building as measured from grade plane to:

1. The highest roof surface for flat roofs;
2. The highest point on the deck line for mansard roofs; and
3. One-half the distance from the eaves to the highest point of the roof ridge surface for pitched or hip, gable, and gambrel roofs.

Chimneys, antennas, spires, and the like integral to a building’s design, and not used for living purposes, shall not be considered part of its height.

**BUILDING LINE.** A line parallel to adjacent property lines at a distance from the property lines, establishing the minimum open space to be provided between the building and an adjacent lot line. No portion of any building or structure shall be permitted within the building line, except as permitted in §§ 156.030 through 156.033.

**BUILDING, PRINCIPAL.** A building or structure in which the primary or principal use of the lot in which the building is located is conducted. In a residential district, the dwelling shall be considered the principal building of the lot on which it is situated.

**BUILDING SEPARATION.** The yard or open space between adjacent buildings on the same lot or on adjoining lots.

**BULK REGULATION.** Standards and controls that establish the maximum size of a building or structure on a lot, and the buildable area within which a structure may be placed, including lot area, lot coverage, height, lot width, impervious surface coverage, required yards, floor area ratio, landscape surface ratio, and minimum building separation.

**BURIAL BUILDING.** A cemetery or building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or crematoriums.

**BURIAL MONUMENT SALES.** An establishment involved, in part or in whole, in the retail sale of tombstones, gravestones, burial monuments, and other similar items. Outdoor display of such items may be provided only as permitted by the district in which it is located.
BUSINESS. An occupation, employment or enterprise that occupies time, attention, labor and materials, or wherein merchandise is exhibited, bought or sold, or where services are offered for compensation.

CAR WASH. A structure, or portion thereof, containing facilities for washing automobiles, and which may utilize production-line methods using a conveyor, blower, steam-cleaning device, or other mechanical devices.

CARGO CONTAINER. An enclosed, reusable vessel (with doors for loading and unloading), designed without an axle or wheels, which was originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or designed for or capable of being mounted or moved by trains, trucks, ships and other modes of transportation. This definition shall also include box-like containers used for storage of personal or business items. Such containers are commonly referred to as PODS (Portable On-Demand Storage). This definition shall not include sheds.

CARGO CONTAINER MAINTENANCE FACILITY. Any business that engages in the maintenance and repair of cargo containers, not located within a storage facility, that removes the containers from the chassis. This may include facilities or operations engaged in the conversion of cargo containers for secondary use or sale.

CARGO CONTAINER STORAGE FACILITIES. Any site in which the principal use is the movement, storage on a non-permanent basis, staging or redistribution of cargo containers.

CARPET AND RUG CLEANING ESTABLISHMENT (ON PREMISE). An establishment that provides rug and carpet cleaning services at the same location where the carpet/rug is dropped off by the customer. This definition does not include drop-off services where the carpet/rugs are moved to another location for cleaning.

CARPORT. A permanent, roofed structure, open on at least two sides, designed or used for the storage and shelter of motor vehicles.

CARPORT, PORTABLE. See PORTABLE GARAGE OR CARPORT.

CASH TITLE LOAN BUSINESS. An establishment that makes small, short term consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This excludes state or federally chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer-term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.

CATERING ESTABLISHMENT. An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

CIGAR LOUNGE/CIGAR BAR, STAND-ALONE ONLY. A business establishment that caters to patrons who smoke cigars, and is dedicated, in whole or in part, to the smoking of cigars.

CLUB or LODGE. A group of people organized for a common purpose to pursue common goals, interests or activities, and usually characterized by certain membership qualifications, payment of dues, regular meetings, a constitution and by-laws.

COCKTAIL LOUNGE. An establishment that provides drink, entertainment or dancing.

COMMERCIAL RECREATION, INDOOR. A commercial enterprise that receives a fee in return for the provision of a recreational activity. Activities are predominantly participant uses and are conducted wholly within an enclosed building. Typical uses include, but are not limited to, gymnastics facilities, amusements arcades, basketball, tennis, and racquetball courts.
COMMERCIAL RECREATION, OUTDOOR. A commercial enterprise that receives a fee in return for the provision of a recreational activity. Activities are predominantly participant uses and are conducted in the open or in a partially enclosed structure. Typical uses include, but are not limited to, miniature golf, swimming pools, skating rinks, athletic fields, and tennis, basketball or racquetball courts.

COMMERCIAL USE. An activity carried out for pecuniary gain.

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

COMMUNITY RESIDENCE, LARGE. A community residence serving six to ten persons with disabilities.

COMMUNITY RESIDENCE, SMALL. A community residence serving fewer than six persons with disabilities in a family-like atmosphere.

CONSIGNMENT SHOP. A retail establishment where previously-owned merchandise, such as clothing, jewelry or furniture, is consigned to a dealer who collects a fee and pays the seller after the merchandise is sold. This definition shall not include stores selling consigned vehicles, auto parts, scrap or waste.

CONSUMER REPAIR SERVICES. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, electronic repair, shoe repair, watch or jewelry repair shops, furniture repair, or repair of musical instruments.

CONTRACTOR’S SHOP. An establishment used for the indoor storage, repair or maintenance of a contractor's vehicles, equipment or materials commonly used in the individual contractor's type of business, and may include the contractor’s business office.

CONTRACTOR’S YARD. An establishment used for the outdoor storage, repair or maintenance of a contractor's vehicles, equipment or materials commonly used in the individual contractor's type of business, and may include the contractor's business office.

CONVALESCENT HOME OR REST HOME. An establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, but excluding surgery, contagious or communicable diseases.

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

CURRENCY EXCHANGE. An establishment that for compensation engages in the business of cashing checks, sells money orders or cashiers checks, and cashes checks as its principal business activity. This use is also commonly referred to as “payday loan stores” or “check-cashing facilities.” This does not include those services defined in FINANCIAL INSTITUTIONS.

DAY CARE CENTER. A child care facility receiving nine or more children for care during all or part of the day.

DAY CARE HOME. A residence licensed by the Illinois Department of Children and Family Services, receiving at least four but not more than eight children for care during all or part of the day. The maximum of eight children shall include the natural or adopted children under 16 years of age of the occupants of the premises.

DEALER IN GOLD AND SILVER, PERMANENT. Any person engaged in the business of buying or selling tangible objects or gold or silver within the city who has established a permanent place of business within the city and who presents to the city at the time of application title showing legal or beneficial ownership to the premises or a bona fide lease for a period of not less than one year for permanent premises within the city, and from which the business, either as a stand-alone business or in conjunction with the operation of a retail store (e.g., jewelry store, or other similar such store) results in less than 20% of their gross business receipts being derived from the purchase of gold or silver.

DEALER IN GOLD AND SILVER, SPECIAL USE. Any dealer in gold and silver, as defined herein, and from which the business, either as a stand-alone business or in conjunction with the operation of a retail store (e.g., jewelry store, or other similar such store) results in 20% or more of their gross business receipts being derived from the purchase of gold or silver.

DECK. An unroofed platform located above grade, which is usually directly adjoining or attached to a building.

DEPARTMENT STORE. A business conducted under a single owner's name, where a variety of unrelated merchandise and services are housed and sold directly to the customer for whom the goods or services are furnished.
DISTRICT, ZONING. A section of the corporate areas of the city within which the regulations governing the use of land are uniform.

DOG RUN. An enclosed outdoor area intended for the exercising and containment of dogs or other animals.

DOGGIE DAY CARE. A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

DRIVE-UP FACILITY. A facility or establishment that is designed, intended or used for transaction of business with customers in automobiles. A DRIVE-UP FACILITY may be the principal or an ancillary function of the business. A DRIVE-UP FACILITY does not include mail or parcel collection boxes.

DRIVEWAY. A private roadway providing vehicular access from a street to adjacent property.

DWELLING. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels or lodging houses.

DWELLING, ATTACHED. One which is joined to another dwelling or building, at one or more sides, by a party wall or walls.

DWELLING, EFFICIENCY. A dwelling unit consisting of not more than one habitable room, together with cooking and sanitary facilities.

DWELLING, MULTIPLE-FAMILY. A room or suite of rooms in a multiple dwelling structure, which is arranged, designed, used or intended to be used as a residence for one family.

DWELLING, ONE-FAMILY ATTACHED. Two or more dwelling units, side-by-side, sharing one roof, each of which is totally separated from the other by a wall extending from ground to roof, and each unit has a separate exterior access.

DWELLING, ONE-FAMILY DETACHED. A detached building designed or used exclusively for residence purposes by one family, and which is not attached to any other dwelling unit by any means.

DWELLING, SINGLE-FAMILY. A building containing one dwelling unit only.

DWELLING, TWO-FAMILY. A building containing two dwelling units only.

DWELLING UNIT. One or more rooms that are arranged, designed or used as living quarters for one family only, and having its own permanently installed cooking and sanitary facilities.

EARTH STATION. Any disc antenna with an essentially solid surface, whether flat, concave or parabolic, which is designed for receiving television, radio or data microwave signals from satellites.

EASEMENT. A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation or a certain person for a specific purpose.

EASEMENT, PRIVATE UTILITY. Utilities that are not subject to city acceptance for operation or maintenance. For the purposes of this code, private utilities include, but are not limited to, natural gas lines, power lines, telephone lines, cable television lines, and other communication lines.

EASEMENT, PUBLIC UTILITY. Utilities that are subject to city acceptance for operation and maintenance. For the purposes of this code, public utilities include water lines, sanitary sewer lines, storm sewer lines, and their appurtenances, or any component part(s) thereof. A public utility easement may also contain private utilities.

ELECTRIC AND/OR PLUMBING SUPPLY STORE. A retail establishment whose primary business is the sale of plumbing and/or electrical supplies.

ELECTRONIC SMOKING DEVICE. An electronic and/or battery operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. ELECTRONIC SMOKING DEVICE includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaporizer or any other product name or descriptor.

EQUIPMENT SALE OR RENTAL STORE. An establishment providing the retail sale or temporary leasing of tools, lawn and garden equipment, party supplies, and similar goods and equipment, including storage and incidental maintenance. Outdoor display of such items may be provided only as permitted by the district in which it is located. This definition excludes items included in the definitions of EQUIPMENT SALE OR RENTAL STORE, HEAVY and AUTOMOBILE RENTAL AND LEASING.
**EQUIPMENT SALE OR RENTAL STORE, HEAVY.** The use of any building, land area, or portion thereof, for the display, sale, rental or lease of heavy construction or farm equipment, including cranes, earthmoving and grading equipment, heavy trucks, tractors, and any warranty or repair work and other repair services conducted as an accessory use. Outdoor display of such items may be provided only as permitted by the district in which it is located.

**EXTERMINATING SHOP.** An establishment that specializes in the extermination of vermin. Such establishments may offer their professional services and/or sell exterminating supplies.

**EXTRACTION USES.** Mining, concrete batching plants, ready-mix production facilities (including without limitation storage, loading, selling and transporting related thereto), asphalt plants, (including without limitation storage, loading, selling and transporting related thereto) and concrete pipe manufacturing facilities (including without limitation storage, loading, selling and transporting related thereto).

**FAMILY.**

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

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

**FARM HOMESTEAD.** A residence that lies upon land used for a family's farming business.

**FARM SUPPLY STORE.** An establishment that is involved, in whole or in part, in the retail sale of agricultural or farming supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations pertaining to farming and ranching. The sale and rental of large farming machinery and equipment is subject to the regulations of **EQUIPMENT SALE OR RENTAL, HEAVY.**

**FENCE.** A freestanding structure of masonry, metal, composition, wood, or any combination thereof, and used for confinement, screening or partition purposes.

**FILM AND FILM DEVELOPING STORE.** An establishment where the primary business is the development of film. Retail establishments that offer film processing and development incidental to retail sale of goods and merchandise are permitted under the regulations of the retail component.

**FINANCIAL INSTITUTIONS.** Establishments providing financial or banking services to clients where the principal business is the receipt, disbursement or exchange of funds and currencies. Examples include, but are not limited to, banks, savings and loans, loan companies, or credit unions.

**FIREARM.** Any device by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding, however:

1. Any pneumatic gun, spring or B-B gun, which expels a single globular projectile not exceeding eighteen one-hundredths of an inch in diameter.

2. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.

3. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition in the building and/or construction process.

4. Model rockets designed to propel a model vehicle in a vertical direction.

**FIREARM DEALER.** Any person engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. **FIREARMS DEALER** shall not include any person engaged only in the business of repairing firearms.

**FIREARM and/or FIREARM AMMUNITION SALES STORE.** A facility where those devices herein defined under firearm are sold or the ammunition therefor is sold.

**FIREPLACE, PERMANENT.** A fireplace that is designed, constructed and intended for more than short-term use, and is not readily moveable.

**FLOOR AREA** (for determining off-street parking and loading requirements). When prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, **FLOOR AREA** shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings.
**FLOOR AREA** (for determining floor area ratio). The **FLOOR AREA** of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls from the center line of walls separating two buildings. The **FLOOR AREA** of a building shall include basement floor area, when more than one half of the basement height is above the established curb level or above the finished lot grade level, where curb level has not been established; elevator shafts and stairwells at each floor space used for mechanical equipment, open or enclosed, located on the roof; penthouses; attic space having headroom of seven feet, ten inches, or more; interior balconies and mezzanines; and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to in off-street parking or loading shall not be included in **FLOOR AREA**.

**FLOOR AREA RATIO (F.A.R.).** The **FLOOR AREA RATIO** of the building or buildings on any zoning lot is the total floor area of the building or buildings on that zoning lot, divided by the area of such zoning lot, or in the case of planned unit developments, by the net site area; measured from the exterior faces of the exterior walls, or from the center line of walls separating buildings.

**FOOD STORE.** An establishment where food, including meats, produce bakery and dry goods are sold for retail sale. It should include ready-to-consume food items whose preparation does not require cooking. These items shall not be consumed on premises.

**FORTUNE TELLING BUSINESS.** A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall be limited to uses where the fortune is told through astrology, augury, card or tea reading, cartomacy, clairvoyance, clairaudience, crystal gazing, divination, magic mediums hip, necromancy, palmistry, psychometry, phrenology, prophecy, spiritual reading, charka reading or any other similar means.

**FUNERAL PARLOR.** A building used for the preparation of the deceased for burial, and display of the deceased for rituals connected therewith, before burial or cremation.

**FURNACE SUPPLY AND SERVICE.** Any building or portion thereof dedicated to the sale or repair of furnaces.

**GARAGE, PRIVATE.** An accessory building, or an accessory portion of a building, designed or used for the storage and shelter of motor vehicles.

**GARAGE, PORTABLE.** See PORTABLE GARAGE OR CARPORT.

**GARAGE, PUBLIC.** A building, or portion thereof, other than a private garage, designed or used for the care, storage, repair and equipping of motor vehicles, or where such vehicles are kept for remuneration, hire or sale.

**GARDEN STORE.** A place of business where plants, nursery products, fertilizers, potting soil, garden tools and utensils are sold to the customer. The sale and storage of the merchandise is permitted in any open area, which must be attached to the building and fenced. Plants are raised off-site and brought to this location for retail sale.

**GAS STATION, FULL-SERVICE.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of motor vehicle fuel, and may include any operations specified under AUTOMOBILE REPAIR SHOP. Also referred to as an “automobile service station.”

**GAS STATION, LIMITED-SERVICE.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of motor vehicle fuel, and may include as an accessory use the retail sale of merchandise, such as prepackaged food items, fountain beverages, and tangible consumer goods, primarily for self-service by the customer. Also referred to as an “automobile mini market” or an “automobile mini-mart.”

**GOVERNMENT OFFICE.** A building or structure used by a government agency to provide governmental services to the public. This definition does not include police and fire stations.

**GRADE.** The average level of the finished surface of the ground adjacent to the exterior walls of a building.

**GUN CLUB.** A facility used for target shooting, trap or skeet, including rifle and pistol clubs.

**HEALTH CLUB.** A facility designed for the major purpose of physical conditioning and fitness or weight reduction that includes, but is not limited to, such equipment as weight-resistance machines, whirlpools, saunas, showers, lockers or basketball and racquet courts. Massage services accessory to the health club are permitted when licensed by the state. This shall not include municipally owned recreation buildings.

**HOME IMPROVEMENT CENTER.** An establishment where home improvement materials, including but not limited to, kitchen and bathroom accessories and fixtures, wall coverings, window coverings, heating and air conditioning, plumbing and electrical supplies, painting and decorating materials, tools and residential construction and remodeling materials and supplies are sold for retail. Outdoor storage of building materials may be provided but is accessory to the principal use and structure, and only as permitted by the district in which it is located.
HOOKAH LOUNGE/HOOKAH CAFE, STAND-ALONE ONLY. A business establishment that offers smoking from a communal pipe device known as a hookah pipe (also commonly referred to as a hookah, waterpipe, shisha or nargile) that is typically located at each table, and used to smoke flavored tobacco or herbal products.

HOSPITAL. An institution providing primary health services and medical or surgical care to in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

HOTEL. A building designed for transient occupancy containing lodging rooms or suites accessible from a common interior hall or entrance, providing living, sleeping and sanitary facilities. A central kitchen, meeting rooms, dining room and recreation room are generally provided.

HOUSING SERVICES FOR THE ELDERLY. Establishments in this category offer a wide range of housing services for elderly persons that require medical assistance and/or assistance in daily activities or personal care. Individuals reside full-time at the housing establishment. This definition may include, but is not limited to, convalescent, nursing and rest homes, assisted living, life or continuing care services, congregate living. This definition does not include SHARED HOUSING.

IMPERVIOUS SURFACE. Any material or surface that prevents or impedes the absorption of water into the soil, including but not limited to: asphalt, paving, concrete, buildings, roof tops excluding eaves, sheds, swimming pools, and water features. Freestanding hot tubs are temporary in nature and do not count toward impervious surface coverage.

IMPERVIOUS SURFACE COVERAGE. The total area of impervious surfaces of a site divided by the gross area of the site. If alternative materials are provided that allow percolation of water, such as the use of grass pavers and similar materials or surfaces, then only 50% of the area is counted towards the impervious surface coverage calculations. For the purposes of calculating residential impervious surface coverage, sidewalks (up to five feet wide) leading from the public sidewalk or garage to the residences front entry are not included in the calculation. To encourage off-street parking, a driveway leading to a garage (provided the driveway does not extend more than two feet beyond the garage door) is not included in the calculation, nor is a driveway used for parking on a lot without a garage, provided the depth is not more than the required front yard and is not wider than 24 feet.

INSTRUCTION SCHOOLS OR STUDIOS FOR THE ARTS. A building or structure designed for instruction in the arts (i.e., music instruction, art school and other similar uses), art galleries, and other similar uses.

KENNEL. Any lot or premises, or portion thereof, where household pets are bred, trained outdoors, boarded or groomed, but are not owned by the owner or occupant of the premises, and/or used for commercial gain.

LABORATORY. A building, or portion thereof, in which scientific research, investigation, testing, analysis or experimentation is conducted on a regular basis; but which is not devoted to the manufacturing of product or products.

LANDSCAPED SURFACE RATIO. The area of a yard or lot devoted to pervious landscaping divided by the area of the yard or lot. For the purposes of calculating landscape surface ratio, detention may be included with the intent that, by doing so, it will promote natural water features rather than engineered facilities.

LAUNDRY DRYING EQUIPMENT (RESIDENTIAL). Equipment used outdoors on a residential lot to dry laundry of individuals occupying the home. Equipment is not to be used for commercial purposes. A clothing line is a typical piece of LAUNDRY DRYING EQUIPMENT.

LIQUOR STORE. Any establishment selling beer, wine and distilled liquors at retail, to the general public in sealed bottles or containers for consumption or use away from the premises where the establishment is located.

LOT. Land that is part of a subdivision, the plat of which has been a LOT, may be recorded in the office of the County Recorder of Deeds, or it may be and consist of a part of such recorded LOT, or it may include parts of or a combination of several LOTS, when adjacent to one another and used as one parcel. Open spaces required under these regulations for one building or use shall not again be used as open spaces required for another building or use.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lot lines. Calculation of the required minimum LOT AREA shall not include street right-of-way, whether dedicated to the public or a private street, or easement for access purposes. When adjacent a water course, drainage, drainageway, drainage basin, stream, or other lowlands, LOT AREA shall not include easements reserved for the maintenance of the water course or lowlands. The minimum LOT AREA shall not include floodplain, wetlands, creeks or streams, or open bodies of water.

LOT, CORNER. A CORNER LOT is one situated at the junction of and abutting on two or more streets.
**LOT COVERAGE.** The percentage of a zoning lot occupied by buildings, including accessory buildings and structures covered with a roof.

**LOT DEPTH.** The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

**LOT, DOUBLE FRONTAGE.** A lot which has its rear and front yard bordering on a street. For illustration, see graphic under LOT, CORNER.

**LOT, INTERIOR.** A lot that is not a corner lot. For an illustration, see graphic under LOT, CORNER.

**LOT LINE.** The property line bounding a lot as defined herein.

**LOT LINE, EXTERIOR.** A lot line that abuts a street.

**LOT LINE, FRONT.** A street right-of-way forming a boundary of a lot. On vacant corner lots, the Zoning Administrator shall designate which of the two lot lines abutting a street right-of-way shall be considered a FRONT LOT LINE, and which shall be considered a side lot line. The shortest side fronting upon the right-of-way shall be considered the FRONT LOT LINE, unless the Zoning Administrator determines otherwise. The Zoning Administrator may use orientation of buildings on adjacent properties when determining the FRONT LOT LINE. Where a building already exists on a lot, the FRONT LOT LINE may be established by the orientation of the principal building, or principal entrance if building orientation does not clearly indicate the front of the lot. Where no other method conclusively determines the FRONT LOT LINE, the Zoning Administrator shall designate which of the two lot lines abutting the street right-of-way shall be considered a FRONT LOT LINE, and which shall be considered a side lot line.

**LOT LINE, INTERIOR.** A lot line that does not abut a street.

**LOT LINE, REAR.** A lot-line that is opposite and most distant from the front lot-line and, in the case of irregular, triangular or gore-shaped lots, a line parallel to, and at the maximum distance from, the front lot line.

**LOT LINE, SIDE.** Any lot boundary line that is not a front lot line or a rear lot line.

**LOT, WIDTH.** The horizontal distance between the side lot lines, measured at right angles to the length of the lot depth at the established front building line. The width of irregular-shaped lots shall be determined by the Zoning Administrator.

**LOWLANDS.** Any watercourse, lake, pond, wetland, fen, spring, floodplain, or floodway. A LOWLAND may or may not include floodway or floodplain.

**LUMBER YARD.** An establishment where the principal activity is the retail and wholesale of wood product, and generally located adjacent a railroad spur. Enclosed sales and display areas are accessory to the principal building and outdoor garage of building materials and supplies.

**MANUFACTURING.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of components and parts, the MANUFACTURING of products, and the blending of materials.

**MASSAGE ESTABLISHMENT.** Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on the activity of “massage,” defined as any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hand or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniment, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice by a massage therapist.
**MEDICAL CANNABIS DISPENSING ORGANIZATION.** A facility operated by an organization or business that is registered by the 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.

**MEDICAL OFFICE.** A facility operated by one or more physician, dentist, chiropractor, or other licensed practitioner of the healing arts, for the examination and treatment of patients solely on an outpatient basis.

**MICRO-DISTILLERY.** A facility that produces alcoholic beverages in quantities not to exceed 15,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcohol manufactured outside the facility are prohibited.

**MINING.** Commercial MINING, including without limitation quarries, pits or plants, the extraction of stone, sand, gravel, earth and other materials (and the use of explosives related thereto), and the processing, crushing, grinding, screening, washing, mixing, storage, loading, selling and transporting of the same for commercial purposes.

**MINIMUM CONTIGUOUS AREA.** The area that may constitute a separate or detached part of any zoning district classification as set forth in this chapter.

**MOBILE HOME.** Any vehicle without motor power, used or so constructed as to permit its being used as a conveyance upon the public streets and highways, and licensable as such, constructed in a manner as will permit occupancy as a dwelling or sleeping place for one or more persons, and also including a self-propelled vehicle having a body designed as living quarters.

**MOBILE HOME PARK.** A plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

**MOTEL.** A building offering transient occupancy, containing lodging rooms directly accessible from an exterior hall or entrance, providing living, sleeping and sanitary facilities, whether the establishment is designated as a hotel, inn, automobile court, motor inn, motor lodge, tourist court, or otherwise.

**MUSEUMS AND OTHER SPECIAL PURPOSE ESTABLISHMENTS.** Special purpose art, entertainment or recreational establishments. A building, structure or site that preserves or exhibits, objects, sites and natural wonders of historic, cultural or educational value. This definition includes, but is not limited to, public and private museums, historical sites, zoos, botanical gardens, arboreta, historical or archeological institutions, and other similar establishments.

**NIGHTCLUB.** An establishment that stays open late at night and provides food, drink and entertainment or dancing.

**NON-CONFORMING USE.** Any building or structure, or use of any building or structure or tract of land, lawfully existing or under construction at the time of adoption of this chapter or of a later amendment, but whose use does not conform with that required or permitted in the district in which it is located.

**NURSERY.** Land or greenhouses used to raise flowers, shrubs, trees and other plant material for sale.

**NURSERY SCHOOL/PRE-SCHOOL.** A facility that instructs children who are at least three years of age, yet have not reached the age for kindergarten, and is recognized, licensed or accredited by the appropriate state department for such use.

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

**OFFICES, BUSINESS AND PROFESSIONAL.** An office of persons generally classified as professionals that provide direct services to the customer. These types of business/offices are typically characterized by low traffic and pedestrian volumes, low density building development, and do not produce loud or sustained noise. This definition does not include medical offices or offices that are incidental and accessory to another business or retail activity that is the principal use. Incidental offices customarily accessory to another use are allowed as part of the principal use. Examples include, but are not limited to, attorney and law offices, insurance agency, real estate office, travel agency or ticket office, architectural or engineering firms, government offices, administrative facilities, telegraph office, data processing and computer services, counseling services, accounting and bookkeeping services, and employment agencies.

**OUTDOOR AREA FOR RESTAURANT AND/OR BAR (LARGE).** An outside area used for eating and/or drinking that exceeds ten tables (each a maximum of 20 square feet), or when the outdoor area is not used exclusively for seating at tables the total outdoor floor area exceeds 800 square feet.

**OUTDOOR AREA FOR RESTAURANT AND/OR BAR (SMALL).** An outside area used for eating and/or drinking having ten or fewer tables (each a maximum of 20 square feet), or when the outdoor area is not used exclusively for seating
PARKING AREA, PUBLIC. An open area other than a street or alley, used for the temporary parking of more than four automobiles or commercial vehicles, and available for public use, whether free, for compensation, or as an accommodation for clients, customers or employees.

PATIO. A level, unenclosed surfaced area located as grade, and usually directly adjoining or attached to a building.

PAWN SHOP. An establishment that, in part or in whole, loans or advances money on security of personal property left in pawn and pledged as collateral, and where the pledged property may be sold to the public if not redeemed by the pledger within a fixed amount of time.

PAYDAY LOAN AGENCY. An establishment providing loans to individuals in exchange for personal checks or collateral.

PERSON. Any individual, partnership, corporation, association, proprietorship, or other legal entity.

PERSON WITH A DISABILITY. Any individual whose disability:

(1) Is attributable to mental, intellectual or physical impairments, or a combination of mental, intellectual or physical impairments; and

(2) Is likely to continue for a significant amount of time or indefinitely; and

(3) Results in functional limitations in three or more of the following areas of major life activities:

(a) Self-care;
(b) Receptive or expressive language;
(c) Learning;
(d) Mobility;
(e) Self-direction;
(f) Capacity for independent living;
(g) Economic self-sufficiency; and

(4) Reflects the person’s need for a combination and sequence of special interdisciplinary or generic care, treatment or other services that are life-long or of extended duration.

PERSONAL SERVICES. Establishments or places of business that primarily engage in the provision of frequent or recurrent needs generally related to personal needs. This type of establishment offers as its primary business a wide range of services rather than the sale of goods, although the sale of goods incidental to the business may be sold (e.g., the sale of hair products at a nail salon). Typical uses include hair salons, nail salons, photography studios, shoe repair shops, tailor, tanning salons, psychic reader, locksmith, self-service or full-service laundromats, and other similar uses.

PET OR ANIMAL SERVICES. Establishments in this category include the retail sale of pets and other household animals (except for farming purposes) and pet supplies, as well as establishments providing ancillary animal services, such as grooming, training and care taking. Examples include, but are not limited to, pet shops and groomers. Overnight boarding of animals is not permitted, except for pet shops where animals sold in the shop are permitted to remain there until sold.

PHARMACY. An establishment where prescription drugs are dispensed or compounded.

PICTURE FRAMING SERVICES. An establishment where the primary economic function is framing of pictures, artwork and other similar uses.

PORCH. A roofed platform, located at or above grade, having direct access to or from a building, and which may be screened.

PORTABLE GARAGE OR CARPORT. A garage or carport designed to be temporary in nature, and that does not have a foundation. Such structures are typically covered in fabric, vinyl, plastic or other similar materials. See image below for an example of a PORTABLE GARAGE OR CARPORT.
**POST OFFICE, COMMERCIAL.** A commercial business that provides packaging and mail service, and that may conduct the retail sale of stationary, packaging and other related products.

**PRINT SHOP/COPY CENTER.** A retail establishment whose primary business is providing duplicating services, including but not limited to, photocopying, blueprinting, and offset printing equipment, and may include collating, binding and engraving services. This definition does not include sign fabrication, printing or publishing plants, or similar large-scale operations.

**QUEUING SPACE.** The reservoir space occupied by any number of cars that must be accommodated while awaiting ingress or egress to specified business or service establishments.

**RAILROAD FREIGHT TERMINAL.** A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

**RECREATIONAL EQUIPMENT, PERMANENT.** Play equipment that is not readily moveable and is typically affixed to the ground in a permanent fashion with footings. In cases where determination must be made as to whether recreation equipment is categorized as permanent or non-permanent, the Zoning Administrator shall make the determination based on factors, including but not limited to, size, weight, materials, and the manner in which it is affixed to the ground below.

**RELIGIOUS INSTITUTION.** A building in which persons regularly assemble for religious worship, intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

**RELIGIOUS INSTITUTION HOUSING SERVICES.** The provision of housing services for religious institutions, including convents, rectories and parish houses.

**RESTAURANT, SPECIALTY.** An establishment whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal. The food or beverage may be consumed on-premise. The sale of other food, beverages or merchandise that is incidental to the sale of the specialty item is permitted. Examples include, but are not limited to, ice cream parlors, candy or coffee shops.

**RESTAURANT, WITH LIQUOR.** An establishment where the principal business is serving meals prepared in the kitchen of the establishment for consumption on premise. A full menu, including entrees and appropriate side dishes, and a fully staffed and operational kitchen shall be required at all times sales are being conducted or until 9:00 p.m., whichever occurs first. During the above times when meal service is required, the sale of alcoholic liquor shall be incidental to the sale of meals. Restaurants shall have a full kitchen with adequate facilities to prepare, cook, and serve meals for its guests, commonly interpreted as having cooking stations (examples include baking, grill, and saute). Equipment shall be of sufficient type and size to prepare and cook meals. The establishment shall have a seating capacity for the service of meals at tables and/or counters for not less than 30 patrons at the same time.

**RESTAURANT, WITHOUT LIQUOR.** Any building, or part thereof, where food is cooked and prepared for compensation for the general public, and for immediate consumption on and off the premises. Reheating of already prepared food by microwave and/or the selling of already prepared foods for consumption off premises does not constitute a RESTAURANT.

**REST HOME.** See CONVALESCENT HOME.

**RETAIL ESTABLISHMENT, GENERAL.** An establishment in which the majority of the business is devoted to the sale of merchandise normally delivered or provided on premises to a consumer, but excludes those classified separately under retail sales or services in the permitted use table. Servicing/repair of goods accessory to the retail component is permitted.
Typical uses include, but are not limited to, antique shops, apparel stores, drug stores, gift shops, floral stores, electronic stores, toy stores, mail order warehouses, sporting goods stores, and video rentals.

**RIGHT-OF-WAY, PUBLIC.** A strip of land dedicated for public use, primarily intended to be occupied or occupied by a road, sidewalk and/or public utility line.

**ROADWAY.** The paved area existing on the street right-of-way, exclusive of sidewalks, drives and other related uses.

**SANITARIUM.** See HOSPITAL.

**SCHOOL, COMMERCIAL.** A school that principally offers, for profit, specific courses of instruction in business, trade, industry or other trained skills, but does not offer academic instruction equivalent to the standards prescribed by the School Code of Illinois.

**SCHOOL, PRIVATE.** An institution conducting regular academic instruction at kindergarten, elementary, junior high and senior high school levels, operated by non-governmental organizations, whose programs are accepted by the state in lieu of public instruction. This shall not include private commercial schools.

**SCHOOL, PUBLIC.** A public institution conducting regular academic instruction at the kindergarten, elementary, junior high and senior high school levels equivalent to the standards prescribed by the School Code of Illinois.

**SECONDHAND RETAIL STORE.** Retail sale of previously used merchandise, such as clothing, household furnishings, appliances, and sports/recreation equipment. This definition includes thrift store, pawn shops, and consignment shops. This classification does not include “antique shop” or establishments selling secondhand motor vehicles, parts, or accessories.

**SELF-STORAGE FACILITY.** A structure containing separate storage areas of varying sizes, which are leased or rented on an individual basis to organizations, businesses or individuals.

**SEXUALLY ORIENTED BUSINESSES.** Any premises to which the public, patrons or members are invited or admitted, and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. A SEXUALLY ORIENTED BUSINESS further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabaret, adult entertainment studio, or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

**SHARED HOUSING.** A publicly or privately operated freestanding residence licensed, certified or accredited by appropriate local, state or national bodies, where at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence. The residence provides care for persons who need assistance with daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of the resident. Assistance with daily living may include eating, dressing, toileting, transferring, bathing, personal hygiene, and evacuation in case of emergency. In SHARED HOUSING a person cannot need total assistance with two or more activities of daily living, assistance from more than one paid caregiver for any activity of daily living (except quadriplegic, paraplegic, or individuals with neuron-muscular disease), more than minimal assistance to move to a safe area in case of emergency, or five or more skilled nursing visits per week except for conditions allowed under state licensing.

**SHARED HOUSING, LARGE.** Shared housing serving six to ten persons.

**SHARED HOUSING, SMALL.** Shared housing serving fewer than six persons.

**SHED.** A relatively small storage structure meeting the size requirements of § 156.033. It is often purchased pre-built or as a kit in pre-fabricated sections, and is intended for the storage of lawn, garden or pool care equipment. Sheds are commonly constructed using plastic, vinyl or wood, and typically have some form of a pitched roof. This definition excludes cargo containers.
**SHOOTING RANGE.** A facility specifically designed for firearms practice, and which includes target shooting, trap and skeet, involving pistols, rifles, shotguns and other firearms, as well as archery and similar devices.

**SHOPPING CENTER.** A group of more than five business establishments planned, developed and managed as a unit, located on the same zoning lot, with off-street parking provided on the property.

**SIDEWALK CAFÉ.** A restaurant with an outside area for eating and drinking having ten or fewer tables (each a maximum of 20 square feet), and located on public sidewalks.

**SIGN.** Refer to the definition of sign as contained in Chapter 155, Signs.

**SITE, BUILDING.** The ground area of a building or a group of buildings, together with all open spaces as required by this chapter.

**SPECIFIED ANATOMICAL AREAS** means:

1. Less than completely and opaquely covered:
   - (a) Human genitals, pubic region;
   - (b) Buttocks;
   - (c) Female breasts below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** means:

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

**SPORT CLUB.** Buildings and facilities, owned or operated by a corporation, association, person or persons, for recreational purpose, to which membership is required for participation and not primarily operated for profit, nor to render a service that is customarily carried on as a business. This definition may include, but is not limited to, tennis or racquetball clubs.

**STOOP/ENTRYWAY.** An exterior platform that does not exceed 35 square feet, which provides direct access to a building and is used solely for the purposes of ingress and egress. A stoop/entryway may or may not be roofed, and is typically, but not necessarily, constructed of concrete and/or masonry.

**STORY.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement shall not be counted as a **STORY**.

**STREET.** The paved or unpaved portion of a public or private right-of-way, other than an alley, which affords principal means of vehicular access to abutting property.

**STREET, ARTERIAL.** A general term denoting a roadway primarily for through traffic, usually on a continuous route. For the purposes of this chapter, an **ARTERIAL STREET** shall include, but not be limited to: IL 7, I 53, IL 171, 143rd Street, 151st Street, Division Street, Briggs Street, Bruce Road, Farrell Road, Gougar Road, New Avenue, Smith Road, Cedar Road, Oak Avenue, Lemont Road, and 147th Street.
STREET, COLLECTOR. Roadways having continuity, which carry traffic from local streets to state, county and arterial streets. For the purposes of this chapter, a COLLECTOR STREET shall include, but not be limited to: 7th Street, Madison Street, Thornton Street, North Street, Read Street, MacGregor Street, High Road, Lawrence Avenue, 163rd Street, Canal Street, Parkview Lane, and Summit Drive.

STREET, CUL DE SAC. A street having one open end and being permanently terminated by a vehicle turnaround.

STREET, LOCAL. A street of limited continuity used primarily for access to abutting properties, as designated non-arterial by the Department of Transportation.

STRUCTURE. Anything erected, the use of which requires more or less permanent location on or in the ground, or attachment to something having a permanent location on or in the ground, including, among others, billboards, sheds and swimming pools.

TANNING SALON ESTABLISHMENT. Any establishment having a fixed place of business where a room or a booth or group of rooms or booths houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living body for cosmetic or non-medical related purpose, but does not include any hotel or motel guestrooms where sunlamps are installed in the restroom area.

TATTOO PARLOR. An establishment, or any portion thereof, where tattooing is performed for compensation.

TAVERN. An establishment for the retail sale of beer, wine or distilled liquors and other intoxicating beverages, for use or consumption upon the premises, and licensed as such.

TAXIDERMIST. A craftsman who stuffs and mounts the skins of animals for display.

THRIFT STORE. A retail store that specializes in the sale of previously-owned and/or used goods and merchandise that have been donated.

TOBACCO SHOPS, ALTERNATIVE NICOTINE SHOPS, AND VAPOR SHOPS. A retail establishment primarily engaged in the selling of prepackaged smoking and tobacco products, alternative nicotine products and/or vapor products, as defined in § 134.52 of the City of Lockport Municipal Code and as amended from time to time, and components reasonably assumed to be used for smoking and/or the inhalation or injection of any products or other substances. For the purposes of this definition only, "primarily engaged" means when more than 80% of an establishment's gross revenue comes from the sale of pre-packaged smoking and tobacco products, alternative nicotine products, vapor products, related products and accessories, and in which the sale of other products is merely incidental. This definition does not include a section or department of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.

TOWING SERVICE, EXCLUDING OUTSIDE VEHICLE STORAGE. An establishment, land area, or portion thereof, used for the removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. In addition, vehicles shall not be stored outdoors.

TOWING SERVICE, INCLUDING OUTSIDE VEHICLE STORAGE. An establishment, land area, or portion thereof, used for the removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. Outdoor storage of vehicles is permitted, provided it complies with zoning district and screening regulations.

TRAILER COACH. See MOBILE HOME.

TRUCK AND RECREATIONAL VEHICLE, SALE AND RENTAL. The use of any building, land area, or other premises, or a portion thereof for the display, sale, rental or lease of new or used recreational vehicles (including boats, trailers, campers and RVs) or large trucks, and any financial service areas, warranty repair work and other repair service conducted as an accessory use.

UNIQUE USE. A unique use is any permitted and/or special use allowed in any district to be allowed in any other zoning district, subject to the special use procedures and compliance with the standards in § 156.122, and additional standards and criteria in § 156.123(H).

USE. The purpose or purposes for which land, buildings or structures is (are) designed, arranged or intended, or for which they are or may be occupied or maintained.

VAPOR LOUNGE, AN ANCILLARY TO AN ALTERNATIVE NICOTINE SHOP OR VAPOR SHOP ONLY. An area in an alternative nicotine shop or vapor shop with seating and tables where customers may vape or sample alternative nicotine products and/or vapor products before purchase.
VARIATION. A modification of the application of this chapter in specific cases where practical difficulties or particular hardships, not intended, or not common to other property owners in the district, would result from following the strict letter of the chapter.

VETERINARY CLINIC. See ANIMAL HOSPITAL.

VISION TRIANGLE. The area of a corner lot bounded by the right-of-way lines, and a line connecting the two points along the right-of-way lines 30 feet from the intersecting street right-of-way lines.

WAREHOUSE. Any building, land use, or portion thereof, that stores, warehouses and dispatches goods within a completely enclosed structure, or outdoors. Typical uses include wholesale distributors, storage warehouses, and moving/storage businesses.

WHOLESALE SALES. The sale of goods, merchandise and commodities for resale.

YARD. Open space on a lot that is unoccupied and unobstructed from ground upward, except for permitted accessory structures and yard obstructions, and which extends along a lot line, and at right angles thereto, to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, CORNER SIDE. A side yard adjacent to a public right-of-way. For an illustration, see graphic under YARD.

YARD, FRONT. A yard extending along the full length of a front lot line, from a line drawn parallel to the front lot line and back to a line drawn parallel to the front lot line, at a distance equal to the required depth front yard. For an illustration, see graphic under YARD.

YARD, INTERIOR SIDE. A yard extending along the full length of a side lot line and back to a line drawn parallel to the side lot line, at a distance therefrom equal to the required side yard, but excluding any area encompassed within a front yard or rear yard. For an illustration, see graphic under definition of YARD.

YARD, LOWLANDS. The required front, side, or rear yard adjacent to a lowlands maintenance easement as required by § 153.60.140.

YARD, REAR. A yard extending along the full length of a rear lot line and back to a line drawn parallel to the rear lot line, at a distance therefrom equal to the required rear yard. For an illustration, see graphic under YARD.

YARD, SIDE. A yard extending along the full length of a side lot line. There are two types of side yards: corner side yards and interior side yards. For an illustration, see graphic under definition of YARD.
YARD, TRANSITION. The required front, side or rear yard when non-residential uses or structures abut a residence or residential zoning district, when single-family attached dwellings or multi-family structures abut a single, detached single-family residential building(s), or when double frontage rear yards are created along arterial or collector streets. Transition yards are subject to the landscape screening requirements of § 153.50.120.

ZONE. See DISTRICT.

ZONING ADMINISTRATOR. Any person employed, appointed, or ex officio designated and empowered by the Mayor and the City Council to receive zoning applications, inspect building sites, make decisions, issue permits and otherwise administer the zoning code of the city, in conformity with the regulations herein.

§ 156.004 RULES.

In the construction of this code, the rules contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

(A) Rules.

(1) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.

(2) The word “shall” is mandatory and not discretionary.

(3) The word “may” is permissive.

(4) The word “lot” shall include the words “plot,” “piece,” and “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and, the phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for” “maintained for,” and “occupied for.”

(5) The word “city” means the city of Lockport.

(6) Unless otherwise specified, all distances shall be measured horizontally.

(7) Whenever a word or term defined herein appears in the text of this code, its meaning shall be construed as set forth in the definition.

(B) Zoning maps. The boundaries of the district are shown upon the map which is attached hereto and made a part of this chapter, which map is designed as “Zoning Map.” The Zoning Map and all the notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if the Zoning Map and all the notations, references, and other information shown were all fully set forth or described herein, the original of which zoning map is proposed, attested and is on file in the office of the City Clerk.

(C) Annexed land. All territory which may hereafter be annexed to the city shall be classified E-R Estate Residential until otherwise classified by amendment as provided herein. In the event owners of property to be annexed desire a classification other than E-R Estate Residential District, a petition shall be submitted for the desired zoning classification simultaneously with the petition for annexation.

(D) Zoning of streets, alleys, public ways, and railroad right-of-way. All streets, alleys, public ways, and railroad right-of-way; if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the alleys, streets, public ways and railroad right-of-way. There the centerline of a street, alley, public-way or railroad right-of-way serves as a district boundary, the zoning of the areas, unless otherwise specifically designated, shall be directed to be the same as that of the property abutting up to the centerline.

(E) Boundary lines. In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:
The district boundaries are the center lines of the streets or alleys, unless otherwise indicated. Where designation of a boundary line on the Zoning Map coincides with the location of a street or alley the centerline of such street or alley shall be construed to be the boundary of such district.

Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, the lot lines shall be construed to be the boundary of the district.

Where the district boundaries do not coincide with the location of streets, alleys, or lot lines, the district boundary shall be determined by the use of the scale shown on the zoning map.

When a lot held in one ownership on the effective date of this chapter is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

Where the conditions imposed by any provision of this zoning code open the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this code or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive (for which impose higher standards or requirements) shall govern.

This code is not intended to abrogate any easements, covenant, or any other private agreement, provided that where the regulations of this code are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this code shall govern.

If a recorded subdivision plat imposes a building or setback line for a lot which is less than the minimum yard required by the applicable section of this chapter, notwithstanding the recorded plat, the minimum yard shall be the same required by the applicable section of this chapter.

§ 156.020 NEW STRUCTURES.

All structures built hereafter shall comply with all of the regulations of this zoning code. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty shall be considered to be a structure built hereafter, unless §§ 156.060 through 156.062 permits such structure to be rebuilt or restored.

§ 156.021 NEW USES OF OLD STRUCTURES.

If the use of any existing structure is hereafter changed to another use, then the new use shall comply with the use regulations of this chapter, provided, however, that the mere establishment of a new use does not by itself require the existing structure to conform to the lot size or other bulk regulations of this chapter.

§ 156.022 REMODELING.

If any structure is hereafter remodeled:

(A) The entire structure as remodeled shall comply with the use regulations of this chapter.

(B) Any alterations or enlargements of, or additions to the structure shall comply with the bulk regulations of this chapter.
(C) The off-street parking facilities provided for the structure shall not be reduced below (or if already less than, shall not be further reduced below) the requirements that would be applicable to a similar new structure or use.

(‘79 Code, § 151.022) (Ord. 90-194, passed 4-2-90)

§ 156.023 USES OF OPEN LAND.

If any use of open land is hereafter established, or if any use of open land is hereafter changed to another use, such use shall comply with all the regulations of this chapter.

(‘79 Code, § 151.023) (Ord. 90-194, passed 4-2-90)

§ 156.024 USES PERMITTED IN ALL DISTRICTS.

The following public utility and municipal uses are permitted in all districts: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment (not including substations located on or above the surface of the ground) for the distribution to consumers of telephone or other communications, electricity, gas or water, or for the collection of sewage or surface water.

(‘79 Code, § 151.024) (Ord. 90-194, passed 4-2-90)

§ 156.025 PERMITTED USES.

No structure shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located.

(‘79 Code, § 151.025) (Ord. 90-194, passed 4-2-90)

§ 156.026 SPECIAL USES.

No use of a structure or land that is designated as a special use in any zoning district shall be established, and no existing special use shall be changed to another special use, in the district unless a special use permit has been secured in accordance with the provisions of §§ 156.140 through 156.151.

(‘79 Code, § 151.026) (Ord. 90-194, passed 4-2-90)

§ 156.027 LOT SIZE REQUIREMENTS.

(A) No structure or part thereof shall be built, moved or remodeled, and no structure or land shall be used, occupied, arranged or designed for use or occupancy on a zoning lot which is:

(1) Smaller in area than the minimum lot area or minimum lot area per dwelling unit required in the zoning district in which the structure or land is located.

(2) Narrower than the minimum lot width required in the zoning district in which the structure or land is located.

(B) No existing structure shall be rebuilt, remodeled or otherwise altered or modified so as to conflict or further conflict with the lot area per dwelling unit or lot size requirements as set forth in division (A) for the zoning district in which the structure is located.

(C) Whenever a minimum contiguous area is specified for a zoning district, then no property shall be classified or reclassified in any zoning district unless, after the classification or reclassification, the property will, when considered alone or in conjunction with similarly classified property which it abuts, contain at least the minimum contiguous area specified for the zoning district.

(‘79 Code, § 151.027) (Ord. 90-194, passed 4-2-90; Am. Ord. 08-817, passed 11-19-08)
§ 156.028 BULK REGULATIONS.

In this chapter, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio, minimum building separation and minimum front, side, corner side, transition, rear, and double frontage yards. No structure or part thereof, shall be built, moved or remodeled, and no structure or land shall be used, occupied or designed for use or occupancy so as to exceed the maximum lot coverage percentage, the maximum structure height or the maximum floor area ratio specified for the zoning district in which the structure is located; or provide any setback or front, side, transitional or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained.

(‘79 Code, § 151.028) (Ord. 90-194, passed 4-2-90)

§ 156.029 USE LIMITATIONS.

No permitted use established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which the use is or will be located. No permitted use already established on the effective date of this chapter shall be altered, modified or enlarged so as to conflict with or further conflict with the use limitations for the zoning district in which such use is located.

(‘79 Code, § 151.029) (Ord. 90-194, passed 4-2-90)

§ 156.030 ACCESSORY STRUCTURES OR USES.

(A) No accessory structure or use, as defined herein shall be built, moved or remodeled, established, altered or enlarged unless the accessory structure or use is permitted by this chapter. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted within the district.

(B) An accessory use is a structure or use which:

(1) Is subordinate to and serves a principal structure or principal use.

(2) Is subordinate in area, extent or purpose to the principal structure or principal use served.

(3) Contributes to the comfort, convenience or necessity of the occupants of, or the business or industry located in, the principal use served; and

(4) Is located on the same lot as the principal structure or principal use served.

(‘79 Code, § 151.030) (Ord. 90-194, passed 4-2-90)

§ 156.031 PERMITTED ACCESSORY STRUCTURES OR USES AND OBSTRUCTIONS.

(A) The tables below identify permitted obstructions and examples of permitted accessory structures or uses in various yards. Any accessory structure or use must fit the general definition of accessory use contained in § 156.030, and is subject to all other applicable regulations of this chapter, including §§ 156.030 through 156.033.

(B) The letter “P” in the tables below, under “Required Yard”, denotes that an obstruction or accessory structure or use is permitted. Wherever, in the tables under “Required Yard”, the letter “P” is not found, the specified obstruction or accessory structure or use shall not be permitted.

(1) Table of permitted obstructions.

<table>
<thead>
<tr>
<th>Type of Obstruction</th>
<th>Required Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>Air conditioning condensers</td>
<td>-</td>
</tr>
<tr>
<td>Arbors and trellises</td>
<td>P</td>
</tr>
<tr>
<td>Architectural elements and other appurtenances</td>
<td>P</td>
</tr>
</tbody>
</table>
projecting 30 inches or less into the yard, including but not limited to, bay windows, overhanging eaves, gutters, awnings, canopies and chimneys

<table>
<thead>
<tr>
<th>Description</th>
<th>Front</th>
<th>Corner</th>
<th>Interior</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balcony, provided it is no closer than five feet from property lines</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Deck, unroofed and not more than four feet above the average level of the adjoining ground, provided it is no closer than five feet from property lines</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Flag poles</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Landscape features, e.g., raised planter beds, retaining walls</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laundry drying equipment (residential)</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Patio, when located in R-O Heritage Residential zoning district</td>
<td>P₁</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Patio, when located in zoning districts other than R-O Heritage Residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Porch above grade, when located in R-O Heritage Residential zoning district</td>
<td>P₁</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Porch at grade, when located in R-O Heritage Residential zoning district     | P₁    | P      | P        | P    |

Porch at grade, when located in zoning districts other than R-O Heritage Residential | P     | P      | P        | P    |

Signs                                                                       | P     | P      | P        | P    |

Steps, four feet or less above grade, which are necessary for access to a permitted structure, or access to a lot from a street or alley | P     | P      | P        | P    |

Steps and/or stoops exceeding four feet above grade, when necessary for access and the property affords no alternative location or arrangement for conformity. | P     | P      | P        | P    |

Stoop/entryway, not more than four feet above grade                         | P₁    | P      | P        | P    |

**Footnote:**

₁ = The encroachment shall only be permitted when it adheres to the standards and criteria set forth in § 156.033(D), Additional regulations for certain encroachments.

(2) Table of permitted accessory structures or uses.

**ACCESSORY STRUCTURES OR USES**

<table>
<thead>
<tr>
<th>Type of Accessory Structure or Use</th>
<th>Required Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>Accessory structures not specifically listed herein₁</td>
<td>-</td>
</tr>
<tr>
<td>Buildings used for farming₁</td>
<td>-</td>
</tr>
<tr>
<td>Dog run and dog house</td>
<td>-</td>
</tr>
<tr>
<td>Fences and walls²</td>
<td>P</td>
</tr>
<tr>
<td>Fireplace, permanent and outdoor₁</td>
<td>-</td>
</tr>
<tr>
<td>Hot tubs</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor area for restaurant and/or bar (small)</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor permanent kitchens/grilling stations</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor storage of firewood for a wood-burning stove or fireplace on the lot</td>
<td>-</td>
</tr>
<tr>
<td>Private, freestanding earth stations and antenna towers</td>
<td>-</td>
</tr>
<tr>
<td>Private earth stations and antenna towers that are directly attached to the principal structure</td>
<td>-</td>
</tr>
<tr>
<td>Private garages and carports, attached</td>
<td>-</td>
</tr>
<tr>
<td>Private garages and carports, detached</td>
<td>-</td>
</tr>
<tr>
<td>Recreational equipment (permanent), including a child's playhouse, swing set or playground. (Basketball hoops are permitted in all yards)</td>
<td>-</td>
</tr>
<tr>
<td>Swimming pools</td>
<td>-</td>
</tr>
<tr>
<td>Sheds</td>
<td>-</td>
</tr>
<tr>
<td>Temporary use of cargo containers on residential zoning lots, when used accessory to move, remodel or construction project</td>
<td>P</td>
</tr>
<tr>
<td>Temporary use of cargo containers on non-residential zoning lots, when used accessory to move, remodel or construction project</td>
<td>P</td>
</tr>
</tbody>
</table>

**Notes:**
1. § 156.033 contains general and bulk regulations for all accessory structures or uses.

**Footnotes:**
1 = Minimum separation from principal structure required as described in § 156.033.
2 = Accessory structure or use is listed individually in § 156.033(C), due to regulations specific to the structure or use.

(C) None of the following shall be permitted as accessory uses.

1. Outdoor storage, except as specifically permitted elsewhere in this chapter.

(79 Code, § 151.031) (Ord. 90-194, passed 4-2-90; Am. Ord. 98-094, passed 3-11-98; Am. Ord. 00-277, passed 11-30-00; Am. Ord. 08-817, passed 11-19-08; Am. Ord. 02-007, passed 4-7-10; Am. Ord. 11-027, passed 8-17-11; Am. Ord. 12-003, passed 2-1-12)

**§ 156.032 USE LIMITATIONS FOR ACCESSORY STRUCTURES OR USES.**

Each accessory structure and use shall comply with the applicable use limitations in the zoning district in which it is located and, in addition:

(A) No accessory structure or use shall be constructed, occupied or established on any lot prior to the completion of the principal structure to which it is accessory.

(B) On a corner lot occupied by a principal residential structure that is legally nonconforming with respect to the corner side yard setbacks, accessory uses and structures may be located in the corner side yard, provided they maintain the same setback as the principal residential structure.

(79 Code, § 151.032) (Ord. 90-194, passed 4-2-90; Am. Ord. 08-817, passed 11-19-08)

**§ 156.033 GENERAL AND BULK REGULATIONS FOR ACCESSORY STRUCTURES AND PERMITTED OBSTRUCTIONS.**
Except for extraction uses, to which this section shall not apply and for which the City Council may establish conditions, and except as otherwise provided by this chapter, all accessory structures and uses shall observe the bulk regulations of the district in which they are located, provided that they conform with the following regulations:

(A) General regulations.

(1) Applicable zoning regulations. When the wall of any accessory structure or use is part of, or joined to, the wall of any principal building or structure, including attached garages and carports, then it shall comply with all the zoning district regulations applicable to the principal building or structure, unless stated otherwise elsewhere in this chapter.

(2) Setbacks. No detached accessory structure shall be located closer to the front lot line than the front elevations of the principal building on the lot, except the structures that are permitted in the front yard.

(3) Easements. Accessory structures are prohibited from being constructed, occupied or established on any easement, with the following exceptions:

(a) Fences may be located on or over easements, provided the fence or wall does not inhibit or alter drainage over public utility and drainage easements, except that fences and walls shall not be located on or over lowlands maintenance easements.

(b) Accessory structures may be placed on or over private utility easements with written consent from all utility companies having rights to the easement.

(4) Vision triangle. No accessory structure shall be located within a vision triangle, except fences as permitted in this chapter.

(B) Bulk regulations.

(1) Height.

(a) All accessory buildings and structures shall comply with the height limitations of the zoning district in which they are located, unless otherwise provided for in this section.

(b) No detached accessory structure shall be taller than the principal structure, unless otherwise provided for in this section.

(c) Sheds or similar structures containers shall not exceed 15 feet in height.

(d) Detached garages or carports shall not exceed 15 feet in height.

(e) Private antenna towers and earth stations shall not exceed 50 feet above grade.

(2) Required yards for accessory structures.

(a) Attached accessory structures. When the wall of any accessory structure or use is part of, or joined to, the wall of any principal building or structure, it shall comply with required yard regulations for the district in which it is located, as governed by § 156.073, Bulk Regulations.

(b) Detached accessory structures.

1. All detached accessory structures shall comply with the following yard requirements, unless otherwise provided for in this section:

   a. Minimum rear yard: five feet.

   b. Minimum side yard: three feet.

   2. Fences and walls. Regulations concerning required yards for fences and walls are listed below in division (C).

   3. Swimming pools, and any decks attached thereto, shall be located a minimum of six feet from any fence or property line.

   4. Hot tubs shall be located a minimum of six feet from any fence or property line.

   5. Freestanding towers or antenna structures that are unattached to the principal structure shall not be located closer to the lot line than the total height of the tower or antenna structure, and must be properly guyed entirely within the property limits.

   6. Permanent fireplaces that are located outdoors shall be at least ten feet from all property lines.
7. Cargo containers may be located up to, but not over, property lines.

(3) Building separation.

(a) Minimum building separation for detached accessory structures from the principal structure. Detached accessory structures shall be located a minimum of ten feet from any principal structure, or from any accessory building or structures that is part of, or joined to, the wall of any principal building or structure on the lot, with the following exceptions:

1. Sheds may be located less than the ten foot separation requirement stated above, when the structure meets or exceeds the city's building code standards for attached garages concerning fire protection rating, footing and foundation.

2. Permanent outdoor fireplaces shall be located a minimum of five feet from any principal structure, or from any accessory building or structure that is part of, or joined to, the wall of any principal building or structure on the lot.

3. The following list of accessory structures or uses need not adhere to the ten foot separation requirement stated above: dog run or dog house, fences and walls, hot tubs, permanent recreational equipment, outdoor storage of firewood for a wood-burning stove or fireplace, private earth stations and antenna towers, and cargo containers.

(b) Required building separation. Permitted yard obstructions may be located in the required building separation requirements contained in § 156.073, Bulk Regulations; accessory structures shall not be located in the required building separation.

(4) Lot coverage and impervious surface coverage. All accessory structures shall comply with maximum lot coverage and maximum impervious surface coverage regulations for the district in which they are located, as contained in § 156.073, Bulk Regulations.

(C) Additional regulations for certain accessory structures or uses.

(1) Detached private garages and carports. In addition to the requirements stated above, detached garages and carports shall adhere to the following regulations:

(a) Portable garages or carports are prohibited in all zoning districts.

(b) Detached carports shall be prohibited in all single-family residential districts, except R-O Heritage Residential. Such carports shall reflect the architectural character of the principal structure through complimentary materials and design, which may include, but is not limited to, trim, siding, and roof style and materials, and shall be of a permanent nature.

(c) A detached garage or carport shall have a concrete floor per the specifications of the building code.

(d) A detached garage or carport shall have an asphalt, concrete or brick paver driveway from the street to the garage doors.

(e) For a single-family residence, there can be only one detached garage or carport.

(f) For a single-family residence, a detached garage or carport shall not exceed 660 square feet, nor shall it exceed 75% of the foundation area of the principal structure, whichever is less.

(g) For multi-family residences, the detached garage or carport shall not exceed 440 square feet per unit.

(2) Attached private garages and carports.

(a) Garages or carports attached to the principal residence shall comply with zoning district regulations applicable to the principal building as contained in § 156.073, Bulk Regulations.

(b) Attached carports shall be prohibited in all single-family residential districts, except R-O Heritage Residential. Such carports shall reflect the architectural character of the principal structure through complimentary materials and design, which may include, but is not limited to, trim, siding, and roof style and materials, and shall be of a permanent nature.

(c) If an attached garage is converted to living space, then the driveway leading to the former garage must be removed and landscaped, and the curb cut must be restored.

(d) For a single-family residence, there can be only one attached garage or carport.

(e) Attached garages or carports shall not exceed 75% of the foundation area of the principal structure. If the principal structures foundation is less than 533 square feet and meets all other applicable regulations, then it shall be permitted to construct a two-car garage (20 feet wide by 20 feet deep) without obtaining a variation.

(f) An attached garage or carport shall have an asphalt, concrete or brick paver driveway from the street to the garage doors.
(3) **Sheds.**

(a) A shed or similar structure shall be limited to one per residence.

(b) A shed or similar structure shall not exceed the following sizes:

1. For lots 10,000 square feet or less, the structure shall not exceed 150 square feet.
2. For lots greater than 10,000 square feet to one acre, the structure shall not exceed 300 square feet.
3. For lots one acre to two acres, the structure shall not exceed 450 square feet.
4. For lots two acres or larger, the structure shall not exceed 600 square feet.
5. Any building that is larger shall be considered a garage, and must comply with the above requirements for a detached garage.

(4) **Swimming pools.** A fence or wall with no openings or breaks, except for gates, not less than 48 inches in height, must be placed around the pool or lot on which the pool is located, or the pool must be constructed with a self-contained fence and retractable ladder. Planting material may not be used as a substitute for a required fence or wall.

(5) **Fences and walls.**

(a) **Prohibited fences and walls.**

1. Fences, including walls, and planting material used in the nature of a fence, placed or maintained on any portion of any public right-of-way or in any required yard, which, by the nature of the materials used for its construction, its design or location, would impair public safety by interfering and obstructing the vision of persons using the streets, sidewalks or driveways on or adjacent to such a yard. No such fence may be located within the vision triangle, unless otherwise provided by this chapter.

2. Fences or walls constructed, in whole or in part, of electrically charged wire, barbed wire, spikes, glass, protruding nails, or other sharp or pointed material of any kind.

3. Chain link fences with barbed ends.

4. Snow fences, except for the exclusive control of windblown snow between November 1 and March 31, and erected by state or local highway authorities.

5. Exceptions to this division may be granted by petition to the City Council.

(b) **Fence and wall requirements.**

1. Fences and walls shall not be erected in excess of six feet above ground level on any residential zoning lot, or in excess of eight feet on any commercial, industrial or office zoning lot, unless otherwise specified. (For residential zoned lots, refer to the illustration in this division entitled “Fences in Required Yards”.)

   a. In all residential districts involving double frontage lots as defined herein, where such lot is abutting a collector or arterial street as designed by the city, and where there is on the opposite side of the street that is zoned C-2 of C-3, and where such adjoining property has been or is to be developed for commercial uses as authorized by the city, the owner(s) of such residential property may construct a fence, up to eight feet in height, along the lot line abutting the affected street right-of-way; provided all such adjoining residential properties, extended in a solid line between two intersecting streets, or such points as deemed appropriate by the city, provided that the beginning and ending points reflect consistency and contiguity in their application, shall have or cause to be placed at the same time an identical fence having the same design features, material components, color, height and other such identifiable features.

   b. All fences shall have the finished side thereof facing outward from enclosed lot.

   c. Fences and walls may be located in required yards, provided:

   a. That fences and walls shall not be located less than one foot from front and corner lot lines.

   b. Front yard. That fences and walls located in a required front yard shall not exceed four feet in height, and the length shall not exceed 50% of the lot frontage, and shall be of open design, except that lots in the R-O Heritage Residence District shall be allowed to have the length of the fence exceed 50% of the lot frontage. (Refer to the illustration in this division entitled “Fences in Required Yards”.)

   c. Corner side yard. That unless the fence is open-design and does not exceed four feet in height, fences or walls located in the required corner side yard of a lot shall be a minimum of 15 feet or one-half the distance between the
d. For purposes of this section, OPEN-DESIGN FENCES shall include split-rail and post-and-board fences with no more than three horizontal rails or boards, wrought-iron fences, open picket fences, and other similar fence designs that do not create a hazard by obstructing or distorting vision; provided, however, that fences of chain link, woven mesh and other designs or materials that create a visibility hazard, due to reflective or refractive qualities or means of construction, are specifically excluded from this definition and may not be placed in a required front or corner side yard in which an open-design fence is required.

4. The provisions of this chapter shall not apply to fences constructed for the safety of children on park or school playgrounds.

(6) Cargo containers (temporary uses).

(a) Applicability. Temporary use of cargo containers shall be strictly prohibited except in the following instances, provided they meet the criteria set forth in this section. Such containers are exempt from city permit requirements.

1. Such containers may be used in any zoning district for temporary storage of construction materials and/or equipment, when used accessory to a construction or remodel project.

2. Such containers may be used in any zoning district by a business, firm or individual moving into or out of the property.

(b) Permitted locations.

1. The container must be located upon the lot in which the remodel project, construction project, or move is taking place.

2. Required yards are identified in § 156.031, except that in non-residential districts the Zoning Administrator may permit the container in front or corner side yards, upon determining the lot affords no alternate location, and the location will not be detrimental to the health, safety or welfare of the community.

3. All storage containers regulated in this section shall be stored completely within the property lines of the subject property, and shall not be placed on any public right-of-way or public property. Containers shall not be placed in such a fashion as to impede or obstruct the flow of drainage waters, nor impede or obstruct emergency access to the property, or access to utility services or shut-offs. Units shall not be located within a vision triangle, nor impair public safety by interfering and obstructing the vision of persons using the streets, sidewalks or driveways on or adjacent to the property. The placement of a container on a property should be so as not to impede Fire District access or operations. The container should be placed on the lot so as to minimize the visual impact from adjacent properties and rights-of-way. Additionally, in non-residential districts, the storage container shall not occupy off-street parking spaces required per the provisions of § 156.095, Schedule of Parking Requirements.

(c) Prohibited use of container. Units shall not be used for occupancy or sleeping, housing of animals, housing or storage of firearms, housing or storage of hazardous, flammable or toxic materials, or storage of materials otherwise unlawful to possess (e.g., fireworks).

(d) Condition of units. All cargo containers shall be maintained in a like new condition, shall be safe, structurally sound, stable and in good repair. Any visible sign of deterioration, including but not limited to, broken elements, peeling paint, or rust shall not be permitted.

(e) Maximum size. On residential zoning lots accessory to a single-family dwelling or multiple-family dwelling, the temporary storage container shall not exceed eight feet in width, eight feet in height, and 16 feet in length. On properties
exceeding five acres, the size of storage containers may be increased with permission from the city.

(f) Number of units. Not more than one storage container shall be located on a residential zoning lot at one time. In non-residential districts, each business shall not use more than two storage containers when used accessory to a move. On properties exceeding five acres, the number of storage containers may be increased with permission from the city.

(g) Surfacing. Containers shall not be located on landscaped or unimproved surfaces, except when approved by the city for construction projects.

(h) Signage. No signage other than company identification and logos shall be allowed on any cargo container, provided such signage is not affixed to the container, except that containers approved by the Fire District to store chemicals or other flammable liquids or gases shall be placarded per NFPA 704.

(i) Containers in the Historic District. Containers located in the Historic District are subject to review and approval by the Heritage and Architecture Commission. Such containers shall be screened from public view to the greatest extent possible. The Commission may place conditions on the approval to protect views, safety and the integrity of the Historic District. Certain properties may be denied approval for reasons that include, but are not limited to, location, the estimated duration of the construction project, visibility of the cargo container from rights-of-way and adjacent properties, lot size, and the location impeding vehicular or pedestrian circulation,

(j) Frequency and duration.

1. Moving purposes. Each residential unit or individual business shall not locate a cargo container on the lot more than two times per calendar year, for a time frame not to exceed 16 consecutive days each time.

2. Remodel or construction projects. The container may be located on the property for the duration of the construction or remodeling project, provided the project is duly proceeding toward completion. Containers are to be removed upon expiration or lapse of a permit on the project, upon completion of the project, or issuance of the last certificate of occupancy, whichever occurs first.

3. Time extension. In the event of fire, tornado, or other natural disaster causing substantial damage to the principal structure, a property owner may request a time extension to the above-stated time limits.

(k) Fire District review and permitting. Conformance to all fire codes shall be required. All requests for containers will be subject to review by the regulating Fire Prevention District. An inspection is to be conducted by the Fire District after the container is loaded. If chemicals or other flammable liquids and gases are to be stored in a container, a separate permit shall be obtained from the Fire District. The Fire District may impose conditions or restrictions to protect the health, safety and welfare of the community.

(7) Outdoor area for restaurant and/or bar (small).

(a) OUTDOOR AREA FOR RESTAURANT AND/OR BAR (SMALL) is an outside area used for eating and/or drinking, having ten or fewer tables (each a maximum of 20 square foot), or when the outdoor area is not used exclusively for seating at tables the total outdoor floor area is 800 square feet or less.

(b) Such outdoor eating and/or drinking areas are subject to the following conditions:

1. Permanent or temporary structures erected in association with the outdoor eating and/or drinking area shall comply with all district zoning requirements.

2. Outdoor eating and/or drinking areas shall not be located on public right-of-way.

3. At least 50% of the outdoor eating and/or drinking area must be used for seating.

4. Fencing of the outdoor area is provided to protect the use and enjoyment of neighboring properties. Fencing may be required to control ingress and egress to the outdoor area, to prevent the passing of food and/or beverages to patrons off the premise, to prevent food and/or beverages from being removed from the designated area. Any fencing shall be decorative-style fencing. Chainlink is not permitted. Fencing shall not disrupt pedestrian circulation patterns nor jeopardize public health, safety or welfare. If fencing is used to enclose an outdoor eating and/or drinking area on private sidewalks, open, decorative-style fencing (permanent or temporary) shall be used.

5. If it determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities (including music) shall not exceed the hours of operation for the principal use, excluding the sale of liquor, which may be further limited by the liquor license.

6. Operations of the outdoor area shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.
7. The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.

8. Furniture items must be made to a professional standard and may be constructed of the following materials: wood, iron, steel, canvas (as in director's chairs), aluminum, plastic or resin.

9. When there are sales and consumption of alcoholic beverages in the outdoor area, additional standards apply and it shall be licensed as set forth in § 111.09.

(D) Additional regulations for certain encroachments.

(1) **Patio.** When located in the front yard of a property zoned R-O Heritage Residential, a patio shall not exceed 200 square feet, and shall maintain a minimum setback of ten feet from property lines.

(2) **Porch at grade.** When located in the front yard of a property zoned R-O Heritage Residential, a porch shall adhere to the following:

   (a) The design of the porch is integrated with the principal structure, and materials used are consistent with the materials used on the principal structure.

   (b) The porch will not negatively impact surrounding properties and is in character with those properties and the neighborhood.

   (c) The porch will not create unsafe conditions, including maintaining a clear vision triangle on corner lots.

   (d) That there is not sufficient space on the lot to construct the porch outside the required yards.

   (e) The porch shall maintain a minimum setback of 20 feet from property lines. If the principal structure is nonconforming with respect to the required front yard, the Zoning Administrator may administratively reduce the setback from property lines to ten feet. To grant the reduced setback, the setback of adjacent properties will be evaluated.

   (f) Additional or more restrictive standards may be imposed to protect the character of a neighborhood, and to protect the safety and welfare of the community.

(3) **Porch above grade.** When located in the front yard of a property zoned R-O Heritage Residential, an above-grade porch shall adhere to the following:

   (a) The porch cannot exceed four feet above grade.

   (b) The design of the porch is integrated with the principal structure, and materials used are consistent with the materials used on the principal structure.

   (c) The porch will not negatively impact surrounding properties and is in character with those properties and the neighborhood.

   (d) The porch will not create unsafe conditions, including maintaining a clear vision triangle on corner lots.

   (e) There is not sufficient space on the lot to construct the porch outside the required yards.

   (f) The porch shall maintain a minimum setback of 20 feet from property lines. If the principal structure is nonconforming with respect to the required front yard, the Zoning Administrator may administratively reduce the setback from property lines to ten feet. To grant the reduced setback, the setback of adjacent properties will be evaluated and the porch should not extend more than five feet beyond the facade of the adjacent residences.

   (g) Additional or more restrictive standards may be imposed to protect the character of a neighborhood, and to protect the safety and welfare of the community.

(4) **Stoops/entryways.** Stoops/entryways, not more than four feet above grade, shall be permitted in front yards of properties located in the R-O Heritage Residential zoning district. Stoops/entryways, not more than four feet above grade, located in front yards of properties in zoning districts other than R-O Heritage Residential will be reviewed and approved administratively to ensure they are compatible with the neighborhood and do not create unsafe conditions.

(’79 Code, § 151.033) (Ord. 90-194, passed 4-2-90; Am. Ord. 94-383, passed 11-5-94; Am. Ord. 97-061, passed 7-30-97; Am. Ord. 98-095, passed 3-11-98; Am. Ord. 07-735, 9-26-07; Am. Ord. 08-803, passed 7-2-08; Am. Ord. 08-817, passed 11-19-08; Am. Ord. 09-061, passed 11-4-09; Am. Ord. 10-007, passed 4-7-10; Am. Ord. 11-027, passed 8-17-11; Am. Ord. 12-026, passed 4-18-12)
§ 156.034 TEMPORARY STRUCTURES AND USES.

No temporary structure or use as listed herein shall be built, established, moved or remodeled, altered or enlarged unless the temporary structure or use is permitted by this chapter. The following uses of land are permitted in each zoning district (unless specifically restricted to a particular zoning district) subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district or districts in which it is located.

(A) Christmas tree sales, when located on a lot less than five acres located in a C-1, C-2, C-3 or C-4 District for a period not to exceed 30 days. This type of use need not comply with the yard requirements of this chapter, provided that no trees shall be displayed within ten feet of any driveway or street right-of-way or within 30 feet of the intersection of the right-of-way of any two streets.

(B) Contractors' offices and equipment sheds and trailers, when accessory to a construction project and only for the duration of the project while building permits are in effect, and provided that the office or equipment shed or trailer is located on the premises undergoing construction. No office, shed or trailer shall contain sleeping accommodations or cooking facilities. The use shall be removed upon the lapse of building permits or issuance of the last occupancy certificate, and shall be screened from view. The use of cargo containers to store contractor equipment shall be pursuant to §§ 156.030 through 156.033.

(C)(1) Subdivision sales offices, sometimes in a model home, when incidental to a new housing development. No use may be used for sleeping or cooking purposes and may continue only until all dwelling units in the development have been sold or leased.

(2) Fences may be located on lots used for subdivision sales offices and model homes provided that such fences comply with the provisions of § 156.033(C) except that:

(a) Points of access be provided as required by the Fire Chief for persons, equipment and vehicles which may be required in case of emergency.

(b) Fences need not be of open-design when located within the required front or corner side yard provided the fence does not exceed 3½ feet in height and is constructed of natural materials and may not be located within three feet of a curb when there are existing public sidewalks.

(D) Farm produce.

(1) Seasonal sales of farm produce is permitted in an Agricultural District, in a Residential District where produce is grown on the premises, and in a Commercial District, for a period not to exceed six months in any calendar year.

(2) Structures (farm stands or wagons) incidental to the sales of farm produce shall not exceed a total of 160 square feet nor be located less than 15 feet from a property line. Structures shall be removed when there are no sales for a period of three days or more.

(E) Circus or carnivals, when operated or sponsored by a religious, civic, or institutional not-for-profit group for a period not to exceed one week. No use may occur on a lot which does not provide adequate on-site parking and does not pose a safety hazard to pedestrians and motorists or interfere with the use and privacy of adjacent property. The use may not be located in any residential district, except on park, church, or school property, and shall comply with the yard requirements of the district in which it is located.

(F) Sidewalk sales, when conducted on private property in a commercial district incidental to the businesses located on the lot provided the use is conducted in conjunction with a special event or promotion which is related to or sponsored by the businesses on the lot and conducted adjacent to the entrance of the businesses, and that the use occurs for a period not to exceed four days and not to occur more than three times in a calendar year.

(G) Garage or yard sales, when conducted on private property in a residential district for the display and sale of household and personal items, provided the use occurs for a period not to exceed six days in a calendar year.

(H)(1) Sidewalk cafés. Notwithstanding any other provisions of the Municipal Code, sidewalk cafés shall solely be required to follow only the provisions for sidewalk cafés in §§ 91.80et seq., and § 111.09 when the sale and consumption of alcohol is involved.

(2) Outdoor restaurants. Notwithstanding any other provisions of the Municipal Code, outdoor restaurants shall follow solely the provisions of § 111.09(B) and § 156.123(I).
§ 156.035 HOME OCCUPATIONS.

No home occupation, as defined herein shall be established, altered or enlarged in any residence district unless the home occupation complies with the use limitations imposed by this chapter. Any home occupation that is customarily incidental and subordinate to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

(A) Definition. A HOME OCCUPATION is a business, profession, occupation or trade conducted for pecuniary gain entirely within a residential building, or, when permitted by division (B) within a structure that is accessory to a residential building.

(B) Limitations. In addition to all of the use limitations applicable in the district in which a home occupation is located, no home occupation shall be permitted unless it complies with the following restrictions in all residence districts.

1. No person who is not a member of the immediate family occupying the dwelling unit shall be employed in connection with the occupation.

2. There shall be no manufacturing or processing of any sort.

3. For a home occupation one flat or dimensional surface sign (as described in § 155.04 of this code) shall be permitted that is, consistent with the character of residence, attached flush with the structure, not more than five square feet in area, shall not be illuminated, and indicated only the name, occupation and phone number of the business.

4. No wholesale, jobbing or retail business shall be permitted unless sales are conducted entirely by mail or telephone and the business does not involve the receipt, shipment, delivery or storage of merchandise on or from the premises.

5. There shall be no alteration of the principal residential building which changes the character as a dwelling.

6. No more than 25% of the area of a dwelling shall be devoted to the home occupation.

7. No mechanical or electrical equipment may be used except such types as are customary for purely domestics household, or hobby purposes. Furthermore, no equipment which creates noise vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district shall be used in the home occupation.

8. There shall be no storage outside a principal building or accessory structure of equipment or materials or products used in the home occupation.

9. The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto.

10. The home occupation shall be conducted in a manner which would not cause the premises to differ from its residential character either by use of colors, materials, lighting, or the emission of sounds, noises, or vibrations.

11. The home occupation shall not have an adverse affect on the neighborhood through the congestion of city streets.

(C) Particular home occupations permitted. Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirements of divisions (A) and (B).

1. Dressmakers, seamstresses, and tailors.

2. Music teachers, but regular instruction shall be limited to one pupil at a time, except for occasional groups.

3. Artists, sculptors, authors and composers.

4. Office facilities for architects, engineers, lawyers, insurance agents and members of similar professions.

5. Offices of duly ordained leaders of a religious or spiritual community.

6. Office facilities for real estate and other salesmen, sales representatives and manufacturers representatives, when no retail or wholesale transactions are conducted on the premises.

7. Homecrafts, such as model-making, rug-weaving, lapidary work, and cabinet making, provided, however, that no machinery or equipment shall be used or employed, other than that which would customarily be incidental to residential occupancy. The machinery or equipment shall include that which would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.

8. Day care homes, provided that they are licensed by the Illinois Department of Children and Family Services.

9. Barber shops and beauty shops.
(D) *Particular home occupations prohibited.* Prohibited home occupations include, but are not limited to, the following list of occupations and other home occupations that cannot meet the requirements of divisions (A) and (B).

1. Dancing schools.
2. Funeral homes.
3. Nursery schools and day care centers.
4. Restaurants.
5. Stables, kennels, or animal hospitals.
6. Tourist homes and lodging houses.
7. Medical or dental offices, clinics or hospitals.
8. Antique shops or sales.

(‘79 Code, § 151.035) (Ord. 90-194, passed 4-2-90; Am. Ord. 94-362, passed 5-2-94)

§ 156.036 **OFF-STREET PARKING AND LOADING.**

No structure shall be built or moved and no structure or land shall be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by §§ 156.090 through 156.099 are provided. No structure or use already established on the effective date of this chapter shall be enlarged unless the minimum off-street parking and loading spaces which would be required by §§ 156.090 through 156.099 for enlargement are provided.

(‘79 Code, §151.036) (Ord. 90-194, passed 4-2-90)

§ 156.037 **NUMBER OF STRUCTURES ANDUSES ON ZONING LOT.**

(A) Not more than one principal residential building shall be located on a single zoning lot, nor shall a principal residential building be located on the same zoning lot with any other principal building, unless the principal residential building is located in a planned development that has been approved pursuant to the provisions of this chapter.

(B) In business and industrial districts, any number of structures (except residential buildings) and uses may be constructed or established on a single zoning lot, but no single zoning lot shall be smaller than the minimum lot area prescribed for the district in which the structure is located.

(‘79 Code, § 151.037) (Ord. 90-194, passed 4-2-90)

§ 156.038 **YARD REQUIREMENTS FOR OPEN LAND.**

If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum front, side or rear yards that would otherwise be required for the zoning lot shall be provided and maintained unless some other provision of this chapter requires or permits a different front, side or rear yard, provided however, that front, side and rear yards shall not be required in zoning lots used for garden purposes without structures, or zoning lots used for open, public recreation areas.

(‘79 Code, § 151.038) (Ord. 90-194, passed 4-2-90)

§ 156.039 **RESTRICTIONS ON ALLOCATION AND DISPOSITION OF REQUIRED YARDS OR OPEN SPACE.**

(A) No part of the lot area, or of a yard, or other open space or off-street parking or loading space provided in connection with any structure or use in order to comply with this chapter shall, by reason of a change of ownership or otherwise, be included as a part of the minimum lot area or of a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically permitted by this chapter.

(B) All of the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with this chapter shall be located on the same lot as the structure or use.
(C) No part of the lot area, or of a yard, other open space or off-street parking or loading space provided in connection with any structure or use (including but not limited to any structure or use existing on the effective date of this chapter or of any amendment thereto) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this chapter for equivalent new construction.

(‘79 Code, § 151.039) (Ord. 90-194, passed 4-2-90)

§ 156.040 [RESERVED].

§ 156.041 LOT SIZE REQUIREMENTS AND BULK REGULATIONS FOR PUBLIC UTILITY FACILITIES.

(A) Notwithstanding any other provisions of this chapter, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located except that public utility and public service uses located on or above the surface of the ground shall observe the applicable minimum front, side and rear yard requirements.

(1) Electric and telephone substations and distribution equipment.

(2) Gas regulator stations.

(3) Poles, wires, cables, conduits, vaults, laterals, pipes, main valves or other similar equipment for distribution to consumers for transmission of electricity, gas or water.

(4) Pumping stations.

(5) Radio, television and microwave transmission or relay stations, towers and antennae.

(6) Transformer stations.

(7) Water standpipes.

(B) In addition, where electrical, telephone, water and sewer or other utility services require structures or facilities other than buildings located on or above the surface of the ground on easements through or abutting any lot in a residence district, the structures or facilities shall be prohibited from any required yard adjacent to a public street or from any dedicated street right-of-way.

(‘79 Code, § 151.041) (Ord. 90-194, passed 4-2-90)

§ 156.042 SEWER AND WATER FACILITIES.

All structures built shall be served by and connected to a public sanitary sewage disposal system and water distribution system; existing structures not connected to a public sanitary sewage system may be enlarged, repaired or altered without connection to the system provided that the failure to connect the structure shall not create a hazard to the public health, safety or welfare.

(‘79 Code, § 151.042) (Ord. 90-194, passed 4-2-90)

§ 156.043 ACCESS TO PUBLIC STREET.

Every principal building erected shall be on a zoning lot or parcel of land that adjoins a public street. A principal building may be erected on a zoning lot or parcel of land that adjoins a permanent easement of access to a public street, if the permanent easement of access was duly established and recorded prior to January 1, 2009.

(‘79 Code, § 151.043) (Ord. 90-194, passed 4-2-90; Am. Ord. 09-003, passed 2-4-09)

§ 156.044 CARGO CONTAINERS.

(A) Statement of purpose. The objective of this section is to regulate throughout the city cargo containers, as defined in § 156.003, Definitions. These uses or facilities should meet the following purposes:
(1) To provide for safe and orderly storage, staging and maintenance of a cargo containers in a manner that minimizes the noise, dust, traffic congestion, aesthetic blight, and other adverse environmental impacts of such use upon the surrounding area;

(2) To ensure that cargo container facilities are operated in a safe manner, based upon such factors as permitted height of such containers, contents stored within the containers, location containers are stored upon a lot, and methods of screening so as to prevent safety hazards and maintain accessibility for emergency and maintenance equipment;

(3) To ensure adequate visual screening and landscaping of cargo containers from the public right-of-way and adjacent properties is provided; and

(4) To ensure that the site is of sufficient size to accommodate safe storage of containers.

(B) Permitted uses. Cargo containers shall be prohibited in all zoning districts except as prescribed below:

(1) Cargo containers may be used in any zoning district as a temporary use, when used accessory to a construction project or accessory to a move, provided they meet the requirements of the zoning code set forth in §§ 156.030 through 156.033.

(2) Cargo container storage facilities and cargo container maintenance facilities are prohibited in all zoning districts, except as a special use permit in the M-2 General Manufacturing Zoning District, provided they meet the requirements established in this section and the special use regulations contained in §§ 156.120 through 156.125.

(3) Cargo containers shall be permitted at government buildings or facilities, when used for the purposes of temporary storage of electronic recyclable materials, collected as part of a recycling program administered by the city, and meeting the requirements established in this section.

(4) When used in support of agricultural production by an active farmer, and meeting the requirements of this section.

(5) Cargo containers, not specifically listed above, shall be permitted in the M-1 Limited Manufacturing and M-2 General Manufacturing zoning districts, provided they meet the requirements established in this section.

(C) Regulations. Regulations applicable to cargo containers permitted in division (B) above.

(1) Materials stored. Materials stored in cargo containers shall not include any material deemed hazardous, as defined by the Illinois Environmental Protection Agency, unless otherwise approved by the Fire District. All materials stored shall be consistent with a permitted use on the zoning lot upon which the container is stored.

(2) Container modifications. Cargo containers may not be modified or retrofitted for habitation. Containers shall be prohibited from having windows, heating and cooling, plumbing or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes.

(3) Use limitations.

(a) Containers stored on a zoning lot shall be accessory to an established permitted use on the zoning lot, and be operated and maintained under the same ownership as the use.

(b) Cargo containers shall not be used for the purposes of conducting business or selling merchandise.

(4) Bulk regulations.

(a) Required yards. Cargo containers shall not be located in required front or corner side yards. Containers should not be located closer to the front or corner side lot lines than the principal building(s) on the zoning lot.

(b) Stacking. Stacking of cargo containers shall be prohibited except in cargo container maintenance or storage facilities, provided they are not stacked more than three units high.

(c) Grouping requirements. No side-by-side grouping shall exceed 20 containers in width, and no end-to-end grouping shall exceed two containers in length. The interiors of all containers in a grouping shall be accessible from the outside of the grouping.

(d) Setbacks. Containers shall not be located on or over property lines. Cargo container maintenance and storage facilities shall adhere to district setbacks, except that stacked containers shall increase all setbacks by 30 feet for each additional stacked level.
Number of containers. There is no limit on the number of containers stored on a zoning lot, except in the M-1 Zoning District the combined floor area of all containers on the zoning lot shall be less than 500 square feet. M-1-zoned properties requesting 500 or more square feet shall apply for a special use permit for open storage.

Separation distance. Cargo containers used or stored as part of a maintenance or storage facility shall be a minimum of 1,000 feet from any property zoned or used for residential land uses, nor shall they be closer than 30 feet to any existing structure or building.

Minimum lot size. There shall be no minimum lot size requirement for containers regulated in this section, except cargo container maintenance or storage facilities shall have a minimum lot size of 20 acres.

Access. Based on the number of containers and location on a site, the city and/or Fire District may require an access drive around the containers. Cargo containers may not be stored in a manner that blocks access to adjacent structures, buildings, public rights-of-way, public utility or drainage easements, or the container's interior.

Prohibited locations. Containers may not be located in required landscape areas, public utility or drainage easements, required off-street parking or loading/unloading areas, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses. The placement of a container on a property should be so as not to impede Fire District access or operations.

Landscaping and screening.

(a) Cargo container maintenance and storage facilities shall provide a minimum-100-foot-wide screening buffer around the entire facility. Refer to § 153.50.120 of the Development Code for transition yard screening requirements, except that the berm should contain a 3:1 slope to a minimum height of 15 feet, and the amount of required plantings should be doubled.

(b) Cargo containers not part of a maintenance or storage facility.

1. In the M-1 Zoning District, containers shall be fully screened from public rights-of-way and adjacent properties. Permitted forms of screening are permanent enclosures, using brick, stone or similar material; permanent fence or wall; landscaping and berming; or any combination thereof. Chain link shall not to be used for required screening. Containers are to be placed on the lot in a manner that minimizes its visual impact on adjacent properties.

2. In the M-2 Zoning District, containers shall be fully screened from public rights-of-way. Permitted forms of screening are permanent enclosures using brick, stone or similar material; permanent fence or wall; landscaping and berming; or any combination thereof. Chain link shall not to be used for required screening. Containers are to be placed on the lot in a manner that minimizes its visual impact on adjacent properties.

3. Containers used at electronic recycling facilities operated by the city, and containers used in support of agricultural production by an active farmer, are to be painted a neutral color or, if the container is near a building wall or structure, it should be painted to match, as nearly as possible, the predominate color of that structure. Permanent enclosures using brick, stone or similar material; permanent fence or wall; and/or landscaping and berming may be used. Containers are to be placed on the lot in a manner that minimizes its visual impact on adjacent properties.

Maintenance. All cargo containers and any form of cargo container screening shall be maintained in a like-new condition, shall be safe, structurally sound, stable, and in good repair. Any visible sign of deterioration, including but not limited to, broken elements, peeling paint, or rust, shall not be permitted.

Historically sensitive site, buildings or structure. Cargo containers shall not be visible from any site designated or identified as a local or national historic landmark or natural area. This includes significant vegetative features, stream and creek corridors, buildings, sites, structures and/or identified viewsheards of historic and/or cultural significance.

Environmentally sensitive lands. Cargo container facilities may not be stored closer than 1,000 feet to any existing inventoried wetland or identified floodplain/floodway.

Signage.

(a) Containers used as part of a city recycling program, or used in support of active farming, are prohibited from having signage.

(b) Containers for all other uses regulated by this section shall have no signage other than company identification and logos, provided such signage is not affixed to the container.

(c) Notwithstanding the above, containers storing chemicals or other flammable liquids or gases are to be placarded per NFPA 704.
(12) Plans required. Permit requests for cargo containers shall be subject to site plan review by the Planning Department. Special use permits for container facilities must submit a site plan, landscape plan, and lighting plan for city review.

(13) Additional standards. During plan review, the city and/or Fire Prevention District may place additional or more restrictive conditions on the approval, including but not limited to, painting the containers to match building(s) on the property, location on the property, and limiting the number of containers in order to protect the health, safety and welfare of the community.

(14) Fire District review and permitting. Conformance to all fire codes shall be required. All requests for containers will be subject to review by the regulating Fire Prevention District. An inspection is to be conducted by the Fire District after the container is loaded. If chemicals or other flammable liquids and gases are to be stored in a container, a permit shall be obtained from the Fire District.

(Ord. 10-007, passed 4-7-10) Penalty, see § 156.999

NONCONFORMING LOTS, STRUCTURES, AND USES

§ 156.060 NONCONFORMING LOTS.

(A) Continuation of substandard lots of record. In any Zoning District (except C-4 Downtown Commercial), notwithstanding the regulations imposed by any other provisions of this chapter, the principal building, which complies with the restrictions in division (B), may be erected on a lot not less than 50 feet in width, consisting entirely of one tract of land that:

(1) Has less than the prescribed minimum lot area, width or both;

(2) Is shown by a recorded plot or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of that size or width at that location would not have been prohibited by any zoning code; and

(3) Has retained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of the lot has been prohibited by the applicable zoning code.

(B) Yard requirements for nonconforming lots. Construction permitted by division (A) shall comply with all the regulations (except lot area, lot width, and yard setback of the front and side) applicable to the zoning district in which the lot is located, provided, however, that in an established neighborhood the following yard requirements may apply in place of the front and side yard requirements otherwise applicable.

(1) The front yard setback line shall be established as the mean of the front yard setback of the buildings on the adjacent lots.

(2) On a corner lot there shall be a minimum setback equal to the setback on the adjacent lot but not less than 20 feet.

(3) The garage for a residence should have a minimum front yard setback of 20 feet.

(4) In residential and commercial zones (except C-4), required side yards of principal buildings shall be not less than 10% of the width of the lot and in no case shall required side yards of principal buildings be less than six feet in width.

(’79 Code, § 151.060) (Ord. 90-194, passed 4-2-90; Am. Ord. 97-037, passed 2-26-97)

§ 156.061 NONCONFORMING STRUCTURES.

(A) Continuation of nonconforming structures. Any structure which is devoted to a use permitted in the zoning district in which it is located, but which does not comply with the applicable bulk, height, or floor area requirements, or is located on a lot which does not comply with the applicable lot or yard requirements, or both, may be continued for the period of its normal useful life, so long as it remains otherwise lawful subject to the restrictions in this section.

(B) Enlargement, alteration and repair of nonconforming structures. Any structure described in division (A) may be enlarged, maintained, repaired or remodeled; provided, however, that no enlargement, maintenance repair or remodeling shall either create any additional nonconformity or increase the degree of the existing nonconformity of all or part of the structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the
front and side yard requirements shall be determined by § 156.060. Notwithstanding the provision of this section, an addition may be constructed to a principal structure that is lawfully nonconforming with respect to the required yard setbacks provided such addition maintains the same or a greater yard setback than the principal structure.

(C) **Damage or destruction to nonconforming structures.** In the event that any principal structure is damaged or destroyed, by any means, it can be rebuilt on the existing foundation without having to conform to all the regulations of the zoning district in which it is located, provided restoration begins within two years after the date of damage and it is diligently pursued to completion.

(D) At the determination of the Zoning Officer, nonconforming accessory structures in the R-O District as described in this section may be replaced in their nonconforming location if the property affords no alternative location or arrangement for conformity.

(E) **Moving nonconforming structures.** No structure described in division (A) shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall conform to the regulations of the zoning district in which it is located after being so moved.

(’79 Code, § 151.061) (Ord. 90-194, passed 4-2-90; Am. Ord. 97-037, passed 2-26-97)

### § 156.062 NONCONFORMING USES.

(A) **Continuation of nonconforming uses.**

(1) A lawfully established use, building or structure which becomes nonconforming with respect to this chapter on the effective date thereof or as a result of any subsequent amendment may be continued except as otherwise provided in this section.

(2) A use illegal at the time of the adoption of this chapter shall not become a nonconforming use by reason of the adoption, but shall remain an illegal use, except where such illegal use is in a zoning district permitting the use.

(B) **Change of nonconforming use.** A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When a nonconforming use has been changed to any permitted use it shall not be changed back to a nonconforming use. For purposes of this section, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of seven days.

(C) **Enlargement of nonconforming use.** No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless the use shall conform to the regulations of the district in which it is located.

(D) **Repairs, alterations and maintenance of nonconforming uses.**

(1) No structure that is devoted in whole or in part to a nonconforming use shall be altered unless the entire structure and use shall conform to all regulations of the zoning district in which it is located, alterations designed to increase the intensity of a nonconforming use, or to introduce new nonconforming uses, are prohibited.

(2) Normal maintenance and incidental repair or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided, however, that this subsection shall not be deemed to authorize any violation of other subsections of this section.

(3) Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and declares such structure to be unsafe and orders its restoration to safe condition, provided the restoration is not otherwise in violation of this subchapter.

(E) **Damage or destruction to nonconforming uses.** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 75% of the cost of replacement of the structure new, the structure shall not be restored unless the use conforms to the zoning district in which it is located. When the damage or destruction is 75% or less of the cost of replacement new, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one year after the date of the partial destruction and is diligently pursued to completion.

(F) **Moving nonconforming uses.** No structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part for any distance whatsoever to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to the regulations of the zoning district in which it is located after being
so moved. No nonconforming use of land shall be moved in whole or in part for any distance whatsoever, to any location on the same lot or any other lot, unless the use shall thereafter conform to all regulations of the zoning district in which it is located after so moved.

(G) Discontinuance or abandonment of nonconforming uses.

(1) Nonconforming use of land. When a nonconforming use of land, not involving a structure, or involving only a structure which is accessory to the nonconforming use of land, is discontinued or abandoned for a period of two consecutive months (regardless of any reservation of an intent not to abandon or to resume the use), the use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the land shall comply with the regulations of the zoning district in which the land is located.

(2) Nonconforming use of structures.

(a) When a nonconforming use of part or all of a structure which was designed and intended for a use which is permitted in the zoning district in which the structure is located is discontinued or abandoned for a period of one year (regardless of any reservation of an intent not to abandon or to resume the use), the use shall not be reestablished or resumed. Any subsequent use or occupancy of the land shall comply with the regulations of the zoning district in which the structure is located.

(b) When a nonconforming use of a part or all of a structure which was not designed and intended for any use which is permitted in the zoning district in which the structure is located is discontinued or abandoned for a period of one year (regardless of any reservation of an intent not to abandon or to resume the use), the use shall not be reestablished or resumed. Any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which the structure is located.

(3) Nonconforming accessory uses. No use which is accessory to a principal nonconforming use shall continue after the principal use shall have ceased or terminated.

(‘79 Code, § 151.062) (Ord. 90-194, passed 4-2-90; Am. Ord. 97-037, passed 2-26-97)

USE DISTRICTS

§ 156.070 ESTABLISHMENT OF ZONES.

In order to carry out the purpose and provisions of this chapter, the city is divided into the following districts.

(A) A-1 Agriculture District. The purpose of the A-1 District is to provide areas to principally maintain agricultural uses and restrict those uses which would conflict with this purpose. This land shall be located in outlying areas of the city. Includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(B) E-R Estate Residential District.

(1) The purpose of the E-R District is to provide for single-family residential developments having large lots and a rural character.

(2) The regulations of this district are intended to preserve and protect the character of existing lots improved with single-family dwellings, and to permit compatible development.

(3) Includes small community residences, provided they are located not less than 1,800 feet from another small community residence.

(4) Includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(C) R-0 Heritage Residence District.

(1) The purpose of the R-0 District is to provide for detached single-family residential development in an area having significance in the historical development of the city. The land shall be located within the bounds beginning at the Chicago Sanitary and Ship Canal and Thornton Street, east on Thornton Street to Madison Street, south on Madison Street to 7th Street, east on 7th Street to Garfield Street, south on Garfield Street to Division Street and continuing south along corner street to South Street, west on South Street to Madison Street, south on Madison Street to 19th Street, west on 19th Street to the Chicago Sanitary and Ship Canal, and north on the Canal to Thornton Street.
(2) The regulations of this district are intended to protect small single-family dwellings on urban size lots, to provide guidelines for the development of two-family dwellings, and to permit compatible development.

(3) Includes small community residences, provided they are located not less than 1,800 feet from another small community residence.

(4) Includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(D) **R-1 Single Family Residential District.**

(1) The purpose of the R-1 District is to provide areas for detached single-family dwellings.

(2) The regulations of this district are intended to preserve and protect the character of existing lots improved with single-family dwellings and to permit compatible development.

(3) Includes small community residences, provided they are located not less than 1,800 feet from another small community residence.

(4) Includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(E) **R-2 Single-Family Residential District.**

(1) The purpose of the R-2 District is to provide areas for attached single-family dwelling development with not more than four dwellings attached together.

(2) The regulations of this district are intended to protect small single-family dwellings on urban-size lots, to provide guidelines for the development of attached single-family dwellings and to permit compatible development.

(3) Includes small community residence, provided they are located not less than 1,800 feet from another small community residence.

(4) Includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(F) **R-3 Multiple-Family Residential District.**

(1) The purpose of the R-3 District is to provide areas for attached single family or multiple-family development with not more than eight dwelling units per building.

(2) The regulations of this district are intended to protect existing multiple-family dwellings, to provide guidelines for development of modern multiple-family dwellings in buildings of a moderate density and to permit compatible development.

(3) Includes small community residences, provided they are located not less than 1,800 feet from small community residence; provided, however, that up to two residences may be located on the same zoning lot.

(4) Includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence; provided, however, that up to one such residence may be located on the same zoning lot.

(G) **R-4 Multiple-Family Residential District.**

(1) The purpose of the R-4 District is to provide areas for multiple-family development. Such land shall be located along a major arterial or collector street.

(2) The regulations of this district are intended to protect existing multiple-family dwellings, to provide guidelines for development of modern multiple-family dwellings in buildings of a moderate density and to permit compatible development.

(3) Includes small community residences, provided they are located not less than 1,800 feet from another small community residence, provided, however, that up to one such residence may be located on the same zoning lot.

(4) Includes community residences of up to ten persons, provided they are located not less than 1,800 feet from another community residence.

(5) Includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence; provided, however, that up to one such residence may be located on the same zoning lot.
(H) **C-1 Neighborhood Commercial District.** The purpose of the C-1 District is to provide for areas of limited commercial and office uses serving the daily or frequently occurring convenience needs of persons living in adjacent neighborhoods. Development should be compatible with adjacent neighborhoods and relatively small in scale.

(I) **C-2 Community Commercial District.** The purpose of the C-2 District is to provide areas for provision of a broad range of general shopping and grouping of compatible business uses to provide public convenience and business prosperity. This land should be located at the intersection of, or along, major arterial streets and collector streets.

(J) **C-3 Highway Commercial District.** The purpose of the C-3 District is to provide areas for uses traditionally associated with or requiring the use of the automobile. This land should be located along major arterial streets.

(K) **C-4 Downtown Commercial District.** The purpose of the C-4 District is to provide a central area for various retail, office, governmental, production and manufacture, residential and cultural activities. Dwelling units located in this District shall not be located below the second floor. This land shall be located within and around the bounds of the Historic District.

(L) **O-1 Limited Office District.** The purpose of the O-1 District is to provide areas for professional and administrative uses, generally acting as a transition between major arterial streets and residential development or commercial, manufacturing uses and residential development.

(M) **O-2 General Office District.** The purpose of the O-2 District is to provide areas for general office and research and development uses and ancillary uses arranged and developed in a campus-like setting. This land shall be located along a major arterial street.

(N) **M-1 Limited Manufacturing District.** The purpose of the M-1 District is to provide areas for research, warehouses, laboratories, limited manufacturing, and ancillary business uses. Such land shall be accessible to a major arterial street.

(O) **M-2 General Manufacturing District.** The purpose of the M-2 District is to provide areas for manufacturing, terminal and other industrial activities. This land shall be located along major arterial streets, navigable waterways and rail lines.

(`79 Code, § 151.070) (Ord. 90-194, passed 4-2-90; Am. Ord. 90-214, passed 8-13-90; Am. Ord. 97-042, passed 2-26-97; Am. Ord. 97-059, passed 7-16-97; Am. Ord. 08-831, passed 12-17-08; Am. Ord. 09-003, passed 2-4-09; Am. Ord. 12-023, passed 5-2-12)

### § 156.071 CONDITIONS OF USE.

(A) All uses permitted in C-1, C-2, C-3 and C-4 Districts shall be subject to the following conditions:

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold in a retail manner on the premises where produced.

(2) All business, servicing, and display of goods shall be conducted within completely enclosed structures, except permitted outdoor restaurants and sidewalk cafés, and outdoor areas for restaurants and/or bars, and except that temporary farm produce stands, bedding plants, flowers, nursery stock, packaged landscape materials and temporary promotional sale items may be displayed without the enclosure, provided that their location does not interfere with traffic or adequate and safe pedestrian ingress and egress.

(3) In a C-1 Commercial District, each business/store shall not exceed 10,000 square feet of floor area, and the total floor area of all businesses/stores on a zoning lot shall not exceed 30,000 square feet combined.

(4) In a C-3 Commercial District, a business that sells an outdoor product shall be allowed to display the outdoor product without the enclosure.

(5) Open storage of exterior building materials and vehicles (excluding ones for sale) shall be permitted by a special use in a C-2 and C-3 District provided they are screened from the public right of way and adjacent property by a solid fence or wall.

(6) There shall be no manufacture, processing or treatment of products other than what is clearly accessory or essential to the retail business conducted on the premises.

(7) All uses shall comply with the performance standards for noise, odor, dust, smoke and vibration established in § 156.072.

(8) The refuse storage area shall be screened from view by adjacent property and the public right of way.
(9) All transition yards shall be screened or landscaped to provide visual and acoustical privacy for adjacent residents. No parking; driveway; storage of material, vehicles or equipment; or buildings shall be located in a transition yard.

(10) All exterior lighting, including the building and parking lot lights, shall be directed away from adjacent property, highways and streets.

(11) Outdoor commercial recreation shall be permitted by special use in as permitted in §156.074, Permitted Uses, in accordance with the standards and procedures specified for special use permits in §§156.120 through 156.125.

(B) All uses in O-1 and O-2 Districts shall be subject to the following conditions:

(1) All business, servicing, processing and storage shall be conducted within enclosed buildings.

(2) All uses shall comply with the performance standards for noise, odor, dust, smoke and vibrations established in § 156.072.

(3) All transition yards shall be screened and landscaped to provide visual and acoustical privacy for adjacent residents. No parking; driveways; storage of vehicles, or equipment; or buildings shall be located in a transition yard.

(4) The refuse storage area shall be screened from view by adjacent property and the public right of way.

(5) All exterior lighting, including the building and parking lot lights, shall be directed away from adjacent property, highways and streets.

(6) Open storage of exterior building materials and vehicles shall be permitted by special use in an O-1 and O-2 District, provided they are screened from the public right-of-way and adjacent property by a solid fence or wall.

(7) All uses in an O-2 District shall be limited to no more than two loading berths per building.

(C) All uses in the A-1 District shall be subject to the following conditions:

(1) Those uses existing at the time of rezoning, annexation, or the adoption of the chapter shall be permitted uses.

(2) The minimum lot size for residential purposes in the A-1 District shall be ten acres.

(3) Cargo containers used in support of agricultural production by an active farmer shall be subject to § 156.044, Cargo Containers.

(D) Except for extraction uses to which this section shall not apply and for which the City Council may establish conditions, all uses in M-1 and M-2 Districts shall be subject to the following conditions:

(1) All business, servicing and processing shall be conducted within enclosed buildings.

(2) Open storage shall be permitted in an M-2 District and by Special Use Permit in an M-1 District. No open storage shall be permitted within 150 feet of a residential lot. Storage located elsewhere may be open to the sky but shall be enclosed by solid walls or fence at least six feet high, but not less than the height of the materials to be stored.

(3) All transition yards shall be screened or landscaped to provide visual and acoustical privacy for adjacent residents. No parking; driveway; storage of material, vehicles or equipment; or buildings shall be located in a transition yard.

(4) The refuse storage area shall be screened from view by adjacent property and the public right of way.

(5) All exterior lighting, including the building and parking lot lights shall be directed away from adjacent property, highways and streets.

(6) All uses shall comply with the performance standards for noise, odor, dust, smoke and vibration established in § 156.072.

(7) Cargo containers shall be regulated pursuant to § 156.044, Cargo Containers.

(79 Code, § 151.071) (Ord. 90-194, passed 4-2-90; Am. Ord. 94-383, passed 11-5-94; Am. Ord. 97-059, passed 7-16-97; Am. Ord. 06-677, passed 8-9-06; Am. Ord. 08-831, passed 12-17-08; Am. Ord. 09-003, passed 2-4-09; Am. Ord. 09-027, passed 6-3-09; Am. Ord. 10-007, passed 4-7-10; Am. Ord. 11-027, passed 8-17-11)

§ 156.072 PERFORMANCE STANDARDS.

Except for extraction uses to which this section shall not apply and for which the City Council may establish conditions, any use established in a Commercial, Office or Industrial District after the effective date of this chapter shall be so operated
as to comply with the performance standards established hereinafter. No use lawfully established on the effective date of this chapter shall be so modified or altered as to conflict with the performance standards established herein.

(A) **Noise.** The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses. Noises shall not exceed 60dBA at or beyond the adjacent lot line as measured with a sound level meter and impact noise analyzer meeting the applicable standards of the American National Standards Institute (ANSI S 1.4-1971 and ANSI S 1.11-1966). The instrument shall be set to the A-weighted response scale and the meter to the slow response. For impact noise levels, the value indicated above may be increased by 20dB.

(B) **Vibration.** An operation which creates intense earthshaking vibrations, such as, heavy drop forges or heavy hydraulic surges, shall not be discernible beyond the property lines of the industry. The maximum peak particle velocities permitted at the lot line shall not exceed .05 inches per second. Ground-transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three mutually perpendicular directions.

(C) **Particulate matter.** No solid or liquid particles shall be emitted in such quantity as to be readily detectable any point along lot lines or to produce a public nuisance or hazard beyond lot lines.

(D) **Toxic or noxious matter.** No toxic or noxious matter shall be permitted to be discharged beyond lot lines in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property of business.

(E) **Odorous matter.** The emission of odorous matter from all sources on a lot shall not exceed four odor units per cubic foot across lot lines. Odor intensities shall be measured in accordance with ASTH Test Method D 1391-57 or in an equivalent manner.

(F) **Glare.** No direct or reflected glare shall be detectable from any residential zone boundaries.

(’79 Code, § 151.072) (Ord. 90-194, passed 4-2-90; Am. Ord. 94-383, passed 11-5-94)

### § 156.073 Bulk Regulations.

(A) Table of bulk regulations; residential.

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<th>RESIDENTIAL BULK REGULATIONS</th>
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<td>9,000</td>
<td>10,000 or 4,500 per unit, whichever is greater</td>
<td>10,000 or 2,700 per unit, whichever is greater</td>
</tr>
<tr>
<td>Lot width (feet)</td>
<td>300</td>
<td>150</td>
<td>50</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Building height (feet)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>20%</td>
<td>25%</td>
<td>35%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Maximum impervious surface coverage</td>
<td>40%</td>
<td>40%</td>
<td>60%</td>
<td>45%</td>
<td>45%</td>
</tr>
<tr>
<td>Minimum contiguous area (acres)</td>
<td>40</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>Front yard (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial street</td>
<td>100</td>
<td>70</td>
<td>40</td>
<td>30*</td>
<td>45*</td>
</tr>
<tr>
<td>Collector street</td>
<td>100</td>
<td>40</td>
<td>30*</td>
<td>45*</td>
<td>45*</td>
</tr>
<tr>
<td>Local street</td>
<td>100</td>
<td>40</td>
<td>30*</td>
<td>30*</td>
<td>30*</td>
</tr>
<tr>
<td>Cul-de-sac bulb</td>
<td>100</td>
<td>40</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard (feet)</td>
<td>50</td>
<td>50</td>
<td>25</td>
<td>30</td>
<td>**</td>
</tr>
<tr>
<td>------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Cornerside yard (feet)</td>
<td>100</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>**</td>
</tr>
<tr>
<td>Double frontage yard (feet)</td>
<td>100</td>
<td>70</td>
<td>40</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>Interior side yard (feet)</td>
<td>50</td>
<td>15</td>
<td>10% of width, but not less than 6 feet</td>
<td>10% of width of the lot, but not less than 7 feet</td>
<td>10 ft. min. separation between adjacent bldgs., but not less than 7 ft, ***</td>
</tr>
<tr>
<td>Transition yard (feet)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>10</td>
</tr>
<tr>
<td>Lowlands yard (feet)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Floor area ratio</td>
<td>0.2</td>
<td>0.35</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Minimum landscaped surface ratio (front yard)</td>
<td>80%</td>
<td>80%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

Minimum building separation in new PUDs (feet)

| Corner to corner | 10 | 10 | 10 | 10 | 15 | 15*** | 15*** |
| Side to side | 10 | 10 | 10 | 10 | 15 | 20*** | 20*** |
| Front/rear to side | 30 | 30 | 20 | 25 | 35 | 40*** | 40*** |
| Front/rear to rear/front | 60 | 60 | 40 | 50 | 60 | 60*** | 60*** |
| Garage to garage | 68 | 68 | 68 | 68 | 68 | 68 | 68 |

* Yard may be reduced by not more than ten feet, if front yard on adjacent lot equals required front yard in the district.
** Must equal required front yard.
*** Plus one foot for each two feet, or fraction thereof, of building height greater than 25 feet.

(B) Table of bulk regulations; non-residential; except extraction uses to which this section shall not apply, and for which the City Council may establish conditions.

<table>
<thead>
<tr>
<th>NON-RESIDENTIAL BULK REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>Lot area (sq. ft.)</td>
</tr>
<tr>
<td>Lot width (feet)</td>
</tr>
<tr>
<td>Building height (feet)</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
</tr>
<tr>
<td>Minimum contiguous area (acres)</td>
</tr>
<tr>
<td>Front yard (feet)</td>
</tr>
<tr>
<td>Arterial street</td>
</tr>
<tr>
<td>Collector street</td>
</tr>
<tr>
<td>Local street</td>
</tr>
<tr>
<td>Rear yard (feet)</td>
</tr>
</tbody>
</table>
(C) Additional bulk regulations; pipelines and other utility transmission lines. Any yard adjacent a pipeline or overhead high voltage electric transmission line shall not be less than 40 feet. The requirements of this division shall not apply to accessory structures or uses or off-street parking.

(’79 Code, § 151.073) (Ord. 90-194, passed 4-2-90; Am. Ord. 91-243, passed 6-4-91; Am. Ord. 92-298, passed 8-17-92; Am. Ord. 94-383, passed 11-5-94; Am. Ord. 97-042, passed 2-26-97; Am. Ord. 97-059, passed 7-16-97; Am. Ord. 08-804, passed 7-2-08; Am. Ord. 08-817, passed 11-19-08; Am. Ord. 09-027, passed 6-3-09)

§ 156.074 PERMITTED USES.

No principal building, structure or land use shall be permitted except in the zoning districts indicated and for the purposes permitted in the following tables. Each use is mutually exclusive and does not encompass other uses listed in the table. A principal use listed in the table in any district denoted by the letter “x” is permitted by right, provided all other requirements of state law, this chapter, and all other applicable ordinances and regulations have been met. A principal use listed in the table in any district denoted by the letter “s” is a special use and permitted only subject to the provisions of §§ 156.120 through 156.125. A principal building structure or use not indicated by either “x” or an “s” is not permitted in that district. When classification of a use is not clear, the determination of the closest comparable use rests with the Zoning Administrator.

(A) Permitted use table; all zoning districts except C-4 Downtown Commercial.

<table>
<thead>
<tr>
<th>Permitted Use Table: All Zoning Districts Except C-4 Downtown Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Zoning Districts</strong></td>
</tr>
<tr>
<td>A-1</td>
</tr>
<tr>
<td>-----</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1000 - Residence of Accommodation</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>x</td>
</tr>
<tr>
<td>s</td>
</tr>
<tr>
<td>x</td>
</tr>
<tr>
<td>s</td>
</tr>
<tr>
<td>Mobile home</td>
</tr>
<tr>
<td>Dwelling units for watchmen and caretakers located on the premises where they are employed in such capacity</td>
</tr>
<tr>
<td>Farm homestead</td>
</tr>
<tr>
<td>Housing services for the elderly</td>
</tr>
<tr>
<td>Hotel, motel and other accommodation services</td>
</tr>
<tr>
<td>Apartment hotels and efficiency dwellings</td>
</tr>
<tr>
<td>Bed and breakfast lodge, inn</td>
</tr>
<tr>
<td>Hotel</td>
</tr>
<tr>
<td>Motel</td>
</tr>
<tr>
<td>Home occupations</td>
</tr>
<tr>
<td>Community residences</td>
</tr>
<tr>
<td>Community residences (small)</td>
</tr>
<tr>
<td>Community residence (large)</td>
</tr>
<tr>
<td>Religious institution housing services</td>
</tr>
<tr>
<td>Shared housing</td>
</tr>
<tr>
<td>Shared housing (small)</td>
</tr>
<tr>
<td>Shared housing (large)</td>
</tr>
</tbody>
</table>

### 2000 - General Sales or Services, and Offices

<p>| Retail related sales or services | x | x | x |
| Retail establishments, general | x | x | x |
| Automobile accessory store with limited services | x | x |
| Burial monument sales | x | x | x |
| Dealer in gold and silver, permanent | x | x |
| Dealer in gold and silver, special use | s | s |
| Department store | x | x |
| Electric and/or plumbing supply store | x | x | x | x | x |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>X</th>
<th>S</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment sale or rental store</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Equipment sale or rental store, heavy</td>
<td></td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Farm supply store</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Firearms/firearm ammunition sales</td>
<td>s</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Garden store</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Home improvement center</td>
<td>x</td>
<td>x</td>
<td>s</td>
</tr>
<tr>
<td>Lumber yard</td>
<td></td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Secondhand retail store</td>
<td></td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Thrift store</td>
<td></td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Taxidermist</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Tobacco shop, alternative nicotine shop, vapor shop</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Carpet and rug cleaning (on premises)</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Cigar lounge/cigar bar, stand-alone only</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Contractor’s shop</td>
<td>s</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Contractor’s yard, including landscaping</td>
<td></td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Exterminating shop</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Film and film developing store</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Hookah lounge/hookah café, stand-alone only</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Sexually-oriented business</td>
<td></td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Vapor lounge, ancillary to an alternative nicotine shop or vapor shop</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

**Vehicle-related services**

- Sales, rental and leasing establishments
- Automobile dealership, new
- Automobile dealership, used
- Automobile rental and leasing
- Truck and recreational vehicle, sales and rental
- Service establishments
<table>
<thead>
<tr>
<th>Establishment Type</th>
<th>s</th>
<th>s</th>
<th>x</th>
<th>x</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile body shop</td>
<td>s</td>
<td>s</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Automobile repair shop</td>
<td>s</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Automobile salvage</td>
<td>s</td>
<td>s</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Gas station, full-service</td>
<td>s</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Gas station, limited service</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Other motorized vehicle establishments</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Car wash</td>
<td>s</td>
<td>s</td>
<td>s</td>
<td>s</td>
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<tr>
<td>Repair services</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Consumer repair services</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Furnace supply and service</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Financial institutions</td>
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<td>x</td>
</tr>
<tr>
<td>Automated teller machine</td>
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<td>x</td>
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<tr>
<td>Automated teller machine, freestanding</td>
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<td>x</td>
<td>x</td>
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<tr>
<td>Cash for vehicle loan</td>
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<td>s</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Currency exchange</td>
<td>s</td>
<td>s</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Payday loan agency</td>
<td>x</td>
<td>x</td>
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<td>x</td>
</tr>
<tr>
<td>Offices, business and professional</td>
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<td>x</td>
<td>x</td>
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<tr>
<td>Food and beverage services</td>
<td>-</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Bakery, retail</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Bar or drinking place with entertainment (not including restaurants serving liquor)</td>
<td>s</td>
<td>s</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Bar or drinking place without entertainment (not including restaurants serving liquor)</td>
<td>s</td>
<td>s</td>
<td>s</td>
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</tr>
<tr>
<td>Catering establishment</td>
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<tr>
<td>Food store</td>
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<tr>
<td>Liquor store</td>
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<td>s</td>
<td>s</td>
<td>s</td>
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<tr>
<td>Micro-distillery</td>
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</tr>
<tr>
<td>Restaurants (with or without liquor)</td>
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<td>x</td>
<td>x</td>
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<tr>
<td>Outdoor area for restaurant and/or bar (large)</td>
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<td>s</td>
<td>s</td>
<td>s</td>
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<tr>
<td>Outdoor area for restaurant and/or bar (small) (refer to §§ 156.030 et seq. for restrictions)</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Service</td>
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<tr>
<td>------------------------------------------------------------------------</td>
<td>---</td>
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<td>---</td>
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<tr>
<td>Restaurant, specialty</td>
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<tr>
<td>Personal services</td>
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<tr>
<td>Art gallery</td>
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<tr>
<td>Arts and crafts studio</td>
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</tr>
<tr>
<td>Body art studio (no piercing)³</td>
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<tr>
<td>Fortune teller</td>
<td></td>
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<tr>
<td>Massage and/or massage therapy</td>
<td>X</td>
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</tr>
<tr>
<td>Picture framing services</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Print shop/copy center</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Tanning salon establishment</td>
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<tr>
<td>Tattoo parlor</td>
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<td></td>
<td>X</td>
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<tr>
<td>Pet and animal, sales or services</td>
<td>X</td>
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<tr>
<td>Animal hospital/clinic</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Doggie day care</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Kennel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary feline clinic</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
</tbody>
</table>

**3000 - Manufacturing, Distribution and Wholesale Trade**

<table>
<thead>
<tr>
<th>Service</th>
<th>S</th>
<th>X</th>
<th>X</th>
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</thead>
<tbody>
<tr>
<td>Apparel and other finished products made from fabrics and similar materials</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Bakery products, wholesale and production</td>
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<td></td>
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<tr>
<td>Barrel reconditioner</td>
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<td></td>
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<tr>
<td>Beverages, bottling and distributing</td>
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<td></td>
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</tr>
<tr>
<td>Cargo container storage facility or cargo container maintenance facility</td>
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</tr>
<tr>
<td>Canned and preserved fruits and vegetables</td>
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<td></td>
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</tr>
<tr>
<td>Costume jewelry, costume novelties, buttons, miscellaneous notions, except precious metals</td>
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<tr>
<td>Cut stone and stone products</td>
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<tr>
<td>Dairy products</td>
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<td></td>
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<tr>
<td>Electronic components and accessories</td>
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<td></td>
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<tr>
<td>Fuel and fuel oil dealer</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Furniture, cabinetry and fixtures</td>
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</tr>
<tr>
<td>Description</td>
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<td>---</td>
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</tr>
<tr>
<td>Household appliances</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Hydraulic equipment, manufacture, assembly and fabrication</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Instruments and associated equipment, engineering, laboratory, scientific and research</td>
<td></td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Instruments and supplies, surgical, medical and dental</td>
<td></td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Jewelry, silverware and plated ware</td>
<td></td>
<td>s</td>
<td>x</td>
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<tr>
<td>- - - - - - - -</td>
<td>- - - - - - - -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laboratory</td>
<td>- - - - - - - -</td>
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</tr>
<tr>
<td>Research laboratory</td>
<td>s</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Medical or dental laboratory</td>
<td>s</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Leather (not tanning) and vinyl products</td>
<td>s</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, general (unless identified separately in table)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacture, assembly, and/or fabrication of metal products, except machinery and transportation equipment</td>
<td>s</td>
<td>p</td>
<td>x</td>
</tr>
<tr>
<td>Manufacture, assembly, and/or fabrication of metal products, including machinery and transportation equipment</td>
<td>s</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Measuring and controlling instruments</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Musical instruments</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Office, computing and accounting machines</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Optical instruments and lenses</td>
<td>s</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Paper products from converted paper and paperboard</td>
<td>s</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Pens, pencils and other office and artist materials</td>
<td>s</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Perfumes, cosmetics and other toilet preparations</td>
<td>s</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Petroleum refining, processing, storage</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmaceutical processing</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Photographic equipment and supplies</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Plastic products, injection molding</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Plastic products, fabricated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pottery and related products</td>
<td>s</td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Power plant</td>
<td>s</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing ink</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing, publishing and allied industries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blueprinting, xerography establishment</td>
<td>s</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Production and manufacture for consumption, sale on premises</td>
<td>s</td>
<td></td>
<td>s</td>
</tr>
<tr>
<td>Recycling plant</td>
<td>s</td>
<td>s</td>
<td></td>
</tr>
<tr>
<td>Rubber products, fabricated</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Signs and advertising displays, fabrication of</td>
<td>s</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs and advertising displays (cloth/paper only), fabrication of</td>
<td>s</td>
<td>s</td>
<td></td>
</tr>
<tr>
<td>Testing facility (indoor)</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Testing facility (outdoor)</td>
<td></td>
<td></td>
<td>s</td>
</tr>
<tr>
<td>Tool and die works</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toys and amusement, sporting and athletic goods</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-storage facility&lt;sup&gt;2&lt;/sup&gt;</td>
<td>s</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Watches, clocks, clockwork-operated devices and parts</td>
<td>s</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Wood containers</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Wholesale establishments, unless listed elsewhere in table</td>
<td></td>
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</tr>
</tbody>
</table>

**4000 - Transportation, Communication, Information and Utilities**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Transportation services</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Air transportation</td>
<td>s</td>
<td>s</td>
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<td>s</td>
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<tr>
<td>Road, ground passenger and transit transportation</td>
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<td></td>
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<tr>
<td>Fleet vehicle dispatch</td>
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<td></td>
<td>x</td>
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<tr>
<td>Ambulance service (primary use)</td>
<td></td>
<td></td>
<td></td>
<td>s</td>
</tr>
<tr>
<td>Parcel delivery establishment</td>
<td></td>
<td></td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Railroad freight terminal</td>
<td></td>
<td></td>
<td></td>
<td>s</td>
</tr>
<tr>
<td>Communication and information</td>
<td></td>
<td></td>
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</tbody>
</table>
### 5000 - Arts, Entertainment and Recreation

<table>
<thead>
<tr>
<th>Establishment Type</th>
<th>X</th>
<th>S</th>
<th>X</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio and television broadcasting studio</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Radio and television equipment and communication equipment</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>S</td>
</tr>
<tr>
<td>Utilities and utility services</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Commercial, radio, microwave antenna towers</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

### 6000 - Education, Public Administration, Health Care and Other Institutions

<table>
<thead>
<tr>
<th>Institution Type</th>
<th>X</th>
<th>S</th>
<th>X</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational services</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Nursery school and pre-school</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>School, public and private</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>School, commercial</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

*Note: X stands for presence, S for support.*
<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public functions</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Government office</td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Police, fire station</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Post office, commercial</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Health and human services</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hospital</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Medical offices</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Social services</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Day care center</td>
<td>s</td>
<td>x</td>
</tr>
<tr>
<td>Day care home (licensed by State</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Department of Children and Family</td>
<td></td>
<td>Services</td>
</tr>
<tr>
<td>Religious institution housing services</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Religious institutions</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>Death care services</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Funeral parlor</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Burial building, cemetery</td>
<td>s</td>
<td>s</td>
</tr>
</tbody>
</table>

**7000 - Mining and Extraction Uses**

| Extraction uses                         |      | x                                                                            |

**8000 - Agricultural**

| Breeding and raising cattle, horses,    | -    | x                                                                            |
| pigs and poultry                       |      |                                                                             |
| Farming, horticulture, viticulture,    | x    | x                                                                            |
| forestry, crop and tree farming, truck |      | x                                                                            |
| farming, gardening, and the operation  |      | of any machinery or vehicles incidental to such activities                 |
| Greenhouse, nursery                    | x    | x                                                                            |
| s                                       | s    | s                                                                            |

**9000 - Planned Developments**

| Planned development                     | s    | s                                                                            |

**Miscellaneous**

| Accessory uses, structures              | s    | s                                                                            |
| Temporary uses, structures              | s    | s                                                                            |
| Unique use                              | s    | s                                                                            |
| Drive-up facility                       | s    | s                                                                            |
Medical cannabis cultivation center

Medical cannabis dispensing organization

1. Above-ground tanks, facilities or structures for the storage, and above- and below-ground facilities for the transportation of crude oil, petroleum or any of their constituents, or any substances used in energy production, subject to receipt or applicable federal and state approvals, for properties located 100 feet or more west of New Avenue right-of-way and north of Second Street.

2. Staff clarification on "self-storage facility." It is listed as a special use in C-2 and C-3 districts. The intent of the special use is that such facilities are not permitted on prime frontages suitable for retail uses, but are allowed in developments where there are strips of land left over, typically in the back where retail uses generally would not locate.

3. Subject to the following additional regulations:
   A. Shall not be located within 500 feet of similar facility, business or operation, nor shall it be located within 500 feet of any school, library or church.
   B. Such distance shall be measured by radial spacing as follows:
      1. In the case of a business to another business, or to a church or library, by measuring from the nearest corner of the building containing the business or on-premise freestanding sign associated with such business to the nearest corner of the second business or the nearest corner of the church or library building;
      2. In the case of a business to a school of public park, by measuring from the nearest corner of the building containing the business or on-premise freestanding sign associated with such business to the nearest boundary of the school or public park.
      3. In all cases, building projections, eaves or overhangs shall be excluded.

4. Subject to the following additional requirements:
   A. Shall not be located within 100 feet of any school, child care facility, public park, or other building used for education or recreational programs for persons under the age of 18 years.
   B. Shall not be located within 1,000 feet of any other tobacco shop, alternative nicotine shop or vapor shop. Separation is required to prevent overconcentration, which is defined as three or more of these uses existing within a 1,000 foot radius of the business.
   C. Such distances shall be measured as follows;
      1. For purposes of A. above, required separation distance shall be measured as a radius from the front door of the business to the nearest property line of the surrounding property; and
      2. For purposes of B. above, required separation distance shall be measured as a radius from the front door of one business to the front door of the surrounding business located within or outside the city's corporate limits.

(B) Permitted use table; C-4 Downtown commercial.

<table>
<thead>
<tr>
<th>Permitted Use Table: C-4 Downtown Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
</tr>
<tr>
<td>Apartment hotels and efficiency apartments</td>
</tr>
<tr>
<td>Bed and breakfast lodge, inn</td>
</tr>
<tr>
<td>Dwelling units if part of ground floor is used for business uses</td>
</tr>
<tr>
<td>Dwelling units for watchmen and caretakers located on the premises where they are employed in such capacity</td>
</tr>
<tr>
<td>Home occupations</td>
</tr>
<tr>
<td><strong>Non-manufacturing and Non-residential Uses</strong></td>
</tr>
<tr>
<td>Accessory uses, structures</td>
</tr>
<tr>
<td>Amusement arcade</td>
</tr>
<tr>
<td>Antique shop</td>
</tr>
<tr>
<td>Category</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Apparel store</td>
</tr>
<tr>
<td>Appliance store sales and repair</td>
</tr>
<tr>
<td>Art and school supply store</td>
</tr>
<tr>
<td>Art gallery</td>
</tr>
<tr>
<td>Arts and crafts studio</td>
</tr>
<tr>
<td>Auditorium, arena</td>
</tr>
<tr>
<td>Automated teller machine</td>
</tr>
<tr>
<td>Bakery</td>
</tr>
<tr>
<td>Bank</td>
</tr>
<tr>
<td>Banquet hall</td>
</tr>
<tr>
<td>Bar or drinking place</td>
</tr>
<tr>
<td>Barber shop</td>
</tr>
<tr>
<td>Beauty parlor</td>
</tr>
<tr>
<td>Bicycle store</td>
</tr>
<tr>
<td>Billiard and pool hall</td>
</tr>
<tr>
<td>Book and stationary</td>
</tr>
<tr>
<td>Bowling alley</td>
</tr>
<tr>
<td>Business machine store</td>
</tr>
<tr>
<td>Camera and photographic sales, supply store</td>
</tr>
<tr>
<td>Camera store</td>
</tr>
<tr>
<td>Candy, confectionary store, including the making thereof</td>
</tr>
<tr>
<td>Catering establishment</td>
</tr>
<tr>
<td>China, glassware store</td>
</tr>
<tr>
<td>Church, place of worship</td>
</tr>
<tr>
<td>Cigar lounge/cigar bar, stand-alone only</td>
</tr>
<tr>
<td>Clothing, formal ware rental store</td>
</tr>
<tr>
<td>Coin and philatelic store</td>
</tr>
<tr>
<td>Commercial post office</td>
</tr>
<tr>
<td>Commercial school</td>
</tr>
<tr>
<td>Computer/data processing center</td>
</tr>
<tr>
<td>Copy center</td>
</tr>
<tr>
<td>Corporate office</td>
</tr>
<tr>
<td>Dairy products store</td>
</tr>
<tr>
<td>Service Type</td>
</tr>
<tr>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Dance hall</td>
</tr>
<tr>
<td>Dancing school or studio</td>
</tr>
<tr>
<td>Day care center</td>
</tr>
<tr>
<td>Day care home, licensed by state Department of Children and Family Services</td>
</tr>
<tr>
<td>Dealer in gold and silver, permanent</td>
</tr>
<tr>
<td>Delicatessen</td>
</tr>
<tr>
<td>Department store</td>
</tr>
<tr>
<td>Drapery store</td>
</tr>
<tr>
<td>Drive-up facility</td>
</tr>
<tr>
<td>Drug store</td>
</tr>
<tr>
<td>Dry cleaner</td>
</tr>
<tr>
<td>Dry goods store</td>
</tr>
<tr>
<td>Electronic repair</td>
</tr>
<tr>
<td>Electronics store</td>
</tr>
<tr>
<td>Employment agency</td>
</tr>
<tr>
<td>Film and film developing store</td>
</tr>
<tr>
<td>Financial institution</td>
</tr>
<tr>
<td>Floor covering store</td>
</tr>
<tr>
<td>Florist shop</td>
</tr>
<tr>
<td>Fraternal organization</td>
</tr>
<tr>
<td>Furniture repair and upholstery</td>
</tr>
<tr>
<td>Furniture store</td>
</tr>
<tr>
<td>Furrier</td>
</tr>
<tr>
<td>Gift shop</td>
</tr>
<tr>
<td>Grocery and food store</td>
</tr>
<tr>
<td>Hardware store</td>
</tr>
<tr>
<td>Health club</td>
</tr>
<tr>
<td>Hobby store</td>
</tr>
<tr>
<td>Hookah lounge/hookah café, stand-alone only4</td>
</tr>
<tr>
<td>Hotel</td>
</tr>
<tr>
<td>Ice cream store</td>
</tr>
<tr>
<td>Insurance agency</td>
</tr>
<tr>
<td>Jewelry store</td>
</tr>
<tr>
<td>Laundry and dry cleaner, self-service</td>
</tr>
<tr>
<td>Business Type</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Leather goods and luggage store</td>
</tr>
<tr>
<td>Linoleum and tile store</td>
</tr>
<tr>
<td>Locksmith</td>
</tr>
<tr>
<td>Meat market</td>
</tr>
<tr>
<td>Micro-distillery</td>
</tr>
<tr>
<td>Museum</td>
</tr>
<tr>
<td>Music instrument sales</td>
</tr>
<tr>
<td>Music school</td>
</tr>
<tr>
<td>Nursery school</td>
</tr>
<tr>
<td>Office supplies and stationery store</td>
</tr>
<tr>
<td>Offices, business and professional</td>
</tr>
<tr>
<td>Outdoor eating and drinking permit (if located on a rooftop)</td>
</tr>
<tr>
<td>Outdoor area for restaurant and/or bar (large)</td>
</tr>
<tr>
<td>Outdoor area for restaurant and/or bar (small) (refer to §§ 156.030 et seq. for restrictions)</td>
</tr>
<tr>
<td>Outdoor area for restaurant and/or bar (if located on a rooftop)</td>
</tr>
<tr>
<td>Paint store</td>
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<tr>
<td>Pawn shop</td>
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<tr>
<td>Pet shop</td>
</tr>
<tr>
<td>Pharmacy</td>
</tr>
<tr>
<td>Photography studio</td>
</tr>
<tr>
<td>Picture framing</td>
</tr>
<tr>
<td>Planned development</td>
</tr>
<tr>
<td>Police station, fire station</td>
</tr>
<tr>
<td>Post office, government office</td>
</tr>
<tr>
<td>Printing shop</td>
</tr>
<tr>
<td>Private clinic, second floor or higher</td>
</tr>
<tr>
<td>Radio and television broadcasting studio</td>
</tr>
<tr>
<td>Real estate office</td>
</tr>
<tr>
<td>Record shop</td>
</tr>
<tr>
<td>Restaurant (with or without liquor)</td>
</tr>
<tr>
<td>Restaurant, specialty</td>
</tr>
<tr>
<td>School</td>
</tr>
<tr>
<td>Secondhand retail store</td>
</tr>
<tr>
<td>Sewing supplies and fabrics</td>
</tr>
<tr>
<td>Shoe repair shop</td>
</tr>
<tr>
<td>Shoe store</td>
</tr>
<tr>
<td>Sporting goods store</td>
</tr>
<tr>
<td>Tailor shop</td>
</tr>
<tr>
<td>Tanning salon establishment</td>
</tr>
<tr>
<td>Temporary uses, structures</td>
</tr>
<tr>
<td>Theater</td>
</tr>
<tr>
<td>Tobacco shop, alternative nicotine shop, vapor shop</td>
</tr>
<tr>
<td>Toy store</td>
</tr>
<tr>
<td>Travel agency, ticket office</td>
</tr>
<tr>
<td>Unique use</td>
</tr>
<tr>
<td>Vapor lounge, ancillary to an alternative nicotine shop or vapor shop only</td>
</tr>
<tr>
<td>Variety store</td>
</tr>
<tr>
<td>Veterinary feline clinic</td>
</tr>
<tr>
<td>Video sales, rental</td>
</tr>
</tbody>
</table>

4 Subject to the following additional requirements:
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1. For purposes of A. above, required separation distance shall be measured as a radius from the front door of the business to the nearest property line of the surrounding property; and
2. For purposes of B. above, required separation distance shall be measured as a radius from the front door of one business to the front door of the surrounding business located within or outside the city's corporate limits.

(‘79 Code, § 151.074) (Ord. 90-194, passed 4-2-90; Am. Ord. 90-214, passed 8-13-90; Am. Ord. 91-243, passed 6-4-91; Am. Ord. 93-334, passed 9-7-93; Am. Ord. 94-383, passed 11-5-94; Am. Ord. 97-042, passed 2-26-97; Am. Ord. 97-059, passed 7-16-97; Am. Ord. 98-116, passed 9-16-98; Am. Ord. 00-253, passed 5-31-00; Am. Ord. 00-270, passed 9-26-00; Am. Ord. 00-271, passed 9-26-00; Am. Ord. 01-289, passed 2-26-01; Am. Ord. 02-345, passed 3-14-02; Am. Ord. 02-348, passed 3-27-02; Am. Ord. 02-349, passed 3-27-02; Am. Ord. 06-677, passed 8-9-06; Am. Ord. 08-804, passed 7-2-08; Am. Ord. 08-831, passed 12-17-08; Am. Ord. 09-002, passed 2-4-09; Am. Ord. 09-027, passed 6-3-09; Am. Ord. 09-040, passed 10-7-09; Am. Ord. 10-007, passed 4-7-10; Am. Ord. 11-025, passed 8-17-11; Am. Ord. 11-027, passed 8-17-11; Am. Ord. 11-033, passed 11-2-11; Am. Ord. 12-023, passed 5-2-12; Am. Ord. 12-053, passed 1-2-13; Am. Ord. 13-027, passed 10-30-13; Am. Ord. 14-002, passed 2-19-14; Am. Ord. 14-027, passed 9-3-14; Am. Ord. 16-009, passed 7-20-16)

§ 156.075 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

A. Restriction. No person shall operate or cause to be operated a sexually oriented business within 1,200 feet of a preexisting:

1. Public or private elementary or secondary school;

2. Licensed day care center;
(3) Public park;
(4) Religious institution;
(5) Boundary of a residential district or C-1, C-2 and C-4 Commercial District and O-1 and O-2 Office District as defined by the city zoning ordinance; or
(6) Sexually oriented business.

(B) **Measurement.** For the purpose of division (A), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the other specified use.

(C) **Amortization of Existing Sexually Oriented Businesses.** Any sexually oriented business lawfully operating on the effective date of this ordinance and that is in violation of subsections (a) of this section shall be deemed a non-conforming use. The non-conforming use shall be permitted to continue for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is non-conforming.

(D) **Exemption from location restrictions.**

(1) Any person desiring to locate a sexually oriented business at a location prohibited under §§ 156.014(C) and 156.075 of the zoning ordinance or any other provision thereof shall be required to seek a variation of use in accordance with the provisions of the zoning ordinance. In addition to the general criteria that must be established for a variation of use, the person seeking the variation shall also establish the following to be eligible for the variation of use:

(a) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;

(b) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight; and

(c) The location of a sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration.

(‘79 Code, §151.075) (Ord. 93-334, passed 9-7-93) Penalty, see § 156.999

**OFF-STREET PARKING AND LOADING**

**§ 156.090 PURPOSE.**

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

(‘79 Code, § 151.090) (Ord. 90-14, passed 4-2-90)

**§ 156.091 GENERAL PROVISIONS; PARKING AND LOADING.**

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

(1) For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking and loading facilities shall be provided as required by the regulations of the district in which the building or uses are located. However, where a permit has been issued prior to the effective date of this chapter, and provided that constructions is begun within one year of the effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

(2) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified for required parking or loading facilities,
parking and loading facilities as required shall be provided for the increase in intensity of use.

(3) However, no building or structure lawfully erected or use lawfully established prior to the effective date of this chapter shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing upon the effective date of this chapter, in which event parking or loading facilities as required shall be provided for the total increase.

(4) Whenever the existing use of a building or structure shall be changed to a new use, parking and loading facilities shall be provided as required for the new use. However, if the building or structure was erected prior to the effective date of this chapter, additional parking or loading facilities shall be required only in the amount by which the require­ments for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this chapter.

(B) Existing parking and loading facilities. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this chapter or were provided voluntarily after the effective date shall not be reduced below, or if already less than, shall not further be reduced below, the requirements of this chapter for a similar new building or use.

(C) Permissible parking and loading facilities. Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations governing the location, design, improvement and operation of the facilities are adhered to.

(D) Damage or destruction. For any conforming or legally non-conforming building or use which is in existence on the effective date of this chapter, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re­established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation, except that when the damage or destruction exceeds more than 50% of the value of the building or use, sufficient off­street parking or loading facilities shall be provided as required by this chapter for equivalent new use or construction. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.

(E) Control of off-site parking facilities. When required parking facilities are provided off-site, that is on land other than the zoning lot on which the building or use served by such off-site facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the off-site parking facilities serve until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

(G) Submission of plat plan. Any application for an improvement location permit for certificate of occupancy where no permit is required, shall include a plot plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with this chapter.

(H) Parking on vacant lots. Parking of vehicles on a vacant residential lot is prohibited unless it is located on a paved surface and serves as the required parking space for an adjacent building. Parking on the grass is not permitted.

(79 Code, § 151.091) (Ord. 90-14, passed 4-2-90; Am. Ord. 99-230, passed 10-13-99)

§ 156.092 ADDITIONAL PARKING REGULATIONS.

(A) Use of parking facilities. Off-street parking facilities accessory to residential uses and developed in any residential district or downtown commercial district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling units to which the facilities are accessory or by guests of the occupants. Required parking facilities accessory to residential uses shall not be used for the storage of commercial vehicles or the parking of automobiles belonging to employees, owners, tenants, visitors or customers of business or manufacturing establishments.

(B) Joint parking facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

(C) Computation. When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
(D) **Size.** A required off-street parking space shall be no less than nine feet wide and 18 feet long with a vertical clearance of seven feet, all exclusive of access drives, aisles, ramps, columns, office or work space, provided, however, that in measuring the length of a parking space area safely occupied by a vehicle beyond a curb stop, whether paved or unpaved, shall be included. Aisle widths shall not be less than the following: 24 feet for each perpendicular parking space, 20 feet for each angle parking space on a two-way aisle, and on a one-way aisle 18 feet for 60° parking spaces, 13 feet for 45° parking spaces and 11 feet for 30° parking spaces. A required off-street parking space parallel to the parking aisle or driveway shall be no less than ten feet wide and 23 feet in length. Notwithstanding the foregoing, the Zoning Administrator may permit a limited number of spaces designed to safely accommodate compact cars.

(E) **Access.** Each required off-street parking space shall open directly upon an aisle or driveway of a width and design as to provide safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

1. **Maximum residential driveway apron width.**
   a. The maximum residential driveway apron width, the areas between the platted lot line and the curb line, shall be as follows:
   - 1 and 2 car garages 24 ft. max.
   - Any 1 or 2 family dwelling with off-street parking, and no garage 24 ft. max.
   - 3 car garages 30 ft. max.
   - Duplex, 1 or 2 family with side by side garages 30 ft. max.
   b. **Exception.** Any residential driveway apron entering on to a state or county highway or road must have a valid state or county driveway permit and cannot exceed 24 feet in width as required under IDOT, 1990 Handbook for Policy on Permits for Access Driveways to State Highways.

2. Business, office and research, and industrial driveway aprons shall have a width equal to that of the driveway/aisle at the property line. Curb cut width shall be determined by the access control technique used.

3. Driveways shall not be located within 40 feet of the nearest point of intersection of any two streets.

4. Driveway separation within individual lots shall be in accordance with the following:

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<th>Highway Speed (mph)</th>
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(F) **Non-residential districts.** The following regulations apply to off-street parking and loading in non-residential districts.

1. Parking shall not be located in a vision triangle, nor cause an unsafe or hazardous condition.
2. Parking shall not be located within 20 feet of an adjacent residential district.
3. Along arterials, parking areas must be setback a minimum of 30 feet from property lines.
4. Along collector and local streets, parking areas must be setback a minimum of 20 feet from property lines.
5. Open storage of inoperable vehicles, vehicles awaiting repair, or vehicles in the process of being repaired is limited to three months. Upon demonstrating a hardship, this time frame may be reasonably extended by the Zoning Officer.

(G) **Residential districts.**
(1) **Residential zoning lots.** The following regulations apply to all vehicles parked, standing or stored on a residential zoning lot.

(a) **Number.**

1. Not more than five off-street parking spaces may be located in a required front or corner side yard. No loading spaces shall be located in any required yard in any residential district.

2. There shall be a maximum of five passenger vehicles stored on a zoning lot when not 100% enclosed in a garage, shed or similar structure. A passenger vehicle shall not exceed a 12-person capacity, otherwise it is classified as a recreational vehicle.

(b) **Residency requirement.** The owner of any vehicle shall reside at the real estate upon which the vehicle is stored, standing or parked.

1. Upon request by an authorized agent of the city, proof of vehicle ownership and residency shall be provided.

2. Nothing in the provisions of this section shall be construed to prohibit temporary guest parking.

(c) **Surfacing.** Any vehicle parked or stored outside shall be accessible only from a residential driveway and on an approved all-weather surface.

1. Approved all-weather surfaces include asphalt, brick, concrete, gravel and other similar surfaces.

2. Surfaces not approved include grass, weeds and/or over-growth.

3. The surface under any vehicle must be free of weeds, over-growth or debris.

4. To reduce the amount of pavement, ribbon strips are permitted.

(2) **Recreational vehicles and trailers.** In addition to the requirements of division (G)(1) above, the following regulations apply to all recreational vehicles and trailers parked on a residential zoning lot.

(a) **Number.** Not more than two recreational vehicles, conforming to the size restrictions stated in division (G)(2)(b), may be parked or stored in the open on a lot in a residential district.

(b) **Size.**

1. Recreational vehicles, such as, but not limited to, camping trailers, boat trailers, boats, camping buses, camping trucks, house trailers, passenger vehicles exceeding a 12-person capacity, and buses, or any other kind of trailers or motor vehicles shall not exceed nine feet in height, or 34 feet in length, or 10,000 pounds in gross weight.

2. Recreational vehicles exceeding the size restrictions below shall not be stored or parked in any residential district.

3. Length of a recreational vehicle shall be measured from the front to the back of the vehicle or equipment, and shall include all appurtenances, accessories and attachments.

(c) **Location and time restrictions.**

1. Recreational vehicles may be parked or stored in the interior side yard and rear yard, provided the vehicle is located a minimum of three feet from side lot lines, and five feet from rear property lines.

2. Only one interior side yard may be used for parking or storage of recreational vehicles.

3. Recreational vehicles shall not be parked in a front or corner side yard, except for loading and unloading purposes as described herein.

4. Parking for loading and unloading shall be on an approved all-weather surface, as described in division (G)(1)(c), and the time frame shall not exceed a period of 48 hours prior and subsequent to a trip. This time frame may be reasonably extended by the Zoning Administrator to accommodate additional loading and unloading.

(d) **Condition.**

1. Recreational vehicles must be in usable condition and not in a state of repair.

2. Tires on such recreational vehicle must be fully inflated, shall not have their wheels removed, or be affixed to the ground so as to prevent ready removal of the vehicle.
(e) **Licensed and registered.** The recreational vehicle must be properly licensed if required by the state, and registered to the particular location in which it is situated.

(f) **Prohibited uses.**

1. At no time shall a parked or stored recreational vehicle be used for living, sleeping or housekeeping purposes.
   a. No recreational vehicle shall be connected to gas, water or sanitary sewer service.
   b. Temporary electrical hookup shall be permitted.

2. Recreational vehicles shall not be parked or stored in such a way as to create a dangerous or unsafe condition.

3. Recreational vehicles, including attachments and appurtenances, shall not be parked or stored within one foot of a public sidewalk.

4. Recreational vehicles shall not be used as accessory structures in any district.

(H) **Parking or storage of trucks.**

(1) **Parking or storage restrictions in residential districts.**

   a. No semi tractor and/or semi trailer parking is allowed in a residential area. This includes single- or dual-axle trucks with a slip hitch.

   b. Trucks with a "J" license plate (26,001 pounds) or higher are not allowed to be parked in a residential area.

   c. Trucks with an “H” license plate must be parked inside a residential garage.

   d. Trucks with an “F” license plate (16,000 pounds or less) must be parked on a residential driveway within the lot area or inside a garage, except that trucks higher than ten feet must be parked behind the front line of the residence.

   e. Motorized equipment accessory to the truck or commercial vehicle shall not operate while the vehicle is parked at the residence.

   f. Nothing in the provisions of this division shall be construed to prohibit trucks or other service vehicles from being parked temporarily for the purpose of making deliveries or rendering services to the property owner.

   g. No overnight parking of recreational vehicles shall be permitted on any commercial property, when that vehicle is located to act as sleeping quarters or a residential use.

(2) **Parking or storage restrictions in non-residential districts.** This division applies to semi tractors and/or semi trailers, including single- or dual-axle trucks, which are openly parked, standing or stored in a non-residential district.

   a. Such trucks shall not be used for the purposes of lodging, resting or sleeping of inhabitants.

   b. Such trucks shall be parked only on property in which they are conducting business.

   c. Such trucks shall be on the premises only as long as required for their purpose at the site.

(I) No overnight parking of recreational vehicles shall be permitted on any commercial property, when that vehicle is located to act as sleeping quarters or a residential use.

(`79 Code, § 151.092) (Ord. 90-14, passed 4-2-90; Am. Ord. 91-243, passed 6-4-91; Am. Ord. 92-293, passed 7-20-92; Am. Ord. 93-333, passed 7-6-93; Am. Ord. 94-358, passed 5-2-94; Am. Ord. 98-094, passed 3-11-98; Am. Ord. 99-231, passed 10-13-99; Am. Ord. 05-517, passed 10-26-05; Ord. 99-231, passed 10-13-99; Am. Ord. 05-522, passed 9-28-05; Am. Ord. 08-812, passed 8-20-08)

§ 156.093 DESIGN AND MAINTENANCE.

Except for extraction uses to which this section shall not apply and for which the City Council may establish conditions, the following shall apply.

(A) **Open and enclosed parking spaces.** Accessory parking spaces located an the same lot as occupied by the use served may be open to the sky or enclosed in a building.

(B) **Screening and landscaping.** All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in an adjoining residence district by a wall,
fence berm or densely planted compact hedge not less than three feet nor more than seven feet in height. The required screening shall conform with the front yard requirements of the district in which the parking is located.

(C) *Base course construction and surfacing.* The construction design of off-street parking facilities shall be reviewed by the City Engineer to determine:

1. That every parking space, including access thereto, shall have an all-weather dust-free surface and shall be so graded and drained as to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public drainage way.

2. That parking areas shall be constructed in accordance with § 153.50.070 of the Development Code, with a minimum structural number of 2.5 and a minimum surface slope of 1%.

(D) *Lighting.* Lighting used to illuminate off street parking areas shall be directed away from adjacent residential property.

(E) *Signs.* Signs for the purpose of assigning parking spaces or giving directions may be placed in parking areas.

(F) *Repair and service.* No motor vehicle repair work of any kind shall be permitted in conjunction with accessory open off-street parking facilities.

(G) *Gasoline and oil sales.* The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district.

(H) *Floor area exemptions.* When two or more uses are located on the same zoning lot, only one exemption in terms of floor area, as set forth in the schedule of parking requirements below, shall be permitted.

(I) *Curbings.* The perimeter of all parking areas providing space for five or more vehicles shall provide vehicular barriers. The vehicular barriers of these parking areas shall be continuous barrier curbing.

(J) *Stripings.* The pavement surface of off-street parking facilities shall be striped to define each parking space. Striping shall be a minimum of four inches in width for the length of each space and shall be painted white. All areas designated as fire lanes or no parking areas shall be painted yellow.

(K) *Maintenance.* The owner, tenant, or the owner or tenant's agent shall be jointly and severally responsible for the maintenance of all components comprising an off-street parking lot area, including pavement, stall striping, lighting and signage. Parking areas shall be maintained in good condition to present a neat and orderly appearance and shall be kept free from broken pavement, potholes, refuse and debris. Striping shall be visible and clearly define all parking spaces, including handicapped signage. Lighting fixtures and standards shall be operational and free of damage or rust. Signage shall be readable and properly maintained and located for their respective purpose in accordance with city signage requirements. An owner, tenant, or the owner or tenant's agent shall address any identified maintenance issue within 20 days after receiving written notification from the city.

(‘79 Code, § 151.093) (Ord. 90-14, passed 4-2-90; Am. Ord. 94-383, passed 11-5-94; Am. Ord. 15-021, passed 10-7-15)

§ 156.094 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES.

The location of off-street parking spaces in relation to the use served shall be prescribed hereinafter.

(A) *For uses in a residence district.* Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case more than 300 feet from the use.

(B) *For uses in business and manufacturing districts.* All required parking spaces shall be not more than 500 feet from the use served, except for spaces accessory to dwelling units which shall be not more than 300 feet from the uses served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private free, off-street parking accessory to such uses and municipal parking lots may be allowed by special use permit in accordance with the standards and procedures specified for special use permits in § 156.140, within 200 feet of and adjacent to any business or industrial district.

(C) *For uses in downtown commercial district.* All required off-street parking spaces shall be not more than 1,000 feet from the use served. However, no parking spaces accessory to a use in the downtown commercial district shall be located in any residence district, except that private, free, off-street parking accessory to such uses and municipal parking lots within 200 feet of and adjacent to a downtown commercial district, may be allowed by special use permit in accordance with the standards and procedures specified for special use permits in §§ 156.120 through 156.125.
§ 156.095 SCHEDULE OF PARKING REQUIREMENTS.

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required for employees shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

(A) Residential uses, are as follows.

(1) Single-family detached and attached dwellings. Except in the R-O District, all single-family attached and detached homes are required to have a minimum of three off-street parking spaces per unit and a minimum of one on-street parking space for every two units. If the third off-street parking space can not be provided at the residence or the required on-street parking spaces can not be provided, then guest parking areas should be created not more than 500 feet from the dwelling units that do not have the required spaces. Guest parking areas located on the lot areas can be counted to satisfy both requirements. In the R-O District, two off-street parking spaces are required for each single-family attached and detached home.

(2) Tourist courts, tourist homes, hotels, hotels and motor hotels. One parking space shall be provided for each dwelling unit or guest room, plus one space for the manager and each employee, plus parking as required herein for other ancillary uses such as restaurants and meeting rooms.

(3) Private clubs and lodges. One parking space shall be provided for each 200 square feet of floor area.

(4) Multiple family dwellings (including apartment hotels). A minimum of 2.5 off-street parking spaces shall be provided for each dwelling unit.

(B) Retail and service uses, as follows.

(1) Retail stores, banks, and drive-up facilities. One parking space shall be provided for each 200 square feet of floor area.

(2) Automobile repair shop, body shop and service stations. At least four parking spaces for each service bay or work station, plus one parking space for each employee, but not less than six parking spaces.

(3) Bowling alleys. Five parking spaces shall be provided for each bowling alley, plus such additional spaces as may be required herein for affiliated uses such as bars, restaurants and the like.

(4) Furniture and appliance stores, household equipment or furniture repair shoes and machinery shops. One parking space shall be provided for each 600 square feet of floor area.

(5) Motor vehicle sales. One parking space shall be provided for each 300 square feet of floor area.

(6) Theaters (Indoor). One parking space shall be provided for each three seats.

(7) Undertaking establishments, funeral parlors. Twenty parking spaces shall be provided for each chapel or parlor plus one parking space for each funeral vehicle kept on the premises; in addition there shall be provided stacking space for not less than ten automobiles for funeral procession assembly.

(8) Restaurants. Six spaces plus one parking space for each 75 square feet of floor area, but not less than ten spaces.

(9) Wholesale establishments (but not including warehouses and storage buildings other than accessory). One parking space shall be provided for each 600 square feet of floor area.

(10) Shopping center. A minimum of five parking spaces and a maximum of six parking spaces per 1,000 square feet of gross leasable area in the structures in the shopping center development, in addition to adequate off-street parking for employees.

(C) Industrial and office uses shall provide the greater of 1.25 parking spaces per employee on the largest shift, or as follows:

(1) Industrial, manufacturing, finishing operations, and assembly establishments. One parking space for each 800 square feet of floor area.

(2) Warehouses and terminal facilities. One parking space for each 5,000 square feet of floor area.

(3) Research and testing facilities. One parking space for each 1,000 square feet of floor area.
(4) **Offices.**

(a) **Medical.** One space for each 200 square feet of floor area.

(b) **Business, professional and governmental.**

   1. Less than 49,999.9 square feet of floor area: 4.5 spaces for each 1,000 square feet of floor area.
   2. 50,000 to 99,999.9 square feet of floor area: 4 spaces for each 1,000 square feet of floor area.
   3. 100,000 or more square feet of floor area: 3.5 spaces for each 1,000 square feet of floor area.

(D) **Community service.** Community service use is as follows:

(1) **Church, school, college and other institutional auditoriums.** One parking space shall be provided for each three auditorium seats or each 80 inches of seating space. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.

(2) **Colleges, universities and business, professional and trade schools.** One parking space shall be provided for each three employees, and one parking space shall be provided for each two students based on the maximum number of students attending classes on the premises at any one time during any 24-hour period.

(3) **Clinics, medical or dental.** One parking space shall be provided for each employee and doctor, plus one space for each 200 square feet of floor space.

(4) **Hospitals.** One parking space shall be provided for each two hospital beds, plus one parking space for each two employees, other than the staff doctors, plus one parking space for each doctor assigned to the staff.

(5) **Libraries, art galleries and museums—public.** One parking space shall be provided for each 1,000 square feet of gross floor area.

(6) **Municipal or privately-owned recreation building or community center.** One parking space shall be provided for each employee, plus one space for each 300 square feet of floor space.

(7) **Public utility and public service uses.** One and one-half parking spaces shall be provided for each employee, plus one space for each vehicle used in the conduct of the enterprise.

(8) **Schools—nursery, elementary and high.** One parking space shall be provided for each employee, plus ten spaces for each 100 students.

(E) **Places of assembly.** Places of assembly, as follows:

(1) Stadiums, arenas, auditoriums (other than church, college, or institutional schools), convention halls, exhibition halls, and other similar places of assembly: parking spaces equal in number to 50% of the capacity in persons shall be provided.

(2) Dance hall, discotheque, banquet hall, private club, tavern, cocktail lounge, nightclub, and any eating or drinking establishment with live entertainment and/or dancing: one parking space for each 25 square feet of floor area.

(F) **Miscellaneous uses.** Miscellaneous uses are as follows:

(1) **Fraternities, sororities and dormitories.** One parking space shall be provided for each five active members, plus one parking space for the manager thereof.

(2) **Sanitariums, convalescent homes or institutions for aged or for children.** One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.

(3) **Rest homes or nursing homes.** One parking space shall be provided for each four beds, plus one parking space for each two employees, (other than a staff doctors), plus one parking space for each doctor assigned to the staff.

(G) **Special uses.** For the following special uses, parking spaces shall be provided in adequate number as determined by the Zoning Administrator to serve persons employed or residing on the premises as well as the visiting public.

(1) Airports or aircraft landing fields; heliports.

(2) Convents and monasteries.

(3) Cemeteries.
(4) Fraternal or religious institutions.
(5) Outdoor amusement establishments; fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.
(6) Rectories and parish houses.
(7) Public swimming pools.

(H) **Mixed uses.** When two or more uses are located on the same zoning lot within the same building parking spaces equal in number to the sum of the separate requirements for each use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals.

(I) **Other uses.** For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

(’79 Code, § 151.095) (Ord. 90-14, passed 4-2-90; Am. Ord. 91-243, passed 6-4-91; Am. Ord. 99-202, passed 2-24-99)

§ 156.096 OFF-STREET LOADING.

Except for extraction uses to which this section shall not apply and for which the City Council may establish conditions, the following shall apply.

(A) **Location.** All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than 50 feet to any property in a residence district unless completely enclosed by building walls, or a uniformly painted solid fence or wall or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.

(B) **Size.** Unless otherwise specified, a required loading berth shall be at least 12 feet in width, at least 50 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 16 feet.

(C) **Access.** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will not interfere with traffic movements on adjacent public streets.

(D) **Base course construction and surfacing.** The construction design of all off-street loading berths, and access thereto, shall be reviewed by the City Engineer to determine that such are constructed in accordance with § 153.50.070 with a minimum structural number of 3.25.

(E) **Repair and service.**

(1) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.

(2) Space allocated to any off-street berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities portions thereof.

(3) For special exceptions other than prescribed for loading berths adequate in number and size to serve the uses as determined by the Zoning Administrator shall be provided.

(4) Uses for which off-street loading facilities are required but which are located in buildings of less floor area than the minimum prescribed for the required facilities shall be provided with adequate receiving facilities off any adjacent alley, service drive or open space on the same lot which is accessible by motor vehicle.

(’79 Code, § 151.096) (Ord. 90-14, passed 4-2-90; Am. Ord. 94-383, passed 11-5-94)

§ 156.097 PARKING SPACES IN DOWNTOWN COMMERCIAL DISTRICT.

All required off-street parking spaces shall be not more than 1,000 feet from the uses served. However, no parking spaces accessory to a use in the downtown commercial district shall be located in any residence district, except that private, free, off-street parking accessory to such uses and municipal parking lots within 200 feet of and adjacent to a downtown commercial district, may be allowed by special use permit in accordance with the standards and procedures specified for special use permits in §§ 156.120 through 156.125.

(’79 Code, §151.097) (Ord. 92-293, passed 7-20-92)
§ 156.098 PARKING SPACES IN C-4 DOWNTOWN COMMERCIAL DISTRICT.

The number of accessory off-street parking spaces herein required for residential uses when located in existing structures in the C-4 Downtown Commercial District shall be reduced to two parking spaces per unit. The number of accessory off-street parking spaces herein required for retail and service uses, industrial and office uses, community service uses, places of assembly, miscellaneous uses and special uses when located in existing structures in the C-4 Downtown Commercial District shall be reduced by one-half. The number of accessory off-street parking spaces shall be provided as required herein for such uses located in the C-4 District in buildings constructed after the effective date of this section.

(‘79 Code, § 151.098) (Ord. 92-293, passed 7-20-92)

§ 156.099 SCHEDULE OF LOADING REQUIREMENTS.

For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions devoted to the uses in the amounts shown.

§ 156.099: SCHEDULE OF LOADING REQUIREMENTS

<table>
<thead>
<tr>
<th>Use</th>
<th>Gross Floor Area in Square Feet</th>
<th>Required Number and Minimum Horizontal Dimensions of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Hospitals, sanitariums and other institutional uses</td>
<td>10,000 to 200,000:</td>
<td>1 - (12 ft. x 25 ft.)</td>
</tr>
<tr>
<td>b. Hotels, clubs, and lodges, except as set forth in item “C” below</td>
<td>For each additional 200,000 or fraction thereof:</td>
<td>1 additional (12 ft. x 25 ft.)</td>
</tr>
<tr>
<td>c. Hotels, clubs and lodges when containing any of the following: retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory)</td>
<td>10,000 to 20,000:</td>
<td>1 - (12 ft. x 25 ft.)</td>
</tr>
<tr>
<td></td>
<td>20,000 to 150,000:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td></td>
<td>For each additional 150,000 or fraction thereof:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td>d. Retail stores</td>
<td>5,000 to 15,000:</td>
<td>1 - (12 ft. x 25 ft.)</td>
</tr>
<tr>
<td>e. Establishments dispensing food or beverages for consumption on the premises</td>
<td>15,000 to 30,000:</td>
<td>2 - (12 ft. x 50 ft. each)</td>
</tr>
<tr>
<td>f. Motor vehicles and machinery sales</td>
<td>30,000 to 50,000:</td>
<td>2 additional (12 ft. x 50 ft. each)</td>
</tr>
<tr>
<td></td>
<td>50,000 to 100,000:</td>
<td>3 additional (12 ft. x 50 ft. each)</td>
</tr>
<tr>
<td>g. Wholesale establishments (but not including warehouse and storage buildings other than accessory)</td>
<td>For each additional 100,000 or fraction thereof:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td>h. Bowling alleys</td>
<td>—</td>
<td>1 - (12 ft. x 25 ft.)</td>
</tr>
<tr>
<td>i. Banks and offices - business professional and governmental</td>
<td>10,000 to 100,000:</td>
<td>1 - (12 ft. x 25 ft.)</td>
</tr>
<tr>
<td></td>
<td>For each additional 100,000 or fraction thereof to 500,000:</td>
<td>1 additional (12 ft. x 35 ft.)</td>
</tr>
<tr>
<td></td>
<td>For each additional 500,000 or fraction thereof:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td>j. Manufacturing uses or any establishments engaged in production, processing, cleaning, servicing, testing, or repair of goods, materials or products</td>
<td>5,000 to 10,000:</td>
<td>1 - (12 ft. x 35 ft.)</td>
</tr>
<tr>
<td></td>
<td>10,000 to 40,000:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td></td>
<td>40,000 to 100,000:</td>
<td>2 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td>k. Warehouses and storage buildings</td>
<td>For each additional 100,000 or fraction thereof:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td>l. Theaters</td>
<td>8,000 to 25,000:</td>
<td>1 - (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td></td>
<td>For each additional 50,000 or fraction thereof:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td>m. Undertaking establishments and funeral parlors</td>
<td>8,000 to 100,000:</td>
<td>1 - (12 ft. x 50 ft.)</td>
</tr>
<tr>
<td></td>
<td>For each additional 100,000 or fraction thereof:</td>
<td>1 additional (12 ft. x 50 ft.)</td>
</tr>
</tbody>
</table>
SPECIAL USES

§ 156.120 PURPOSE.

(A) Because of their unique and potentially harmful characteristics, the uses set forth in this section shall be located in a district or districts only upon consideration in each case of the act of the use upon neighboring land and of the public need for the use at the particular location.

(B) The uses, hereby designated as special uses, fall into two categories:

(1) Uses either municipally operated, or operated by regulated public utilities, or traditionally affected by a public interest.

(2) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

§ 156.121 AUTHORIZED SPECIAL USES.

The City Council may authorize, by ordinance, the establishment or construction of any special uses as designated in each of the zoning districts. All of the other applicable provisions of this chapter, including the requirements and restrictions of the zoning district in which the proposed special use is to be located, shall be applicable to the establishment and maintenance of special use unless the ordinance authorizing the establishment or construction of the particular special use expressly provides otherwise. Subject to the standards contained in § 156.122, the City Council shall have authority to permit special uses as designated in each of the zoning districts of land or structures, or both, provided that it shall find that the proposed special use will comply with the standards contained in § 156.122.

§ 156.122 STANDARDS.

A special use permit shall be granted only if evidence is presented to establish that:

(A) The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;

(B) The proposed building or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and

(C) The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

(D) The other standards and criteria as are established by this chapter for particular special uses as set forth in § 156.123, and as applied to planned developments under §§ 156.140 through 156.151.

§ 156.123 ADDITIONAL STANDARDS AND CRITERIA.

No special use permit shall be granted for the uses listed below unless evidence is presented to establish the standards and criteria set forth herein.
(A) **Airports and heliports.**

(1) The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Illinois Department of Aeronautics for the class of airport or heliport proposed, in accordance with their published Rules and Regulations.

(2) Any building, hangar or other structure shall be at least 100 feet from any street or boundary line.

(3) There shall be an adequate number of off-street parking spaces at least equal to the number of hangar spaces plus tie-down spaces, plus spaces for accessory uses as established in §§ 156.090 through 156.099.

(B) **Mobile homes.** Mobile homes and mobile home parks shall be designed, developed, operated and maintained in accordance with Chapter 154.

(C) **Drive-up facilities.**

(1) Drive-up facilities shall provide vehicle queuing space equal to four cars for each drive-up window. The queuing space shall not interfere with access or circulation to required off-street parking or loading spaces, or with traffic movement on adjacent public streets or alleys.

(2) Loudspeakers used in connection with drive-up facilities shall be directed and modulated so as not to interfere with the privacy, use or enjoyment of adjacent residential property.

(D) **Riding stables.**

(1) Open or enclosed corrals or riding arenas shall not be located nearer than 500 feet to any residential zoning district or an existing dwelling other than the dwelling on the subject property, but not less than 100 feet from any property line on the subject property.

(2) Manure shall be disposed off-site.

(E) (1) **Contractor's yard.** All outdoor storage of equipment, material and supplies shall be completely screened from view from adjacent residential districts or public streets with a combination of fence, wall and landscaping equal to the height of the objects stored our of doors.

(2) **Loudspeakers.** Loudspeakers used in connection with contractor's yards shall be directed and modulated so as not to interfere with the privacy, use and enjoyment of adjacent residential property.

(F) **Car washes.** In addition to providing sufficient on-site space for car detailing so as not to interfere with vehicle circulation on-site, on adjacent property, or on adjacent right-of-way, car washes shall provide the following minimum parking and queuing spaces:

(1) Self-service car washes shall provide two parking spaces, and vehicle queuing spaces equal to four cars for each wash bay.

(2) Automatic car washes shall provide a minimum of six parking spaces, and vehicle queuing spaces equal to 20 cars for each conveyor or robotic washing apparatus.

(3) An automatic car wash as an accessory use to a gas station shall provide a minimum vehicle queuing spaces equal to six cars for each conveyor or robotic washing apparatus.

(G) **Mining.**

(1) The perimeter of the property or the area on which mining is located shall have an earthen berm of at least six feet in height and landscaped to screen the mining operation and pit from the adjacent property and public right-of-way unless other barriers exist which the city determines are adequate or unless such requirement is modified pursuant to the grant of the special use. Such landscaping shall consist of adequately planted shrubbery and trees and be maintained to present a reasonably neat appearance.

(2) The perimeter of the property or the area on which mining is located shall be fenced with a six foot high chain link fence either in front of or behind the berm unless other barriers exist which the city determines are adequate or unless such requirement is modified pursuant to the grant of the special use.

(3) The use of blasting or other uses of explosives is permitted, provided it conforms to the following standards:

(a) The use, handling and detonation of explosives (sometimes referred to as “blasting”) in connection with the quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to
conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency or by the state or county, such persons shall meet the licensing requirements and obtain such license.

(b) The storage of explosives shall be in accordance with all applicable federal and state laws and regulations and shall be stored in magazines, buildings or structures which shall meet the safety requirements of such laws and regulations.

(c) Blasting procedures shall be in accordance with modern techniques, generally accepted in the quarrying industry, whereby a shot shall consist of explosives fired or detonated in sequences of multiple delays at intervals of milliseconds, so as to counteract and reduce the ground motion or the ground vibrations from each successive detonation (sometimes referred to as “short-period delay blasting”). Blasting procedures shall be designed on the basis of maximum charge per delay (that it, quantity of explosives in pounds per detonation) and distances in feet, so that the maximum ground vibration intensity shall not exceed 0.5 inches per second of ground particle velocity resulting from any shot or blast measured by any one of the three mutually perpendicular planes of ground motion as recorded at the nearest existing building not owned by the property owner (or equivalent location if not feasible at the building).

(d) Blasting procedures shall be subject to and comply with the applicable lawful requirements of the Illinois Pollution Control Board, Illinois Department of Mines and Minerals, Mine Safety and Health Administration (MSHA) of the United States Department of the Interior, and any other federal or state governmental agency having jurisdiction thereof.

(e) Blasting procedures shall be in conformity with approved safety regulations, customs and practices generally accepted in the quarrying industry, and the safety regulations or governmental agencies having jurisdiction thereof.

(f) Compliance with the provisions of these regulations governing blasting procedures and quarrying operations shall be subject to review and inspection from time-to-time by authorized city officials, upon reasonably prior notice and during reasonable business hours.

(g) The actual detonation of any blasts will be restricted to the local time period between 1:00 p.m. and 4:30 p.m. Monday through Saturday of each week. No blasting shall take place on Sunday or on the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(H) Unique use. The petitioner shall have the burden of presenting clear and convincing proof that the unique use is justified and proper and:

(1) Proof of special and extraordinary need for the unique use, which shall include proof of unique characteristics of the subject property, proposed used, and/or the neighborhood surrounding the subject property.

(2) Proof that the unique use will be of some affirmative benefit, from a land use and economic standpoint, to the surrounding properties and neighborhood.

(I) Outdoor area for restaurant and/or bar (large).

(1) **OUTDOOR AREA FOR RESTAURANT AND/OR BAR (LARGE)** is an outside area used for eating and/or drinking that exceeds ten tables (each a maximum of 20 square feet), or when the outdoor area is not used exclusively for seating at tables the total outdoor floor area exceeds 800 square feet.

(2) Such outdoor eating and/or drinking areas are subject to the following conditions:

(a) Permanent or temporary structures erected in association with the outdoor eating and/or drinking area shall comply with all district zoning requirements.

(b) Outdoor area for restaurant and/or bars shall not be located on public right-of-way.

(c) At least 50% of the outdoor area for restaurant and/or bar area must be used for seating.

(d) A permanent fence, not less than six feet in height from the sidewalk or ground level, shall be erected. The fence shall be designed in such a manner so that the vision of a person on either side of the fence is obscured when viewing through the fence. The fencing shall be positioned between the area in which alcoholic liquor can be consumed outside and any adjoining residential or commercial property. City Council may waive or modify this requirement, based on specific site circumstances, in granting the special use permit.

(e) Doorway access shall be permitted from the street, sidewalk and/or adjacent structure through a gate or doorway, which shall be monitored at all times by employees of the establishments.

(f) If it is determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities (including music) shall not exceed the hours of operation for the principal use, excluding the sale of liquor, which may be further limited by the liquor license.
(g) Operations of the outdoor area shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.

(h) The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.

(i) Furniture items must be made to a professional standard and may be constructed of the following materials: wood, iron, steel, canvas (as in director's chairs), aluminum, plastic or resin.

(j) When there are sales and consumption of alcoholic beverages in the outdoor area, additional standards apply and it shall be licensed as set forth in § 111.09.

(J) Planned developments. Planned developments are subject to the standards and procedures set forth in §§ 156.140 through 156.151.

(K) Outdoor restaurant and/or bar permit (if located on the rooftop). An outdoor eating and/or drinking permit for eating and/or drinking establishments within the Downtown Commercial District, with an outside area on the rooftop of the building, shall be subject to the following conditions:

1. The rooftop area shall be associated with an establishment doing business within the principal building.

2. The floor immediately below the rooftop area is occupied by a nonresidential use.

3. If determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor area activities (including music) shall not exceed the hours of operation for the principal use, excluding the sale of liquor, which may be further limited by the liquor license.

4. Screening shall be provided, either with landscaping and/or a fence, based on the specific site circumstances. City Council may waive or modify this requirement, based on specific site circumstances, in granting the special use permit.

5. The main access to the rooftop patio shall be from the interior space of the business within the principal building.

6. Any lighting fixtures shall be designed to effectively eliminate glare, and sharply cut off lighting levels at the property line. All lights associated with the rooftop patio must be turned off when the rooftop area is not in use.

7. Complaints regarding outdoor eating and drinking permits will be investigated by the Police Department, and violations of the rules and regulations heretofore promulgated will result in citations and possible revocation of the rooftop patio permit.

8. When there are sales and consumption of alcoholic beverages in the outdoor area, additional standards apply and it shall be licensed as set forth in § 111.09.

(L) Cargo container storage facilities or cargo container maintenance facility. Standards and criteria for such facilities are contained in § 156.044, Cargo Containers.

(M) Medical cannabis cultivation center.

1. Must comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all rules and regulations adopted in accordance thereto.

2. A cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, park, religious institution, library, or an area zoned for residential use.

(N) Medical cannabis dispensing organization.

1. Must comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) and all rules and regulations adopted in accordance thereto.

2. A dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, park, religious institution, or library.

3. A dispensing organization may not be located in a house, apartment, or condominium.

4. A dispensing organization may not share office space with a physician or refer patients to a physician.

5. Hours of operation are limited to Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.
(O) Secondhand retail store.

(1) Ancillary donation drop-off activities shall either take place inside the building with donators entering the building and leaving items with an employee or if done outside the building the items must be directly given to a store employee.

(2) Donations are to be accepted during normal business hours as there are to be no donations accepted or left outside the facility after normal business hours.

(’79 Code, § 151.123) (Ord. 90-14, passed 4-2-90; Am. Ord. 91-243, passed 6-4-91; Am. Ord. 94-383, passed 11-5-94; Am. Ord. 01-331, passed 11-28-01; Am. Ord. 02-348, passed 3-27-02; Am. Ord. 06-677, passed 8-9-06; Am. Ord. 08-812, passed 8-20-08; Am. Ord. 08-858, passed 8-6-08; Am. Ord. 09-040, passed 10-7-09; Am. Ord. 10-007, passed 4-7-10; Am. Ord. 11-027, passed 8-17-11; Am. Ord. 14-002, passed 2-19-14; Am. Ord. 14-027, passed 9-3-14)

§ 156.124 CONDITIONS.

The Plan Commission may recommend and the City Council may impose conditions or restrictions upon the location, construction, design and operation of a special use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein.

(’79 Code, § 151.124) (Ord. 90-14, passed 4-2-90)

§ 156.125 PROCEDURES.

(A) Authorization. The City Council is authorized to issue a special use permit for those listed in §§ 156.070 through 156.074 and for planned developments, subject to the standards set forth in § 156.122 and such conditions as may be imposed pursuant to § 156.124. Prior to the issuance of any special use permit, a public hearing shall be held and published notice shall be given, in the manner prescribed in §§ 156.180 through 156.187.

(B) Application for special use. Any person having a proprietary interest in the premises may file an application for a special use with the Zoning Administrator. The shall be application in such number of copies, be in such form, and contain information as the Zoning Administration may prescribe from time to time. The Zoning Administrator shall process the application and a hearing shall be held in the manner prescribed for amendments by §§ 156.180 through 156.187.

(C) Report of hearing. Following the hearing, the Plan Commission shall transmit to the City Council a written report giving its findings as to compliance of the proposed special use with the standards governing special uses and giving its recommendations for action to be taken by the City Council.

(D) Conditions. The Plan Commission may recommend and the City Council may impose such conditions or restrictions upon the location, construction, design and operation of a special use, including but not limited to, provisions for off-street parking spaces and the duration of the permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in § 156.122.

(E) Action by City Council. After receiving the recommendations and report of the Plan Commission, the City Council may within 30 days, review the recommendations and report and may accept the findings and recommendations of the Plan Commission in whole or in part or may reject them in whole or in part, or the City Council may refer the matter back to the Plan Commission for further consideration. However, the City Council must act within 270 days after receiving the Plan Commission recommendation.

(’79 Code, § 151.125) (Ord. 90-14, passed 4-2-90; Am. Ord. 98-107, passed 6-10-98; Am. Ord. 11-025, passed 8-17-11)

PLANNED DEVELOPMENTS

§ 156.140 PLANNED DEVELOPMENTS - INTRODUCTION.

A planned development may be located in any zoning district through the issuance of a special use permit, subject to the standards and procedures set forth in this chapter, when authorized by City Council upon recommendation from Plan Commission. The development and execution of zoning regulations is based upon the division of the city into districts in which the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized by the city that new types, procedures and relationships in land development are
emerging, and that the mixing of uses and variations in bulk regulations within districts can produce very satisfactory, desirable and lasting results, if properly designed and planned, without adverse influence upon surrounding property. The following standards are established to provide flexibility to encourage sound and imaginative design, and to guard against the use of the planned development technique solely as a means to intensify the use of land.

(‘79 Code, § 151.140) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08)

§ 156.141 PLANNED DEVELOPMENTS - PURPOSE AND INTENT.

The planned development is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional development but which may cause undue hardship or complication for desirable but unconventional development, and to establish standards and procedures for the issuance of a special use permit for a planned development in order to obtain the following objectives:

(A) Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning ordinance requirements. The city desires environmentally conscious and green development in order to enhance public welfare and create a more sustainable community. Higher quality environmental design expected in planned developments should encourage resource conservation, mitigate a development’s impact on the environment, reduce waste generated by construction projects, increase energy efficiency, and promote the health of the public.

(B) Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.

(C) Provision for functional and beneficial use of open space.

(D) Preservation, to the greatest extent possible, of the archeological and historic resources and natural landscape features and amenities of a development site and to utilize those features in a harmonious fashion in the development.

(E) Provision for a safe and desirable environment characterized by a sensitive and unified building and site development program.

(F) Rational and economic development in relation to public services.

(G) Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, employment and shopping environments.

(H) Efficient use of land resulting in more economic networks of utilities, streets and other facilities.

(I) Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

(‘79 Code, § 151.141) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08)

§ 156.142 MODIFICATION OF DISTRICT REGULATIONS FOR PLANNED DEVELOPMENTS.

(A) Except as modified by and approved in the documents authorizing the planned development, a planned development shall be governed by the regulations of the district or districts in which it is located.

(B) A planned development may provide for exceptions from the district regulations governing use, density, area, bulk, parking and signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed planned development, provided these exceptions are consistent with the standards and criteria contained in this section. No modifications of the district requirements or the subdivision design standards may be allowed when the proposed modification would result in:

(1) Inconvenient or unsafe access to the planned development.

(2) Traffic congestion that exceeds the current amount or causes unsafe congestion in the streets that adjoin the planned development.

(3) An undue or disproportionate burden on public parks, recreational areas, schools, fire and police protection, and other public facilities that serve, or are proposed to serve, the planned development; and

(4) A development that will be incompatible with the purpose of this chapter, and the goals and objectives of the comprehensive plan of the city.
(5) Alteration, destruction or diminution of natural landscape features such as flood plains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes.

(6) Alteration or destruction of archeological and historic features.

(C) The Plan Commission may recommend to the City Council, and the City Council may grant, a special use permit that modifies the applicable district zoning regulations and subdivision regulations, upon a written finding by the Plan Commission that the planned development meets the applicable standards and criteria contained in §§ 156.143 through 156.146. The written finding shall set out the reasons supporting each finding and shall support each of the following standards, and the applicable provisions of §§ 156.144 through 156.146.

(’79 Code, § 151.142) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08)

§ 156.143 GENERAL STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS.

No planned development shall be authorized unless evidence is presented to establish the standards and criteria set forth herein.

(A) There shall be no minimum acreage requirement for a planned development.

(B) Planned development required. Any development meeting one or more of the following conditions shall be permitted only if approved as a planned development in accordance with this chapter.

(1) Any development of ten acres or greater. Development of this size and scale can have a greater impact on the community than small developments, and should be developed in an integrated manner that can be accommodated through planned development regulations.

(2) Any development requesting two or more variations from this subchapter.

(C) Each planned development shall be presented and judged on its own merits. It shall not be sufficient to base justification for an approval upon an already existing planned development.

(D) The burden of establishing that a planned development is necessary, desirable, and meets all the standards of this chapter shall in all cases be the responsibility of the applicant.

(E) The proposed development will not injure or damage the use, value and enjoyment of surrounding property, nor hinder or prevent the development of surrounding property in accordance with the comprehensive land use plan of the city.

(F) The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.

(G) The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for the proposed development shall be filed jointly by all the owners.

(H) The development plan shall contain the proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the planned development, and are not inconsistent with the best interest of the city. Such covenants, easements and other provisions, if part of the development as finally approved, may be modified, removed or released only with the consent of the City Council, after a public hearing before, and recommendation by, the Plan Commission as provided in this section.

(I) Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development, and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.

(J) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or accessways, is landscaped or otherwise improved.

(K) The project area is adaptable to unified development, and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness.

(L) The uses permitted in the development are necessary or desirable, and the need for the uses is clearly demonstrated by the applicant.

(M) Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan.
(N) All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to approval by the city. Traffic controls on public roadways within or adjacent the development will be provided by the city, as and where determined necessary by the City Council, but the Council may require, as a condition of approval of a proposed planned development, that the cost of installing the traffic controls be borne by the developer. The installation of traffic control devices shall be done in accordance with installation schedules and standards as ordinarily applied on all public streets. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets, and the proposed control device is not within the normal or scheduled sequence of installations, the devices may be provided by the developer upon permission by the City Council.

(O) Parking.

(1) Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of the chapter, unless such changes are warranted by the development.

(2) Additional parking spaces for guests, customers, handicapped, recreational vehicles, and other common storage and/or parking uses may be requested by Plan Commission and required by City Council, if warranted by the particular characteristics of the planned development.

(3) To maintain conformity and provide ample green space along roadways, reductions in the front and corner side yard setbacks in non-residential districts for off-street parking spaces, as required by § 156.092, may be approved only in unique circumstances, e.g., areas with site constraints such as redevelopment and infill lots, or on lots where a hardship exists, making it impractical to meet the requirements of the code. Deviations will be judged on an individual basis. Parking areas should always provide landscaped separation from the property line, and should therefore be located a minimum of seven feet from all property lines.

(4) Off-street parking is conveniently accessible to all of dwelling units and other uses in the planned development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms and walls.

(P) Reduction in the impact of traditional driving practices. Incorporating elements into the design of a development that help reduce the impact traditional driving practices have on the environment, and encourages alternative modes of transportation is highly encouraged. Examples include, but are not limited to, providing parking for vehicles utilizing car pools, energy efficient vehicles, motorcycles, bike racks, and providing decorative shelters and seating at bus stops.

(Q) Pedestrian friendly environment.

(1) Creating an environment that is pedestrian friendly is a fundamental design criteria and must be incorporated into the design of a development from the start and not be an afterthought. The practices used to promote this are to be a central theme that is carried throughout the entire development. Pedestrian friendly components may include, but are not limited to, human-scaled elements (i.e., lighting, building facades), benches, amenities within walking distance of homes/businesses, outdoor seating areas for employees, gazebos and places to gather, and plazas.

(2) Pedestrian circulation should be integral in the design of developments. Pedestrian circulation and its related walkways, paths or trails should be isolated as much as possible from the vehicular street system, in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Plan Commission, special provisions to accommodate the pedestrian or bicyclist at crossings with any vehicular roadway.

(R) Utilities. The planned development provides for underground installation of utilities (including electricity and telecommunications) in public ways and private extensions. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutter, and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the city as set forth in the city development code.

(S) Landscaping. Exceptional landscaping features, such as larger caliber, varied species and reduced spacing of trees, and additional sodding above minimum requirements, are expected in planned developments.

(1) Strict adherence to the spacing requirements for plantings, as specified in § 153.50.120, need not be adhered to, allowing for the clustering of vegetation and more natural looking plantings.

(2) The Plan Commission may request, and the City Council may require, additional transitional yard screening in excess of the amount required by Chapter 153, § 153.50.120(K)(7)(D) of the development code, and § 156.073 of the zoning code, with respect to minimum yard depth and/or number of plantings, provided the additional requirement mandated by City Council does not exceed two times the code requirements.
(3) Additional screening, through berming and/or dense landscaping may be requested by Plan Commission and required by City Council adjacent to rights-of-way.

(4) The Plan Commission may request, and the City Council may require, that landscaped screening be installed by the developer in areas where setbacks are allowed, which are less than those required by the zoning code for the district in which the development is located.

(5) If topographical or other barriers do not provide adequate privacy for the planned development, and for existing uses adjacent the development, the Plan Commission may request, and the City Council may require, that all structures located along the entire perimeter of the planned development be permanently screened with sight-proof screening in a manner sufficient to protect privacy.

(T) When necessary to protect the privacy of both the planned development and existing adjacent uses, perimeter setbacks for the planned development are to be greater than those required by the zoning code for the district in which such development is located.

(U) Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent to the planned development are enhanced and protected from development.

(79 Code, § 151.143) (Ord. 90-14, passed 4-2-90; Am. Ord. 98-107, passed 6-10-98; Am. Ord. 07-735, 9-26-07; Am. Ord. 08-809, passed 7-2-08; Am. Ord. 08-812, passed 8-20-08)

§ 156.144 PLANNED RESIDENTIAL DEVELOPMENTS.

(A) A planned residential development is intended to encourage innovative designs in the development of land for residential and other selected secondary uses.

(B) Additional standards and criteria for planned residential developments. In addition to the standards and criteria set forth in § 156.143, planned residential developments shall comply with the standards and criteria set forth hereinafter. For the purpose of this section, a planned development shall be deemed to be a planned residential development whenever 90% or more of the total area in the development is to be used for residential purposes.

(1) Modifications from district regulations. Modifications from district regulations shall adhere to § 156.142 and shall comply with the following standards.

(a) Lowland yards, as required by § 156.073 of the zoning code, shall not be varied.

(b) Lot coverage can exceed the amount required by § 156.073, up to a 5%, provided Plan Commission and City Council find that the development has incorporated environmentally sensitive design and energy efficient practices that will mitigate the increased coverage.

(2) Adherence to recommended densities. Strict adherence to the densities recommended by the comprehensive plan need not be strictly adhered to, provided the development will not negatively impact neighboring development, is sufficiently buffered from adjacent properties, and demonstrates exemplary application of the Lockport Design Principals included in the comprehensive plan.

(3) Impervious surface coverage. Impervious surface coverage for the overall planned development and individual lots within the planned development shall not exceed the following.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>A-1</th>
<th>E-R</th>
<th>R-0</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Surface Coverage</td>
<td>40%</td>
<td>40%</td>
<td>60%</td>
<td>45%</td>
<td>45%</td>
<td>45%</td>
<td>45%</td>
</tr>
</tbody>
</table>

*If alternative materials are provided that allow percolation of water, such as the use of grass pavers and similar materials or surfaces, then only 50% of said area is counted towards the impervious surface coverage calculations.

(4) Design standards.

(a) Design guidelines.
1. Design guidelines, as contained in Appendices B and C, shall apply to the planned development.

2. However, an applicant may choose to establish their own set of guidelines as part of the planned development, to allow for more creative and site-specific standards.

3. When guidelines are created for a planned development, the city's guidelines will be used as a baseline for review, and similar or better standards are expected.

4. Plan Commission will make recommendation on, and City Council may approve, such guidelines.

5. Planned developments following the city's guidelines may deviate from the recommendations, provided it is determined that the deviation is justifiable and does not alter the intent of the guidelines.

(b) Exterior building materials.

1. Deviations from the standards contained in Appendix A are permitted and must be justified by the applicant. Residential structures or buildings that demonstrate exceptional architectural merit and/or an intention to reflect the historic character of the city may be deviate from the provisions of Appendix A, requiring the use of particular materials for exterior finishes, to allow the use of different materials, or to allow the use of a different percentage or proportion of the materials otherwise required in the exterior finish of such structure.

2. Variations to increase the percentage/amount of imitation brick or stone sheeting are permitted on all lots, but should only be permitted when exemplary design is used.
   a. It is expected that other design elements are incorporated into the residence that elevate the quality of the residence, which may include, but are not limited to, front or wrap-around porches, side-loaded garages, and all elevations containing a high degree of visual interest.
   b. The character and context of the neighborhood and surrounding homes may also be used as an evaluation tool.

3. For residential structures, a variation to increase the amount of aluminum, plastic or vinyl siding can be granted on infill lots only, and when exemplary design is used.
   a. It is expected that other design elements are incorporated into the residence that elevate the quality of the residence, which may include, but are not limited to, front or wrap-around porches, side-loaded garages, and all elevations containing a high degree of visual interest.
   b. The character and context of the neighborhood and surrounding homes may also be used as an evaluation tool.
   c. Exemplary design with vinyl or plastic siding may consist of, but is not limited to, the use of high quality materials, and using a variety of vinyl types (i.e., vertical siding and shake) so there is quality design and complexity in the appearance of the residence. For example, a variation may be granted on an infill lot when the surrounding properties are predominantly constructed of aluminum, vinyl or plastic siding.
   d. However, when the neighborhood and surrounding properties contain less dramatic variations from the percentages required, like 50% brick and 50% vinyl siding, then the variance should not be granted unless exceptional design is used, with high grade materials and incorporation of a variety of materials.

5) Minimum home sizes. Minimum home sizes are contained in Appendix C, Residential design guidelines.

6) Standards for planned open space. Planned open space may be provided in a planned residential development. No open area may be delineated or accepted as planned open space under the provisions of this section unless it meets the following standards.

   a) The location, shape, size and character of the planned open space must be suitable for the planned development.

   b) Planned open space should be designed and located to serve the needs of all residents. It should be easily accessible, visible from public view, and no residence should be more than a five-minute walk (1,320 feet) from recreation/useable open space.

   c) Planned open space must be used for recreational purposes or to provide visual, aesthetic and environment amenities. The uses authorized for the planned open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

   d) Planned open space must be suitably improved for its intended use, but planned open space containing archeological, historic or natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be located in the planned open space must be appropriate to the uses authorized for the planned open space.
space, and must conserve and enhance the amenities of the planned open space has in regard to its topography and unimproved condition.

(e) The development schedule that is part of the final development plan must coordinate the improvement of the planned open space, the construction of the buildings, structures and improvements in the planned open space, and the construction of residential dwellings in the planned development.

(f) No portion of a planned development shall be conveyed or dedicated by a developer, or any other person, to any public body or a homeowners’ association, unless the Plan Commission has determined that character and quality of the tract to be conveyed makes it suitable for the purposes for which it is intended. When making its determination, the Plan Commission shall give consideration to the size and character of the dwellings to be constructed within the planned development, the topography and existing trees, ground cover, and other natural features; the manner in which the open area is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

(g) All land shown on the final development plan as planned open space must either be:

1. Conveyed to a public body, if the public body agrees to accept conveyance, to maintain the planned open space and any buildings, structures or improvements that have been placed in it; or

2. Conveyed to a homeowners’ association or similar organization organized for the purpose, among others, of owning and maintaining common buildings, areas and land within the planned development. The planned open space must be conveyed, subject to covenants to be approved by the city, which restrict the planned open space to the uses specified on the final development plan, and which provide for the maintenance of the planned open space in a manner that assures its continuing use for its intended purpose.

(7) Privacy. The planned development shall provide reasonable visual and acoustical privacy for dwelling units.

(a) Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.

(b) Buildings that are higher than the majority within the development shall be located in a way as to dissipate any adverse impact on adjoining lower buildings, and shall not invade the privacy of the occupants of the lower buildings.

(8) Signs. The city may require, as a condition of the special use permit, more restrictive sign regulations than otherwise permitted by the city code.

(9) Commercial uses. For commercial uses located within a planned residential development, exceptions may be made in the use and other regulations of the underlying district, subject to the following restrictions.

(a) The facilities shall be located, designed and operated so as to serve primarily the need of the residents within the planned development, and shall have direct pedestrian access to residential areas.

(b) The lot area of such facilities shall not exceed 10% of the total area of the planned development.

(c) Layout of parking and loading areas, service areas, entrances, exits, yards, courts, landscaping and the control of signs, lighting, noise and other potentially adverse influences shall be such as to protect the residential areas within or adjoining the development.

(d) The facilities, by reason of their location, construction, manner of timing of operation, shall not have adverse effects on residential uses within or adjoining the development, or create traffic congestion or hazards to vehicular or pedestrian traffic.

(e) Design standards shall be set forth in § 156.145.

§ 156.145 PLANNED COMMERCIAL, OFFICE OR INDUSTRIAL DEVELOPMENTS.

(A) Purpose and intent. This provision is intended to encourage innovative and creative design of commercial, office or industrial developments not otherwise permitted with traditional zoning techniques.

(B) Additional standards and criteria for planned commercial, office or industrial developments. In addition to the standards and criteria set forth in § 156.143, planned commercial, office or industrial developments shall comply with the standards and criteria set forth hereinafter.
§ 156.146 PLANNED MIXED-USE DEVELOPMENTS.

(A) Purpose and intent. This provision is intended to encourage innovative and creative design of development, with a mixture of residential, commercial, office and industrial uses in developments not otherwise permitted with traditional zoning techniques.

(B) Additional standards and criteria for planned mixed-use developments. In addition to the standards and criteria set forth in § 156.143, planned mixed-use developments shall comply with the standards and criteria set forth hereinafter.

(1) Signs. The city may require, as a condition of the special use permit, more restrictive sign regulations than otherwise permitted by the city code.

(2) Performance standards. All planned commercial, office or industrial developments shall comply with the performance standards specified in § 156.072 of this zoning code for the district in which the development is located.

(3) Adherence to standards. Development is to adhere to the provisions listed in § 156.144 and § 156.145, except mixed-use developments need not adhere to the percentages of residential and non-residential uses listed in the sections stated above.

§ 156.147 APPLICATION PROCEDURES FOR PLANNED DEVELOPMENTS.
A four-step procedure is prescribed for planned developments, with one of the steps being optional. Prior to beginning the planned development review process, the applicant is encouraged to obtain from the city a copy of the zoning code, a copy of the development code, and application forms. Applications shall be made on forms supplied by the city, and shall be made in accordance with the provisions of this chapter relating to special uses, except as specifically provided herein to the contrary. The Zoning Administrator shall have the authority to combine stages. However, combining stages does not eliminate the applicant’s responsibility to pay application and staff review fees for each stage.

(A) **Step 1: Pre-application conference.** Before submitting an application for planned development, the applicant shall confer with city staff to informally discuss the proposed planned development, to obtain information and guidance before entering into binding commitments or incurring substantial expense. The request for pre-application conference shall conform with the provisions of § 153.20.020.

(B) **Step 2: Concept development plan (optional).**

1. The intent of the concept plan is to provide information to assist an applicant’s appraisal of the feasibility of a development concept according to the city comprehensive plan, other city development policies, existing and projected development plans, and other development activities.

   (a) The concept plan should encourage discussion of basic interests, problems, and questions related to the development proposal, prior to incurring the expenses associated with submission of preliminary and final development plans.

   (b) The concept plan includes opportunities for citizen participation, in order to assist the developer and the city in defining the conditions under which permanent changes in land use may occur with minimum disruption of the natural and economic resources of the city.

   (c) Approval of the concept development plan does not guarantee approval of the preliminary development plan; instead, it gives the petitioner reasonable assurance that, if the agreed concept is carried forth, the preliminary and final plans will be granted.

   (d) Concept plans are not required; however, an applicant may choose this step to receive assurances prior to incurring the expenses associated with preliminary and final plan submittals.

   (e) Due to project size and complexity, the Zoning Administrator can require developments to submit a concept plan, if he or she determines the proposal warrants such review and approval.

2. Concept plans shall include the following items.

   (a) **Maps.** Maps that are part of the concept development plan may be in general form, and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, and the approximate location of proposed thoroughfares and water, sewage and drainage systems.

   (b) **General statement.** A written statement shall contain a general explanation of the size and character of the planned development, including a statement of the present ownership of all the land within the planned development, and an anticipated start date of construction.

   (c) **Current aerial photograph.**

      1. A current aerial photograph (preferably at a scale of one inch equals 400 feet), showing existing features within the proposed development’s area of influence (not less than one-half mile).

      2. The subject property, school, park, wastewater facility and fire protection district boundaries, municipal boundaries, and planning jurisdiction limits, national and local historic district boundaries, and sewer and water lines shall be indicated on the photograph.

   (d) **Existing conditions.** The existing conditions plans should be a professionally drawn site analysis plan, at a scale of one inch equals 100 feet, showing the boundaries of the site and the existing natural and man-made conditions on and within 150 feet of the site. It shall also include the following:

      1. General information, including but not limited to, a graphic scale, north point, date of preparation, the name of the proposed development, and the name of the land surveyor, land planner or professional engineer who prepared the site analysis.

      2. Natural features shall include topography (significant slopes designated), soils, wooded areas, natural areas, areas subject to flooding, bodies of water, wetlands, creeks, fens, springs and seeps, rock outcroppings, drainage patterns,
vegetation, and wildlife habitat.

3. Existing man-made features shall include interior and adjacent streets (with surface width and material noted), buildings, barns, bridges, historical and architectural sites, agriculture drain tile, underground utilities, rights-of-way, easements, neighborhood land uses, political boundaries, present zoning and planned land uses, the names of adjacent property owners, and any conditions of adjacent property that may affect the proposed development.

(e) Concept plan.

1. A professionally drawn concept plan, at a scale of one inch equals one 100 feet, showing existing topography and vegetation, and the proposed general pedestrian and vehicular circulation, general land uses, open spaces and natural areas, and storm water control facilities.

2. A small location map, showing the relationship of the proposed development to the existing road network, shall be included on the plan.

(f) Evidence of ownership of the land proposed to be developed or subdivided. Where the developer does not own such land, written notarized permission from the owner shall be provided, authorizing the development of such land under the provisions of this chapter.

(g) Tentative engineering proposals. Tentative engineering proposals for water supply, wastewater facilities, storm drainage and street improvements.

(h) Identification of property owners. The names and addresses of all property owners within 250 feet of the boundaries of the proposed development or subdivision.

(i) Completed application. A completed concept plan application as provided by the city.

3. Following the submission of all material required by § 156.147 (B)(2) and (3), the Planning Department shall distributed such documents to city departments, consultants or other persons as may be necessary. City staff will review each concept plan application, and any accompanying drawings, supporting documentation and statements, in order to determine whether such application is consistent with all city requirements, and the standards and criteria contained in §§ 156.143 through 156.146 hereof.

4. After city staff has reviewed the submittal, the Planning Department shall schedule the project on the next available Plan Commission agenda, and shall submit a staff report to Plan Commission and to the applicant. The staff report will analyze the plans compliance with the requirements of this chapter; raise any concerns that arise throughout the review process, and advise of any city plans, policies or projects that may affect the proposed subdivision or development.

5. The Plan Commission shall review the concept development plan.

(a) Advice provided by Plan Commission is for information purposes, and it is the responsibility of the applicant to assess the effect of the information on the proposed development.

(b) A written report containing a recommendation will be forwarded to City Council.

6. After receiving a recommendation from Plan Commission, City Council shall accept or reject the concept plan by resolution.

(a) Approval of the concept development plan does not qualify a plan for recording, nor does it guarantee approval of the preliminary development plan.

(b) Concept plan approval shall be effective for no more than one year from the date of approval unless, upon application by the applicant, the City Council grants an extension of time for one additional year.

(C) Step 3: Preliminary development plan.

1. Preliminary development plans shall include the following items.

(a) All items required for a preliminary development plan as described in § 153.20.041.

(b) A development schedule indicating the approximate dates each phase of the planned development will commence and conclude. Phase information should indicate what development is included in each phase, including open space, site amenities, landscaping and utilities.

(c) Proposed agreements, by-laws, provisions or covenants that govern the use, maintenance and continued protection of the planned development, and any of its planned open space or other facilities referred to in division (2)(a).
(d) A list of all modifications from the district regulations that will be necessary for the proposed planned development.

(e) Statement of conformity, ownership and proposed use.

1. **STATEMENT OF CONFORMITY** is a statement by the applicant demonstrating how the planned development conforms with the purpose and the standards and criteria of this section.

2. **STATEMENT OF OWNERSHIP** is a statement and documentation by the applicant(s), verifying the applicant(s) have ownership or control of all land included in the proposed development. If the property is held in a trust, the statement of ownership shall disclose the name of the trustee and beneficiaries of the trust.

3. **STATEMENT OF PROPOSED USE** is a statement of the applicant’s intention with regard to the future selling or leasing of all portions of the land areas or structures, and the proposed use thereof.

(f) If the Plan Commission finds that the planned development requires further in depth review, the following information may be required.

1. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the development, to and from existing city thoroughfares.

2. A comprehensive drainage plan, with analysis of the impact that the development creates on the site and on the surrounding area.

(2) Following the submission of all material required by § 156.147 (C)(1) and (2), the Planning Department shall distribute such documents to city departments, consultants or other persons as may be necessary. City staff will review each preliminary development plan application and any accompanying drawings, supporting documentation and statements, in order to determine whether such application is consistent with all city requirements, and the standards and criteria contained in §§ 156.143 through 156.146 hereof.

(3) After city staff has reviewed the submittal, the Planning Department shall schedule the project for a public hearing at the next available Plan Commission meeting, and shall submit a staff report to Plan Commission and to the applicant.

(a) Notification for the public hearing at Plan Commission shall be in accordance with § 156.183.

(b) The staff report will analyze the plan’s compliance with the requirements of this chapter, and report items of nonconformity or noncompliance.

(4) The Plan Commission shall hold a public hearing after due public notice, review the preliminary development plan, and shall make a recommendation to City Council.

(a) Plan Commission will review the preliminary plan to analyze whether it is consistent with the intent and general design of the approved concept development plan, if one was approved, and whether it complies with all other standards in this chapter for planned development.

(b) When making its recommendation to City Council, Plan Commission can recommend approval, approval subject to modifications and/or conditions, or denial.

(c) If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal, and shall set forth particularly in what respects the proposal would or would not be in the public interest, including but not limited to, findings of fact on the following:

1. In what respects the proposed plan is or is not consistent with the stated purpose of the planned development regulations;

2. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk and use; and the reasons why such departures are or are not in the public interest.

3. The extent to which the proposed plan meets the requirements and standards of the planned development regulations.

4. The physical design of the proposed planned development, and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.

5. The compatibility of the proposed planned development with the adjacent properties and neighborhood.
6. The desirability of the proposed planned development to physical development and economic well-being of the entire community.

7. The proposed development plan’s conformity with the recommendations of the comprehensive plan of the city.

(5) After receiving a recommendation from Plan Commission, City Council shall approve, approve with modifications, or disapprove the preliminary development plan.

(a) Upon approval, City Council shall pass an appropriate ordinance granting the special use permit.

(b) However, the special use permit shall not be effective until final plans are approved.

(c) No plats shall be recorded and no building permits issued until a final development plan has been approved by the City Council.

(6) Preliminary plan approval shall be effective for no more than one year from the date of approval unless, upon application by the applicant, the City Council grants an extension of time for one additional year, provided the applicant makes written request for the extension within the initial one-year period.

(a) A public hearing is not required for a time extension.

(b) When the preliminary plan approval is no longer effective, either by exceeding the one-year period or not receiving a time extension, the special use permit for the planned development shall lapse, upon written notice to the applicant from the City Council, and shall be of no further effect.

(c) The zoning regulations applicable before the special use for planned development was approved shall then be in effect.

(D) Step 4: Final development plan.

(1) Within one year following the approval of the preliminary development plan, unless an extension was granted as described above, the applicant shall submit a final development plan for the first stage of development. Final development plans shall contain the following items.

(a) All items required for a final development plan as enumerated in § 153.20.062.

(b) Identify any proposed changes or impacts from the approved preliminary planned development submittal.

(c) A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots, as well as the division of other lands not so treated into planned open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

(d) If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands, in the same form and meeting all the requirements of a normal subdivision. To the extent that compliance with Chapter 153 may be required, public hearings for such purposes shall be held at the same time as the hearings required under the provisions of these planned development regulations.

(e) An accurate legal description of each separate unsubdivided use area, including planned open space.

(f) Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.

(g) Final agreements, by-laws, provisions or covenants that govern the use, maintenance and continued protection of the planned development, and any of its planned open space or other facilities, conveyed to a homeowners’ association or similar organization.

(h) A detailed final development and construction schedule, indicating when each phase is expected to commence and conclude. Detailed phase information shall include open space, site amenities, landscaping and utilities.

(2) Following the submission of all materials required above, the Planning Department shall distribute such documents to city departments, consultants or other persons as may be necessary. City staff will review each final development plan application and any accompanying drawings, supporting documentation and statements, in order to determine whether such application is consistent with all city requirements and the standards and criteria contained in §§ 156.143 through 156.146 hereof.

(3) After city staff has reviewed the submittal, the Planning Department shall schedule the project at the next available Plan Commission meeting, and shall submit a staff report to Plan Commission and to the applicant. The staff report will
analyze the plan’s compliance with the requirements of this chapter, and report items of nonconformity or noncompliance.

(4) The Plan Commission shall review the final development plan and shall make a recommendation to the City Council. When making its recommendation to City Council, Plan Commission can recommend approval, approval subject to modifications and/or conditions, or denial.

(a) The Plan Commission shall recommend approval of the final development plan if it is in substantial compliance with the approved preliminary development plan. The Plan Commission shall certify to the City Council that the final development plan is in conformity with the previously filed preliminary development plan, and meets all the requirements for a final development plan.

(b) A final plan being in substantial compliance with the approved preliminary plan includes, but is not limited to, the following.

1. Development density and intensity have not materially changed, in that:
   a. The number of buildings is not increased by more than 10%;
   b. The number of stories is the same or fewer;
   c. The height of the building(s) is the same or less;
   d. The number of units is the same or fewer;
   e. The lot coverage and floor area ratio are the same or less;
   f. The number of bedrooms and corresponding parking spaces may be increased or decrease by as much as 10%, based on the entire plan, provided the plan complies with all other requirements of this subsection and of this chapter; and
   g. Floor area ratio may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.

2. Design has not materially changed, in that:
   a. The roadway patterns, particularly ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
   b. The parking area is in the same general location and configuration;
   c. The building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single-family development; zero-lot-line, row-house, townhouse and cluster development may also be decreased; provided that such decrease is limited such that the resulting setback distance will be the greater of either the underlying zoning district regulations, or any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
   d. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
   e. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
   f. Elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans;
   g. Recreational facilities, if shown on plans approved by a prior zoning action, either remain the same or are converted from one recreational use to another;
   h. If recreational facilities were not shown in the approved plans, they may be added; provided there is no increase in lot coverage or decrease in required open space, and such facilities are located internally within the proposed development;
   i. Signage is no greater in number or size, and is placed in the same general location on the site as approved by zoning action.
   i. However, changes in the size or number of signs, when they are not used for advertising, but are used for direction or to facilitate services of the development, is permitted.
   ii. An entrance sign location may be moved the same proportional distance as a relocated entrance drive;
j. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the zoning code that was not previously approved at public hearing, or of expanding the scope of existing variances, alternative site development options, or other approvals pursuant to alternative development standards, such that they would differ to a greater degree from the strict application of the zoning code;

k. Additional out-parcels may be added where there is no increase in the project’s total floor area ratio or lot coverage, there is no reduction in the total amount of landscaped open space, and addition of the out-parcel does not result in noncompliance with any other provision of this division on any other portion of the subject property.

l. Reductions in the number of parking spaces on the site are permitted, if sufficient parking spaces are provided to satisfy the requirements of this code.

(c) If the Plan Commission finds that the final development plan does not substantially conform to the preliminary development plan, or that it does not meet the requirements for a final development plan, it shall so notify the applicant and the City Council in writing.

(5) After receiving a recommendation from Plan Commission, City Council shall approve, approve with modifications, or disapprove the preliminary development plan.

(a) The City Council shall approve the final development plan if it is in conformity with the preliminary development plan and meets all the requirements for a final development plan.

(b) City Council shall approve final development plans by resolution.

(6) Refer to § 156.149 for regulations on failure to begin development and enforcement of a development schedule.

(E) Within five years of a planned development being approved, outlots that are subject to the conditions of the planned development, and are subject to the review procedures set forth in § 153.20, can be granted approval of one variation by Plan Commission without amending the planned development, as long as the variation requested from the underlying zoning district was not addressed or specifically approved during approval of the planned development.

(1) Notification requirements for the public hearing must adhere to § 156.183.

(2) If two or more variations are requested or if the request is to vary something specifically approved in the planned development, then a public hearing to amend the planned development is required at Plan Commission.

(3) This division does not apply to an individual residential lot owner requesting variations after a residence has been constructed. Such variations are subject to § 156.165.

(`79 Code, § 151.147) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08; Am. Ord. 14-003, passed 2-19-14)

§ 156.148 ZONING ADMINISTRATION; PERMITS FOR PLANNED DEVELOPMENTS.

(A) The Zoning Administrator may approve the issuance of permits for site or building construction for that part of the development plan that has been approved, in the area covered by the approved final development plan, for work in conformity with the approved final development plan, and with all other applicable ordinances and regulations.

(B) However, the Zoning Administrator shall not approve an occupancy permit for any building or structure shown on the development plan of any stage of the planned development, unless the planned open space and public facilities allocated to that stage of the development have been conveyed to the proper authorities. A certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan may be issued, if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable regulations and ordinances of the city.

(`79 Code, § 151.148) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08)

§ 156.149 FAILURE TO BEGIN DEVELOPMENT; ENFORCEMENT OF DEVELOPMENT SCHEDULES FOR PLANNED DEVELOPMENTS.

(A) The Zoning Administrator shall review as necessary all permits issued for the planned developments, and examine construction that has taken place, to compare actual development with the approved development schedule.

(B) If the Zoning Administrator finds any of the following, he or she shall notify City Council in writing.
(1) The planned development has failed to meet the approved construction schedule.

(2) A development schedule was not approved with the planned development, and no substantial construction has begun or no use established within one year from the date final plans were approved.

(3) Construction has not commenced or been completed in accordance to the terms of the development schedule and/or phasing plan.

(4) The rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided.

(5) The planned development has failed to follow the requirements of the planned development.

(C) Within 30 days of the notice, the City Council shall either revoke the special use permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

When a development schedule was not included with the planned development, City Council shall either revoke the special use permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the City Council can require and approve a development schedule that extends existing approvals for a reasonable time frame.

Written notice shall be sent to the address of the applicant listed in the planned development application by certified mail, notifying the applicant of the meeting.

At the meeting, the applicant shall be permitted to respond and present evidence on the applicant’s own behalf.

\(^{179}\text{Code, § 151.149}\) \(^{\text{Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08}}\)

§ 156.150 AMENDING PLANNED DEVELOPMENT FINAL PLAN.

(A) Application required. No changes may be made to the approved final development plan except when processed under the procedures set forth in the divisions below.

(1) If either the developer or owner of the planned development wishes to change such planned development by deviating from the approved plans, he or she shall make written application to the city for approval of the change.

(2) Such application shall be filed with the Zoning Administrator, who will then make a written determination of whether the change is major or minor.

(3) Any deviations without the necessary approval shall serve automatically to revoke the original approval and to void future action pursuant to the planned development.

(B) Minor changes.

(1) If the Zoning Administrator determines that the changes are minor, he or she may administratively approve such minor changes, errors or omissions in the planned unit development.

(a) At the discretion of the Zoning Administrator, minor changes may be referred to Plan Commission for review and action.

(b) However, a public hearing is not required at Plan Commission.

(2) Minor changes shall not change the concept or intent of the development, and may include but are not limited to, minor deviations in building siting and location; changes in the type of exterior building material, when deemed an equivalent substitution that does not significantly change the appearance of the building; minor decreases in building height; or changes in the size or number of signs, when not used for advertising, but are used for direction or to facilitate services of the development.

(3) A minor change shall not include any change classified as a major change.

(C) Major changes.

(1) If the Zoning Administrator finds the proposed changes are major, then action shall be made by City Council, upon recommendation from Plan Commission under the procedure authorized by this chapter for approval of the special use permit, including a public hearing at Plan Commission.
(2) Each of the following shall be deemed a major change: increases in density, increases in the height of any building or structure, more than a 10% increase in the footprint of any building or structure, changes in the amount of parking spaces by more than 10%, increases in the size or number of signs except as described in division (B), major reductions in the size of the proposed buildings, changes in the percentage of exterior building materials, changes in the type of exterior building materials used excluding those changes described in division (B), increases or major decreases in the number of buildings and/or lots, reductions in the amount of proposed open space, buffering or landscaping, changes in the development schedule, changes in use, modifications in the proportion of housing types, altering roadways, changes in the final governing agreements, provisions or covenants, or other changes that change the concept or intent of the development.

(D) **Major changes constituting a new development plan.** When changes are proposed that dramatically alter the intent and concept of a planned development, or substantial changes are made to large portions of the site, including but not limited to, roadway configuration, building and lot layout, then it shall be deemed a proposal for a new planned development plan, and shall processed according to the procedures set forth in this chapter.

(E) **Changes recorded as amendments.** Any changes approved shall be recorded as amendments to the recorded copy of the final development plan.

(‘79 Code, § 151.150) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08)

### § 156.151 POST-COMPLETION REGULATIONS.

(A) Upon completion of the planned development, and as a condition of the city's acceptance of the final public improvements, the Zoning Administrator shall certify the planned development has been completed in accordance with the approved final development plan.

(B) After the certification has been issued, the uses of land and construction, modifications or alterations of any buildings or structure within the planned development shall be governed by the approved final development plan rather than by any other provision of this zoning code.

(C) After the certification has been issued, no changes may be made in the approved final development plan except upon application to the city under the procedures for seeking amendments, special uses and variations with respect to the zoning code, as set out in this chapter.

(‘79 Code, § 151.151) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08)

### ADMINISTRATION AND ENFORCEMENT

### § 156.160 GENERAL PROVISIONS.

The administration of this chapter is hereby vested in the following: the Office of the Zoning Administrator and the Plan and Zoning Commission.

(‘79 Code, § 151.160) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-818, passed 11-19-08)

### § 156.161 OFFICE OF THE ZONING ADMINISTRATOR.

(A) **Appointment.** The Zoning Administrator shall be appointed by the Mayor with the advice and consent of the City Council.

(B) **Duties of the Zoning Administrator.** The Zoning Administrator or his duly appointed and acting assistant shall administer and enforce this chapter. It shall be the duty of the Zoning Administrator to:

1. Receive and process applications for zoning certificates for structures or additions thereto for which building permits are required.

2. Receive and process implications for zoning certificates not accompanied by an application for a building permit.

3. Receive and process applications for an occupancy certificate upon the completion of a structure or when there is a change of use as herein provided.
(4) Conduct inspections of structures or the use of land to determine whether there is compliance with this chapter, and, in cases of any violation, to notify in writing the person or persons responsible, specifying the nature of the violation and ordering corrective action.

(5) Maintain in current status the official zoning map.

(6) Maintain permanent and current records required by this chapter, including but not limited to zoning certificates, occupancy certificates, useful life determinations, and non-conforming use certificates, in sections, and all official action on appeals, variations and amendments.

(7) Prepare and submit an annual report to the Mayor and City Council on the administration of this chapter, setting forth such statistical data and information as may be of interest or value in advancing and furthering the purposes of this chapter.

(8) Prepare and have available in book, pamphlet or map form, on or before March 31 of each year:

(a) The compiled text of the zoning ordinance, including all amendments thereto through the preceding December 31; and

(b) An official zoning map, or maps, showing the zoning district, divisions, and classifications in effect on the preceding December 31.

(9) Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning code, and the rules of the Zoning Board of Appeals.

(C) Zoning certificates.

(1) Issuance of permits. No building permit pertaining to the construction, remodeling, moving or reconstruction of any structure shall be issued by the city unless an application for a zoning certificate shall first have been made to and obtained from the Zoning Administrator. Unless a Zoning Certificate shall first have been obtained from the office of the Zoning Administrator:

(a) The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;

(b) The improvement of land preliminary to any use of the land shall not be commenced; and

(c) Permits pertaining to the use of land or structures shall not be issued by any official, officer, employee, department, board or bureau of the city. Any application for a building permit that contains the information required by subsection (2) shall be deemed to be an application for a zoning certificate. Any zoning certificate issued in conflict with the provisions of this chapter shall be null and void.

(2) Application for zoning certificate. Every application for a zoning certificate shall be accompanied by the following:

(a) The certificate of a registered architect or registered structural engineer licensed by the state, or of an owner-designer, that the proposed construction, remodeling, or reconstruction complies with all of the provisions of this chapter.

(b) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.

(c) A plot plan, in duplicate, drawn to scale and in a form as may from time to time be prescribed by the Zoning Administrator, showing the locations, ground area, height, and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of present and proposed structures on the land, and other information as may be required by the Zoning Administrator for the proper enforcement of this chapter. One copy of the plat and the plot plan shall be retained by the Zoning Administrator as a public record.

(d) All applications for a zoning certificate for the construction, moving, remodeling, or reconstruction of any structure to be located in an industrial district shall be accompanied by sufficient information to enable the Zoning Administrator to determine that there will be compliance with all of the applicable performance standards of § 156.072 at all times. At the request of the Zoning Administrator, the applicant shall provide, in addition to the information required under subsection (2), the following:

1. A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated or otherwise limited by § 156.072.
2. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in § 156.072.

3. Any other data and certificates as may reasonably be required by the Zoning Administrator to reach a determination with respect to whether the proposed use or structure will comply with the requirement of § 156.072.

4. All information and evidence submitted in an application for a zoning certificate to indicate conformity with the performance standards set forth in § 156.072 shall constitute a certification and an agreement on the part of the application that the proposed structure or use can and will conform to such standards at all times.

(3) Issuance of zoning certificate. A zoning certificate shall be either issued or refused by the Zoning Administrator within 14 days after the receipt of an application, or within the further period as may be agreed to by the applicant, provided, however, the Zoning Administrator shall have a period of 21 days within which to issue or refuse a zoning certificate on all applications which are required to comply with the provisions of subsection (2)(a). When the Zoning Administrator refuses to issue a zoning certificate, he shall advise the applicant in writing of the reasons for refusal.

(4) Period of validity. A zoning certificate shall become null and void six months after the date on which it is issued unless construction, moving, remodeling or reconstruction of a structure is commenced or a use is commenced within the six-month period.

(5) Occupancy certificate. No structure or addition, constructed, moved, remodeled, or reconstructed after the effective date of this chapter shall be occupied or used for any purpose, and no land vacant on the effective date of this chapter shall be used for any other use, unless an occupancy certificate shall first have been obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of this chapter.

(6) Application for occupancy certificate. Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no zoning certificate is required shall be filed with the Zoning Administrator and be in such forms and contain information as the Zoning Administrator shall provide by general rule.

(7) Application for occupancy certificates for industrial uses. All applications for an occupancy certificate for any use to be located in an industrial district where no zoning certificate is required shall be accompanied by sufficient information to enable the Zoning Administrator to determine that all the applicable performance standards of § 156.072 can and will be complied with at all times. At the request of the Zoning Administrator, the applicant shall provide such information as is specified in subsection (2)(d).

(8) Issuance of occupancy certificate.

(a) No occupancy certificate for a structure or addition constructed, moved, remodeled or reconstructed after the effective date of this chapter, shall be issued until such work has been completed, including off-street parking and loading spaces, and the premises have been inspected by the Zoning Administrator and determined to be in full and complete compliance with the plans and specifications upon which the issuance of the zoning certificate was based.

(b) No occupancy certificate for a new use of any construction or land shall be issued until the premises have been inspected by the Zoning Administrator and determined to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located.

(c) Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. Temporary occupancy permits may only be issued when extraordinary circumstances exist (such as, unavailability of materials, inclement weather, and the like) and when it would not jeopardize the life or property of the citizens of the city. Any temporary occupancy permit issued must be accompanied by a letter of credit or a bond to cover site work which has not been completed at the time of application for an occupancy permit. The amount of the letter of credit or bond shall be determined by the Zoning Administrator and shall be deposited in an escrow account by the Director of Finance for the duration of the temporary occupancy permit or until the site work has been completed in accordance with the approved site plan and inspected by the Zoning Administrator.

(d) An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within 14 days after the receipt of an application therefor, or after the Zoning Administrator is notified in writing that the structures or premises are ready for occupancy, provided, however, that the Zoning Administrator shall have a period of 21 days within which to issue or refuse an occupancy certificate on all applications which are required to comply with the provisions of division (2)(d).

(9) Escrow deposits.
(a) Whenever an application for a zoning or occupancy certificate for a new or altered structure or use in an industrial district indicates, in the opinion of the Zoning Administrator, that the operations or activities to be conducted may violate the performance standards of § 156.072, the Zoning Administrator shall, as a condition precedent to issuing a zoning or occupancy certificate, require the deposit in escrow of not more than $500, to be held by the Zoning Administrator for a period of one year after the date that the new or altered use is commenced.

(b) If during the one year period or at any time in the future the Zoning Administrator believes there is a reasonable probability that the regulations of § 156.072 are being violated, he may employ a qualified technician or technicians to perform investigations, measurements, and analyses to determine whether or not the regulations of § 156.072 are, in fact, being violated and may pay his or their reasonable fees out of the aforementioned escrow deposit, regardless of the outcome of the investigation. If reasonable fees of the technician or technicians exceed the amount of any available escrow deposit, and if a violation of § 156.072 is discovered, the fees may be recovered as penalty in the same manner as, and in addition to, the penalties specified in this same manner as, and in addition to, the penalties specified in this chapter. Escrow deposits or remainders of escrow deposits shall be returned to the depositors at the expiration of the escrow period.

(‘79 Code, § 151.161) (Ord. 90-14, passed 4-2-90)

§ 156.162 ZONING BOARD OF APPEALS DISSOLUTION.

The Zoning Board of Appeals for the city is hereby dissolved as of December 1, 2008.

(‘79 Code, § 151.162) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-818, passed 11-19-08)

§ 156.163 PLAN AND ZONING COMMISSION.

(A) Name change. The name of the Commission is changed to Lockport Plan and Zoning Commission.

(B) Assumption of duties of Zoning Board of Appeals. As of December 1, 2008, the Plan and Zoning Commission shall assume all duties and responsibilities formerly under the jurisdiction of the Zoning Board of Appeals.

(C) Establishment; members; officers; terms.

(1) There is established a Plan and Zoning Commission for the city.

(2) The Plan and Zoning Commission shall consist of seven members appointed by the Mayor with the consent of the City Council.

(a) The Mayor shall name one of the members appointed to be Chairman; one to be Vice Chairman; and one to be secretary.

(b) Members appointed to those offices shall serve for a time period at the determination of the Mayor.

(3) The members shall serve four-year terms.

(D) Prior decisions and recommendations. All prior decisions and recommendations of the previously existing Zoning Board of Appeals shall be deemed valid and to have survived the adoption of this section.

(E) References. All references in the Municipal Code to the Zoning Board of Appeals, the “Board” as it relates to the Zoning Board of Appeals, the Plan Commission, or “Commission” as it relates to the Plan Commission are, after the effective date of this section, amended and deemed to refer to the Plan and Zoning Commission.

(F) Jurisdiction. The Plan and Zoning Commission of the city, which has been duly established, is the “PZC” referred to in this chapter. It shall have the following powers and duties:

(1) To hear and review all applications for amendments and special uses, and thereafter submit reports of findings and recommendations thereon to the City Council.

(2) To initiate, direct and review, from time to time, studies of the provisions of this chapter, the comprehensive plan, and the subdivision regulations, and to make reports of its recommendations to the City Council not less frequently than once each year.

(3) To receive and review all plats of subdivision, and to recommend with respect to the City Council.

(4) To hear and review all matters upon which it is required to recommend under this chapter.
(5) To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the municipality.

(a) Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of that municipality.

(b) This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified.

(c) The plan, as recommended by the Plan Commission and as thereafter adopted, may be made applicable, by the terms thereof, to land situated within the corporate limits, and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any other municipality.

(d) Such plan may be implemented by ordinances:

1. Establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land, and of areas subject to redevelopment in respect to public improvements as herein defined;

2. Establishing reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and

3. May designate land suitable for annexation to the municipality, and the recommended zoning classification for the land upon annexation.

(6) To recommend changes, from time to time, in the official comprehensive plan.

(7) To prepare and recommend to the City Council, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.

(8) To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive plan.

(9) To prepare and recommend to the corporate authorities schemes for regulating or forbidding structures or activities that may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in ILCS Ch. 30, Act 725, § 1.2, the Comprehensive Solar Energy Act of 1977, or to recommend changes in such schemes.

(10) To exercise such other powers germane to the powers granted by ILCS Ch. 65, Act 5, as may be conferred by the City Council.

(11) To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination (referred to collectively as “decision”) made by the Zoning Administrator with respect to the zoning code.

(12) To hear and decide on application for variations from the regulations and restrictions imposed by this chapter.

(G) Meetings and rules.

(1) All meetings of the Plan and Zoning Commission shall be held at the call of the Chairman, and at the times as the PZC may determine.

(2) All hearings conducted by the PZC under this chapter shall be in accordance with state statutes.

(3) In all proceedings of the PZC provided for in this chapter, the Chairman, or in his or her absence, the Vice Chairman, shall have the power to administer oaths.

(4) All testimony by witnesses at any hearing provided for in this chapter shall be given under oath.

(5) The PZC shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions.

(6) A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the PZC under this chapter shall be filed in the office of the City Clerk, and shall be a public record.

(7) The PZC shall adopt its own rules and procedures, which are not in conflict with this chapter or with applicable state statutes.
**Quorum.**

1. Four members of the Plan and Zoning Commission shall constitute a quorum.

2. No meeting (or hearing) shall be conducted by the PZC without a quorum being present.

**Decision.** Per division (F) above, when PZC is authorized to decide on a matter, it may reverse or affirm, in whole or in part, or may modify or amend any order, requirements, decision or determination appealed from, to the extent and in the manner the PZC may decide to be fitting and proper under the circumstances, subject to the provisions contained in this chapter or in the applicable state statutes.

**Finality of decision of Commission.** Per division (F) above, when PZC is authorized to decide on a matter, all decisions of the PZC on appeal from a decision of the Zoning Administrator or upon application for a variation, shall in all instances be final administrative determinations, and shall be subject to review by a court of law in the manner provided by the applicable state statute.

§ 156.164 Appeals.

**Procedure.**

1. An appeal from a decision of the Zoning Administrator, made in interpreting this chapter, may be taken to the PZC by any person, firm or corporation aggrieved by the decision, or by any officer, department, board or bureau of the city.

2. Any appeal from a decision of the Zoning Administrator shall be made within 35 days of the ruling by the Zoning Administrator, by filing a notice of appeal and specifying the ground.

3. The Zoning Administrator shall forthwith transmit to the PZC a copy of the appeal, and all of the papers constituting the records upon which he or she made the decision from which appeal has been taken.

4. The notice of appeal and the appeal itself shall be filed in the number of copies, be in the form, and contain the information as the PZC may provide from time to time by general rule.

**Action on appeals.**

1. An appeal shall stay all proceedings in furtherance of the decision of appeal, unless the Zoning Administrator certifies to the PZC, after the notice of appeal has been filed with him or her, that, by reasons of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than a restraining order, which may be granted by the PZC or by a court of record upon application following notice to the Zoning Administrator, and upon due cause shown.

2. The PZC shall select a reasonable time and place for the public hearing on the appeal, shall give due notice to the parties having a known interest, and shall render a written decision without unreasonable delay, all within the limitations imposed by§ 156.163(F).

3. Upon the concurring vote of four members, the PZC may reverse or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to that end the Board shall have all the powers of the Zoning Administrator with respect to the decision.

§ 156.165 Variations.

**Authorization.**

1. The Plan and Zoning Commission (PZC) and the Zoning Administrator may authorize variations, as are hereinafter set forth, from the terms of this chapter, in harmony with their purpose and intent, as will not be contrary to the public interest.

2. Variations may be authorized only on those specific instances enumerated in division (D), and then only when the PZC or the Zoning Administrator has authority to grant the variation requested, and has made findings of fact, based upon the standards set out in division (E), that, owing to special conditions, a literal enforcement of the provisions of this chapter
will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.

(B) Application for variation. An application for a variation shall be filed with the Zoning Administrator. The Zoning Administrator shall forward a copy to the Secretary of the PZC for variations governed by division (D)(1). The application shall contain the following information, as well as such additional information as may be prescribed by rule of the PZC, or as deemed necessary by the Zoning Administrator in the case of administrative variations.

1. The particular requirements of this chapter that prevent the proposed use or construction.
2. The characteristics of the subject property that prevent compliance with the requirements of this chapter.
3. The reduction of the minimum requirements of this chapter that would be necessary to permit the proposed use or construction.
4. The practical difficulty or particular hardship that would result if the particular requirements of this chapter were applied to the subject property.

(C) Hearing and notice.

1. Plan and Zoning Commission variation hearing and notice.
   a. For Plan and Zoning Commission variations governed by division (D)(1), the PZC shall select a reasonable time and place for the hearing, all within the limitations imposed by § 156.163, Plan and Zoning Commission.
   b. Notification shall adhere to the published notice and written notice requirements as contained in § 156.183, Notification requirements.
   c. The PZC may give any additional notice as it may, from time to time, by rule provide.
   d. Any party of interest may appear and be heard at the hearing in person, by agent or by attorney.

2. Administrative variation notice.
   a. For administrative variations governed by division (D)(2), a public hearing is not required.
   b. Notification required shall be through certified mail to all property owners within one property radius of the subject property.
   c. The notice shall include the street address or common description of the property involved, and a description of the relief sought.

(D) Authorized variations.

1. Plan and Zoning Commission authorized variations. Variations from the regulations of this chapter shall be granted by PZC, but only in accordance with the standards set out in division (E)(1), and may be granted only in the following instances; and in no others.
   a. To vary the applicable lot area and lot width requirements, subject to the following limitations:
      1. The minimum lot width requirements shall not be reduced more than 25%;
      2. The minimum lot area for a single-family or two-family dwelling shall not be reduced more than 20%;
      3. The minimum lot area per dwelling unit requirement for multiple-family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of minimum lot area requirements.
   b. To vary the applicable bulk regulations, including maximum height, lot coverage, floor area ratio and minimum yard requirements.
   c. To vary the applicable off-street parking and off-street loading requirements governed by §§ 156.090 through 156.099.

   1. To maintain conformity and provide ample green space along roadways, reductions in the front and corner side yard setbacks in non-residential districts for off-street parking spaces, as required by § 156.092, Additional parking regulations, may be approved only in unique circumstances, e.g., areas with site constraints such as redevelopment and infill lots, or on lots where a hardship exists, making it impractical to meet the requirements of the code.
2. Parking areas should always provide landscaped separation from the property line, and should therefore be located a minimum of seven feet from all property lines.

(d) To vary the regulation relating to restoration of damaged or destroyed nonconforming structures contained in § 156.061, Nonconforming structures.

(e) To vary bulk regulations for accessory structures or permitted uses governed by § 156.033, General and bulk regulations for accessory structures and permitted obstructions, including but not limited to, required yards, height, and maximum accessory building size; except no such variations shall be granted that would vary the following:

1. Regulations that are expressly prohibited;
2. Regulations other than bulk regulations;
3. Reducing the minimum ten foot building separation for sheds or similar structures, when such a structure does not meet or exceed the city's building code standards for attached garages concerning fire protection rating, footings and foundation; and
4. Reducing the minimum ten foot building separation for accessory structures, including detached garages and carports, buildings used for farming, and other similar structures, unless such a structure meets or exceeds the city's building code standards for attached garages concerning fire protection rating, footings and foundation, except lots zoned R-O Heritage Residential, where a separation may be granted that reduces the separation to seven feet, without meeting the city's building code standards for attached garages concerning fire protection rating, footings and foundation.

(f) To vary the regulations relating to exterior building material standards contained in Appendix A. Variations can permit the use of different materials or allow the use of a different percentage/proportion of materials otherwise required on the exterior finish of such structure. Variations should be granted only in the following instances.

1. The variation must be justifiable.
2. Exceptional design and architectural merit must be demonstrated.
3. The variation will allow for a more creative and site-specific product.
4. The variation will permit a structure or building that reflects the historic character of the city.
5. For residential structures, a variation to increase the percentage/amount of imitation brick or stone sheeting is permitted on all lots, but should only be permitted when exemplary design is used.
   a. It is expected that other design elements are incorporated into the residence that elevate the quality of the residence, which may include but are not limited to, front or wrap-around porches, side-loaded garages, and all elevations containing a high degree of visual interest.
   b. The character and context of the neighborhood and surrounding homes may also be used as an evaluation tool.
6. For residential structures, a variation to increase the amount of aluminum, plastic or vinyl siding can be granted on infill lots only, and when exemplary design is used.
   a. It is expected that other design elements are incorporated into the residence that elevate the quality of the residence, which may include but is not limited to, front or wrap-around porches, side-loaded garages, and all elevations containing a high degree of visual interest.
   b. The character and context of the neighborhood and surrounding homes may also be used as an evaluation tool.
   c. Exemplary design with vinyl or plastic siding may consist of, but is not limited to, using high quality materials and a variety of vinyl types (i.e., vertical siding and shake) so there is quality design and complexity in the appearance of the residence. For example, a variation may be granted on an infill lot, when the surrounding properties are predominantly constructed of aluminum, vinyl or plastic siding.
   d. However, when the neighborhood and surrounding properties contain less dramatic variations from the percentages required, like 50% brick and 50% vinyl siding, then the variance should not be granted unless exceptional design is used, with high grade materials and incorporation of a variety of materials.

(g) To vary the commercial and industrial design guidelines as contained in Appendix B, provided it is determined that the deviation is justifiable and does not alter the intent of the guidelines, or to eliminate the commercial and industrial design guidelines as contained in Appendix B, in order to establish a set of guidelines that are more creative and site-specific. When alternative guidelines are created, the city’s guidelines will be used as a baseline for review, and similar or better standards are expected.
(h) To vary the residential design guidelines as contained in Appendix C, provided it is determined that the deviation is justifiable and does not alter the intent of the guidelines, or to eliminate the residential design guidelines as contained in Appendix C, in order to establish a set of guidelines that are more creative and site-specific. When alternative guidelines are created, the city's guidelines will be used as a baseline for review, and similar or better standards are expected.

(i) To vary the regulations for accessory structures or permitted encroachments governed by § 156.031, Permitted Accessory Structures or Uses and Obstructions, and § 156.033, General and Bulk Regulations for Accessory Structures and Permitted Obstructions.

(2) Administrative variations. Variations from the regulations of this chapter shall be granted by the Zoning Administrator, but only in accordance with the standards set out in division (E)(2), subject to the requirements of the section, and may be granted in the following instances; and in no others.

(a) To vary numerical bulk regulations up to 20%, subject to the following limitations.

1. Lowland yards cannot be varied.
2. The minimum lot area per dwelling unit requirement for multiple-family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of minimum lot area requirements.

(b) To vary bulk regulations for accessory structures or permitted obstructions governed by § 156.033, General and bulk regulations for accessory structures and permitted obstructions, including but not limited to, setbacks, height, and maximum accessory building size, except no such variations shall be granted that would vary the following:

1. Regulations that are expressly prohibited;
2. Regulations other than bulk regulations;
3. Reducing the minimum ten foot building separation for sheds or similar structures, when such a structure does not meet or exceed the city's building code standards for attached garages concerning fire protection rating, footings and foundation; and
4. Reducing the minimum ten foot building separation for accessory structures, including detached garages and carports, buildings used for farming, and other similar structures, unless such a structure meets or exceeds the city's building code standards for attached garages concerning fire protection rating, footings and foundation, except lots zoned R-O Heritage Residential, where a separation may be granted that reduces the separation to seven feet, without meeting the city's building code standards for attached garages concerning fire protection rating, footings and foundation.

(c) To vary the off street parking and loading requirement governed by § 156.092, Additional parking regulations, in the following instances and in no others.

1. To vary the required drive aisle width by no more than one foot.
2. To vary the maximum residential driveway apron by no more than two feet.

(d) To vary the number of required parking spaces contained in § 156.094, Location of accessory off-street parking facilities, by no more than 10% or two spaces, whichever is greater.

(e) To vary the regulations for accessory structures or permitted encroachments governed by § 156.031, Permitted Accessory Structures or Uses and Obstructions, and § 156.033, General and Bulk Regulations for Accessory Structures and Permitted Obstructions.

(E) Standards for variations.

(1) Plan and Zoning Commission standards. The PZC shall not vary the regulations of this chapter under division (D)(1), unless it shall make findings of fact based upon the evidence as presented that:

(a) The property in question cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

(b) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship that will result if the strict letter of the regulations were carried out, which are not generally applicable to property within the same district.

(c) The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.
(d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

(e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

(f) The proposed variation will not alter the essential character of the locality.

(g) The proposed variation is in harmony with the spirit and intent of this chapter.

(2) Administrative variance standards. The Zoning Administrator shall not vary the regulations of this chapter under division (D)(2), unless it shall make findings of fact based upon the evidence presented that:

(a) The property in question cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

(b) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship (such as shape or topographical conditions on the specific property involved) that will result if the strict letter of the regulations were carried out, which are not generally applicable to property within the same district.

(c) The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.

(d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

(e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

(f) The proposed variation will not alter the essential character of the locality.

(g) The proposed variation is in harmony with the spirit and intent of this chapter.

(3) Conditions and restrictions on variations. The PZC, or Zoning Administrator in the case of administrative variations, may impose conditions and restrictions that include, but are not limited to: location; size; height; construction; berming, screening, landscaping, or other similar means to buffer or protect nearby property and designate standards for installation and maintenance thereof; and design and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

(F) Decisions and variations.

(1) Plan and Zoning Commission decisions.

(a) When PZC has the jurisdiction to decide on a matter per § 156.163(F), the concurring vote of four members shall be necessary:

1. To reverse any order, requirement, decision or determination of the Zoning Administrator.

2. To grant a variation from the terms of this chapter.

3. To decide in favor of the applicant on any matter upon which PZC is required to pass under this or any other chapter.

(b) A variation shall be granted by means of a conclusion or statement of relief granted, supported by findings of fact, which statement and findings shall be transmitted to the applicant not less than 35 days from the date of the decision.

1. The findings of fact shall specify the reason or reasons for making the variation, and shall refer to any exhibits containing plans and specifications for the proposed variation that have been made a part of the application, or that were introduced at the public hearing as evidence. The exhibits shall remain part of the permanent record of PZC.

2. The terms of relief granted shall be specifically set forth in conclusions or statements separate from the findings of fact.

(2) Administrative decisions.

(a) If the Zoning Administrator intends on granting the variation, supported by the findings of fact; deems the variation to be in conformance with those that are authorized in § 156.165(D)(2); has not received any objections within 15 days of receipt of required notice; and the applicant does not object/disagree with any condition of approval imposed by the
Zoning Administrator, then the administrative variation shall be approved. The applicant shall be notified in writing of the approval.

(b) If any of the following occurs, then the administrative variations shall not be granted and the applicant may file for a non-administrative variance:

1. The Zoning Administrator is going to deny the variation;
2. There was an objection to the variation within 15 days of receipt of required notice; or
3. The applicant objects/disagrees with any condition of approval imposed by the Zoning Administrator.

(G) **Period of validity.**

1. No decision granting a variation shall be valid for a period longer than 12 months from the date of the decision unless:
   a. An application for a zoning certificate is obtained within the period and construction, reconstruction, moving and remodeling is started; or
   b. An occupancy certificate is obtained and a use is commenced.

2. **Extensions of time.** The PZC, or Zoning Administrator in the case of administrative variations, may grant additional extensions of time not exceeding 180 days each, upon written application made within the initial 12-month period, without further notice or hearing, but the right to extend the time shall not include the right to grant additional relief by expanding the scope of the variation; provided, however, that nothing in this section shall limit or affect the validity of a variation granted under the terms of this section, if the relief sought and obtained does not require the issuance of a zoning or occupancy certificate, or the commencement of use, construction, reconstruction, moving or remodeling.

(79 Code, § 151.165) (Ord. 90-14, passed 4-2-90; Am. Ord. 08-812, passed 8-20-08; Am. Ord. 08-818, passed 11-19-08; Am. Ord. 09-061, passed 11-4-09)

§ 156.166 FEES.

(A) **Application fee.**

1. Upon presentation of an application for rezoning or special use, the applicant shall pay a non-refundable application fee of $500, plus $10 per acre of land or fraction thereof in the proposed request.

2. (a) Upon presentation for a Plan and Zoning Commission variation from the requirements of this chapter, the applicant shall pay a non-refundable fee of $600, plus $50 for every additional variation requested at the same time.

   (b) If an applicant is applying for the variation within 90 days of an administrative variation being denied for the same request, and all fees were paid in full for the administrative variation, then the fee charged is the cost of a Plan and Zoning Commission variation less the fee paid for the administrative variation, provided the scope of the variation has not expanded and no additional relief is requested.

3. Upon presentation for an administrative variation from the requirements of this chapter, the applicant shall pay a non-refundable fee of $350, plus $50 for every additional variation requested at the same time.

(B) **Staff review fee.** Upon presentation for an application for rezoning or special use, the applicant shall pay a non-refundable staff review fee in the following amount:

<table>
<thead>
<tr>
<th>Project Size (acres)</th>
<th>Rezoning</th>
<th>Special Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 3</td>
<td>$500</td>
<td>$500</td>
</tr>
<tr>
<td>3.01 to 5</td>
<td>$750</td>
<td>$750</td>
</tr>
<tr>
<td>5.01 to 10</td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>10.01 or more</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

(C) **Reimbursement of fees.** In addition to the above fees for rezoning and special use applications, the applicant shall be obligated to reimburse the city for any fees incurred by the city for mailing and copying, legal advertising costs, or hiring
professional consultants (legal, engineering, land planning, financial or other professional consultants) that may be required in the review of the application. In variation cases, if the fees stated above exceed the amount charged by the application fee, the applicant shall be obligated to reimburse the city.

(1) A 15% fee of the total charges shall be added as an administrative fee.

(2) All proceedings in connection with the rezoning, special use permit, planned development, or variation shall be stayed until such sum so designated is submitted to the city as required.

(3) All proceedings with regard to the rezoning, special use permit, planned development, or variation shall be stayed until subsequent demands for payment of fees shall be submitted.

(4) Any demand or subsequent demand of the city not paid by the applicant within ten days of the date of the demand shall, at the discretion of the City Council and upon written notice to the applicant, terminate and render null and void the proposed rezoning, special use permit, planned development, or variation application.

(‘79 Code, § 151.166) (Ord. 90-194, passed 4-2-90; Am. Ord. 91-243, passed 6-4-91; Am. Ord. 98-107, passed 6-10-98; Am. Ord. 00-262, passed 8-16-00; Am. Ord. 06-666, passed 6-28-06; Am. Ord. 08-758, passed 3-26-08; Am. Ord. 08-827, passed 12-3-08)

**CHANGES AND AMENDMENTS**

§ 156.180 **REQUIREMENT FOR PUBLIC HEARING.**

The regulations imposed and the districts covered by this chapter may be amended from time to time, but no amendments shall be made until a public hearing has been held, and a report and recommendation has been made by the city.

(‘79 Code, § 151.180) (Ord. 90-194, passed 4-2-90)

§ 156.181 **LIMITATION OF AMENDMENTS.**

Amendments may be proposed in writing by the City Council, by the Zoning Board of Appeals, by the Plan Commission, by any person having proprietary interest in property in the city, or by any interested citizen of the city.

(‘79 Code, § 151.181) (Ord. 90-194, passed 4-2-90)

§ 156.182 **APPLICATION FOR AMENDMENT.**

(A) An application for amendment shall be filed with the Zoning Administrator who shall forward a copy of same to the City Council without delay. The City Council shall refer the application to the Plan Commission for its review and recommendation for the purpose of conducting a public hearing, to be held not more than 90 days from the date of the receipt of the application by the Zoning Administrator.

(B) The application shall be filed together with a reasonable fee, in such number of copies, be in such form, and contain information as the City Council may prescribe from time to time. The application shall provide at least the legal description of the subject property, the present and proposed uses of land buildings or structures, and a dimensioned scale drawing of the subject property with the location of all existing and proposed buildings, structures and other improvements.

(‘79 Code, § 151.182) (Ord. 90-194, passed 4-2-90)

§ 156.183 **NOTIFICATION REQUIREMENTS.**

No hearing shall be held on an application unless the applicant complies with the requirements of this section.

(A) *Published notice.* At least 15 days notice of the time and place of the hearing shall be published in an official paper of general circulation in the city.

(B) (1) *Written notice.* In addition to the notice requirements otherwise provided by law, an applicant for any public hearing required by this chapter shall, not less than 15 days and not more than 30 days prior to the date set for the public
hearing, serve written notice in person or by registered mail, return receipt requested, on the owners as recorded in the office of the County Recorder of Deeds and as appears from the authentic tax records of the county of all property within 250 feet in each direction of the property lines of the subject property for which the public hearing is requested, provided that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement.

(2) A copy of the notice with a copy of the list of addresses shall be mailed to the Zoning Administrator at the time notice is given to the owners or taxpayers.

(3) The notice required shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and the time and date on which the hearing shall be held. A vicinity map with current and proposed zoning showing the location of the subject property with current and proposed zoning shall be included with the notice. If after a bona fide effort to determine the above by the applicant, the owner cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant of an affidavit evidencing the inability to serve the notice.

(C) (1) Notice by sign. An applicant for public hearing shall, not less than 15 days prior to the date before the public hearing, post a readable sign on each adjacent roadway. Signs must be removed no later than ten days after completion of the hearing.

(2) Requirements. The face of the signs required by this section shall be at least 36 inches in height and 48 inches in length. The signs shall contain the current zoning action requested, date, time and place where the hearing shall be held, a statement that further information can be obtained from the petitioner and the Zoning Administrator of the city, and the phone number of the city and the applicant. The sign shall have a white background with 1.5 inch high black block letters, except that the words “PUBLIC HEARING NOTICE” shall be in three-inch high red capital block letters. The signs shall meet all other requirements set forth by the city. All costs associated with hearing signs are to be borne by the applicant.

(’79 Code, § 151.183) (Ord. 90-194, passed 4-2-90; Am. Ord. 95-396, passed 2-6-95; Am. Ord. 98-107, passed 6-10-98)
§ 156.184 CERTIFICATION OF NOTICE.

The applicant shall furnish, at or before the time of hearing, a written statement certifying that he has complied with the requirements of this subchapter. Attached to the written statement shall be a list of all property owners notified in accordance with the above, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals specified, and an affidavit, witnessed by a notary public that the sign was erected according to the city requirements.

(’79 Code, § 151.184) (Ord. 90-194, passed 4-2-90)

§ 156.185 PROTEST AGAINST AMENDMENT.

In case of written protest against any proposed amendment, including special uses, filed with the City Clerk, signed and acknowledged by the property owners having, individually or collectively, 20% of the frontage contiguous or directly opposite a street or alley from the frontage proposed to be altered as to such regulation or district, such amendment shall not be passed except by the favorable vote of two-thirds of all members of the City Council. Protests by such property owners shall be deemed valid only if:

(A) The protest is made only after an authorized representative of the affected property owner(s) has considered the evidence in the case.
(B) The protest is made in writing and submitted to the City Clerk not earlier than the first day after the public hearing has concluded, and not later than six days following the public hearing, and provided that the written protest is circulated by certified mail by the protesting party to the applicant and his attorney, if any, identified in the application for the proposed amendment or special use and all other parties represented by counsel, if any.

(C) An authorized representative of the protesting property owner(s) be required, on request of any party in the case, including the city, to give oral testimony under oath to support the protest.

(D) The protest is directly related to the evidence presented during the public hearing and upon which the Plan Commission may base their respective findings of fact.

(‘79 Code, § 151.185) (Ord. 90-194, passed 4-2-90; Am. Ord. 91-252, passed 8-19-91; Am. Ord. 98-107, passed 6-10-98)

§ 156.186 REPORT OF PUBLIC HEARING.

Following a public hearing, the Plan Commission shall transmit within 30 days to the City Council a report containing its findings of fact and recommendations for action to be taken by the City Council.

(‘79 Code, § 151.186)

§ 156.187 ACTION BY THE CITY COUNCIL.

After receiving the recommendations and report of the Plan Commission, the City Council may within 30 days review the proposed amendment with or without change, may reject it, or may recommit it to the Plan Commission for further consideration. However, the Council must act within 270 days after receiving the Plan Commission recommendation.

(‘79 Code, § 151.187) (Ord. 90-194, passed 4-2-90; Am. Ord. 93-345, passed 11-1-93; Am. Ord. 98-107, passed 6-10-98)

§ 156.188 RESUBMISSION.

If a proposed amendment or special use is rejected by the City Council, it, or one substantially similar, may not be resubmitted within 12 months of the date of rejection by the City Council.

(‘79 Code, § 151.188) (Ord. 91-252, passed 8-19-91)

§ 156.999 PENALTY.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction be fined not less than $50 nor more than $750 for each offense. Each day a violation is permitted to exist shall constitute a separate offense. Nothing herein shall be construed to prevent the city from taking other lawful action as is necessary or appropriate to prevent or remedy any violation.

(‘79 Code, § 151.999) (Ord. 90-194, passed 4-2-90)

APPENDIX A: EXTERIOR BUILDING MATERIALS

(A) Exceptions. The following are not subject to the exterior material standards as contained herein.

(1) Structures or buildings located within the city’s Downtown Master Plan.

(2) Structures or buildings located within the city's Historic District. Such buildings or structures must receive a certificate of appropriateness from the Heritage and Architecture Commission, subject to the requirements of Chapter 150 in the Municipal Code.

(3) Exterior building materials approved for a development prior to August 20, 2008, when such approved materials are in conflict with the requirements contained herein.

(B) Prohibited materials in all districts.
(1) Neon tubing used to line the windows, highlight architectural features on buildings or other similar uses is prohibited.

(2) Neon tubing integrated into signage is subject to Chapter 155 of the Municipal Code.

(C) In all zoning districts.

(1) The use building materials that have high recycled content in lieu of their non-recycled equivalent (including but not limited to: carpet, floor tiles, wall base, furniture, ceiling tiles, and the like) is encouraged.

(2) Whenever possible, building materials that have been processed and manufactured regionally shall be selected over equivalent products processed and manufactured outside a 500-mile radius of the development site.

(3) Whenever possible, only wood from Forest Stewardship Council (FSC) certified sources should be used.

(4) The use of white EPDM or TPO roofing membrane shall be encouraged on low slope roofs to minimize heat gain and reduce energy costs.

(D) Residential districts. The following are minimum exterior building material standards for residential buildings.

(1) Single-family detached. Seventy-five percent of all elevations, exclusive of doors, windows and trim, shall be constructed of masonry material or natural cedar siding.

(2) Residential dwellings, except single-family detached. Seventy-five percent of all elevations, exclusive of doors, windows and trim, shall be constructed of masonry material.

(3) Masonry materials defined. For the purposes of this section, MASONRY MATERIALS includes brick, stone, stucco or other similar materials, but does not include concrete or concrete masonry units.

(E) Commercial. The following are minimum exterior building material standards for commercial buildings.

(1) Classes of materials. Materials shall be divided into the following four classes:

(a) Class I: Face brick, stone, glass/aluminum storefront, ceramic/stone tiles, textured and architecturally finished concrete, or prefished metal panels (in-line retail only). Other comparable materials may approved by the city.

(b) Class II: Specialty concrete block such as textured, burnished or rock-faced CMU, imitation brick or stone, or stucco and synthetic stucco. Other comparable materials may approved by the city.

(c) Class III: Opaque panels, ornamental metal, or preformed insulated cornice panels. Other comparable materials may approved by the city.

(d) Class IV: Smooth concrete masonry units, smooth scored concrete masonry units, glass block, or wood. Other comparable materials may approved by the city.

(2) Relative uses of classes of materials. Buildings shall incorporate classes of materials in the following manner.

(a) Freestanding buildings.

1. Freestanding buildings must use at least two Class I materials on 60% of each facade; not more than 30% Class II or Class III materials; and not more than 10% Class IV materials.

2. Exposed architectural precast panels shall be limited to not more than 10%.

(b) In-line retail buildings.

1. Facades facing the public right-of-way or public parking must use at least two Class I materials on 60% of each facade. The use of Class II and III materials shall not exceed 30% of the facades facing the public right-of-way and public parking. Not more than 10% Class IV materials may be used on a facade.

2. Facades that do not face the public right-of-way or public parking must use a minimum two Class I materials over a minimum 60% of the facade, and a maximum of 40% Class II, Class III or Class IV materials.

(c) Variations in color.

1. A distinctively different color of face brick may be considered as a second Class I material.

2. However, minor blended variations in brick color or texture shall not be considered as a separate Class I material.
Office.

1. Office buildings must incorporate at least two of the following materials on all elevations: face brick, architectural steel and aluminum, stone, glass, exposed aggregate panels, textured or architecturally finished concrete, steel or wood. Equivalent or better materials, or any combination of the above, may be used in a well-conceived or creative application.

2. Common brick, concrete block, split face block, corrugated metal or preengineered metals installed with exposed fasteners are prohibited.

Industrial/manufacturing.

1. Industrial/manufacturing buildings must incorporate at least two of the following materials on all elevations: face brick, architectural steel and aluminum, stone, glass, exposed aggregate panels, textured or architecturally finished concrete, steel or wood. Equivalent or better materials, or any combination of the above, may be used in a well-conceived or creative application.

2. Common brick and concrete block are prohibited as exterior building materials.

3. Split face block is only permitted on front and side facades where architectural features (such as columns, horizontal bands, and the like) are incorporated into the facades.

4. Corrugated metal or pre-engineered metals installed with exposed fasteners are only permitted on front facades if 50% of the front facade is masonry; and are only permitted on side facades where architectural features (such as columns, horizontal bands, and the like) are incorporated into the side facades.

(Ord. 08-812, passed 8-20-08)

APPENDIX B: COMMERCIAL AND INDUSTRIAL DESIGN GUIDELINES

Section

I. Introduction

II. Commercial design guidelines

III. Industrial design guidelines

IV. Design covenants

(A) The following are not subject to the design guidelines as contained herein.

1. Structures or buildings located within the city's Downtown Master Plan.

2. Structures or buildings located within the city's Historic District. Such buildings or structures must receive a certificate of appropriateness from the Heritage and Architecture Commission, subject to the requirements of Chapter 150 in the Municipal Code.

3. Design guidelines for developments that were approved previous to August 20, 2008, when the guidelines are in conflict with the requirements contained herein.

(B) Other than the aforementioned items, all developments as a whole, as well as individual buildings and site improvements constructed as part of a development, shall be in conformity with the following guidelines.

I. INTRODUCTION.

Purpose.

The city has seen major growth within the past years and anticipates more varied residential, commercial and industrial developments as land becomes available and demand grows. The city is committed to promoting good design and high standards for future growth through the adoption of these guidelines. The intent of these guidelines is to ensure future developments protect and enhance the quality of life, natural features, property values and character of the community through new development by using good planning, landscaping and architectural design. The city is committed to providing quality places of employment as well as retail shopping opportunities for its citizens. The design of high quality developments is a vital component in the city's continuing success. These guidelines are not intended to restrict opportunity or imagination in design, but are intended to help maintain and enhance the community character of the city.
II. COMMERCIAL DESIGN GUIDELINES.

The city is committed to promoting good design of commercial developments within the city through the adoption of these guidelines. The intent of these guidelines is to ensure quality commercial developments to serve the residents of the city and surrounding communities. The design of high quality commercial and retail space is an essential component of the city's continued success. These guidelines are not intended to restrict opportunity or imagination in design, but are intended to help maintain and enhance the community character of the city. The following guidelines shall be used as minimum standards for future commercial and retail development.

A. Site Design Standards.

In order for commercial and retail developments to thrive, they must be accessible, well-organized, safe and aesthetically pleasing to the eye. Below is a list of requirements that, if closely followed, will make this possible.

1. Site Plan.
   
   i. Entry Features.

   • Commercial sites should provide for distinct landscaping features at entrance locations.
   • Cross-access shall be provided between contiguous commercial properties. Where such access is practical, commercial sites shall contain provisions for shared access and interconnected vehicle circulation.

   ii. Layout.

   • Buildings shall be located on the site to be the dominant visual presence.
To the greatest extent possible, buildings should be located between the street and the parking area.

Build-to lines should be utilized to create a minimum and maximum building setback to bring the buildings closer to the streets.

If the parking is to be located between the building and the property line, the building should be located to provide for a visual corridor from the main site access to the main entry of the building.

2. **Circulation.**

   *Pedestrian Access.*

   - An access for pedestrian use only shall be provided separate from vehicle access.
   - All buildings and outlots within a commercial site should be connected to internal pedestrian walkways.
   - This access shall connect with the external public sidewalk. Where no public sidewalk currently exists, site plans shall include the construction of public sidewalks.
   - The pedestrian access shall be designed to provide for the shortest distance possible to the main entrance of the building, and to facilitate use of a bicycle parking structure that shall be installed on all retail sites.
   - Where pedestrian walkways cross vehicular circulation, textured materials should be utilized, consisting of brick or colored and stamped concrete to delineate crosswalks.
ii. **Parking and Vehicle Circulation.**

- Parking areas should be located and designed not to be the dominant visual presence on the site.
- Parking and driveway areas shall be separated from buildings by pedestrian walkways and landscaped areas.
- Parking areas shall provide for continuous vehicle circulation, therefore, “dead-end” parking rows should not be provided.
- All parking areas shall include landscaped areas in the locations and quantities prescribed in the City Code of Ordinances.
- In addition to the requirements of this chapter, all parking areas shall conform to all other applicable requirements within the City Code of Ordinances.

3. **Outlots.**

- Outlots shall be designed to be accessed from within the larger development around it.
- Pedestrian and vehicle access points from outlots shall connect with those of the larger development around it.
- The general character of the architectural, landscaping, lighting and other site improvements established by the larger development shall be continued and incorporated in the outlot site design.

4. **Accessory Areas.**

i. **Drive-up Facilities.**

- The ingress and egress circulation for drive-up facilities shall be separated from other vehicle circulation areas by a curbed median with landscaping.
- The overall site plan shall be designed to accommodate overflow from the drive-up facility without blocking normal traffic circulation.
- Drive-up facilities should not be the dominant feature of a building.
Care should be taken in the placement of drive-up facilities to minimize the visual, sound and traffic impact on surrounding properties. Drive-up facilities should not be located along frontage of public rights-of-way or adjacent to residential developments.

Drive up facilities shall be constructed of the same style and material as the primary structure, and should be designed to be a part of the overall architectural design of the structure, to minimize the appearance of the facility as an after the fact addition.

ii. Loading Areas.

When required, loading areas shall be located to be as minimally visible as possible from the public right-of-way and any adjacent residential areas.

Loading docks shall include a continuous visual screen, constructed of the same materials as the wall of the building it is projecting from, or nearest to. This screen shall be of a size sufficient to screen views from adjacent properties of the largest vehicle anticipated to make delivery on site.

The loading area access shall be designed to limit conflicts with customer parking areas, and not designed to provide necessary parking area circulation.

iii. Refuse Areas.

Refuse storage areas shall be provided on all retail properties. Location of the proposed refuse area shall be designated on site plans.

Where a masonry enclosure is required, gates can be constructed of wood or metal, to provide a solid screen, finished to blend with the finish of the masonry enclosure.

iv. Utilities and Accessory Equipment.

Aboveground utility boxes and accessory equipment shall be located to be minimally visible from all points on- and off-site.

When such structures are visible, they shall be screened by a wall constructed of the same material as the building, or by dense landscaping, including evergreen vegetation.
v. Outdoor Storage and Display/Sales.

- Outdoor storage and outdoor sales, where permitted, shall comply with all applicable requirements of the city.
- Outside storage or sale of materials shall be located in an area immediately adjacent to the building, in an area minimally visible from public view, and in the case of outdoor sales, designed as an extension of the sales floor of the enclosed building.
- This area shall be fully screened by a solid board-on-board fence, with masonry columns that remain consistent with the main building. Low maintenance or maintenance-free materials are preferred for the screening.
- Materials stored cannot exceed the height of the wall.
- Any roof or covering must be of similar materials and colors to those used predominantly on the building.
- Where temporary outdoor sale of materials is allowed, such as bulk landscape material or Christmas trees, material display shall be limited to the area so designated on the approved site plan. The temporary display area shall not reduce the total parking available by 15%, nor shall it impede the orderly circulation of pedestrians and vehicles.
- Material display on site, other than that described above, shall be prohibited.

vi. Outdoor Dining and Outdoor Seating.

- Any outdoor dining facilities or outdoor seating areas shall be included on the site plan.
- Outdoor dining areas and outdoor seating areas shall be separated from vehicle circulation areas, parking areas or rights-of-way by landscaping and/or fencing.
B. Architectural Standards.

1. Building Facades and Details.

   - Four-sided architecture should be utilized, as all building facades shall be designed to continue the character established by the front or primary building facade.

   - Architectural plans for all sides of proposed buildings shall be submitted for review.

   - The main entrance to the building shall face the public right-of-way. Where parking is provided behind the building, an additional building entrance can be provided for customer convenience.

   - To reduce the apparent mass of long or uninterrupted walls, any building facade with a length of 100 feet or more shall include a change in the plane of the facade for every 75 feet.

   - The change in the plane of the facade shall be in the form of an offset of a minimum of three feet from the adjacent portions of the buildings, or the inclusion of a canopy or roof element projecting a minimum of five feet from the building.

   - Any building facade facing a public right-of-way shall include windows, arcades or awnings along a minimum of 60% of the length of the facade.

   - Building facades not facing a public right-of-way shall possess similar architectural treatments to those that do face them.
2. **Roof.**

- Building rooflines shall be varied to follow the contours of the building facades.
- A minimum change in height of five feet shall be required for any continuous roofline of 100 feet or more for every 75 feet.
- Parapets, gable or hip roofs, or dormers shall be used to conceal flat roofs and any roof top mechanical equipment from public view on all sides of the structure. This equipment should be located as far as possible from adjacent residential properties.

- Pitched roofing is preferred and should be utilized around the edges of the building.
• Architectural roof elements should not solely be used in the most visible areas of a structure. These roof elements should be continued around the entire building.

• Parapet walls concealing a flat roof should continue the architectural style and material of the building and should be continuous and uninterrupted. Metal, wood or other materials that are installed as or appear as an after-the-fact screening to surround mechanical equipment are not acceptable.

3. **Lighting.**

• Site lighting shall be designed to provide the minimum levels needed to provide security and a reasonable amount of general visibility of site features.

• All light sources shall be of a "white light" variety, except for lighting supplied by natural gas.

• All fixtures shall be designed to house the source of the light completely within its surrounding structure; the source of the light shall not be visible, except for directly under the fixture.

• The fixtures shall be designed to effectively eliminate glare, and sharply cut off lighting levels at the property line.

• Highlighting of significant architectural features, trees and artwork with accent lighting should be considered. Lighting an entire building, or a major portion thereof, is discouraged.

• Building-mounted fixtures, except for lighting limited to building entrances, shall not provide site lighting.

• A photometric plan shall be prepared, indicating sources of all light, and intensity of light throughout the property. Light spillage from adjacent properties or rights-of-way shall be included in the on-site light levels, as shall light emanating from proposed signs. This plan shall also include scaled drawings and manufacturers' specifications of all light fixtures.

• All lighting plans shall comply with the city's site lighting standards.

C. **Landscaping.**
1. **Access Points.**

   - Site access points shall be landscaped to help establish a landscaping theme for the site. Layers of varying height, color and texture of plant materials to give a year-round landscape effect shall be used.
   - A progression of low groundcover to annual flowers, to lower shrubs, to taller shrubs and trees should be included.
   - Landscape material shall not interfere with safe and orderly vehicle and pedestrian traffic. Turf grass shall be used in areas not occupied by structures, parking or mulched planting areas.

2. **Foundation Plantings.**

   - Foundation planting requirements are contained in the City Code of Ordinances.

3. **Site Perimeter.**

   - In areas where varying land use classifications lay contiguos to one another, appropriate buffering and screening measures shall be taken in the form of berms and dense landscaping.
   - In areas of the site perimeter where a setback is required for any structure or impervious area, or not otherwise identified herein as requiring landscaping, landscaping shall be required to provide an effective transition to adjacent properties. The landscaping may contain a combination of mulched landscape planting areas and turf grass.
   - Along the perimeter of a site, where the front of a commercial building is not built next to an adjacent street, berms should be placed along the perimeter of the site, in an undulating fashion, with plant material of varying height, color and texture placed on top of, and where practical, along side the berms. Where the berms taper to grade level, denser evergreen plantings shall be introduced.

4. **Parking.**

   - Parking areas shall to be screened from view from the street and from adjacent properties by use of landscaped berms and other landscaped areas within the required setbacks.
• The combination of screening materials shall provide year-round screening. Where vehicle or pedestrian site access is provided, the berms shall taper to grade.

• In addition, parking areas shall include landscaping to enhance their attractiveness within the site. Within required landscaped islands, overstory trees, shrubs, annual flowers, or ground cover shall be used. Use of turf grass in these areas is strongly discouraged.

5. Detention Areas.

• Detention areas should be incorporated design features within a development. Ponds may be a focal feature at entrances, alongside an interior road, or on key vista lines within the development.

• Detention areas should be designed to look natural and incorporate other site design features such as benches and overlook areas. These areas should avoid long straight boundaries and should incorporate natural curving elements.

• Landscaping of the detention areas should enhance the natural design. Clustering of trees and plantings shall be placed around the detention area for bank stabilization and aesthetic value.

• Best management practices are encouraged to be used when planning detention areas, to provide for increased water quality and natural plantings.

6. Pedestrian Areas.

• Where pedestrian circulation is required, and does not intersect with vehicle circulation, the edges should be landscaped with appropriately scaled trees, shrubs, annual flowers, and ground cover.

7. Irrigation.

• It is strongly encouraged to provide an efficient irrigation system throughout the site. Landscaped areas adjacent to a public right-of-way shall be irrigated.
III. INDUSTRIAL DESIGN GUIDELINES.

The city has large areas of industrial land available to be developed, and has set these guidelines to identify the desired level of quality for industrial/employment development and architecture design. The use of good site planning, landscaping and architectural design will attract businesses that share the desire to conduct business in a community with high standards. Properly planned industrial development will fit in with surrounding land uses and create a strong economic and employment base for the city. The following guidelines shall be used as minimum standards for future industrial development.

A. Site Design Standards.

1. Orientation/Placement.
   • Buildings should be oriented so that the office spaces with higher levels of architectural detail are facing the public right-of-way.
   • All service and mechanical areas shall be designed into the architectural features of the building and be shielded from view of public rights-of-way and adjoining properties.
   • Service and secondary entrances shall be screened or have minimal impact on the building. Entrances can be incorporated within building plane changes. Loading bay doors should be located on the inside of the building to maintain a clean exterior.
   • Whenever possible, the loading facilities should be screened from view by neighboring properties and public rights-of-way.
   • Separate office/visitor areas from truck delivery and equipment areas.
   • On corner sites, consideration should be given to placing the office space close to the intersection to provide for architectural interest. Parking lot placement should be minimized adjacent to intersections.
   • Any outdoor storage areas shall be located at the rear of the site, and shall not be located adjacent to residential areas. If outdoor storage is unavoidable adjacent to a public right-of-way, at no point should the storage of materials exceed the height of the screening required.

2. Circulation.
   i. Parking and Vehicle Circulation.
      • Encourage separation of truck and equipment traffic from visitor and employee traffic.
      • Utilize shared/cross-access to coordinate circulation and parking areas with adjoining sites.
      • Accessible parking spaces should be convenient to building entries.
ii. Pedestrian.

- Pedestrian connections shall be made to public open spaces through connections to local and regional trails.
- In multi-building projects, the site layout should provide for functional employee spaces, including shade structures and amenities between or in front of buildings.
- Provide for a continuation of pedestrian access when developments are located adjacent to existing or planned open space.
- All sidewalks and pedestrian access shall be concrete or brick pavers.

B. Architectural Standards.

1. Building Style and Massing.

- The scale of the building is derived from the physical size, massing, and also from the apparent scale as determined by the visual appearance of the building. Architectural and site features should be used to create the appropriately scaled buildings for the site.
- The office and main entrance should be located together, and shall be well defined as an office space that has distinct architectural details but is still architecturally tied to the rest of the structure.
- The corners shall have tower elements or architectural features resembling office spaces, to break up the box appearance of industrial buildings.
- Long unbroken building facades shall be avoided. Major vertical divisions that project out from the building shall be spaced no further than every 250 feet. Minor vertical divisions should be spaced as needed between major projections, to create a shade and relief break in the building facade.
• The buildings shall have three distinctive components consisting of a base, middle and top. Each component should be defined by horizontal and/or vertical articulation. Facade articulation may consist of changes in the wall plane, use of openings and projections, and material and color variations. Exceptions may be permitted only where a specific architectural style offers other types of building form and facade articulation, as determined by the planning staff.

2. **Materials.**

• The buildings should be constructed of low maintenance materials to reduce the appearance of wear.

• Materials should be carefully selected in places of excessive wear, and be shielded from contact with machinery and other objects.

• The building colors shall consist of light, neutral colors for the main body of the facade to reduce the perceived size of the building. Darker colors that will contrast the main body shall be used in accent or trim areas to break up large surfaces of a building.

• Avoid large amounts of glass and mirrored glass on the building and office space: over 25% of a building facade for industrial use, and 40% for office use should be avoided.

• Using different materials, such as masonry, concrete and metal, can be used to create texture for the building.

3. **Roof.**

• The roof-top equipment shall be integrated in with the design, to be shielded from view from street level. This equipment should be located as far as possible from adjacent residential properties.

• Pitched roofing is preferred and should be utilized around the edges of the building of smaller industrial buildings of less than 10,000 square feet.

• Architectural roof elements should not solely be used in the most visible areas of a structure. These roof elements should be continued around the entire building.
• Parapet walls concealing a flat roof should continue the architectural style and material of the building, and should be continuous and uninterrupted. Metal, wood or other materials that are installed as or appear as an after-the-fact screening to surround mechanical equipment are not acceptable.

• Where the scale of a building prohibits the design of a parapet wall, a rooftop utility setback line on the building should be designated, based on the site distance of adjacent uses and rights-of-way.

4. Lighting.

• Site lighting shall be designed to provide the minimum levels needed to provide security and a reasonable amount of general visibility of site features.

• All fixtures shall be designed to house the source of the light completely within its surrounding structure; the source of the light shall not be visible, except for directly under the fixture.

• The fixtures shall be designed to effectively eliminate glare, and sharply cut off lighting levels at the property line.

• Building-mounted fixtures, except for lighting limited to building entrances, shall not provide site lighting.

• A photometric plan shall be prepared, indicating sources of all light, and intensity of light throughout the property. Light spillage from adjacent properties or rights-of-way shall be included in the on-site light levels, as shall light emanating from proposed signs. This plan shall also include scaled drawings and manufacturers’ specifications of all light fixtures.

• Accent lighting of architectural features, trees and public art shall be focused on small areas. Lighting of entire buildings, or major portions thereof, shall be discouraged.

• All lighting plans shall comply with the city’s site lighting standards.

C. Landscaping.

1. Site Landscaping.
• Site access points shall be landscaped to help establish a landscaping theme for the site. Layers of varying height, color and texture of plant materials to give a year-round landscape effect shall be used.

• A progression of low groundcover to annual flowers, to lower shrubs, to taller shrubs and trees should be included.

• Landscape material shall not interfere with safe and orderly vehicle and pedestrian traffic. Turf grass shall be used in areas not occupied by structures, parking, or mulched planting areas.

• All areas not covered by structures, driveways, parking and utilities shall be landscaped.

• Landscaped green spaces should be designed within parking areas to break up large expanses of pavement.

2. Detention Areas.

• Detention areas should be incorporated design features within a development. Ponds may be a focal feature at an industrial park entrance or alongside an interior road.

• Detention areas should be designed to look natural and incorporate other site design features such as benches and overlook areas. These areas should avoid long straight boundaries and should incorporate natural curving elements.

• Landscaping of the detention areas should enhance the natural design. Clustering of trees and plantings shall be placed around the detention area for bank stabilization and aesthetic value.

• Best management practices are encouraged to be used when planning detention areas, to provide for increased water quality and natural plantings.

3. Outdoor Storage.

• All outdoor storage, whether a principal or accessory use of the property, shall be screened from public view by placing a solid, sight-proof fence or wall, not less than six feet in height, around the storage area.

• All fences or walls shall be located outside of perimeter/buffer landscaping areas.

• Fencing should consist of a low maintenance material such as vinyl where appropriate.


• Where appropriate to buffer adjacent uses, such as residential and public rights-of-way, large berms, dense landscaping and increased buffer widths shall be incorporated. Intense uses adjacent to collector or arterial rights-of-way or residential may require buffers of 50 to 75 feet with significant plantings.

• Buffering shall be appropriately scaled for the intensity of the proposed use and those of adjacent uses, and should provide for year-round screening.

IV. DESIGN COVENANTS.

DESIGN COVENANTS are items from the design guideline that shall be included in annexation, development and PUD agreements. These items shall be a representation of the amenities, site design, landscaping, architecture and other features
that a development is proposing to be included within an agreement.

**A. Proposed Architecture.**

- Architectural guidelines shall be submitted, stating the design features and amenities to be present within proposed developments. Architectural elevations shall be reviewed by the city staff for compliance with these guidelines.

- Commercial elevations shall be submitted and reviewed at the time of the preliminary plat. A detailed list of minimum architectural guidelines to be established for the development shall be supplied and approved by the city, if no elevations are available.

- An architectural review committee shall be established to review all requests for improvements and modifications dealing with aesthetic quality, including (but not limited to) analyses of architectural design, landscaping, fencing, outdoor storage, parking, signs, additions, and other similar items within its review.

**B. Designated Site Amenities.**

- All developments shall be required to create an association for maintenance of common areas, and enforcement of covenants and restrictions within each land use. If multiple uses are present within a development, a master association shall also be created.

- Provisions within the covenants shall provide for the maintenance of all common areas, including but not limited to, common landscaping, entrance features, islands, landscape easements, ponds, and open space, as well as all exterior maintenance on multi-tenant commercial and industrial buildings.

- Open space areas, landscaping, entrance monuments, islands, detention areas, wetlands and natural planting maintenance and ownership shall be the responsibility of the association.

- All fencing along external rights-of-way or property boundaries shall be of a consistent and uniform style, size and color along all lots. A fence specification shall be required, stating the material, height, board size and spacing dimensions, post styles, and color/finish.

**C. Provision of Required Exhibits.**

- Preliminary landscape plans shall be provided, with preliminary plans showing proposed parkway, buffering and open space plantings, signs/monuments, typical lot plantings, and other site amenities.

- Standards for upgraded architectural features for these lots shall also be submitted.

- Provisions such as a special service area shall be created, to ensure the association’s continued maintenance of detention ponds/stormwater management areas, open space, landscaping/buffering, as well as other associated facilities.

(Ord. 08-812, passed 8-20-08)

**APPENDIX C: RESIDENTIAL DESIGN GUIDELINES**

Section

I. Introduction

II. Residential design guidelines

III. Design covenants

(A) The following are not subject to the design guidelines as contained herein.

1. Structures or buildings located within the city's Downtown Master Plan.

2. Structures or buildings located within the city's Historic District. Such buildings or structures must receive a certificate of appropriateness from Heritage and Architecture Commission, subject to the requirements of Chapter 150 in the Municipal Code.

3. Design guidelines for developments that were approved previous to August 20, 2008, when the guidelines are in conflict with the requirements contained herein.

(B) Other than the aforementioned items, all developments as a whole, as well as individual buildings and site improvements constructed as part of a development, shall be in conformity with the following guidelines.
I. INTRODUCTION.

Purpose.

The city has seen major growth within the past years and anticipates more varied residential, commercial and industrial developments as land becomes available and demand grows. The city is committed to promoting good design and high standards for future growth through the adoption of these guidelines. The intent of these guidelines is to ensure future developments protect and enhance the quality of life, natural features, property values and character of the community through new development by using good planning, landscaping and architectural design. The city is committed to providing quality residential subdivisions and housing opportunities for the citizens. The design of these high quality residential developments is a vital component in the city's continuing success. The use of traditional neighborhood, conservation and mixed-use developments is encouraged, and will be individually reviewed, based on design merit, quality and quantity of design amenities. These guidelines are not intended to restrict opportunity or imagination in design, but are intended to help maintain and enhance the community character of the city.

II. RESIDENTIAL DESIGN GUIDELINES.

Residential development within the city has been the predominant land use and continues to be a major use in future developments. The goal of the city is to maintain a high quality of life by establishing quality designs through good land planning, landscaping and architecture design within new developments. The design guidelines set forth herein are intended to provide direction and be minimum standards for all residential developments, ensuring they reflect the city's collective vision and standards.

A. Site Design Standards.

Residential developments should provide site plans that place a strong emphasis on the relationship between streets, buildings, open spaces, entry features and landscaping. Following are recommended guidelines for the preparation of residential site plans.

1. Existing Natural Features.

   i. Natural Resources and Open Space.

   • New developments shall identify existing natural resources such as floodplain, wetlands, water features, and wooded areas. These elements shall be integrated within the development and protected as much as possible.

   • Useable open space areas should be designed into all new developments to maintain and enhance existing natural amenities within site plans.

   • Sites with significant natural features should use conservation design techniques to minimize impacts.

   • The city recognizes the importance of the preservation of existing trees and all residential developments shall follow the city's tree preservation ordinance(s).
ii. View Vistas.

- During the site planning of a property, the existing view vistas should be maintained or enhanced, while new vistas can be created with existing/proposed water features and open spaces.

2. Development Components.

i. Entry Features.

- Neighborhoods should provide distinctive entry features at main entrance locations that incorporate design elements such as: boulevards, masonry sign or wall elements, gatehouses, heavily landscape areas, paver crosswalks, paver corner details, or decorative fence elements. These features instill a sense of place when properly incorporated within residential developments.

- Secondary entrance features shall be required, consisting of similar design and material elements as the main entrances on a smaller scale.

- When possible, lakes and open space should be incorporated into the design of entry features, and placed in a manner to create attractive vistas from adjoining roads.
ii. Streets.

- Straight roads that have long uninterrupted blocks should be avoided. Shorter street segments connected by gentle curves or 90-degree turns are preferred. The use of "T" intersections is encouraged to slow traffic and reduce street length. Shorter blocks break up long rows of houses, creating more corner lots.
- Terminal vistas should be provided whenever possible. Streets should be planned so that their alignment produces terminal vistas of open space and landscape elements such as parks, water features or other designed spaces.
- Stub streets to neighboring properties should be planned to increase connectivity within the city. Existing stub streets should be connected between neighborhoods whenever possible.
- Developments shall have multiple entrances when existing conditions allow. New developments shall coordinate entrance locations with neighboring property owners/developers. Connections to external streets shall align with any existing adjacent roadways.

iii. Boulevards, Islands and Roundabouts.
• The use of roundabouts, horse shoes, eyebrows or other unique landscaped island features is encouraged within the development. These features break up large areas of pavement, create vista features, calm traffic, and enhance the streetscape. Roundabouts should be designed at the intersection of residential collectors within a development or near the entrance locations.

• Cul-de-sac, horse shoe and eyebrow islands should be a minimum of 30 feet in width, measured from the back of curb.

• Boulevards islands should be a minimum of 20 feet, measured from the back of curb.

• Roundabouts should have a minimum right-of-way diameter of 150, and maintain a minimum center landscaped island of at least 60 feet in diameter.

• Use of cobblestone or similar aprons placed inside the curb is encouraged, to provide for a transition from the pavement to landscaping within islands and boulevards. These transitions can prevent winter damage to trees and plants.

• Islands should be landscaped with a combination of shade and ornamental trees, shrubs and mulched areas. Islands shall be planted with shade trees, at a minimum of 40 feet on center, along the entire boulevard, and shall contain a minimum of three shade trees.

iv. Trails and Bike Paths.
Concrete sidewalks shall be placed on both sides of streets.

Each site plan should review the Bicycle/Pedestrian System Master Plan for possible community trail system connections.

Trails should be incorporated in public and private open spaces and parks, when available on a property.

Trails should be designed within open space and should avoid crossing driveways whenever practical. Trails should not be placed in lieu of sidewalks along loaded residential streets.

Trails should be designed to minimize the crossing of driveways.

Trails may be recommended along various collector and arterial streets throughout the city.

A trail system should be developed through neighborhoods to connect and make open spaces accessible and usable.

Trails should form internal loops and not come to dead-ends.

Trail design should be meandering when possible, and be integrated with other site features such as play areas, benches, gazebos, overlooks and natural areas.

v. **Parks and Open Space.**

Developments shall make adequate provisions for useable open spaces in conformance with the park planning guidelines of the Lockport Park District.

Parks should be centrally located within neighborhoods and incorporated into land plans as focal points.

Smaller developments may work with the Park District to design pocket parks or designate areas of park space along property boundaries suitable for expansion with future developments.
vi. Detention Areas.

- Detention areas should be incorporated design features within a development. Ponds may be a focal feature at a neighborhood entrance, alongside an interior road, or on key vista lines within the neighborhood.

- Detention areas should be designed to look natural and incorporate other site design features such as benches and overlook areas.

  These areas should avoid long straight boundaries and should incorporate natural curving elements.

- Landscaping of the detention areas should enhance the natural design. Clustering of trees and plantings shall be placed around the detention area for bank stabilization and aesthetic value.

- Best management practices, such as rain gardens, bioswales, infiltration trenches, and permeable pavement, are encouraged to be used when planning stormwater detention, to provide for increased water filtration and quality, and natural plantings.

vii. Buffer Areas.

- Buffer areas along external collector and arterial roadways should be densely landscaped and in addition to required parkway plantings.
• Landscape material above the minimum required size and/or caliper by the ordinance is encouraged within key vistas and design features.

• Landscape buffering areas and landscape material quantity shall be sized accordingly relative to the intensity of use and adjacent properties and uses.


• The city recognizes the benefits of conservation design to allow for density-neutral developments when natural features can be preserved.

• Developments using conservation design should consist of a significant amount of open space. The open space shall be usable and enhanced within the development, with trails, parks and other amenities. The open areas shall not be totally encumbered by detention areas, floodplain, wetlands and other non-buildable areas.

• Conservation design subdivisions will require extensive use of natural plantings, trails and best management practices within the open spaces. The design requirements for site amenities and landscaping shall be significantly above those for traditionally planned developments.

• The site design should maximize the number of lots that are directly adjacent to open space.

• Lot size, density, setbacks and site design will be assessed within each development proposal, based on the amenities, quality and size of open space being provided. Proposed changes to the standards will be evaluated, based on each development’s design merits.

4. Lot Design.

• Residential developments should be planned and designed to follow the city’s standards for lot sizes and densities as established in the zoning ordinance and comprehensive plan, along with design features within this document.
The zoning ordinance requires single-family lots to be a minimum of 9,000 square feet. The city has seen a need for new developments to have a minimum lot size of 9,000 square feet, while maintaining a minimum average lot size of 12,000 square feet, exclusive of any non-standard or irregularly shaped lots. Developments with minimum lot sizes smaller than 9,000 square feet, with an average lot size less than 12,000 square feet, will only be reviewed, based on design merit, and the quality and quantity of design amenities above the requirements of these guidelines.

The use of lot coving can be used to provide for additional front yard space and useable open space areas for trails and other amenities.

The use of varied lot setbacks is preferred to break up long blocks of housing.

Separate front setbacks may be proposed for the building setback line and garage setback line, to bring the building closer to the street, while maintaining adequate driveway stacking.

5. **Infill Development.**

Developments designed to fill in small pockets of undeveloped land should follow the generally established character and design as established neighborhoods that are adjacent.
• Buildings should be designed to be compatible in architectural design, scale and mass to adjacent structures.
• Maintain the natural slope of the land by minimizing cut and fill.
• Setbacks should be consistent with the surrounding block and neighborhood.
• Special consideration for existing vegetation should be taken into account to preserve with new site plans.
• Landscaping should take into account the general surroundings and be compatible with neighboring developments.
• Alternative approaches to the standards and requirements should be sought to encourage design diversity.

B. Home Placement and Orientation Standards.

The placement and orientation of homes is an important consideration. Home placement can maintain attractive streetscapes, protect property values, establish desirable aesthetic conditions, and create overall better neighborhoods.

• Single-family homes should have a strong orientation to the street. Primary entrances to homes should be located in the front of the house, oriented to the public way.
• The building setback line should be varied within a development, to provide depth and to break up long blocks of housing.

• Structures and landscaping should be placed to respect the privacy of neighbors, and to minimize obstruction of views from neighboring properties.
• Home placement and orientation should minimize the visual impact of garages as they relate to the street. Side-load garages or recessed front-load garages should be utilized wherever possible.
• Architectural details should be placed for maximum exposure to public rights-of-way and view spaces. Blank walls should be avoided.
• When residential development is adjacent to non-residential uses or other potentially negative impacts, larger setbacks and additional screening should be utilized.

• Townhomes and other attached single-family units are encouraged to be rear-loaded, with strong architectural elements that define the non-vehicular portions of the unit. Courtyard homes and other styles of attached single-family units that minimize the number of garages fronting public streets are encouraged.

C. Home Design Standards.

1. Structural Elements.

   i. Minimum Size, Bulk and Mass.

   The city desires to provide a variety of housing types and lifestyle opportunities in the community, as established in the comprehensive plan. Minimum standards, however, are necessary to ensure that homes constructed in the city are of a quality and standard that enhances the community.

   • Minimum home sizes are determined by the habitable floor area, measured to the outside of the frame walls, and does not include basements, garages or exterior porches.

   • Minimum home sizes for new residential developments should be determined as follows:

<table>
<thead>
<tr>
<th>Home Type</th>
<th>Lot Size</th>
<th>Minimum Size Ranch</th>
<th>Minimum Size Non-Ranch</th>
<th>Average Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Single-Family</td>
<td>1,400 sq. ft.</td>
<td>1,700 sq. ft.</td>
<td>1,800 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Detached Single-Family</td>
<td>Less than 10,000 sq. ft.</td>
<td>1,600 sq. ft.</td>
<td>2,200 sq. ft.</td>
<td>1,800 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>10,000 sq. ft. to 12,000 sq. ft.</td>
<td>1,800 sq. ft.</td>
<td>2,400 sq. ft.</td>
<td>1,800 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>12,000 sq. ft. or greater</td>
<td>2,200 sq. ft.</td>
<td>2,600 sq. ft.</td>
<td>1,800 sq. ft.</td>
</tr>
</tbody>
</table>

   • The height of proposed homes should be appropriate in the context of other neighboring homes, whether existing or proposed. Sudden and dramatic height changes in the landscape should be avoided. Height restrictions shall be as established in the zoning ordinance.

   • Building massing should emphasize the living areas and architectural features of the home, and minimize the visual impact of the garage area.

   • In general, buildings longer than 150 feet are discouraged, unless suitably articulated on all building facades.

   • Multi-family buildings should be designed so that porches, decks and entrance ways are articulated and do not appear to form long uninterrupted lines.

   • Building facades containing three or more attached dwellings should incorporate at least one of the following on each of the front and rear elevations:

     A change in plane of at least three feet projecting or setback from the adjacent facade at least 12 feet in width along the wall shall be placed at a minimum of every two units on all walls. No wall shall be without a change of plane.

     At least one architectural projection per unit that must project at least two feet from the wall plane, such as covered porches, bay windows, and the like. Such projections should be significant architectural features, spanning the full height of a one-story building, and a minimum of one half of the height of a two-story or taller building.
• Building mass should be visually reduced and softened by the use of a variety of design techniques such as:
  Horizontal banding and design features.
  Appropriately scaled and patterned window placements.
  The minimization of "blank" walls.
  Rooftline changes, roof-type variety, roof gables and dormers.
  The incorporation of chimneys.
  Stepping, plan changes and articulation on all sides of the structure.
  Front porches and porticos.
  Corner trim, wide window casings and trim, friese boards, shutters, and fypons.
• Mechanical equipment, such as utilities and HVAC systems, should be placed or screened so as not to be visible from public rights-of-way and view areas.

\[ \text{ii. Building Material and Color.} \]

The building materials and colors of a home are important considerations for homes within the city. Building materials and colors should complement existing development and the surrounding environment, while avoiding a monotonous appearance. Materials and colors should be chosen to achieve a high level of aesthetic quality.
• Exterior finishes are encouraged, to consist of either traditional masonry building materials such as brick or stone, wood or fiber cement siding.

• Brick/masonry should be wrapped around and not abruptly end at corners, so as not appear as a veneer. This return should be designed as a transition between materials.

• When using brick/masonry, the city prefers a more varied elevation design, as opposed to horizontal brick line at the top of the first floor.

• The use of vinyl or aluminum siding should be minimized. Where appropriate in design, vinyl or aluminum siding should be of a high grade architectural style.

• If artificial stucco and exterior insulation and finish systems (EIFS) is to be used, it should be selectively used for accent and trim.

• A variety of accent and trim materials should be utilized to highlight entries, windows, dormers, porches and other architectural details. Encouraged accent materials include stone (natural or simulated), wood, metal and exterior insulation and finish systems (EIFS).
• Roofing materials should complement the architectural style of a home. The color of roofing materials should complement the architectural style and color of the home. Architectural style shingles are encouraged. Roof materials should be made of asphalt/fiber glass shingles, architectural grade concrete tiles, or wood shake.

• The use of columns, banisters, balusters, shutters, and other architectural details are encouraged, provided they are compatible with the architectural style of the home.

• Consistent materials should be used on all exterior sides of a home. Changes in colors and materials should occur where architecturally appropriate.

iii. Garages and Driveways.

The city desires to establish guidelines that reduce the prominence of the garage within the design of each home and the overall streetscape, while recognizing the need for storage and parking space.

• All homes should have at least a two-car attached garage.

• All driveways should be constructed of concrete or brick pavers. Pattern stamping and/or coloring may be appropriate, provided the color and pattern complements the architectural style of the home.

• Carports are prohibited.

• Garages should be properly sited as to not to be a primary design feature of a home. Front-loading, front-facing garages should not protrude from the front plane of the home more than one quarter of the depth of the garage.

• The preferred garage placement should be set back from the front face of the dwelling.

• New single-family home designs should designate no more than 50% of the building frontage facing a street for garage or parking uses.

• Side-loading, front-facing garages are permitted.

• When front-loading garages are used, architectural design of the home should reduce the prominence of the home by attracting the eye away from the garage.

• Garage doors should incorporate windows, panels and other design details to enhance their appearance.

• Separate garage doors for each bay are encouraged.

• Details such as curved tops, wide casings, corner and frieze boards, and columns should be used to soften the visual impact of the garages and enhance their appearance.
iv. Basements.

All single-family detached homes should have a basement with a minimum size equal to at least 50% of the first floor square footage.

2. Architectural Elements.

i. Four-Sided Architecture.

The city has identified the importance of four-sided architecture within the design of new residential units. The overall style and use of materials of each house should be consistent on all sides of the building. When architectural features are submitted, they shall depict all four sides of the primary structure.

ii. Entrances and Windows.

Windows, doors and entrances add architectural interest and “curb appeal” to a home. An attractive and inviting home contributes positively to a neighborhood unit and enhances the city.

- Each elevation of a dwelling should have windows. The patterning and quantity of window placement should be determined by the architectural style of the home, and should be properly spaced and proportioned. The style of the window should be compatible and complement the architectural style of the home. All windows should be of the same style and quality.

- Sufficient quantity of windows shall be provided to eliminate “blank” wall spaces.
• All window and door openings should be articulated through the use of shutters, lintels, sills or surrounds.
• All windows should have grids or grilles.
• The principal entrance of each home should have prominence in the elevation.
• Front porches/patios should be designed to be usable and be a minimum depth of six to eight feet.

iii. Roofs and Rooflines.

Roofs and rooflines are an important element in the character, quality and aesthetic value of a home. Roof design and details can also reduce mass and bulk.

• The main roof should have a minimum pitch of six vertical to 12 horizontal. Steeper roof pitches are encouraged where architecturally appropriate.
  • Hipped roofs and gabled roofs are preferred.
  • Roofs should provide consistent character and style on all sides of a home.
  • Roof pitches for various building components should be appropriate to the components’ mass. Larger building masses should have steeper roof pitches, while smaller component masses (i.e., dormers and secondary gables) should have flatter pitches.
  • A minimum roof overhang (eaves and rakes) of 12 inches is required to create shadow lines. Eaves and rakes should be articulated by fascia boards, friezes, cove and crown molding, or gutters.
• Dormers are encouraged, provided they are appropriate with the architectural style of the home.
• Chimneys should be incorporated into the roofline of a house to help break up roof mass and reduce bulk.
• Sewer, plumbing and attic vents should be combined when possible. Continuous ridge vents or gable vents are encouraged. Turtle vents, when used, should be colored to blend with the roof of the house. These items should be color matched to the shingles, and placed so as not to be directly visible from adjacent rights-of-way, whenever possible.

iv. Individual Lot Landscaping.

• In addition to landscaping that may otherwise be required for rights-of-way, detention areas, commercial uses, or other common/public areas, landscaping of individual single-family lots shall be required to increase the aesthetically pleasing character of the development, to protect property values, and to promote anti-monotony.

v. Anti-Monotony Controls.

The city desires to preserve the aesthetically pleasing character of developments by protecting and enhancing property values, and promoting the easy identification of houses, by encouraging dwelling units of distinctive design and discouraging excessive similarity among adjacent dwellings. A variety of architectural styles and floor plans should be offered to protect against monotony.

The city will specifically control for monotony in the following manner:

• No home should be constructed that is similar in appearance to any dwelling on the same street that is adjacent to it, or directly across the street. Two dwellings shall not be considered “similar in appearance,” provided they meet all of the following criteria:

  The two dwellings are different elevations of the same model, or different models of similar appearance. The two dwellings are different colors. The two dwellings have opposite garage handing.
• When adjacent lots contain different housing styles, the similarity standards delineated above do not apply, except that the two houses should not be the same color. Housing style is in and of itself a significant enough characteristic to constitute dissimilarity. For the purpose of assessing similarity, housing styles shall include the following: ranch, bi-level, tri-level, 1-1/2-story, two-story, and models of significant architectural differences as determined by the city.

vi. **Key Lots, Through Lots and Corner Side Lots.**

The city recognizes that certain lots within a development are located within highly visible sight lines and need to have additional architectural features. These lots include through lots, corner side lots and key lots.

vii. **Through and Corner Side Lots.**

• Plans should designate through lots and corner side lots present within the development. **THROUGH LOTS** are those having frontage on a public or private right-of-way abutting both its front and rear yards. **CORNER SIDE LOTS** are corner lots having a second frontage on a side lot line (**CORNER SIDE LOTS** may also be through lots).

• Through and corner side lots shall contain a minimum of 75% brick/masonry and windows on the facades facing the secondary street frontage, and be designed with details matching the front of the structure.

• Each side facing a secondary street frontage shall contain shutters and/or upgraded window trim and molding, at least three inches wide, around the windows, and at least one of the following: wrap-around porch, bay window, fireplace, change of plane where the planes differ by at least one foot.

• Architectural details meeting the intent of these requirements shall be determined by the city staff.

viii. **Key Lots.**

• Plans should designate key lots within the development. **KEY LOTS** are those occupying a significant location as determined by the city, which will therefore be treated in an architecturally significant manner. Examples of key lots are at the intersections of streets, corner lots, or certain lots on long uninterrupted blocks. Key lots should generally make up approximately 5% or more of the total units. Key lots may already be designated as through or corner side lots, these features are in addition to any already required.
• Key lots will be required to have a minimum of 75% brick/masonry and windows on the facades facing or viewed from public rights-of-way or open space.

• Key lots designated with side or rear yards facing public rights-of-way or open space shall have at least one of the following: brick fireplace, dormers, gable roof, or other architectural feature determined by the city staff to meet the intent of this requirement.

III. DESIGN COVENANTS.

**DESIGN COVENANTS** are items from the design guideline that shall be included in annexation, development and PUD agreements. These items shall be a representation of the amenities, site design, landscaping, architecture and other features that a development is proposing to be included within an agreement.

A. Proposed Architecture.

• Architectural guidelines shall be submitted, stating the design features and amenities to be present within proposed developments. Architectural elevations shall be reviewed by the city staff for compliance with these guidelines.

• Architectural elevations should be submitted and reviewed at the time of the preliminary plat. A detailed list of minimum architectural guidelines to be established for the development shall be supplied and approved by the city, if no elevations are available.

• An architectural review committee shall be established to review all requests for improvements and modifications dealing with aesthetic quality, including (but not limited to) analyses of architectural design, landscaping, fencing, parking, signs, additions, and other similar items within their review.

B. Designated Site Amenities.

• All developments shall be required to create an association for maintenance of common areas, and enforcement of covenants and restrictions within each land use. If multiple uses are present within a development, a master association shall also be created.

• Provisions within the covenants shall provide for the maintenance of all common areas, including but not limited to, common landscaping, entrance features, islands, landscape easements, ponds, and open space, as well as all exterior maintenance on multi-tenant and multi-use buildings.

• Open space areas, landscaping, entrance monuments, islands, detention areas, wetlands and natural planting maintenance and ownership shall be the responsibility of the association.

• All fencing along external rights-of-way or property boundaries shall be of a consistent and uniform style, size and color along all lots. A fence specification shall be required, stating the material, height, board size and spacing dimensions, post styles, and color/finish.
C. Provision of Required Exhibits.

- Preliminary landscape plans shall be provided with preliminary plans, showing proposed parkway, buffering and open space plantings, signs/monuments, typical lot plantings, and other site amenities.
- Standards for upgraded architectural features for these lots shall also be submitted.
- Provisions such as a special service area shall be created to ensure the association’s continued maintenance of detention ponds/stormwater management areas, open space, landscaping/buffering, as well as other associated facilities.

(Ord. 08-812, passed 8-20-08)

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