

CHAPTER 165: ZONING CODE

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GENERAL PROVISIONS

§ 165.001 PURPOSE.

The purposes of this zoning code are as follows:

- (A) To promote and protect the public health, safety, morals, comfort, convenience and the general welfare of the people;
- (B) To zone all properties in such a manner as to reflect their best use and to conserve and enhance their value;

(C) To check existing congestion and to prevent future congestion by limiting the development of land to a degree consistent with the capacity of the city to furnish adequate public services;

(D) To prevent overcrowding of land with buildings and thereby ensure maximum living and working conditions and prevent blight and slums;

(E) To protect residential, business and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses;

(F) To fix reasonable zoning standards to which buildings or structures shall conform;

(G) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with restrictions and limitations imposed hereinafter;

(H) To ensure high standards of lights, air and open space in areas where people live and work;

(I) To relieve street congestion through adequate requirements for off-street parking and loading facilities;

(J) To foster a more rational pattern of relationships between residential, business and industrial areas for the mutual benefit of all;

(K) To isolate or control the location of unavoidable nuisance-producing uses;

(L) To provide protection against fire, explosion, noxious fumes and other hazards, in the interest of the public health, safety, comfort and the general welfare;

(M) To define the powers and duties of the administrative officers and bodies, as provided hereinafter;

(N) To prescribe penalties for the violations of the provisions of this chapter; and

(O) To classify, regulate, and restrict the use of property on the basis of family relationship, which family relationship may be defined as one or more persons each related to the other by blood, marriage, or adoption and maintaining a common household.

(Prior Code, § 166.001) (Ord. 2151, passed 6-28-1971)

§ 165.002 RULES OF CONSTRUCTION.

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

(A) 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.

(B) The word **SHALL** is mandatory and not discretionary.

(C) The word **MAY** is permissive.

(D) The word **LOT** shall include the words **PIECE** and **PARCEL**; the word **BUILDING** includes all other structure 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**.

(Prior Code, § 166.002) (Ord. 2151, passed 6-28-1971)

§ 165.003 DEFINITIONS.

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

ACCESSORY BUILDING OR USE.

(1) One which is subordinate to and serves a principal building or principal use; is subordinate in area, extent or purpose to the principal building or principal use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building or use served.

(2) An **ACCESSORY BUILDING OR USE** shall also include, but is not limited to, the following: a children's playhouse; a garage, carport, shed or building for storage incidental to a permitted use; storage of goods used in or produced by manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations; the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a retail service of a business use if conducted by the same ownership as the principal use; private guest house (without kitchen facilities) or rooms for guests within an accessory building; provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others as housekeeping units, whether or not gratuitous; off-street motor vehicle parking areas and loading facilities; and signs as permitted and regulated in each district incorporated in this chapter.

ADULT BOOK STORE. An establishment having a substantial or significant portion of its stock in trade; books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET. A public or private establishment which is licensed to serve food and/or alcoholic beverages, and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

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

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

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, adult-use cannabis dispensing organization or an adult-use cannabis transporting organization.

ADULT-USE CANNABIS CRAFT GROWER OR CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at an adult-use cannabis dispensing organization or use at an adult-use processing organization, and as further defined in the Cannabis Regulation and Tax Act, being 410 ILCS 705/1-1 et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER OR CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform other necessary activities to provide cannabis and cannabis-infused products to licensed adult-use cannabis business establishments, and as further defined in the Cannabis Regulation and Tax Act, being 410 ILCS 705/1-1 et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION OR DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed adult-use cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, and as further defined in the Cannabis Regulation and Tax Act, being 410 ILCS 705/1-1 et seq., as it may be amended from time to time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, and as further defined in the Cannabis Regulation and Tax Act, being 410 ILCS 705/1-1 et seq., as it may be amended from time to time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, and as further defined in the Cannabis Regulation and Tax Act, being 410 ILCS 705/1-1 et seq., as it may be amended from time-to- time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of an adult-use cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, and as further defined in the Cannabis Regulation and Tax Act, being 410 ILCS 705/1-1 et seq., as it may be amended from time-to-time, and regulations promulgated thereunder.

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

ALLEY. A private or dedicated public way that affords only a secondary means of access to contiguous property and is less than 33 feet in width.

ALTERATION. Any change in size, shape, character, occupancy or use of a building or structure.

ANIMAL HOSPITAL. A building or portion thereof designed or used for the care, observation or treatment of domestic animals.

ANIMATED SIGN. The movement or the optical illusion of movement of any part of the sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign.

ARCHITECTURAL ELEMENTS. Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

ASSISTED LIVING. A facility that meets the definition of the following as those terms are defined in the Assisted Living and Shared Housing Act, 210 ILCS 9/1 et seq., as amended.:

- (1) An "assisted living establishment"; or
- (2) A "shared housing establishment".

ATTENTION-GETTING DEVICE. A device or person wearing or carrying a sign, costume or similar device for the purpose of or having the effect of attracting attention, promotion or advertising and not otherwise prohibited by this chapter.

AUTO LAUNDRY. A building or portion thereof containing facilities for washing more than two automobiles, using production-line methods with a chain conveyor, blower, stream-cleaning device or other mechanical devices.

AUTOMOBILE BODY AND FENDER SHOP. An automobile body and fender shop is a building or business, or portion thereof, used primarily for the repair, replacement, painting, modification or change to the body, fenders, frames, windows or other parts of any kind of motor vehicle.

AUTOMOBILE REPAIR SHOP. An automobile repair shop is a building or business, or portion thereof, used primarily for the repair, replacement, modification or change to the mechanical, operating or moving parts of any kind of motor vehicle, including motorcycles, but not used in any way to perform the type or kind of work performed in a body and fender repair shop as defined above. This definition shall not include a business whose primary purpose is the sale of new or used motor vehicles and which operates an automobile repair shop on the same premises as the primary business in conjunction with the primary business.

AUTOMOBILE SERVICE STATION. A building or portion thereof or premises used for dispensing or offering for sale at retail, gasoline when stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, and where tires, batteries and similar automobile accessories may be offered for sale on the premises at retail; including minor services and installations customarily incidental thereto; and facilities, other than an automobile laundry, for washing cars, if enclosed in a building. **AUTOMOBILE SERVICE STATIONS** do not include open sales lots as defined herein.

AUTOMOBILE WRECKING YARD. An area of land where three or more motor vehicles, not in running condition, or parts thereof are store in the open and any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof. All **WRECKING YARDS** are to be completely fenced and properly screened. All wrecking and storage shall be within the confines of the fenced area.

AWNING. A structure of canvas, canvas-like or other materials extended over a window or door or over a patio, deck, and the like as a protection from the sun or rain.

BALLOON SIGN. Any sign that is any lighter-than-air or gas-filled balloon attached by means of a rope or tether to a definite or fixed location. A display designed to inflate or move by use of a fan or blower is also considered a **BALLOON SIGN**. Balloons used as temporary attention-getting devices in conjunction with another sign which are no more than 18 inches in diameter, are not considered **BALLOON SIGNS**.

BANNER SIGN. Any sign printed or displayed upon cloth, canvas, vinyl, plastic or other flexible material with or without frames.

BARBER POLE. A pole painted in spiral stripes used as a sign by a barber shop or hairdresser for advertisement.

BASEMENT. A portion of a building, all or in part below grade as defined herein.

BLADE SIGN. A type of projecting sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the sign's surface and to the normal flow of traffic.

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines or waterways or boundary lines of the corporate limits of the city. Where **BLOCKS** are unusually long or short, of unusual shape, and for the purpose of determining the distance between community homes or transitional residences, block length shall be determined by address ranges.

BUILDABLE AREA. For the purpose of measuring lot width, is the area located within the 30 feet of lot depth immediately in back of the front yard setback line.

BUILDING. Any covered structure securely affixed to the land which is designed for the support, shelter, enclosure or protection of persons, animals, chattels or other tangible property.

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

BUILDING, DETACHED. A building surrounded by an open space on the same lot.

BUILDING HEIGHT. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for

gable, hip and gambrel roofs, but not including church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flagpoles, radio and television towers, masts and aerials, or parapet walls.

BUILDING, PRINCIPAL. A non-accessory building in which a principal use of the lot on which it is located is conducted.

BUILDING, RESIDENTIAL. A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- (1) Single-family detached dwellings;
- (2) Two- and three-family dwellings;
- (3) Multiple-family dwellings; and
- (4) A row of single- or two-family attached dwellings developed initially under single ownership or control.

BULK. The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (3) Gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces allocated to buildings; and
- (5) Amount of lot area provided per dwelling unit.

BULLETIN BOARD. A sign which accommodates manually changeable copy which displays information on activities and events on the premises.

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

CANOPY. Any structure, moveable or stationary, attached to and deriving its support from the side of a building or structure for the purpose of shielding a platform, stoop or sidewalk from the elements.

CAPACITY IN PERSONS. The maximum number of persons that can avail themselves of the services (or goods) of an establishment or use at any one time, with reasonable comfort.

CARPOR. An open-sided roofed automobile shelter, usually formed by extension of the roof from the side of a building.

CATERING SERVICE. 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.

CHANGEABLE COPY. A sign or portion of a sign that is devoted to and designed for manually or automatically changeable copy text and graphics. **CHANGEABLE COPY** signs do not include time, date and/or temperature signs and electronic signs as hereinafter defined.

CLEAR SIGHT AREA. A triangle with one point at the intersection of the intersecting streets' centerlines, and the other two points located on each street's 100 feet away from the intersection of said centerlines.

CLINIC, MEDICAL OR DENTAL. A building or portion thereof, the principal use of which is for offices of an organization of specializing physicians or dentists or both.

CLOSED CUP FLASH POINT. The lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

CLUB OR LODGE, PRIVATE. A non-profit association of persons who are bona fide members paying annual dues and which owns, hires or leases the building or portion thereof, the use of such premises being restricted to members and their guests. (The affairs and management of such **PRIVATE CLUBS OR LODGES** are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed; provided, it is secondary and incidental to the promotion of some other common objective by the organization; and, further provided that, the sale of alcoholic beverages is in compliance with all applicable federal, state and city laws.)

COLUMBARIUM. A vault with niches for cinerary urns.

COMMUNITY HOME. A single dwelling unit that complies with the regulations of the zoning district in which it is located, and which is occupied on a permanent basis by a group of not more than eight unrelated persons with service-dependent or developmentally disabled people living in a family-like environment who are undergoing treatment or rehabilitation and constitute a single housekeeping unit in which residents share responsibilities, meals and recreation; and also meeting the requirements set forth in § 165.025(F).

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

designed or intended for a conforming use (example: an office building in a business district or factory building in a manufacturing district).

CONSTRUCTION SIGN. A temporary sign which functions to denote the architect, contractor or engineer, placed on a lot that is the construction site of such architect, contractor or engineer.

CONVENT, MONASTERY, RECTORY. A residential building housing persons under religious vows.

CURB LEVEL. The level of the established curb in front of a building measured at the center of such front. (Where no curb elevation has been established, the pavement elevation at the street centerline similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the **CURB LEVEL**.)

CURB LINE. The edge of the roadway pavement for any street or alley.

DECIBEL. A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in **DECIBELS**.

DIRECTIONAL SIGN. Any on-premises, be it a pole, monument or other type of sign, providing directions necessary or convenient for motorist or pedestrians coming onto premises including signs marking entrances and exits, parking areas, loading zones or circulation directions.

DIRECTORY SIGN. A sign which functions to identify the location of occupants of a building or group of buildings which are divided into rooms or suites used as offices or studios.

DISTRICT. A portion of the corporate area of the city within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter.

DRIVE-IN ESTABLISHMENT. One designed, in whole or part, to cater to or accommodate the sale or consumption of food or beverages in automobiles on the premises of such establishment.

DWELLING. A building or part of a building, containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy by one or more households not including motor homes, trailers, mobile homes, hotels, motels or inns.

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

(2) **DWELLING, DETACHED.** One which is entirely surrounded by open space on the same lot.

DWELLING UNIT. One or more rooms which are arranged, designed or used as living quarters for one household only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each **DWELLING UNIT**.

DWELLING, MULTIPLE-UNIT. A building, or portion thereof, containing four or more dwelling units.

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

DWELLING, TWO- OR THREE-UNIT. A building containing two or three dwelling units respectively.

ELECTRONIC SIGN. Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments. For the purposes of this chapter, **ELECTRONIC SIGNS** within ground or wall signs are regulated as one of the two following types:

(1) **ELECTRONIC DISPLAY SCREEN.** A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.

(2) **ELECTRONIC MESSAGE SIGN.** Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. "Time and temperature devices" are not considered electronic message signs.

ELEEMOSYNARY INSTITUTION. A building or group of buildings provided and supported by charitable donations and devoted to charitable uses.

EXTERIOR ILLUMINATED SIGN. Any sign, any part of which, is illuminated from an exterior artificial light source mounted on the sign, another structure or the ground.

FALLOUT SHELTER. An accessory building and use designed for the protection of life from radioactive fallout.

FAMILY. Two or more individuals related by blood, marriage or law, or two or more nonrelated persons, living together as a single housekeeping unit in a dwelling unit. **FAMILY** does not include sororities, fraternities or other similar organizations.

FLASHING SIGN. A sign with blinking or flashing lights, or other illuminating devices that change light intensity, brightness or color, traveling/chasing or blinking lights, or rotating beacons are prohibited. Electronic signs are not considered **FLASHING SIGNS**; however, the messages or images on an electronic sign may not imitate **FLASHING SIGNS**.

FLOOR AREA (FOR DETERMINING FLOOR AREA RATIO). For the purpose of determining the 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 or from the centerline 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, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in **FLOOR AREA**. The **FLOOR AREA** of a structure devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet (i.e., ten feet in height shall equal one floor).

FLOOR AREA (FOR DETERMINING OFF-STREET PARKING AND LOADING REQUIREMENTS). **FLOOR AREA** when prescribed as a basis of measurement for off-street parking spaces and loading berths for any use, the sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, **FLOOR AREA**, for the purpose of measurement for off-street parking spaces, shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); **FLOOR AREA** devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

FLOOR AREA RATIO (FAR). Of the building or buildings on any zoning lot, the 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 developments, by the net site area. The **FLOOR AREA RATIO** requirements as set forth for each zoning district shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings), in direct ratio to the gross area of the zoning lot.

FREE BURNING. Implies a rate of combustion described by a material which burns actively, and easily supports combustion.

FREQUENCY. Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

FRONTAGE. All the property on one side of a street between two intersecting streets measured along the street line, or, if the street is a dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.

FRONTAGE, ZONING LOT. All the property of such zoning lot fronting on a street, and measured between the side lot lines.

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building which is intended and used to store not more than four private motor vehicles owned by members of the family or families residing upon the premises; provided that, not more than one-half of the space may be rented for the storage of private motor vehicles of persons not residing on the premises; and, except that, all the space in a garage of one- or two-car capacity may be so rented. Such a garage may be used for the storage of not more than one commercial truck having a load capacity of three-fourths of a ton or less.

GARAGE, PUBLIC. Any building other than a private or storage garage where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

GARAGE, STORAGE. Any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons' capacity shall be stored in any **STORAGE GARAGE**.

GHOST SIGN. A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community. A **GHOST SIGN** is not considered an off-premises sign.

GOLF COURSE. A public, semi-public or private grounds over which the game of golf is played, including accessory building and land uses incidental thereto, and consisting of at least 60 acres of land for each standard nine-hole course; and at least 25 acres of land for each nine-hole "par-three" course.

GRADE. Any wall approximately parallel to and not more than 20 feet from a street line is to be considered as adjoining the street.

(1) For buildings having walls adjoining one street only, **GRADE** is defined as the elevation of the sidewalk at the midpoint of the wall adjoining the street.

(2) For buildings having walls adjoining more than one street, **GRADE** is defined as the average of the elevation of the sidewalk at the midpoints of all walls adjoining the streets.

(3) For buildings having no wall adjoining the street, **GRADE** is defined as the average level of the finished surface of the ground adjacent to the exterior walls of the building.

(4) Where no sidewalk exists, the grade shall be established by the City Engineer.

GROUND FLOOR. Any floor that is not more than three feet above or below grade.

GROUND SIGN. A sign that is attached to a completely self-supporting structure. **AGROUND SIGN** may be a pole or monument sign. See **SIGN, GROUND - MONUMENT** and **SIGN, GROUND - POLE** below.

(1) **SIGN, GROUND - MONUMENT.** Any sign, other than a pole sign, placed upon or supported by the ground independently of any other structure. Ground monument signs are typically mounted on a masonry base. As distinguished from a ground pole sign, the sign base of any monument sign must be a minimum of 75% or more of the width of the sign face that is to be situated upon the base. A sign base less than 75% of the width of the sign face is considered a ground pole sign.

(2) **SIGN, GROUND - POLE.** A sign erected and maintained on one or more freestanding mast(s) or pole(s) and not attached to any building, but not including a ground monument sign.

HANDWRITTEN SIGN. Temporary window signs composed of pictures, symbols or lettering on paper or other temporary material. Professionally painted temporary signs are not considered to be handwritten.

HOME OCCUPATION. Any use customarily conducted entirely within a dwelling or its accessory buildings and carried on by the inhabitants thereof, which use is clearly incidental to the use of the dwelling as a place of residence; and, further provided that, no article is sold or offered for sale, except as may be produced by the immediate family residing therein.

HOSPITAL.

(1) A place with a full-time staff of resident licensed physicians and registered nurses and with complete facilities for the general diagnosis, treatment and care of inpatients suffering from illness, disease, injury, deformity or other abnormal physical or mental condition and offering customary out-patient services as an accessory use.

(2) An institution open to the public where ill or injured persons may receive medical, surgical or psychiatric treatment, nursing, food and lodging during illness.

HOTEL. An establishment which is open to transient guests, in contradistinction to a boarding house or lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellboy service.

HOTEL APARTMENT. A hotel in which at least 80% of the hotel accommodations are occupied by permanent guests, securing such accommodations by prearrangement for a continuous period of 30 days or more.

HOUSEHOLD. One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than three additional persons, all of whom live together as a single housekeeping unit; or one or more handicapped persons, as defined in the Fair Housing Amendments Act of 1988, being Pub. Law No. 100-430, 100th Congress, 102 Stat. 1619 (1988) (amending 42 U.S.C. §§ 3601-3619 (1982)), plus not more than three additional persons, all of whom live together as a single housekeeping unit.

IDENTIFICATION SIGN. Any sign which functions to identify an institution, occupant, apartment, residence, school or church, and not advertising any product or service.

IMPERVIOUS COVERAGE. A proportion of a building lot occupied by surfaces that do not allow for stormwater filtration, such as a principal structure (a house), an ancillary structure (a detached garage), a shed, a chicken coop, a paved walkway, a paved driveway, a paved parking pad or lot, and a swimming pool (either above ground or in ground pool), expressed as a percentage of total lot area. Basically, an impermeable surface does not allow for the absorption of water into the ground.

INCOMPATIBLE USE. A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

INDUSTRIAL PARK. A unified development designed to accommodate a community of compatible and non-nuisance types of industry. **INDUSTRIAL PARKS** may be promoted or sponsored by private developers, community organizations or government organizations.

INTENSE BURNING. Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

INTERNALLY ILLUMINATED SIGN. A sign illuminated by a light source, either incandescent, fluorescent, neon or other light that is enclosed by the sign panel or within the sign.

ITEMS OF INFORMATION. A word, phrase, logo, abbreviation, number or numbers, symbol, or geometric shape. The name of the business, even if multiple words, will be considered one item of information.

JUNKYARD. An establishment where there is being conducted within a completely enclosed building or portion thereof operations where waste or scrap materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles are bought, sold, exchanged, stored, baled, packed, disassembled or handled. A **JUNKYARD** includes an automobile wrecking yard, but does not include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

KENNEL. Any premises or portion thereof on which four or more dogs, cats or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, boarded, bred or cared for in return

for remuneration, or are kept for the purpose of sale.

LIMITED ACCESS HIGHWAY. A traffic way, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LIVE/WORK BUILDING. A building or portion of a building that combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing activity or the owner's employee, and that person's household, where the resident owner or employee is responsible for the commercial or manufacturing activity performed.

LIVE/WORK SPACE. Buildings or spaces within buildings that are used jointly for artisan, commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

LODGE. A hall or meeting place of a local branch or the members composing such a branch of a fraternal order or society, such as the Masons, Knights of Columbus, Moose, American Legion and other similar organizations. It shall be permissible to serve food and meals on such premises; providing, adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization; and, further provided that, such sale of alcoholic beverages is in compliance with all applicable federal, state and county laws.

LOT.

(1) **LOT.** A zoning lot, except as the context shall indicate a lot of record, in which case a "lot" is a lot of record.

(2) **LOT OF RECORD.** A single lot which is part of a subdivision or resubdivision which has been recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

LOT AREA. The area of a horizontal place bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded creek, river, canal or channel.

LOT, CORNER. Either:

(1) **LOT, CORNER.** A lot which is situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

(2) **LOT, REVERSED CORNER.** A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT COVERAGE. A portion of a building lot that is occupied by buildings or structures, including ancillary structures, expressed as a percentage of total lot area.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT LINE.

(1) **LOT LINE.** A property boundary line of any lot held in a single or separate ownership; except that, where any portion of the lot extends into the abutting street or alley, the **LOT LINE** shall be deemed to be the abutting street or alley right-of-way line.

(2) **LOT LINE, FRONT.** The boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the **FRONT LOT LINE**.

(3) **LOT LINE, REAR.** The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

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

LOT, THROUGH. A lot which has a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner or reversed corner lot. On a **THROUGH LOT**, both street lines shall be deemed front lot lines.

LOT, TRAILER. The area of land assigned to a travel trailer or mobile home in a tourist park or a mobile home in a mobile home park.

LOT WIDTH. The distance between the side lot lines, measured along the setback line as established by this chapter, or if no setback line is established, the distance between the side lot lines measured along the street line.

LOT, ZONING. A parcel of land, at least one lot line of which is a street line, which is located within a single block, and which is or will be used, developed or built upon as a unit. A zoning lot may or may not coincide with a lot of record.

MARINA. A boat basin and recreational facility, located on waterfront property, providing moorings for boats and one or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply stores and fuel docks.

MARQUEE or **CANOPY.** A roof-like structure of a permanent nature which projects from the wall of a building and

overhangs the public way.

MENU BOARD. A device which functions to list items for sale at a drive-thru restaurant.

MEZZANINE. An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A **MEZZANINE** is usually just above the ground or main floor and extending over only part of the main floor.

MOBILE HOME or TRAILER COACH. Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designed to permit the occupancy therein as a dwelling place for one or more persons, provided that any such structure resting in whole on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a **MOBILE HOME** or **TRAILER COACH**.

MOBILE HOME PARK or TRAILER PARK. An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such **MOBILE HOME PARK** or **TRAILER PARK**.

MODERATE BURNING. Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MOTEL. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A **MOTEL** furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a **MOTEL** less than 50% of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

MOTOR FREIGHT TERMINAL. A building or area in which freight is received and stored for assembling and distribution by motor truck in intrastate or interstate commerce.

MOTOR VEHICLE. Every vehicle which is propelled otherwise than by muscle power, including, but not limited to, motorcycles, automobiles, trucks, truck-trailers, trailers, semi-trailers, buses and mobile homes.

MOVED STRUCTURE. A structure permanently established upon a lot after removing same from another part of the same or different lot.

MOVING SIGN. A sign or other advertising structure with moving, revolving or rotating parts or visible mechanical movement of any kind, including wind-activated signs. Clocks are not considered signs with moving parts.

NAMEPLATE. A sign indicating the name of an occupant thereof and the practice of a permitted occupation therein.

NONCOMMERCIAL MESSAGE. A message that does not direct attention to a business or to a service or commodity for sale, and is typically of a political, religious or ideological nature.

NON-CONFORMING USE. A lawfully established use of land, buildings or structures, which does not comply with all of the regulations of this chapter or of any amendment thereto governing use for the zoning district in which such use is located. For the purpose of this chapter, any use lawfully established on the effective date of this chapter which is non-conforming solely by virtue of lacking off-street parking or loading facilities as required hereinafter for new uses, shall not be deemed a **NON- CONFORMING USE**.

NOXIOUS MATTER OR MATERIAL. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

NURSING HOME. A "skilled care facility," "intermediate care facility," "sheltered care facility" or similar "long-term care facility", as those terms are defined in the Illinois Nursing Home Care Act (210 ILCS 45/) and/or 77 Ill. Adm. Code Part 300.

OBSCENE SIGN. A sign which is found to meet the three established criteria of obscenity: prurient in nature; completely devoid of scientific, political, educational or social value; and a violation of local community standards.

OBSOLETE SIGN. A sign which no longer correctly directs or exhorts any person, advertises a business, lessor, owner, product, activity conducted or available on the premises where the sign is displayed.

OCTAVE BAND. A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER. An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOROUS MATTER. Any matter or material that yields an odor which is offensive in any way.

ODOR THRESHOLD VALUE. The minimum concentration of odorous material in the air which can be detected as determined by the Manufacturing Chemists Association or other qualified laboratory.

OFF-PREMISES SIGN. Any sign which directs attention to a business, service, product or entertainment not sold or offered or only incidentally sold or offered on the premises on which the sign is located.

OFF-STREET LOADING. A space accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

OPEN SALES LOT. Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale.

OPEN SPACE. A portion of a building lot that is devoted to landscaping, lawn, and other similar permeable uses such as a rain garden or a natural retention swale. An **OPEN SPACE** shall not include a street, a driveway, a parking pad or lot, a sidewalk, a walkway, a plaza, a terrace, a patio, a swimming pool (either above ground or in ground pool), or other similar impervious or semi-impervious building surfaces.

PARKING AREA. An open or enclosed area used for the purpose of storing motor vehicles.

PARTICULATE MATTER. Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

PENNANT SIGN. Any geometric shaped cloth, fabric or other lightweight material normally fastened to a stringer, which is secured or tethered so as to allow movement of the sign.

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings.

PERMANENT SIGN. A sign attached to a structure or the ground which is made of materials intended for long-term use.

PLANNED DEVELOPMENT. A parcel of land or contiguous parcels of land controlled by a single landowner or by a group of landowners in common agreement as to control designed to be maintained and operated as a single entity, the environment of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located, and the development of which is controlled by a planned development plan, approved by the City Council, and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas.

POLITICAL SIGN. A sign whose function is to draw attention to or communicate a position on any issue, candidate or measure in any national, state or local election.

PORTABLE SIGN. A sign which is mounted or designed to be mounted on a self-propelled or towed vehicle, and shall include, but not be limited to, mobile advertising signs attached to a trailer or other vehicle.

PROFESSIONAL OFFICE. The office of an accountant, architect, chiropractor, dentist, lawyer, minister, optometrist, osteopath, physician, registered professional engineer or member of another similar profession.

PROJECTING SIGN. A sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

PROPERTY LINES. The lines bounding a zoning lot or a lot of record, as its context may indicate.

PUBLIC WAY. Any sidewalk, street, alley, highway or other public thoroughfare.

PYROPHORIC DUST. A dust in a finely-divided state that is spontaneously combustible in air.

RADIATION HAZARDS. The deleterious and harmful effects of all ionizing radiation, which shall include all radiations capable of producing ions in their passage through matter. Such radiations shall include, but are not limited to, electromagnetic radiations (such as X-rays and gamma rays) and particulate radiations (such as electrons or beta particles, protons, neutrons and alpha particles).

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operations, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

RECREATIONAL CLUB. A non-profit association of persons who are bona fide members paying annual dues and which owns, hires or leases land or buildings or a portion thereof; the use of such premises being restricted primarily to the principal use, which is a generally recognized sport or recreational activity. The affairs and management of such **RECREATIONAL CLUB** are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed; provided, it is secondary and incidental to the promotion of some recognized sport or recreational activity; and, further provided that, such sale of alcoholic beverages is in compliance with all applicable federal, state and county laws.

REFUSE. All waste materials resulting from human habitation, except sewage.

REFUSE DISPOSAL SITE OR FACILITIES. Land designed for the use of disposal of refuse as now provided by state law or by ordinance of the city now in force and effect or as may be hereinafter amended.

REFUSE TRANSFER STATION. An enclosed building or structure designed for the receipt of refuse, the compaction thereof and loading of compacted refuse on railroad cars or other modes of transportation.

RESEARCH LABORATORY. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENCE. The act or condition of residing or dwelling in a place. It may also include a building devoted to such purposes.

RINGELMANN CHART. One which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light- obscuring capacity of smoke.

RINGELMANN NUMBER. The designation of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light-obscuring capacity of the smoke.

ROADSIDE STAND. A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

ROOF SIGN. Any sign located on or attached to and extending above the roof of a building.

SCHOOL. An institution which offers instruction in any of the branches of learning which are required to be accredited under the Illinois School Code or approved by the Department of Mental Health, including a school for the mentally retarded, kindergarten, elementary schools and junior and senior high schools, but excluding private nursery or pre-kindergarten, trade, business or commercial schools.

SCHOOL, NURSERY. A private school or other instructional facility for preschool children that is not required to be accredited under the Illinois School Code, but may be required to be approved by the Department of Mental Health or the Department of Public Health.

SETBACK. The minimum horizontal distance between the front line of the building or structure and the front property line.

SHOPPING CENTER. A group of more than six commercial establishments planned, developed and managed as a unit, located on a zoning lot of at least two acres, with off-street parking provided on the property.

SIDEWALK SIGN. A temporary advertising device also known as an A-frame or sandwich board sign, ordinarily in the shape of an "A", or some variation thereof, located on the ground, not permanently attached and easily movable, and usually two-sided.

SIGN. Any visual device or representation designed or used for the purpose of communicating a message or identifying a product, service, person, organization, business or event, with the use of words or characters, visible from outside the premises on which such device is located. Murals are not considered to be **SIGNS**.

SIGN AREA. The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. See § 165.112(A) for measurement of sign area.

SIGN BAND. The flat, horizontal area on the facade usually located immediately above the storefront and below the second story window sill where signs were historically attached. A **SIGN BAND** may also include the horizontal area above a tenants' entrance, architecturally designed to accommodate signage.

SIGN FACE. The visible sign proper including all characters and symbols, excluding essential structural elements which are not an integral part of the display.

SIGN STRUCTURE. Any structure or material which supports, has supported or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers.

SLOW BURNING or **INCOMBUSTIBLE.** Implies materials which do not in themselves constitute an active fuel for the spread of combustion. (A material which will not ignite or actively support combustion during an exposure of five minutes to a temperature of 1,200°F shall be designated as **INCOMBUSTIBLE**.)

SMOKE UNIT. The number obtained when the smoke density in the Ringelmann Number is multiplied by the time of emission in minutes. (For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are then added together to give the total number of smoke units observed during the entire observation period.)

SOUND LEVEL. The intensity of sound measured in decibels, produced by an operation or use.

SOUND LEVEL METER. An instrument standardized by the American Standards Association for measurement of the intensity of sound.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above or if there is no floor above, the space between the floor and the ceiling next above. (A basement having more than one-half the clear floor-to- ceiling height above "curb level" shall be considered a **STORY**.)

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall not more than

three feet above the top level of the story below. On such space, not more than 60% of the floor area is completed for a principal or accessory use.)

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

STREET FRONTAGE. All of the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

STREET, INTERNAL. A street not located along the exterior boundaries of a planned development.

STREET LINE. A lot line that is also the boundary line of the right-of-way of an existing or dedicated street.

STRUCTURAL ALTERATIONS. Any changes, other than incidental repairs, which would prolong the life of the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change, in the roof or exterior walls.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Without limitation on the foregoing, a structure shall include buildings, fences, walls, billboards and signs.

TEMPORARY SIGN. A display, informational sign, banner or other device constructed of cloth, canvas, fabric, wood or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations. A sign that is intended for use for only a limited period of time and not intended or designed for permanent display.

TEMPORARY WALL SIGN. A temporary sign attached to a wall not intended or designed for permanent display.

TEMPORARY WINDOW SIGN. A temporary sign attached to or placed upon a window or door of a building intended for viewing from the exterior of such a building and not intended or designed for permanent display.

TENT. A temporary and portable shelter, the roof and sides of which are constructed of canvas or other natural or synthetic light material.

THEATER. An establishment used to observe films and other visual material which is neither an "adult motion picture theater" nor an "adult mini motion picture theater".

THOROUGHFARE. A street with a high velocity of traffic which serves as an arterial traffic way between and within the various districts of the city and areas beyond, except freeways or other limited access routes not containing frontage roads.

TIME AND TEMPERATURE DEVICE. A mechanism integrated into a sign that displays the time and/or temperature, but does not display any commercial advertising or identification.

THREE COMPONENT MEASURING SYSTEM. Denotes instrumentation which can measure earthbound vibrations in three directions; that is, vibration occurring in a horizontal as well as vertical plane.

TOWNHOUSE. A single-household attached dwelling unit in structures housing two or more dwelling units sharing one or more party walls.

TOXIC MATTER OR MATERIALS. Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAILER. Any vehicle, mobile home, trailer coach, travel trailer or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for dwelling, lodging, commercial, industrial or agricultural purposes.

TRANSIT-ORIENTED DEVELOPMENT. Moderate and high-density housing concentrated in mixed-use development located within one-quarter-mile radius of transit stations.

TRANSITIONAL RESIDENCE. A temporary residential living arrangement for persons who are receiving therapy or counseling for purposes such as, but not limited to, the following:

- (1) To help recuperate from the effects of drugs or alcohol addiction;
- (2) To help re-enter society while housed under supervision and the constraints of alternatives to imprisonment including, but not limited to, pre-release, work-release and probationary programs; or
- (3) To help with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; and also meeting the requirements set forth in § 165.025(E).

TRAVEL TRAILER. A trailer designed and constructed for travel and temporary lodging purposes and intended for camping, recreational, travel or vacation use.

TRUCK TERMINAL. A building, structure or place where trucks or transports are rented, leased, kept for hire, or stand or park for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers or where goods are stored temporarily for further shipment. A truck terminal property shall be constructed with concrete or asphalt surfaces, and shall also contain proper drainage, landscaping, lighting, circulation and fencing.

USE. The purpose or activity for which the land or building thereon is “designed”, “arranged” or “intended”, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this chapter.

(1) **USE, PRINCIPAL.** The main use of land or buildings as distinguished from a subordinate or accessory use. A **PRINCIPAL USE** may be either “permitted” or “special”.

(2) **USE, SPECIAL.** Includes, but is not limited to public and quasi-public uses affected with the public interest, and may include a private use, any one or more of which may have a unique, special or unusual impact upon the use or enjoyment of neighboring property, which because of such characteristics could be properly classified as a permitted use in any particular district or districts.

VIBRATION. The periodic displacement, measured in inches, of earth at designated frequency (cycles per second).

WALL SIGN. A sign attached to, painted on or erected against the wall of a building with the face in a parallel plane of the building wall.

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

WIND-BLOWN SIGN: A fluttering, spinning, windblown or inflatable device, including pennants, streamers and propeller discs, except as set forth in § 165.121.

WINDOW SIGN. A sign printed on, affixed to, in contact with or etched on intended for viewing from the exterior of such a building. Any sign within 12 inches of a window or the glass surface of a door, and is visible from the public street.

YARD. An open space on the same lot with a building or structure unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted by this chapter. (A **YARD** extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.)

(1) **YARD, CORNER SIDE.** A side yard which adjoins a street.

(2) **YARD, FRONT.** A yard extending along the full length of the front lot line between the side lot lines.

(3) **YARD, INTERIOR SIDE.** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

(4) **YARD, REAR.** The portion of the yard on the same zoning lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot.

(5) **YARD, SIDE.** The yard between the side line of the principal building and the side lot line extending from the front yard line to the rear yard line.

(6) **YARD, TRANSITIONAL.** The yard which must be provided on a zoning lot in a commercial district, which adjoins a zoning lot in a residential district, or that yard which must be provided on a zoning lot in an industrial district, which adjoins a zoning lot in either a residential or commercial district.

ZONING ADMINISTRATOR. A city employee responsible for the interpretation of the city’s land-use codes and bylaws, the coordination of enforcement efforts, and the promotion of zoning information.

ZONING ADMINISTRATOR. The Planning and Zoning Board of Appeals of the city.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

(Prior Code, § 166.003) (Ord. 2151, passed 6-28-1971; Ord. 98-196, passed 2-24-1998; Ord. 99-256, passed 5-25-1999; Ord. 05-536, passed 2-8-2005; Ord. 2014-040, passed 7-8-2014; Ord. 2015-029, passed 9-22-2015; Ord. 2020-010, passed 2-25-2020; Ord. 2021-019, passed 6-22-2021; Ord. 2021-043, passed 9-14-2021; Ord. 2021-062, passed 12-14-2021)

§ 165.004 INTERPRETATION.

(A) 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.

(B) Where the conditions imposed by any provision of this chapter upon 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 provision of this chapter, or of any other law, ordinance, resolution, rules or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

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

(D) No building, structure or use which was not lawfully existing at the same time as the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter and, to the extent that, and in any other manner than, said unlawful building, structure or use is in conflict with the requirements of this chapter, said building structure, or use remains unlawful hereunder and shall not be considered a non-conforming use.

(E) Nothing contained in this chapter shall be deemed to be a consent, license or permit to use any property, or to locate, construct, or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

(F) The provisions of this chapter are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in this chapter.

(Prior Code, § 166.004) (Ord. 2151, passed 6-28-1971)

§ 165.005 SEPARABILITY.

It is hereby declared to be the intention of the Mayor and the City Council that the several provisions of this chapter are separable in accordance with the following.

(A) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(Prior Code, § 166.005) (Ord. 2151, passed 6-28-1971)

§ 165.006 SCOPE.

(A) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.

(B) (1) However, where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this chapter, and provided construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure may be complete in accordance with the approved plans on the basis of which the building permit has been issued.

(2) Further, upon completion, the building occupied under a certificate of occupancy for the use for which originally designated, subject thereafter to the provisions of §§ 165.045 through 165.050 of this chapter.

(C) Where a special use permit or a permit for variance pursuant to this chapter has been issued, such permit shall become null and void unless work thereon is substantially underway within one year from the effective date of this chapter.

(D) A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than one year for any reason.

(E) No access driveway or drive shall be located in any residential district to provide access uses other than those permitted in such residential district, except where a special use permit has been granted as hereinafter provided.

(Prior Code, § 166.006) (Ord. 2151, passed 6-28-1971)

§ 165.007 UPTOWN-TRANSIT ORIENTED DEVELOPMENT (U-TOD) DISTRICT ADOPTED BY REFERENCE.

The Uptown-Transit Oriented Development (U-TOD) is adopted by reference and incorporated herein as if set out in full.

(Prior Code, § 166.007) (Ord. 12-185, passed 6-12-2012; Ord. 2020-010, passed 2-25-2020; Ord. 2021-019, passed 6-22-2021; Ord. 2021-043, passed 9-14-2021; Ord. 2021-062, passed 12-14-2021)

ZONING DISTRICT REGULATIONS

§ 165.020 ESTABLISHMENT OF DISTRICTS.

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

(A) *Residential districts.*

- (1) R-1 Single-Family Residential; and
- (2) R-2 Two- and Three-Family Residential.

(B) *Commercial districts.*

- (1) C-1 Central Area Commercial; and
- (2) C-2 Highway Commercial.

(C) *Industrial districts.*

- (1) I-1 Limited Industry; and
- (2) I-2 General Industry.

(D) *Land conservation district.* L-C Land Conservation.

(Prior Code, § 166.020) (Ord. 2151, passed 6-28-1971)

§ 165.021 ZONING MAP TO SHOW BOUNDARIES.

The city is hereby divided into the districts listed in §165.020 of this chapter and the boundaries of such zones are shown upon the zoning map on file in the office of the City Clerk.

(Prior Code, § 166.021) (Ord. 2151, passed 6-28-1971)

§ 165.022 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of zones as shown on the zoning map, the following rules shall apply.

(A) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(D) Boundaries indicated as approximately following the centerlines of streams, rivers, canals or other bodies of water shall be construed to follow such centerlines. The centerline shall be construed as being midway between the shore lines.

(Prior Code, § 166.022) (Ord. 2151, passed 6-28-1971)

§ 165.023 SCHEDULE OF USE CONTROLS.

No person shall use land or a building or structure or erect, construct, reconstruct, move or structurally alter a building, structure or part thereof, except in conformance with the following schedule of use controls.

(A) *District R-1.*

(1) *Permitted principal uses.*

- (a) One-family detached dwellings;
- (b) Churches, rectories, parish houses and convents;
- (c) Libraries, parks, and playgrounds, publicly owned and operated;
- (d) Elementary schools, public and private, non-boarding, including playgrounds incidental thereto;
- (e) Temporary buildings for construction purposes for a period not to exceed the duration of such construction;
- (f) Home occupations as defined;
- (g) Signs as permitted in §§ 165.105 through 165.131 of this chapter;
- (h) Accessory uses as defined; and
- (i) Community home.

(2) *Special uses.*

(a) Public utility and public service uses including:

1. Bus turnaround (off street);
2. Electric substations;
3. Fire stations;
4. Police stations;
5. Governmental administrative offices;
6. Railroad passenger stations;
7. Railroad rights-of-way;
8. Telephone exchanges, micro-wave relay towers and telephone transmission equipment buildings;
9. Water pumping stations; and
10. Water reservoirs.

(b) Parking lots which abut at a side lot in a commercial or industrial district or a railroad right-of-way; are separated only by an alley from property in a commercial or industrial district; and are accessory to a commercial or industrial use located within 500 feet, the use of which is solely for the customers and employees of the use to which it is necessary;

provided:

1. Such parking lots shall be used solely for the parking of passenger automobiles;
2. The parking lot shall be closed between the hours of 10:00 p.m. and 7:00 a.m.; and
3. Ingress to and egress from said parking lot be located at least 20 feet in distance from any adjacent residential property line, except such ingress and egress can be provided from a public alley or way separating the residence areas from the parking lot.

- (c) Professional offices other than those located in a dwelling used as a private residence;
- (d) Planned unit developments;
- (e) Municipally owned recreation buildings and community centers;
- (f) Combined gasoline service station for sale of gasoline and petroleum products without automobile repair facilities and mini-mart retail food store; and
- (g) Transitional residence.

(B) *District R-2.*

(1) *Permitted principal uses.*

- (a) Any use permitted in the R-1 Residential District;
- (b) Accessory uses as defined;
- (c) High schools, public and private, including playgrounds and athletic fields incidental thereto;
- (d) Colleges, universities and business colleges;
- (e) Nursery schools;
- (f) Fraternal, philanthropic and eleemosynary uses or institutions;
- (g) Hospital and convalescent, nursing home for aged; and
- (h) Private clubs or lodges;

(2) *Special uses.*

- (a) Any special use permitted in the R-1 Residential District;
- (b) Two- of three-family dwellings;
- (c) Public or private special education facilities for exceptional or handicapped persons;
- (d) Food stores, eating and drinking establishments;
- (e) Open or enclosed accessory off- street parking facilities, for the storage of private passenger automobiles, when located elsewhere than on the same zoning lot as the principal use served and subject to the schedule of bulk and coverage controls;
- (f) Privately owned recreation or community centers;
- (g) Public and private art galleries and museums; and
- (h) Mortuaries.

(C) *District C-1.*

(1) *Permitted principal uses.*

- (a) Any retail or personal service establishment such as eating and drinking establishments, hardware stores, food stores, clothing stores, drugstores, business and professional offices, hotels and essential services;
- (b) Signs as permitted in §§ 165.105 through 165.131 of this chapter; and
- (c) Accessory uses as defined.

(2) *Special uses.*

- (a) Any permitted or special use in the R-1 or R-2 Residential District;
- (b) Automobile showrooms;
- (c) Post offices;
- (d) Outdoor amusement establishments;

- (e) Arenas or stadium auditoriums;
- (f) Public storage garages;
- (g) Automobile body and fender shop;
- (h) Adult-use cannabis dispensing organizations; and
- (i) Catering services.

(D) *District C-2.*

(1) *Permitted principal uses.*

- (a) Any use permitted in the C-1 Commercial District;
- (b) Drive-in restaurants;
- (c) Motels;
- (d) Automobile showrooms;
- (e) Automobile repair shops and washing establishments;
- (f) Gasoline service stations;
- (g) Used car dealers;
- (h) Warehousing;
- (i) Wholesale establishments;
- (j) Landscape nurseries, garden supplies, pounds;
- (k) Animal hospitals, kennels and pounds;
- (l) Boat sales and marinas;
- (m) Trade schools;
- (n) Mortuaries;
- (o) Catering services; and
- (p) Accessory uses as defined.

(2) *Special uses.*

- (a) Any special use permitted in the C-1 Commercial District;
- (b) Fabrication of metal products, wood products, paper products, cloth products, plastic products and electronics;
- (c) Automobile body and fender shop; and
- (d) Adult-use cannabis dispensing organizations; and
- (e) Banquet hall.

(E) *District I-1.*

(1) *Permitted principal uses.*

- (a) Manufacturing of light machinery;
- (b) Fabrication of metal products, wood products, paper products, concrete and plastic products, glass products, electronics and cloth products;
- (c) Food and associated industries;
- (d) Laboratories;
- (e) Warehousing with no retail sales permitted on the premises;
- (f) Truck terminals;
- (g) Signs as permitted in §§ 165.105 through 165.131 of this chapter; and
- (h) Accessory uses as defined.

(2) *Special uses.*

- (a) Any permitted or special use in the C-1 or C-2 Commercial District;

- (b) Approval of the Planning and Zoning Board of Appeals must also be obtained; and
- (c) Automobile body and fender shop; and
- (d) Adult-use cannabis dispensing organizations.

(F) *District I-2.*

(1) *Permitted principal uses.*

- (a) Any use permitted in the I-1 Industrial District;
- (b) Any manufacturing, assembly or other industrial or research operations meeting the requirements of the performance standards of this chapter;
- (c) Warehouses for the enclosed storage of goods and materials, distribution plants, wholesale business;
- (d) Lumber yards or similar storage yards;
- (e) Any and all railroad purposes including, but not limited to, railroad rights-of-way, railroad freight terminals, railroad switching and classification yards, repair shops, roundhouses and TOFC (piggyback facilities);
- (f) Electric power plants;
- (g) Builders' supply yards, coal yards, fuel supply depots; and
- (h) Accessory uses as defined.

(2) *Special uses.*

- (a) Any special use permitted in the I-1 Industrial District;
- (b) Sanitary landfill operations;
- (c) Mobile home sales and parks; and
- (d) Automobile body and fender shop; and
- (e) Adult-use cannabis dispensing organizations.

(G) *District L-C.*

(1) *Permitted principal uses.* None.

(2) *Special uses.*

- (a) Farm and other agricultural operations;
- (b) Parks, golf courses, athletic fields, and other similar uses; and
- (c) Disposal facilities, sanitary landfill operations and similar uses.

(H) *Schedule of bulk and coverage controls.*

Schedule of Bulk Controls							
	District	R-1	C-1	C-2	I-1	I-2	L-C
Schedule of Bulk Controls							
	District	R-1	C-1	C-2	I-1	I-2	L-C
Minimum lot dimensions	Lot area (sq. ft.)	4,312.5	3,125	6,250	10,000	40,000	80,000
	Lot area per dwelling unit (sq. ft.)	43,12.5	—	—	—	—	80,000
	Lot width (feet)	37.5	25	50	80	200	200
	Lot depth (feet)	115	125	125	125	125	200
Maximum	Height (feet)	35	No limit	No limit	No limit	No limit	35
Minimum lot dimensions	Front yard (feet) ¹	25 [1]	—	—	25 ^e	25 ^e	50
	Side yard (percentage of width) ²	10	—	—	N/A	N/A	N/A
	Side yard (each side yard, feet) ^b	N/A	N/A	N/A	__d	__d	__d

	Rear yard (feet)	35	__a	__a	__d	__d	__d
Maximum	Lot coverage (percentage)	40	90 ^c	70 ^c	60	60	10
Maximum ^f	Impervious coverage (percentage) ^f	60	N/A	90	85	85	N/A
[1] Or average of setback distances of the block, but not less than 15 feet							
a Deleted by Ord. 2396, passed 4-11-1978							
b Amended by Ord. 2396, passed 4-11-1978							
c Amended by Ord. 2397, passed 4-11-1978							
d Deleted by Ord. 2397, passed 4-11-1978							
e Amended by Ord. 2404, passed 10-9-1979							
f Amended by Ord. 2019, passed 6-22-2021							
1 § 165.034(C), Front Yards for Corner Lots: A front yard of the required depth shall be provided on one of the two frontages and a second front yard shall be provided on the other frontage, provided that in any R-Zone the second front yard need be only 50% of the required depth for front yards in that zone							
2 § 165.034(D) Minimum Side Yard Width: Where a side yard to a principal building is provided, although not required by this chapter, it shall not be less than six feet in width unless it abuts a street or alley							

(Prior Code, § 166.023) (Ord. 2151, passed 6-28-1971; Ord. 93-215, passed 4-13-1993; Ord. 96-383, passed 3-26-1996; Ord. 99-256, passed 5-25-1999; Ord. 04-476, passed 3-9-2004; Ord. 12-185, passed 6-12-2012; Ord. 2015-029, passed 9-22-2015; Ord. 2020-010, passed 2-25-2020; Ord. 2021-019, passed 6-22-2021; Ord. 2021-043, passed 9-14-2021; Ord. 2021-062, passed 12-14-2021)

§ 165.024 BUILDING LINE SETBACK FROM ALLEYS IN ALL DISTRICTS.

(A) No building shall be erected, moved or altered on any lot in any district when such lot borders on an alley so as to place any wall thereof nearer to the line of such alley than the setback lines hereinafter prescribed.

(1) Where the alley is 14 feet or less in width, the building line setback shall be five feet from the line of such alley.

(2) Where the alley is more than 14 feet, but not more than 15 feet, in width, the building line setback shall be four feet from the line of such alley.

(3) Where the alley is more than 15 feet, but not more than 16 feet, in width, the building line setback shall be three feet from the line of such alley.

(4) Where the alley is more than 16 feet, but not more than 18 feet, in width, the building line setback shall be two feet from the line of such alley.

(5) Where the alley is more than 18 feet in width, the building line setback shall be one foot from the line of such alley.

(B) Further, no fence or other structure shall be placed between the line of such alley and the building line setback established above.

(Prior Code, § 166.024) (Ord. 2151, passed 6-28-1971)

§ 165.025 REGULATIONS FOR SPECIFIC USES.

(A) *Utility or governmental installations.* The provisions of this chapter shall not be exercised so as to impose regulations or require permits in any district with respect to poles, towers, wires, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment of a public utility, or any other installation which is under the jurisdiction of city, state or federal regulations.

(B) *Fences or the like.* Fences, walls, hedges or shrubbery may be erected, placed, maintained or grown only in accordance with regulations set forth in the Building Code.

(C) *Mobile homes and tents.*

(1) A mobile home shall not be permitted as an accessory building or structure.

(2) A mobile home shall not be occupied for dwelling or lodging uses, except in an approved mobile home park, and a mobile home shall not be parked or otherwise stored in the open on a lot in any district, except a lot used for mobile home manufacturing, sales or retail or repair establishments in such districts where such uses are permitted by this chapter.

(3) A mobile home may be used as a temporary office or shelter incidental to construction on or development of the premises on which such mobile home is located, only during the time construction or development is actively underway.

(4) No tent shall be erected, used or maintained for living quarters.

(D) *Fallout shelters.*

(1) Fallout shelters shall be used for the purposes as defined, and shall be used for no other use.

(2) Fallout shelters are a permissive use in any district. They shall be located within any new or principal building or structure, attached to any new or existing building or structure with direct access from such building or structure, be wholly underground, or be at such other places as may be prescribed by city, state or federal laws or regulations.

(E) *Transitional residence.* The transitional residence shall be licensed as required by the appropriate state agency or agencies and may be occupied by paid professional support staff provided by a sponsoring agency. To enable its residents to achieve normalization and integration into the community, transitional residences must be separated by no less than 800 feet in every direction to avoid clustering.

(F) *Community home.* The community home shall be licensed as required by the appropriate State of Illinois agency or agencies and may be occupied by paid professional support staff provided by a sponsoring agency. To enable its residents to achieve normalization and integration into the community, community homes must be separated by no less than 800 feet in every direction to avoid clustering.

(G) *Adult-use cannabis business establishments.*

(1) *Purpose and applicability.* It is the intent and purpose of this division (G) to provide regulations regarding adult-use cannabis business establishments within the city, including cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the city. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (the "Act"), being 410 ILCS 705/1-1 et seq., as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(2) *Limitation on number of adult-use cannabis business establishments.* Four adult-use cannabis dispensing organizations shall be allowed within the city at any given time; in addition to the four adult-use cannabis dispensing organizations allowed under this division (G), only four other non-dispensing adult-use cannabis business establishments shall be allowed within the city at any given time.

(3) *Adult-use cannabis craft grower.* In those zoning districts in which an adult-use cannabis craft grower may be located, the proposed facility must comply with the following.

(a) The facility may not be located within 1,000 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, community college, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this division (G)(3)(a).

(b) The facility may not be located within 250 feet of the property line of a preexisting property zoned or used for residential purposes.

(c) The facility may not be located within 1,500 feet of the property line of a preexisting adult-use cannabis business establishment.

(d) The facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(e) For purposes of determining required parking, adult-use cannabis craft grower shall be classified as a "Manufacturing" use per § 165.029(G)(5) ("Number of Parking Spaces Required").

(f) The petitioner shall file an affidavit with the city affirming compliance with this division (G) and all other requirements of the city code and Act.

(g) The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras and/or fencing. Said security measures shall be determined based on the specific characteristics of the adult-use cannabis craft grower and of the floor plan for the adult-use cannabis craft grower and the site on which it is located, consistent with the requirements of the Act.

(h) Adult-use cannabis craft growers shall require approval of a special use in the city's industrial districts, and shall be processed in accordance with § 165.089 (Special Use Permits) of this chapter and this section.

(4) *Adult-use cannabis cultivation center.* In those zoning districts in which an adult-use cannabis cultivation center may be located, the proposed facility must comply with the following.

(a) The facility may not be located within 1,000 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, community college, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(b) The facility may not be located within 250 feet of the property line of a preexisting property zoned or used for residential purposes.

(c) The facility may not be located within 1,500 feet of the property line of a preexisting adult-use cannabis business

establishment.

(d) The facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(e) For purposes of determining required parking, adult-use cannabis cultivation centers shall be classified as a "Manufacturing" use per § 165.029(G)(5) ("Number of Parking Spaces Required").

(f) The petitioner shall file an affidavit with the city affirming compliance with this division (G) and all other requirements of the city code and Act.

(g) The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras and/or fencing. Said security measures shall be determined based on the specific characteristics of the adult-use cultivation center and of the floor plan for an adult-use cannabis cultivation center and the site on which it is located, consistent with the requirements of the Act.

(h) Adult-use cannabis cultivation centers shall require approval of a special use in the city's industrial districts, and shall be processed in accordance with §165.089 (Special Use Permits) of this chapter and this section.

(5) *Adult-use cannabis dispensing organization.* In those zoning districts in which an adult-use cannabis dispensing organization may be located, the proposed facility must comply with the following.

(a) Only four adult-use cannabis dispensing organizations shall be allowed within the city at any given time.

(b) An adult-use cannabis dispensing organization shall not be located within 300 feet of the property line of a pre-existing place of worship, public or private nursery school, preschool, primary or secondary school, community college, day care center, day care home, residential care home, or substance abuse treatment center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(c) The facility may not be located in a dwelling unit.

(d) The facility may not be located within 1,500 feet of the property line of a preexisting adult-use cannabis business establishment.

(e) Facility shall not exceed 5,000 square feet in size. At least 75% of the floor area of any facility occupied by an adult-use cannabis dispensing organization shall be devoted to the activities of the adult-use cannabis dispensing organization as authorized by the Act, and no adult-use cannabis dispensing organization shall sell food for consumption on the premises other than as may be authorized in the applicable special use ordinance.

(f) The facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(g) The facility may not permit on-site consumption of cannabis.

(h) For purposes of determining required parking, said facilities shall be classified as a "Retail Store" use per § 165.029(G)(5) ("Number of Parking Spaces Required") and shall have the requisite number of on-site parking spaces for retail stores under § 165.029(G)(5).

(i) No operator, employee or agent of an adult-use cannabis dispensing organization shall operate, be open for business or permit any person not an employee of the adult-use cannabis dispensing organization to remain on the premises between 10:00 p.m. and 9:00 a.m. Central Standard Time or daylight saving time, whichever is in effect.

(j) The petitioner shall file an affidavit with the city affirming compliance with this division (G) and all other requirements of the city code and Act.

(k) The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras and/or fencing. Said security measures shall be determined based on the specific characteristics of the adult-use cannabis dispensing organization and of the floor plan for an adult-use cannabis dispensing organization and the site on which it is located, consistent with the requirements of the Act.

(l) Adult-use cannabis dispensing organizations shall require approval of a special use in the city's commercial and industrial districts, and shall be processed in accordance with §165.089 (Special Use Permits) of this chapter and this section. In determining compliance with §165.089, the following components of the adult-use cannabis dispensing organizations shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property;
2. Proposed structure in which the facility will be located, including cotenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance;
3. Hours of operation and anticipated number of customers/employees;
4. Anticipated parking demand based on § 165.029 of this chapter and available private parking supply;
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways;
6. Site design, including access points and internal site circulation;
7. Proposed signage plan;

8. Compliance with all requirements provided in §165.025(E), as applicable;

9. Facilities located in the C-1, C-2 and U-TOD Districts shall only be located on lots adjacent to Western Avenue, Old Western Avenue, Ashland Avenue, 119th Street and 127th Street; and

10. Other criteria determined to be necessary to assess compliance with §165.089 (Special Use Permits) of this chapter.

(6) *Adult-use cannabis infuser organization.* In those zoning districts in which an adult-use cannabis infuser organization may be located, the proposed facility must comply with the following.

(a) The facility may not be located within 1,000 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, community college, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(b) The facility may not be located in a residential dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

(c) The facility may not be located within 1,500 feet of the property line of a preexisting adult-use cannabis business establishment.

(d) At least 75% of the floor area of any facility occupied by an infusing organization shall be devoted to the activities of the adult-use cannabis infuser organization as authorized by the Act. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(e) For purposes of determining required parking, said facilities shall be classified as a "Manufacturing" use per § 165.029(G)(5) ("Number of Parking Spaces Required").

(f) The petitioner shall file an affidavit with the city affirming compliance with this section and all other requirements of the city code and Act.

(g) The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras, and/or fencing. Said security measures shall be determined based on the specific characteristics of the adult-use cannabis infuser organization and of the floor plan for an adult-use cannabis infuser organization and the site on which it is located, consistent with the requirements of the Act.

(h) Adult-use cannabis infuser organizations shall require approval of a special use in the city's industrial districts, and shall be processed in accordance with §165.089 (Special Use Permits) of this chapter and this section.

(7) *Adult-use cannabis processing organization.* In those zoning districts in which an adult-use cannabis processing organization may be located, the proposed facility must comply with the following.

(a) The facility may not be located within 1,000 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, community college, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(b) The facility may not be located in a residential dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

(c) The facility may not be located within 1,500 feet of the property line of a preexisting adult-use cannabis business establishment.

(d) At least 75% of the floor area of any facility occupied by an adult-use cannabis processing organization shall be devoted to the activities of the adult-use cannabis processing organization as authorized by the Act. The facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(e) For purposes of determining required parking, said facilities shall be classified as a "Processing" use per § 165.029(G)(5) ("Number of Parking Spaces Required").

(f) The petitioner shall file an affidavit with the city affirming compliance with this division (G) and all other requirements of the city code and Act.

(g) The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras and/or fencing. Said security measures shall be determined based on the specific characteristics of the adult-use cannabis processing organization and of the floor plan for an adult-use cannabis processing organization and the site on which it is located, consistent with the requirements of the Act.

(h) Adult-use cannabis processing organizations shall require approval of a special use in the city's industrial districts, and shall be processed in accordance with §165.089 (Special Use Permits) of this chapter and this section.

(8) *Adult-use cannabis transporting organization.* In those zoning districts in which an adult-use transporting organization may be located, the proposed facility must comply with the following.

(a) The facility may not be located within 1,000 feet of the property line of a preexisting public or private nursery

school, preschool, primary or secondary school, community college, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(b) The facility may not be located in a residential dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

(c) The facility may not be located within 1,500 feet of the property line of a preexisting adult-use cannabis business establishment.

(d) The facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(e) For purposes of determining required parking, said facilities shall be classified as a "Warehouse" use per § 165.029(G)(5) ("Number of Parking Spaces Required").

(f) The petitioner shall file an affidavit with the city affirming compliance with this division (G) and all other requirements of the city code and Act.

(g) The site design shall incorporate adequate security measures, such as interior and exterior lighting, surveillance cameras and/or fencing. Said security measures shall be determined based on the specific characteristics of the adult-use cannabis transporting organization and of the floor plan for an adult-use cannabis transporting organization and the site on which it is located, consistent with the requirements of the Act.

(h) Adult-use cannabis transporting organizations shall require approval of a special use in the city's industrial districts, and shall be processed in accordance with §165.089 (Special Use Permits) of this chapter and this section.

(9) *Additional requirements.* The city may require additional application requirement and building enhancements for applicants seeking to operate an adult-use cannabis business establishment within the city, including:

(a) The petitioner shall install the building enhancements, such as security cameras, lighting or other improvements, as precondition to receiving a certificate of occupancy, permit, business license, or special use, as applicable, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its surrounding environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Act;

(b) The petitioner shall submit additional information as required by the city during the special use application process; and

(c) The petitioner shall provide written notice by registered mail to all owners of property within 250 feet of the parcel for which the special use is sought. Such notice must be sent not more than 30 days nor less than 15 days before the hearing at which the application for special use is to be considered. The number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. The notice herein required shall contain the address of the location for which special use is requested, a brief statement of the nature of the requested special use, the name and address of the legal and beneficial owner of the property for which the variation or special use is requested, and the time and date of the hearing at which the special use will be considered.

(10) *Collocation of adult-use cannabis business establishments.* To the extent permitted by the Act and subject to the special use criteria set forth herein, the city may approve for a single property or structure the collocation of any combination of adult-use cannabis business establishments. In a collocation provided for herein, the floor space requirements of this division (G) shall not apply, but the collocated adult-use cannabis business establishments shall be the sole use of the tenant space. The most restrictive distance requirement for any collocated adult-use cannabis business establishments shall control.

(11) *Prohibition of ownership by elected city officials.* No elected city official shall during the elected city official's term of office hold an ownership interest in any cannabis business establishment which applies for a special use pursuant to this division (G) or which is licensed to operate in the city under the Cannabis Regulation and Tax Act, 410 ILCS 705/1 et seq.

(Prior Code, § 166.025) (Ord. 2151, passed 6-28-1971; Ord. 2015-029, passed 9-22-2015; Ord. 2020-010, passed 2-25-2020)

§ 165.026 NUMBER OF BUILDINGS ON ZONING LOT.

Except in planned developments, each single-family dwelling hereafter erected or structurally altered shall be located on a zoning lot and there shall be not more than one such principal building on each zoning lot.

(Prior Code, § 166.026) (Ord. 2151, passed 6-28-1971)

§ 165.027 ACCESSORY BUILDINGS, STRUCTURES AND USES.

(A) *Accessory buildings and structures.*

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

(2) *Rear yard occupied.* No detached accessory building or buildings shall occupy more than 50% of the area of a

required rear yard.

(3) *Height.* No detached accessory building located in a required rear yard shall exceed 15 feet in height.

(4) *Reversed corner lots.* On a reversed corner lot in a residential district, and within 15 feet of any adjacent property to the rear in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a district equal to two-thirds the least depth which would be required under this chapter for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory buildings shall be located within five feet of any part of the rear lot line which coincides with the side lot line or portion thereof of property in any residential district. No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reverse corner lot which is adjacent to the street.

(B) *Accessory uses.*

(1) *Definition. ACCESSORY USES* are defined as uses that are incidental and customarily subordinate to principal uses and that complement permitted land uses. The intent in adopting these regulations is to ensure accessory uses are located on the same zoning lot or parcel as the principal use. Accessory uses are allowed provided they comply with the performance standards and criteria set forth herein and do not adversely impact surrounding properties.

(2) *Compliance with ordinance requirements.* All accessory uses shall comply with the applicable requirements of this zoning chapter and the city code of ordinances, including the use regulations, bulk and area standards, signage, and permit requirements. The provisions set forth in this section establish additional requirements and restrictions for particular accessory uses and structures.

(3) *Ownership.* An accessory use shall be operated and maintained under the same ownership and on the same zoning lot as the principal use or structure.

(4) *Parking.* Adequate off-street parking facilities in accordance with the parking standards and specifications set forth in the city code of ordinances shall be provided to serve the accessory use. Such parking shall be considered part of the accessory use and shall be in addition to off-street parking spaces or loading spaces required for other permitted uses on the site.

(5) *Unattended donation collection boxes.* Unattended donation collection boxes ("UDCBs") or other similar structures are prohibited in all zoning districts unless the boxes are accessory to the principal use of the premises. To qualify as an allowed accessory use, the UDCB must be owned and maintained by the owner or lessor of the principal use. The following standards and requirements must also be met to qualify as a permitted accessory use.

(a) No more than one UDCB is permitted per parcel.

(b) No UDCB shall be located on a lot unless it contains at least one operating business or other ongoing activity, not including parking facilities.

(c) UDCBs cannot block or impede access to required parking or driveways; pedestrian routes; emergency vehicle routes; building ingress and egress; required handicapped accessibility routes; required easements; or trash enclosure areas or trash bins/enclosures.

(d) No overflow, litter, debris or dumped material shall be allowed within 20 feet of the UDCB.

(e) No solid waste or hazardous materials shall be collected by the UDCB.

(f) UDCBs shall be maintained and in good working order.

(g) UDCBs shall be serviced not less than weekly which includes the removal of donated/collected material and abatement of any prohibited materials, graffiti, peeling paint, rust and broken collection operating mechanisms.

(h) UDCBs shall contain the name, address, 24-hour telephone number, website and email address of the owner and operator of the UDCB and parcel owner/agent.

(C) Unless otherwise provided for herein, accessory structures and uses shall comply with all applicable regulations of this zoning chapter and the city code of ordinances, including the floor area ratio, lot coverage ratio, and height and setback regulations.

(Prior Code, § 166.027) (Ord. 2151, passed 6-28-1971; Ord. 2022-003, passed 1-11-2022)

§ 165.028 BULK REGULATIONS.

(A) *Building bulk limitations (FAR).* Building bulk limitations shall be expressed in terms of minimum yard requirements and maximum building height, or in terms of floor area ratio (FAR). Structures must comply with the maximum yard requirement and building height or the floor area ratio (FAR) as indicated in the "Schedule of Use Controls" set forth in § 165.023 of this chapter.

(B) *Continued conformity.* The maintenance of yards, courts and other open space and minimum lot areas legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

(C) *Division of zoning lots.* No improved zoning lots shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

(D) *Required open space.* All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

(E) *Required yards.* No yards now or hereafter provided for a building existing on the effective date of this chapter shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter for equivalent new construction.

(F) *Permitted obstructions.* The following shall not be considered to be obstructions when located in the required yards specified:

(1) *All yards.* Open terraces not over three feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors and trellises; flag poles; and fences, walls and hedges subject to the applicable height restrictions of this chapter;

(2) *Front yards.* One-story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard;

(3) *Rear yards.* Enclosed, attached or detached off-street parking spaces; accessory sheds, tool rooms and similar buildings or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story bay windows projecting three feet or less into the yard; and overhanging eaves and gutters projecting three feet or less into the yard; and

(4) *Side yards.* Overhanging eaves and gutters projecting 18 inches or less into the yard.

(G) *Floor area ratio for certain existing buildings.* In all cases where two or more contiguous zoning lots are in common ownership and there was at the adoption date of this chapter an existing building on one of such lots with less than the permitted maximum floor area ratio, the owner may elect to add the unused portion of the floor area ratio of the existing building to the maximum permitted floor area ratio of any addition to the existing building to be constructed on the adjoining zoning lot. In the event such existing building was lawfully existing at the date of adoption of this chapter and exceeds the permitted maximum floor area ratio, any addition to the existing building to be constructed on an adjoining lot shall be entitled to the maximum floor area ratio permitted in the district in which it is located.

(Prior Code, § 166.028) (Ord. 2151, passed 6-28-1971)

§ 165.029 PARKING AND LOADING FACILITIES.

(A) *Scope of regulations.*

(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 districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this chapter, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for issuance of said building permit may be provided in lieu of any different amounts required by this chapter.

(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 herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use. 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 herein shall be provided for the total increase. However, in the case of expansion or alteration of residential buildings, required parking or loading facilities shall be provided on the basis of the total required units of measurement for the entire capacity of such buildings.

(3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if said building or structure was erected prior to the effective date of this chapter, additional parking or loading facilities are mandatory 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 facilities.* Accessory off-street parking facilities in existence on the effective date of this chapter and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this chapter.

(C) *Permissive parking and loading facilities.* Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided all regulations herein governing the location, design and operation of such 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 subsequently thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities need not be provided; except that, parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.

(E) *Control of off-site parking facilities.* In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long term lease, the term of such lease to be determined by the Planning and Zoning Board of Appeals. The owner of the land on which the parking facilities are to be located shall be bound by covenants filed on record in the office of the County Recorder of Deeds or the County Registrar of Titles, requiring such owner, and his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of the said lease, whichever shall terminate sooner.

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

(G) *Off-street parking and loading requirements.* In all zones except the C-1 Central Area Commercial District, every industrial, commercial, institutional, recreational, residential or any other use, shall be provided off-street parking spaces in accordance with the following requirements.

(1) *Size and access.* Each off-street parking-space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be adequate provision for ingress and egress to all parking spaces. Access drives or driveways shall not be less than nine feet wide. No access drive or driveway shall be located in any R-Zone to provide access to uses other than those permitted in an R-Zone.

(2) *Location.* Off-street parking spaces for uses in R-Zones and I-1 Limited Industry Zones shall not be located between the front building line and street line. On corner lots in R-Zones, this restriction shall also apply to the space between the side street line and the side building line.

(3) *Off-site facilities.* All permitted and required accessory off-street parking spaces open or enclosed shall be located on the same lot as the use to which such spaces are accessory. However, spaces may be provided within a radius of 250 feet from the lot boundary on land which is in the same ownership as the use to which they are accessory, subject to deed restrictions binding the owner and his or her heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use.

(4) *Parking for places of worship.* The number of required off-street parking spaces may be eliminated or reduced if there exists, within 500 feet of the place of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of the table set forth in division (G)(5) below. The place of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required. Any space provided in public or private lots must be shown to be available for worshippers on the day or days of greatest use.

(5) *Number of parking spaces required.* The required number of parking spaces for any use shall be as set forth in the following table:

Uses	Minimum Required Off-Street Parking Spaces
Uses	Minimum Required Off-Street Parking Spaces
Boarding house	2 spaces for each 3 boarders
Bowling alley	5 spaces for each alley
Dwellings	1 space for each dwelling unit, plus 1 additional space for each 2 dwelling units in multi-family dwellings
Eating or drinking place, bar, cocktail lounge, nightclub or indoor entertainment	1 space for each 4 seats
Funeral home	10 spaces for each chapel
Hospital, nursing or convalescent home	1 space for each 3 beds
Manufacturing, processing or repairing uses	1 space for each 600 square feet gross floor area
Medical or dental office	8 spaces for each doctor
Motel and/or hotel	5 spaces for each 4 rentable units
Office	1 space for each 500 square foot gross floor area
Place of worship	1 space for each 5 seats; except that, where no individual seats are provided, 20 inches of bench shall be considered as 1 seat
Professional office in residence	2 spaces
Retail store or personal service establishment	1 space for each 300 square feet gross floor area

Professional, business or technical school; studio for art, music, dancing or photography	1 space for each 10 classroom seats
Wholesale establishment or warehouse	1 space for each 2 employees in maximum shift with an absolute minimum parking area of 25% of gross floor area

(6) *Off-street loading.* In all zones, in connection with buildings occupied by industrial, commercial and certain uses, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirements of the following table:

(a) *Dimensions.* Each loading space shall be not less than 12 feet in width, 35 feet in length and have a minimum vertical clearance of 14 feet, and may occupy all or any part of any required yard.

(b) *Required number.* The required number of off-street loading spaces shall be as follows:

<i>Uses</i>	<i>Square Feet of Gross Floor Area</i>	<i>Required Off-Street Loading Spaces</i>
<i>Uses</i>	<i>Square Feet of Gross Floor Area</i>	<i>Required Off-Street Loading Spaces</i>
Funeral home	-	1
Hospital	Under 30,000	1
	For each additional 30,000 or major fraction thereof	1 additional
Office, motel, service, wholesale, warehouse, manufacturing, processing, or repairing	Under 25,000	1
	From 25,001 - 100,000	2 - 4
	For each additional 50,000 or major fraction thereof	1 additional
School	-	1

(7) *Additional regulations.* Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, all regulations governing the location of the accessory spaces in relation to the use served are adhered to, and no accessory space or portion thereof serves as a required space for more than one use.

(Prior Code, § 166.029) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.030 EXISTING SPECIAL USES.

(A) Where a use is classified by this chapter as a special use in any district, and exists as a special or permitted use at the date of the adoption of this chapter, it shall be considered to be a legal special use.

(B) Where a use is not allowed as a special or permitted use under this chapter, and exists as a special use at the date of the adoption of this chapter, it shall be considered to be a non-conforming use and shall be subject to the applicable non-conforming use provisions of § 165.046.

(Prior Code, § 166.030) (Ord. 2151, passed 6-28-1971)

§ 165.031 HOME OCCUPATIONS.

(A) Home occupations are permissible only within a single-family dwelling unit or accessory building and only by the person or persons maintaining a dwelling therein.

(B) Not more than one non-resident person shall be employed in the home occupation.

(C) One sign having an area of not more than two square feet shall be permitted.

(D) Home occupations shall not utilize more than 25% of the gross floor area of the dwelling unit.

(E) Any use customarily conducted entirely within a dwelling or its accessory buildings and carried on by the inhabitants thereof, which use is clearly incidental to the use of the dwelling as a place of residence is a permissible home occupation; provided that, no article is sold or offered for sale except as may be produced by the immediate family residing therein. In particular, a home occupation includes, but is not limited to, the following:

(1) Professional office of a physician, dentist, lawyer, engineer, architect and other similar professions; art studio; dressmaker; seamstress; milliner; beauty shop operator; the teaching of music and dancing limited to one student at a time; and other home services and trades; and

(2) A home occupation shall not be interpreted to include the following: barber shops, commercial stables and kennels,

restaurants, tea rooms, tourist or boarding houses, animal hospitals and convalescent homes.

(Prior Code, § 166.031) (Ord. 2151, passed 6-28-1971)

§ 165.032 DWELLINGS CONTAINING 12 UNITS OR MORE.

(A) Application for a building permit to construct a multiple-family dwelling containing 12 units or more shall require approval of the Planning Commission, the Planning and Zoning Board of Appeals and a majority vote of the City Council. A site development plan shall be submitted by the applicant showing the location of the structure, driveways, walkways, parking layout, utility location, recreation areas, landscaping, existing uses and structures within 100 feet of the site, boundaries and any other elements deemed essential by the Planning and Zoning Board of Appeals and the City Council.

(B) All provisions of this chapter applying to the district in which the building is constructed shall be met as a minimum requirement. To assure the safety and welfare of the residents and neighbors and to enhance the natural qualities of the land, the Planning and Zoning Board of Appeals and the City Council shall make findings with respect to the following before approving the site plan.

(1) Parking spaces shall be provided and be easily accessible.

(2) The building shall be sited on the lot to provide for adequate provisions for light, air, access and privacy.

(3) Laundry facilities, storage space and garbage storage areas are to be provided in such a manner as to be unobtrusive to residents of the building as well as residents of neighboring buildings.

(4) Landscaping, open space and recreation space shall be furnished to provide screening and buffer zones around the lot. A minimum of 30% of the lot area shall be provided for this purpose exclusive of the area occupied by buildings, parking and driveways.

(5) All driveways and parking areas shall be developed with all-weather hard surfaces and shall contain facilities for night illumination.

(6) Basement apartments exceeding 50% below grade level are prohibited.

(Prior Code, § 166.032) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.033 PLANNED DEVELOPMENT.

(A) *Special use.* Planned development shall be permitted as a special use in appropriate zones only after specific approval by the Planning and Zoning Board of Appeals and the City Council as set forth under § 165.089 of this chapter and this section.

(B) *Purpose.*

(1) The purpose of planned development regulations is to allow more creative and imaginative design for land developments than is possible under more conventional zoning regulations. In this regard, the bulk and use regulations of any district may be modified within a planned development. Preservation of natural site qualities, better urban amenities, more open space, and a higher quality project are the desired results of the planned development process.

(2) In addition to the purposes detailed in §165.089, the following objectives are sought through the use of the planned development procedure:

(a) To permit a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities;

(b) To encourage a pattern of development to preserve natural vegetation, topographic and geological features and environmentally appropriate features;

(c) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development;

(d) To provide for more usable and suitably located recreation facilities and other public and private facilities; and

(e) To encourage a land use which promotes the public health, safety, comfort, morals, and welfare.

(C) *Pre-application procedure.* Prior to the filing of an application for approval of a planned development, the developer may request an informal meeting with the city administration and key department heads and/or with the Planning and Zoning Board of Appeals at a regularly-scheduled meeting of that body. The pre-application conference is not mandatory. It is intended that the informal proposal submitted will be in preliminary conceptual form, and the substance and detail of the matters presented shall, beyond complying with the requirements of this chapter, be largely within the discretion of the developer. However, the city and/or Planning and Zoning Board of Appeals may request the submission of other specified information or documentation. The purpose of the conference shall be informal communication, information, and discussion, and no commitments shall be given nor shall statements or opinions of the City or Planning and Zoning Board of Appeals be deemed binding. No recommendations need be made to, or acted upon, by the City Council.

(D) *Preliminary plan stage.* The purpose of the preliminary plan is to obtain tentative approval and/or commitments from the city that the plans, design and program that the developer intends to build and follow are acceptable, and that the

developer can reasonably proceed into final detailed architecture, engineering, surveying and landscape architecture in anticipation of final plan approval and subsequent construction. This is a relatively detailed submission that assures the developer that its plan is acceptable and that it can invest the money necessary to prepare final plans with the assurance that the final plat and plans will be accepted if they substantially conform to the preliminary plat and plans. It is at this stage that final modifications, adjustments and interpretations are made to the conceptual plan.

(1) *Procedure.* Every application for planned development shall begin with a request for preliminary plan approval, unless waived by the Zoning Administrator. Applications shall be submitted to the City Clerk who shall refer same to the Zoning Administrator and Planning and Zoning Board of Appeals for a public hearing and report and recommendation as to whether the City Council should approve the preliminary plan.

(2) *General requirements.* Applications for review of preliminary plans must include all information and materials required in this section and § 165.089(C). Seventeen copies of all required information shall be submitted, which will then be given to members of the Planning and Zoning Board of Appeals, the City Council and staff. The application shall be accompanied by a fee as provided in § 165.089.

(3) *Specific requirements.* The following plans and other documentation must be submitted as part of planned development applications, unless waived by the Zoning Administrator. The Zoning Administrator may also require additional documents be provided before the preliminary hearing.

(a) *Detailed plan/plat.* A drawing of the planned development shall be prepared at a scale of not less than one inch to 100 feet (one inch equals 100 feet) and shall show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas and other facilities to indicate the character of the proposed development. The submission shall include:

1. Boundary lines bearings and distance;
2. Easements - location, width and purpose;
3. Streets on and adjacent to the tract street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts and the like;
4. Utilities - a preliminary engineering study providing information on existing and proposed sanitary, storm, water and other utilities unnecessary to adequately service the development;
5. Ground elevations on the tract;
6. Other conditions on the tract - watercourses, floodplains, marshes, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, houses, accessory buildings and other significant features;
7. Other conditions on adjacent land - approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other non-residential land uses or adverse influences; owners of adjacent unplatted land (adjacent platted land shall be referred to by subdivision plat name and show approximate percent built-up, typical lot size, and dwelling type);
8. Zoning - show zoning districts on and adjacent to the tract;
9. Proposed public improvements - highways or other major improvements planned by public authorities for future construction on or near the tract;
10. Open space - all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated;
11. Structures - general location, purpose, and height of each building;
12. Map data - name of development, name of site planner, north point, scale, date of preparation, and acreage of site; and
13. Miscellaneous - such additional information as may be required by the Planning and Zoning Board of Appeals.

(b) *Objectives.* A statement of planning objectives to be achieved by the planned development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer;

(c) *Ownership.* Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the County Recorder of Deeds, if legal title to the property is in trust, then a statement of names and percentage of interest of all the beneficiaries shall be submitted. If legal title to the property is in a corporation, limited partnership, or other legal entity, then a statement of the names of all persons or entities owning 10% or more of the stock or other ownership interest shall be submitted;

(d) *Schedule.* Development schedule indicating:

1. The stages in which the project will be built with an emphasis on area, density, use, and public facilities such as open space to be developed with each stage; and
2. Approximate dates for beginning and completing each stage. The overall design of each stage shall be shown on

the plat and through supporting graphic material.

(e) *Density*. In residential planned developments, information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type, and the number of bedrooms in each dwelling unit type;

(f) *Non-residential use*. In all planned developments, information on the type and amount of ancillary and non-residential uses, including the amount of open space;

(g) *Service facilities*. Information on all service facilities and off-street parking facilities;

(h) *Architectural renderings/plans*. Preliminary architectural renderings/plan for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and the number, size and type of dwelling units. Also, provide floor area of building types and total ground coverage and height of buildings;

(i) *Landscape plans*. Preliminary plans for vegetation, earth sculpturing, berming, and aesthetic features, which will adhere to Chapter 162;

(j) *Facilities plans*. Preliminary plans or information, adequate to indicate that the proposed development can be serviced, shall be submitted for:

1. Roads, including classification, width of right-of-way, width of pavement, and typical construction details;
2. Sanitary sewers;
3. Storm drainage;
4. Water supply system;
5. Lighting programs; and
6. Sidewalks, paths and trails.

(k) *School impact study*. For residential planned developments, information on the student load and financial impact on the local school districts, including expected scheduling of potential students;

(l) *Tax impact study*. Information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary services to the project;

(m) *Traffic analysis*. Information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by the planned development. Also, an analysis should be made of the adequacy of the internal vehicular circulation pattern; and

(n) *Market, study*. An economic feasibility study of the planned development, including information on land utilization and marketing potential. Evidence should be presented showing the need and feasibility of the proposed development.

(4) *Preliminary hearing*. The Planning and Zoning Board of Appeals shall hold a public hearing on the application for a planned development, in accordance with the requirements and standards contained in this section and § 165.088. The Planning and Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the City Council within 30 days of the public hearing.

(5) *City Council action*. The City Council shall not act upon an application until it has received the report and recommendation of the Planning and Zoning Board of Appeals. After receipt, the City Council shall approve, modify or disapprove the preliminary plan, considering the requirements and standards contained in this section and § 165.088. The City Council may require such special conditions in the approval of the preliminary plan as it may deem necessary to ensure conformity with the intent of all comprehensive plan elements, the stated purpose of the planned development, and the general and specific purposes for planned developments.

(6) *Preliminary approval*. If the preliminary plan is approved by the City Council, the final plan, once submitted and considered by the Planning and Zoning Board of Appeals and the City Council, shall be approved and the planned development, as a form of conditional use, granted by ordinance, if it conforms with the preliminary plan, including any conditions and/or modifications imposed by the City Council. Approval of a preliminary plan shall not constitute approval of the final plan; rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plan(s). No building permit shall be issued for any structure until a final planned development plan has been filed and approved.

(E) *Final plan stage*. The developer shall submit the final plan(s) for the planned development not later than one year (or such additional time, as may be authorized by resolution of the City Council) after approval of the preliminary plan. Preliminary and final plans may be filed and approved simultaneously, or the final plan approved without the preliminary plan, if all of the land is to be developed at one time and if all requirements of both the preliminary and final plan procedures are met.

(1) *Procedure*. Final plans shall be submitted to the Zoning Administrator, who shall refer same to the Planning and Zoning Board of Appeals for a public hearing and report and recommendation as to whether the City Council should approve the final plan. All documents required in the preliminary plan stage must also be provided in the final plan stage, with updates made for any known or contemplated changes to the preliminary plan. Such alterations shall not substantially alter

the approved preliminary plans beyond any conditions imposed by the city.

(2) *Final plat.* A final planned development plat, suitable for recording with the County Recorder of Deeds, shall be prepared and submitted to the Planning and Zoning Board of Appeals. The purpose of the final plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land not so treated into common open areas and building areas. The final plat shall include, but not be limited to:

- (a) An accurate legal description of the entire area under immediate development within the planned development;
- (b) A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat;
- (c) An accurate legal description of each separate unsubdivided use area, including common open space;
- (d) Designation of the exact location of all buildings to be constructed;
- (e) Certificates, seals and signatures required for the dedication of lands and recording the documents; and
- (f) Tabulations on separate unsubdivided use area, land area, number of buildings, number of dwelling units, and dwelling units per acre.

(3) *Final plans.* Any preliminary documents submitted as part of the approved preliminary plan must be provided in final, updated form, including, but not limited to, architectural plans, landscaping plans and facilities plans.

(4) *Common open space.* All common open space may be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefitting the owners and residents of the planned development, or retained by the developer. In any event, the City Council may require legally binding covenants and other guarantees, in a form approved by the City Attorney, that the common open space will be permanently preserved as an open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien against the individually owned property in the planned development for maintenance and improvement of the common open space. Such documents shall also provide that the city shall have the right, but not the obligation, to perform necessary maintenance of the common open space and shall have a lien against the individually owned property in the planned development for the costs thereof.

(5) *Public facilities.* All public facilities and improvements made necessary as a result of the planned development shall be either constructed in advance of the approval of the final plan, or at the election of the city, escrow deposits, irrevocable letters of credit in a form approved by the City Attorney, or performance bonds shall be delivered to the city to guarantee construction of the required improvements.

(6) *Construction plan.* Detailed plans shall be submitted for the design, construction or installation of site amenities, including buildings, landscaping, lakes and other site improvements. A final construction schedule shall be submitted for that portion of the planned development for which approval is being requested.

(7) *Covenants.* In residential planned developments, agreements, provisions or covenants that will govern the use, maintenance and continued protection of the planned development and any of its common open space shall be provided. Said covenants shall be reviewed and approved by the City Attorney prior to recordation.

(8) *Final hearing.* Within 30 days after receiving the final plan and supporting documents, the Planning and Zoning Board of Appeals shall review the final plan at a public meeting to determine whether the final plan is in substantial conformance with the approved preliminary plan. The Planning and Zoning Board of Appeals shall determine whether the final plan is in conformity with the regulations provided in this section and the approved preliminary plan. The Planning and Zoning Board shall recommend approval, approval with conditions or denial of approval of the final plat. The Planning and Zoning Board of Appeals shall make written findings and shall submit same together with its recommendation to the City Council within 30 days of the public hearing. If the applicant opted to submit preliminary and final plans together, or final plans alone, the hearing shall be as provided in division (D)(4) above.

(9) *City Council action.* The City Council shall not act upon a final planned development plan until it has received the report and recommendation of the Planning and Zoning Board of Appeals. After receipt, the City Council shall approve, approve with conditions or disapprove the preliminary plan. The City Council may require such special conditions in the approval of the final plan as it may deem necessary to ensure conformity with the intent of all comprehensive plan elements, the stated purpose of the planned development, and the general and specific purposes for planned developments. Approval of a final plan by the City Council is valid for a time period of one year, within which time the final plat must be recorded. If the applicant opted to submit preliminary and final plans together, or final plans alone, approval shall be considered as provided in division (D)(5) above.

(F) *Notice.* Notice of the time and place of any preliminary hearing, or any final hearing when a preliminary hearing has been bypassed, shall be given in the following manner:

- (1) By publishing notice at least once in one or more newspapers of general circulation within the city, not more than 30, nor less than 15 days prior to such hearing;
- (2) By posting notice as provided in § 165.085 for special uses;
- (3) By mailing via certified mail notice to all owners of property within 250 feet of the boundaries of the planned development, with a description of the proposed planned development and a legal description of the subject property; and

(4) By mailing via certified mail the same notice to owners of property beyond 250 feet of the boundaries of the planned development, as required by the Zoning Administrator if he or she deems it necessary and reasonable because of the size or nature of the development, unusual configuration of the property involved, or any other reason likely to result in a direct impact of the development on residents beyond 250 feet.

(G) *Generally.* The following regulations shall also apply, unless waived by City Council after consideration by the Planning and Zoning Board of Appeals.

(1) *Spacing and orientation of building groups - residential.*

(a) Walls containing main window exposures or main entrances shall be so oriented as to ensure adequate light and air exposure.

(b) Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

(c) A building wall containing windows and an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 50 feet.

(d) A building wall containing only windows or only an entranceway shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 25 feet.

(e) A building group shall not be so arranged that any temporary or permanently inhabited building is inaccessible to emergency vehicles.

(f) The proposed site shall be properly landscaped, so as to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required. No certificate of occupancy shall be issued for any such building or buildings, unless the same conforms in all respects to such site plans and unless all facilities included in the site plan are in accordance with the requirements set forth herein. Proper landscaping shall be provided along all walks and streets, around recreation areas and along the outer property line of the site.

(g) The maximum length of any group of attached structures shall not exceed 150 feet. A building group may not be so arranged as to be inaccessible by emergency vehicles.

(2) *Spacing and orientation of building groups - business and industrial.*

(a) Exterior walls of opposite buildings shall be located no closer than a distance equal to the height of the taller building.

(b) A building group shall not be so arranged that any permanently or temporarily occupied building is inaccessible to emergency vehicles.

(3) *Circulation.*

(a) There shall be an adequate, safe and convenient arrangement of pedestrian circulation, facilities, roadways, driveways and off-street parking and loading space.

(b) There shall be an adequate amount in a suitable location, of pedestrian walks, malls and landscaped spaces, to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.

(c) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

(4) *Paving and drainage.* There shall be an adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters, prevent erosion, and to prevent the formation of dust.

(5) *Driveways.* All driveways and parking areas shall be developed with all-weather hard surfaces and shall contain facilities for light illumination.

(6) *Signs and lighting.* Signs and lighting devices shall be properly arranged with respect to traffic-control devices and adjacent residential districts.

(7) *Open space.*

(a) Permanent open space refers to parks, playgrounds, parkway medians, landscaped green space, landscape swales (or similar drainage practices), schools, community centers, parking amenities (including, but not limited to, ride-sharing spots, charging stations and bicycle racks) or other similar areas in public ownership or areas covered by an open easement.

(b) Pervious open space shall be limited to any land used as yards, parks, recreational areas, landscaped green areas, and landscape swales (or similar drainage practices), but shall not include areas used for off-street parking and any area, the use of which notwithstanding, that has been compacted or covered with a layer of material so that it does not readily absorb or retain water.

(c) No plan for a planned development shall be approved unless such plan provides for a certain percentage of total area classifiable as permanent open space. That percentage is 20% in the R-1 District and 10% in the U-TOD district.

(d) No plan for a planned development shall be approved unless such plan provides for a certain percentage of gross land area classifiable as pervious open space. That percentage is 20% in the R-1 District, 10% in the C-2 District, 15% in the I-1 and I-2 Districts, and 10% in the U-TOD District.

(e) Any applicant for a planned development who desires a variance reducing these open space requirements shall be responsible for demonstrating that the proposed development will not increase the area's runoff and will include sufficient green space.

(f) Stormwater facilities.

1. As used in this division (G)(7), **STORMWATER FACILITIES** shall include the following:

a. *Vegetated swale*. A shallow, landscaped area designed to capture, convey and potentially infiltrate stormwater runoff as it moves from a paved surface;

b. *Infiltration/flow-through planter*. A contained landscaped area designed to capture and retain stormwater runoff; and

c. *Rain garden*. A shallow, landscaped area that can collect, slow down, filter and absorb large volumes of water and can also delay discharge into a connected watershed system, either natural or human-made.

2. All three stormwater facilities can be used in an urban, suburban or rural area of the city. They can be used in street or parking lot applications.

(8) *Minimum lot, area in residential planned developments*. Provided the overall number of dwelling units per acre (density) is not increased beyond the provisions of § 165.089(l)(4) of this chapter, and provided that the permanent open space in accord with division (E)(7) above, the minimum individual lot area per dwelling unit provisions of the district in which the development is located may be waived.

(Prior Code, § 166.033) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021; Ord. 2021-062, passed 12-14-2021)

§ 165.034 YARD REGULATIONS.

(A) *Projection into required yards*. Certain architectural features may project into required yards as follows.

(1) Cornices, canopies, eaves or other similar architectural features may project into required yards not more than two feet.

(2) Bay windows, balconies, fireplaces, fire escapes and chimneys may project three feet, six inches provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(B) *Walls and fences*. Walls and fences are permitted in yards, except front yards in R-Zones, subject to the visibility requirements in division (I) below.

(C) *Front yards for corner lots*. A front yard of the required depth shall be provided on one of the two frontages and a second front yard shall be provided on the other frontage; provided that, in any R-Zone, the second front yard need be only 50% of the required depth for front yards in that zone.

(D) *Minimum side yard width*. Where a side yard to a principal building is provided, although not required by this chapter, it shall not be less than six feet in width unless it abuts a street or alley.

(E) *Dwelling over other permitted uses*. The horizontal distance between the rear lot line and the rear wall of a dwelling unit on any floor of the building shall be not less than 25 feet.

(F) *Required yard applies to one building only*. No part of a yard or other open space or off-street parking or loading space required for or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

(G) *No reduction of yard dimensions*. No yard existing at the time of passage of this chapter shall be reduced in dimension below the minimum requirements set forth in § 165.023 of this chapter.

(H) *Vacation of public ways*. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zone adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended zone.

(I) *Visibility at intersection*. On any corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lot.

(J) *Limited number of buildings*. There shall be no more than one principal dwelling and two accessory structures, including a private garage, on each lot in any R-Zone except as provided in § 165.033 of this chapter.

(K) *Deposit of wastes*. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural cause or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents, insects or animals shall be stored outdoors only in closed containers.

(L) *Access to service stations, garages and parking areas.* No automobile service station, public garage or commercial parking areas of garages for 25 or more motor vehicles shall have an entrance or exit for vehicles within 200 feet along the same side of a street on which is located a school, playground, place of worship, hospital, library or institution for dependents or for children, except where such property is in another block or on another street on which the lot does not abut.

(Prior Code, § 166.034) (Ord. 2151, passed 6-28-1971)

NON-CONFORMING BUILDINGS, STRUCTURES AND USES

§ 165.045 PURPOSE.

(A) It is the purpose of this subchapter to provide for the regulation of non-conforming uses, buildings and structures and to specify those circumstances and conditions under which those non-conforming uses, buildings and structures which adversely affect the maintenance, development, use or taxable value of other property in the district in which they are located shall be gradually eliminated in accordance with the authority granted by state law.

(B) This chapter establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those non-conforming uses, buildings and structures, which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue indefinitely. It is logical and reasonable, and in accordance with the authority delegated by state law, that a time limit be placed upon the continuance of such existing non-conforming uses, based upon the nature of the use; and in the case of non-conforming buildings and structures, upon their character, age and the investment therein. In such cases, the adoption of a reasonable amortization program permits the owner gradually to make his or her plans during a period when he or she is allowed to continue the non-conforming use of his or her property, thereby minimizing his or her loss, while at the same time assuring the public that the district in which the non-conformity exists will eventually benefit from a substantial uniformity of permitted uses. The use of the term **STRUCTURE** herein shall include any improvement upon land, other than the land itself, and shall include any sign, whether attached to or upon another structure, or to or upon a building, or whether affixed directly in the ground, and shall include all such signs as are painted or otherwise applied directly upon the surface of a building.

(Prior Code, § 166.050) (Ord. 2151, passed 6-28-1971)

§ 165.046 AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

Any pre-existing non-conforming use, building or structure which existed lawfully at the time of the adoption of this chapter and which remains non-conforming, and any use, building or structure which became non-conforming upon the adoption of this chapter or which will become non-conforming upon the adoption of any amendment thereto, may be continued, some for specified and respective periods of time, subject to the regulations which follow.

(Prior Code, § 166.051) (Ord. 2151, passed 6-28-1971)

§ 165.047 EXEMPTED BUILDINGS, STRUCTURES AND USES.

(A) No building, structure or use lawfully established on the effective date of this chapter shall be subject to the amortization provisions of this subchapter solely by reason of being non-conforming with respect to the standards prescribed in this chapter for any of the following:

- (1) Floor area ratio;
- (2) Yards: front, side, rear or transitional;
- (3) Lot area per dwelling unit;
- (4) Building height;
- (5) Maximum gross floor area;
- (6) Off-street parking and loading spaces; and
- (7) Number of employees.

(B) No building, structure or use lawfully established on the effective date of this chapter and located in any commercial or industrial district shall be subject to the amortization provisions of this subchapter, except for a non-conforming use of land.

(C) No residential use lawfully established on the effective date of this chapter shall be subject to the amortization provisions of this subchapter. Non-conforming signs shall be subject to amortization only as provided in this subchapter, but in all other respects, signs shall be subject to the provisions applicable to non-conforming structures and the use thereof.

(Prior Code, § 166.052) (Ord. 2151, passed 6-28-1971)

§ 165.048 BUILDING NOT IN CONFORMANCE WITH DISTRICT REGULATIONS; CONTINUANCE OF.

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued subject to the provisions of this section.

(A) *Repairs and alterations.* Ordinary repairs and alterations may be made to a non-conforming building or structure; provided that, no structural alterations shall be made in or to a building or structure all, or substantially all, of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation required such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure except as hereinabove provided.

(B) *Additions and enlargements.* A non-conforming building or structure which is non-conforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district, in which it is located shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all the regulations of the district in which it is located, and unless such non-conforming building or structure, including all additions and enlargements thereto, shall conform to § 165.023 of this chapter.

(C) *Moving.* No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or part to any other location on the lot unless every portion of such building or structure which is moved and the use thereof is made to conform to all the regulations of the district in which it is located.

(D) *Restoration of damaged non-conforming building.* A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50% of the cost of restoration of the entire building new, shall not be restored unless said building or structure and the use thereof shall conform to all the regulations of the district in which it is located. In the event such damage or destruction is less than 50% of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from date of the partial destruction and is diligently prosecuted to completion.

(E) *Discontinuance of use.* A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is or hereafter becomes vacant and remains unoccupied or is not used for a continuous period of six months, shall not thereafter be occupied or used, except by a use which conforms to the use regulations of the district in which it is located.

(F) *Elimination.* Any structure or building, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located shall be removed and its use thereafter cease, or shall be converted to a building or structure designed or intended for a use permitted in the district in which it is located, in accordance with the following amortization schedules:

(1) Under \$2,000 assessed valuation of building or structure at effective date of this chapter or when erected, whichever last occurs: five years from the date of adoption of this chapter;

(2) At least \$2,000, but not more than \$5,000, assessed valuation of building or structure at effective date of this chapter or when erected, whichever last occurs: ten years from the date of adoption of this chapter;

(3) In all residential districts any building or structure, other than those specified in divisions (F)(1) and (F)(2) above, all or substantially all of which is designed or intended for a use permitted only in one of the commercial or industrial districts, shall be removed or it shall be altered and converted to a building or structure designed for a use permitted in the district in which it is located within six months after the termination of the respective period of time set out hereinafter, which periods are hereby established as a reasonable amortization of the normal, useful life of each class of building and type of construction above the foundation walls or piers (when two or more construction types occur in a structure, the least fire-resistant type shall govern as the basis for amortization), as follows:

(a) Fire-resistive construction (that type of construction in which all structural elements including walls, bearing partitions, floors, ceilings and roofs and their support, are of non-combustible materials providing fire resistance as required by the Building Code; except that, subject to the Building Code, combustible material may be used for doors, door frames and bucks, window and window frames, interior trim including grounds and furring, finished flooring and sleepers, frames, platforms and aprons of exterior show windows at street level, handrails, interior wall and ceiling finishes, and roof insulation): 60 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, or 40 years after the effective date of this chapter, whichever last occurs;

(b) Exterior protected construction (that type of construction in which all exterior walls are non-combustible materials providing fire resistance not less than required in the Building Code; except that, subject to the Building Code, combustible material may be used for doors, door frames and bucks, windows and window frames, interior trim including grounds and furring, finished flooring and sleepers, frames, platforms and aprons of exterior show windows at street level, handrails, interior wall and ceiling finishes, and roof insulation): 50 years from the date of issuance of the building permit for the construction of either the whole structure or the initial part thereof, or 35 years after the effective date of this chapter, whichever last occurs; and

(c) Non-combustible construction (that type of construction in which all structural elements including walls, bearing partitions, floor, ceilings and roofs and their supports are of non-combustible materials, but which are generally not fire-protected except as required in the Building Code, and except that subject to the Building Code, combustible material may

be used for doors, door frames and bucks, windows and window frames, interior trim including grounds and furring, finished flooring and sleepers, frames, platforms and aprons of exterior show windows at street level, handrails, interior wall and ceiling finishes and roof insulation); and combustible frame construction (that type of construction in which the structural elements including enclosing walls, are entirely or in part of wood or other materials not more combustible than wood): 40 years from the date of issuance of the building permit for the construction of either the whole structure or the initial building or initial part thereof, or 25 years after the effective date of this chapter, whichever last occurs.

(4) Any sign which is located in a residential district and which does not conform to all the regulations of such residential district in which it is located, shall be removed or shall be altered or converted to a sign permitted in the district in which it is located within eight years from the date of adoption of this chapter.

(5) If, prior to the adoption of this chapter, substantially all of a non-conforming building or structure has been reconstructed, rebuilt or structurally altered, or if an addition at least equal in size or assessed value has been structurally attached thereto, the normal useful life of such building is hereby fixed in accordance with the foregoing schedule from the date of the issuance of the building permit for such reconstruction or addition.

(6) Any building or structure which is located in a commercial district, and which is designed or intended for a use permitted only in an industrial district, shall be removed or shall be altered, remodeled and converted for a permitted use within six months after the termination of the normal useful life of such building, which is hereby established in accordance with the respective amortization periods set out in divisions (F)(1), (F)(2) or (F)(3) above.

(7) The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located and which building or structure is required to be removed or altered, remodeled, or converted by divisions (F)(3) or (F)(6) above shall be terminated and said use shall not be operated on the premises after said building or structure is removed, altered, remodeled or converted.

(8) Where the application of the amortization schedule of divisions (F)(1), (F)(2) or (F)(3) above would cause two or more buildings or structures in common ownership or possession and located upon the same lot or adjoining lots or parcels of land to be removed or reconstructed at different periods, the Planning and Zoning Board of Appeals shall have the authority, upon petition, to extend the amortization period for not more than the longest period permitted one of the buildings or structures.

(G) *Condemnation.* The city, at any time, and from time to time, by ordinance duly enacted and in accordance with the authority vested in it by state law, may:

(1) Acquire by condemnation of any non- conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, and all land which is necessary or appropriate for the rehabilitation or redevelopment of the area blighted by such non-conforming building or structure;

(2) Remove or demolish all such non- conforming buildings and structures so acquired;

(3) Hold and use any remaining property for public purposes; and

(4) Sell, lease or exchange such property as is not held for public purposes, subject to the provisions of this chapter, or any amendment hereto.

(Prior Code, § 166.053) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.049 NON-CONFORMING USE OF BUILDING WHICH IS DESIGNED FOR USE PERMISSIBLE IN DISTRICT.

The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use which is permitted in the district in which it is located may be subject to the following provisions.

(A) *Expansion.* The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be expanded or extended into any other portion of such building or structure.

(B) *Discontinuance.* If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six consecutive months, it shall not be renewed and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

(C) *Change.* No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

(D) *Elimination.*

(1) In all residential districts, any use lawfully existing at the adoption of this chapter but permitted only in the commercial districts or the industrial districts, and which use is located in a building, all or substantially all of which is designed or intended for a residential purpose or for a residential accessory purpose, shall be entirely discontinued and shall thereafter cease operation within ten years of the effective date of this chapter.

(2) In all commercial districts, any use lawfully existing at the adoption of this chapter but permitted only in an industrial

district and located in a building, all or substantially all of which is designed or intended for a use permitted in a commercial district, shall be entirely discontinued and shall thereafter cease operation 15 years from the date of adoption of this chapter.

(3) The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located and which building or structure is required to be removed or altered, remodeled, or converted by § 165.048(C) or (F) of this chapter, shall be terminated and said use shall not be operated on the premises after said building or structure is removed, altered, remodeled or converted.

(Prior Code, § 166.054) (Ord. 2151, passed 6-28-1971)

§ 165.050 NON-CONFORMING USE OF LAND.

The non-conforming use of land not involving a structure or building, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued, subject to the following provisions.

(A) *Expansion.* A non-conforming use of land shall not be expanded or extended beyond the area it occupies.

(B) *Discontinuance.* If the non-conforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

(C) *Change of use.* The non-conforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.

(D) *Elimination.*

(1) The non-conforming use of land shall be discontinued and cease 11 years from the date of the adoption of this chapter in each of the following cases:

(a) Where no buildings or structures are employed in connection with such use;

(b) Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use or have an assessed valuation of less than \$2,000; or

(c) Where such use is maintained in connection with a conforming building or structure; except that inadequate off-street parking facilities used in connection with a building the use of which complies with the requirements of the district in which it is located may be continued for so long as the premises are used for a permitted use.

(2) A non-conforming use of land which is accessory to the non-conforming use of building or structure shall be discontinued on the same date the non-conforming use of the building or structure is discontinued.

(Prior Code, § 166.055) (Ord. 2151, passed 6-28-1971)

PERFORMANCE STANDARDS

APPLICABLE TO ALL DISTRICTS

§ 165.065 PERMITTED USES.

(A) (1) Permitted uses of land or buildings as hereinafter listed, shall be permitted in the districts indicated under the conditions specified.

(2) No buildings or zoning lots shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

(a) Uses lawfully established on the effective date of this chapter; and

(b) Special uses allowed in accordance with the provisions of §165.066 of this chapter.

(B) Uses already established on the effective date of this chapter, and rendered non-conforming by the provisions thereof, shall be subject to the regulations of §§ 165.045 through 165.050 of this chapter.

(Prior Code, § 166.070) (Ord. 2151, passed 6-28-1971)

§ 165.066 SPECIAL USES.

Special uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of special use permits in accordance with the provisions of this chapter.

(Prior Code, § 166.071) (Ord. 2151, passed 6-28-1971)

§ 165.067 PERFORMANCE STANDARDS.

No use established in any district after the effective date of this chapter shall be so operated as to exceed the performance standards established hereinafter. Any use already established on the effective date of this chapter shall be permitted to be altered, enlarged, expanded or modified provided that new sources of noise, vibration, smoke and particulate matter, toxic

matter, odorous matter and glare shall conform to the performance standards established herein for the district in which such use is located.

(A) *Noise limitations.*

(1) (a) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

(b) Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment.

(c) Noises capable of being so measured, for the purpose of this chapter, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(2) No industrial activity shall be responsible for the transmission of noise across any residential or business zoning district boundary line in excess of the levels established below:

Preferred Center Frequency	8:01 a.m. to 10:00 p.m.	Sound Level in Decibels (Re .0002 Microbar) 10:01 p.m. to 8:00 a.m.
31.5	79	73
1,000	50	44
2,000	46	40
4,000	43	37
8,000	40	34

(B) *Vibration limitations.*

(1) Earthborne vibrations from any industrial operation, equipment, or process shall not constitute a nuisance nor exceed the displacement limits set forth herein. Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system.

(2) (a) No industrial activity shall be responsible for the transmission of earthborne vibrations across any residence or business zoning district boundary line in excess of the displacement limits established through use of the following formula:

$$D = .001 \frac{K}{F}$$

F

where:

D = The maximum allowable displacement in inches;

F = The vibration frequency in cycles per second; and

K = The value set forth in the following table:

Type of Vibration	K Value
Constant	3
Impulsive	6
Impact	15

(b) For the purpose of this division (B)(2), **CONSTANT VIBRATIONS** are those which are continuous or which occur in discrete pulses more frequent than one per second; **IMPULSIVE VIBRATIONS**

are those which occur in discrete pulses less frequent than one per second; and **IMPACT VIBRATIONS** are those which occur in discrete pulses separated by an interval of at least one minute.

(C) *Glare limitations.* In any industrial district, any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one footcandle when measured at any residential district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.

(D) *Heat limitations.* No direct or reflected heat shall be detectable from any lot line.

(E) *Radioactivity*. No operation shall be permitted which causes radioactivity in violation of federal or state regulations.
(Prior Code, § 166.072) (Ord. 2151, passed 6-28-1971)

ADMINISTRATION AND ENFORCEMENT

§ 165.080 VARIOUS OFFICIALS TO ENFORCE.

(A) The administration of this chapter is hereby vested in these offices of the government of the city, as follows:

- (1) Office of the Building Official; and
- (2) The Planning and Zoning Board of Appeals.

(B) This subchapter shall set out the authority of each of the above offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- (1) Issuance of zoning certificates;
- (2) Issuance of occupancy certificates;
- (3) Variations;
- (4) Appeals;
- (5) Amendments;
- (6) Special uses; and
- (7) Fees.

(Prior Code, § 166.085) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.081 BUILDING OFFICIAL.

The Building Official of the city and such deputies or assistants as have been, or shall be duly appointed by the Mayor, shall enforce this chapter and, in addition thereto, and in furtherance of such authority shall:

- (A) Issue all zoning certificates and make and maintain records thereof;
- (B) Issue all certificates of occupancy and make and maintain records thereof;
- (C) Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this chapter;
- (D) Maintain permanent and current records of this chapter including, but not limited to, all maps, amendments, special uses, variances, appeals and applications therefor;
- (E) Provide and maintain a public information service relative to all matters arising out of this chapter;
- (F) Receive from the City Clerk copies of all applications for amendments, special uses, variances and appeals to review for compliance with applicable ordinances;
- (G) Issue permits regulating the erection and use of tents for periods not to exceed 15 days for specific purposes such as temporary carnivals, churches or charitable uses, which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that, said tents or operations are in conformance with all other ordinances and codes of the city; and
- (H) Review, from time to time, a study of the provisions of this chapter, and make reports of any recommendations to the Planning and Zoning Board of Appeals not less frequently than once a year.

(Prior Code, § 166.086) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.082 PLANNING AND ZONING BOARD OF APPEALS.

(A) *Creation and membership*. There is hereby established the Planning and Zoning Board of Appeals. The members of the Planning and Zoning Board of Appeals shall be appointed by the Mayor with the consent of the City Council. The Board shall consist of seven members to serve for a term of five years. One of the members so appointed shall be named as Chairperson at the time of his or her appointment. The Board shall elect from its members an acting Chairperson to act whenever the Chairperson is absent. The Chairperson and members of the Board shall serve until the expiration of their terms, or until their respective successors have been duly appointed and qualified. Vacancies shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member. The amount of compensation and expenses of the Board or any member thereof shall be as provided by any appropriation ordinance.

(B) *Jurisdiction*. The Board is hereby vested with the following jurisdiction and authority:

- (1) Hear and decide appeals from any order, requirement, decision or determination made by the Building Official under this chapter;

(2) Hear and make recommendations to the Mayor and Aldermen of the city regarding applications for variances and special use permits in the manner prescribed by and subject to the standards established in this chapter;

(3) Review and hear all applications for text and map amendments to this chapter, including pre-annexation agreements, and report said findings and recommendations to the City Council in the manner prescribed in § 165.088 of this chapter for amendments;

(4) Receive from the Building Official his or her recommendations as to the effectiveness of this chapter and report its conclusions and recommendations to the City Council not less frequently than once a year; and

(5) Hear and make recommendations to the City Council with regard to all matters referred to it or upon which it is required to pass under this chapter, or which are prescribed by the applicable provisions of state law.

(C) *Meetings and rules.* All meetings of the Board shall be held at the call of the Chairperson and at such times as the Board may determine. All hearings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision or determination of the Board shall be filed in the office of the Building Official, and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this chapter or with applicable state law and select or appoint such officers as it deems necessary.

(Prior Code, § 166.087) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.083 ZONING CERTIFICATES.

(A) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of the city unless the application for such permit has been examined by the Building Commissioner and has affixed to it a certificate of the Building Commissioner, indicating that the proposed building, structure or use complies with all the provisions of this chapter. Any permit or certificate of occupancy issued in conflict with the provisions of this chapter shall be null and void.

(B) In the event an application has affixed to it the certificate of a “registered architect” or a “registered professional engineer” registered with the state, certifying that the building or structure, and the proposed use thereof, complies with the applicable provisions of §§ 165.065 through 165.067 of this chapter respecting performance standards, the Building Commissioner shall upon receipt of such application, approve and authorize the issuance certificate; provided, all other relevant provisions of this chapter are complied with. Such certificate shall be valid for all purposes. The Building Commissioner may, however, before issuance of the occupancy certificate, and upon examination of the plans or on the basis of other evidence, determine that the proposed activity will not in fact comply with the performance standards and so advise the architect or engineer in writing.

(C) Every application for a zoning certificate shall be accompanied by:

(1) A plat (the original or a reproduction thereof), in duplicate, of the parcel of land, lots, blocks or parts or portions thereof, drawn to scale showing the actual dimensions, as certified by a “

(2) A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the Building Commissioner, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure or land, and such other information as may be required by the Building Commissioner for the proper enforcement of this chapter.

(Prior Code, § 166.089) (Ord. 2151, passed 6-28-1971)

§ 165.084 OCCUPANCY CERTIFICATES.

(A) No building or addition thereto constructed after the effective date of this chapter, and no addition to a previously-existing building, shall be occupied, and no land vacant on the effective date of this chapter shall be used for any purpose until a certificate of occupancy has been issued by the Building Commissioner. No change in a use shall be made until a certificate of occupancy has been issued by the Building Commissioner. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this chapter.

(B) Every application for a building permit or zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Building Commissioner.

(C) No occupancy certificate for a building or portion thereof constructed after the effective date of this chapter shall be issued until construction has been completed and the premises inspected and certified by the Building Commissioner to be in conformity with the plans and specifications upon which the zoning certificate was based. No occupancy certificate for a building or addition thereto constructed after the effective date of this chapter shall be issued and no addition to a previously-existing building shall be occupied until the premises have been inspected and certified by the Building Commissioner to be in compliance with all the applicable performance standards of the zoning district in which it is located.

(1) Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises.

(2) The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than ten days after the Building Commissioner is notified in writing that the building or premises are ready for occupancy.

(Prior Code, § 166.090) (Ord. 2151, passed 6-28-1971)

§ 165.085 PROCEDURE FOR VARIANCES, SPECIAL USES AND THE LIKE.

(A) (1) Any applicant requesting a zoning amendment, a special use, a variation of bulk and coverage controls or any other type of zoning permit, pursuant to the terms and provisions of this chapter, as amended, shall publish notice of the public hearing to be held by the City Planning and Zoning Board of Appeals to consider the application by erection of at least one, but not more than four, signs on the real property which is the subject matter of the application. The sign(s) shall be furnished and erected by the applicant at the applicant's sole cost and expense. The number, size, location and content of the sign(s) shall conform to the additional requirements of this chapter.

(2) The applicant shall erect the sign(s) giving notice of the public hearing not more than 30 days, nor less than 15 days, before the date of the public hearing. The sign(s) shall be maintained by the applicant and kept on the property until after the date of the public hearing unless the application is withdrawn. The applicant shall remove the sign(s) within seven days of the date of the public hearing. The Building Commissioner or his or her designee shall be authorized by the applicant, as a condition of the original application, to enter onto the property to establish the location for the sign(s), to maintain the sign(s) or to remove the sign(s) in the event the applicant fails to do so within the seven-day period after the public hearing.

(3) The applicant shall submit a \$50 refundable security deposit with the application to assure maintenance of the sign(s) and their timely removal by the applicant. This deposit shall be forfeited if the applicant fails to maintain the sign(s) or remove them in accordance with the terms of this chapter. The security deposit shall be refunded by the city when the Building Commissioner determines that the sign(s) was properly maintained and has been removed within the time limit provided herein. This determination shall be made within ten days of the date of the public hearing.

(4) The Building Commissioner or his or her designee shall designate the size, number and location(s) on the property where the sign(s) shall be erected. This designation shall be made within ten days of the date the application is filed. The Building Commissioner shall consider the location of the property in relation to the public streets, highways, other means of public access to the property, the location of buildings on adjacent properties and the topography of the land when determining the number and location(s) of the signs.

(5) The dimensions of the sign(s) shall be not less than 36 inches in height and not less than 48 inches in width. The sign(s) shall read as follows:

<p>Public Notice</p> <p>The property is being considered for (rezoning to _____ or approval of a special use, or a variation in the bulk and coverage controls or other type of zoning permit). A public hearing will be held on the ____ day of ____, ____ at ____ p.m. in Blue Island City Council Chambers, 2nd Floor City Hall, 13051 Greenwood Avenue, Blue Island, Illinois.</p> <p>For information call the Building Commissioner at 708-597-8606.</p>

(6) The notice provided for in this chapter shall be in addition to the public notice which must be published in a newspaper of general circulation published within the city as required hereby.

(B) (1) Any applicant requesting a garage variation shall publish notice of the public hearing to be held by the Community Development and Human Services Committee of the City Council to consider the application by erection of one sign on the real property which is the subject matter of the application. The sign shall be furnished and erected by the applicant at the applicant's sole cost and expense. The size, location and content of the sign shall conform to the additional requirements of this chapter.

(2) The applicant shall erect the sign giving notice of the public hearing not more than 30 days, nor less than 15 days, before the date of the public hearing. The sign shall be maintained by the applicant and kept on the property until after the date of the public hearing unless the application is withdrawn. The applicant shall remove the sign within seven days of the date of the public hearing.

(3) The Building Commissioner or his or her designee shall be authorized by the applicant, as a condition of the original application, to enter onto the property to establish the location for the sign, to maintain the sign or to remove the sign in the event the applicant fails to do so within the seven days of the public hearing.

(Prior Code, § 166.091) (Ord. 95-342, passed 8-8-1995; Ord. 97-137, passed 3-11-1997; Ord. 2021-043, passed 9-14-2021)

§ 165.086 VARIATIONS.

(A) *Purpose.* The City Council, by ordinance, may grant a variation in the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances and in accordance with standards and procedures hereinafter set

forth.

(B) *Procedure.* An application for a variation shall be filed in writing with the Zoning Administrator on forms recommended by the Planning and Zoning Board of Appeals and prepared by the Zoning Administrator. Such application shall be forwarded from the Zoning Administrator to the Planning and Zoning Board of Appeals with a request to hold a public hearing and thereafter set forth its findings and recommendations to the City Council. Notice of the time and place of such public hearing shall be published at least once, not more than 30 days, or less than 15 days, before the hearing, in a newspaper of general circulation published within the city. The published notice may be supplemented by such additional notice as the Planning and Zoning Board of Appeals by rule, may require.

(1) *Standards.* The City Council shall not vary the regulations relating to use, construction or alteration of buildings or structures or the use of land as authorized in this chapter, unless the Planning and Zoning Board of Appeals shall have made findings based upon the evidence presented to it in each specific case that the following conditions have been complied with:

(a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in 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 which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district;

(c) The alleged hardship has not been 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 neighborhood; and

(g) The proposed variation is in harmony with the spirit and intent of this chapter.

(2) *Recommend.* The Planning and Zoning Board of Appeals may recommend the imposition of such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards established above, to reduce or minimize the effect of such variation upon other properties in the neighborhood, and to better carry out the general intent of this chapter.

(C) *Authorized variations.*

(1) Variations from the regulations of this chapter shall be granted by the City Council only in accordance with the standards established in this section and only in the following instances:

(a) To permit any yard or setback less than a yard or a setback required by the applicable regulations, or an impervious coverage of 10% or less of the allowed impervious lot area;

(b) To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 75% of the required area and width;

(c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

(d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20% of the applicable regulations, whichever number is greater;

(e) To increase by not more than 25% the maximum distance that required parking spaces are permitted to be located from the use served;

(f) To allow a fence, wall or hedge in excess of the height limitations specified in this chapter; and

(g) In such other instances as may be provided by law.

(2) No ordinance of the City Council granting a variance shall be valid for a period longer than six months from the date of such ordinance unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced with such period.

(Prior Code, § 166.092) (Ord. 2151, passed 6-28-1971; Ord. 2021-019, passed 6-22-2021; Ord. 2021-043, passed 9-14-2021)

§ 165.087 APPEALS.

(A) An appeal may be taken to the Planning and Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board or bureau aggrieved by a decision of the Building Official. Such an appeal shall be taken within 30 days after the decision on the action complained of, by filing with the Building Official a notice of appeal specifying the

grounds thereof. The Building Official shall forthwith transmit to the Planning and Zoning Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

(B) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Planning and Zoning Board of Appeals, after the notice of the appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning and Zoning Board of Appeals or by a court of record.

(C) The Planning and Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by mailing notice thereof to the parties in interest, said mailing to be made at least ten days prior to the date of hearing. The Board shall thereafter reach its decision within 60 days from the filing of the appeal. The Board may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, and to that end, shall have all the powers of the officer to whom the appeal is taken. The Building Official shall maintain records of all actions of the Board relative to appeals.

(Prior Code, § 166.093) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.088 AMENDMENT OF CHAPTER.

(A) *Authority.* The City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this chapter or amend district boundary lines; provided that, in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire city and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

(B) *Initiation of amendment.* Amendments may be proposed by the City Council, the Planning Commission, the Planning and Zoning Board of Appeals or by any owner or owners of property within a zoning district which would be affected by such amendment or the duly authorized agent or agents thereof.

(C) *Application.* An application for an amendment shall be filed with the Zoning Administrator on a suitable form provided by the Zoning Administrator, accompanied by such information and data as is recommended by the Planning and Zoning Board of Appeals. Copies of such application shall be forwarded by the Zoning Administrator to the Planning and Zoning Board of Appeals with a request to hold a public hearing thereon and to the Building Official for examination of the application and compliance with all applicable ordinances.

(D) *Hearing.* The Planning and Zoning Board of Appeals shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Board. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board shall, by rule, prescribe from time to time.

(E) *Notice.* Notice of time and place of such hearing shall be published at least once in one or more newspapers of general circulation within the city, not more than 30, nor less than 15, days before such hearing. Supplemental or additional notices may be published or distributed as the Planning and Zoning Board of Appeals may, by rule, prescribe from time to time.

(F) *Findings.*

(1) The Planning and Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendations to the City Council within 30 days of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Board of Appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (a) Existing uses of property within the general area of the property in question;
- (b) The zoning classification of the property within the general area of the property in question;
- (c) The suitability of the property in question to the uses permitted under the existing zoning classification;
- (d) The trend of development, if any, in the general area of the property in question; and
- (e) Projected use of the property, as indicated in the comprehensive plan.

(2) The Planning and Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Board may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this division (F), the R-1 District shall be considered the highest classification and the I-2 District shall be considered the lowest classification.

(G) *Action by City Council.*

(1) The City Council shall not act upon a proposed amendment to this chapter until it shall have received a written report and recommendation from the Planning and Zoning Board of Appeals on the proposed amendment.

(2) The City Council may grant or deny any application for an amendment; however, in the event of a written protest against any proposed amendment, signed and acknowledged by the owners of 20% of the frontage proposed to be altered,

or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a favorable vote of two-thirds of all the members of the City Council then holding office.

(3) If an application for a proposed amendment is not acted upon finally by the City Council, within 90 days of the date upon which such application is received by the City Council, it shall be deemed to have been denied.

(Prior Code, § 166.094) (Ord. 2151, passed 6-28-1971; Ord. 2021-043, passed 9-14-2021)

§ 165.089 SPECIAL USE PERMITS.

(A) *Purpose.* The development and execution of this chapter is based upon the division of the city into districts within 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, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses fall into two categories:

(1) Uses publicly operated or traditionally affected with a public interest; and

(2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(B) *Initiation of special use.* Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this chapter in the zoning district in which the land is located.

(C) *Application.* An application for a special use shall be filed with the Zoning Administrator on a suitable form provided by the Zoning Administrator and shall be accompanied by such plans and other data as are recommended by the Planning and Zoning Board of Appeals, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards hereinafter set forth. Copies of such application shall be forwarded by the Zoning Administrator to the Planning and Zoning Board of Appeals with a request to hold a public hearing thereon and to the Building Official for examination of the application and compliance with all appliance ordinances.

(D) *Hearing.* Upon receipt in proper form of the application and statement, the Planning and Zoning Board of Appeals shall hold at least one public hearing on the proposed special use. Notice of the time and place of such hearing shall be published at least once in one or more newspapers of general circulation within the city, not more than 30, nor less than 15, days prior to such hearing. The published notice may be supplemented by such additional forms of notice as the Planning and Zoning Board of Appeals may, by rule, require.

(E) *Authorization.* For each application for a special use, the Planning and Zoning Board of Appeals shall report to the City Council its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed use is not acted upon finally by the City Council within 90 days of the date upon which such application is received by the City Council, it shall be deemed to have been denied.

(F) *Standards.* No special use shall be recommended by the Planning and Zoning Board of Appeals unless such Board shall find that:

(1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets; and

(6) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Planning and Zoning Board of Appeals.

(G) *Special conditions and guarantees.* Prior to the granting of any special use, the Planning and Zoning Board of Appeals may recommend, and the City Council shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. In all cases in which special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(H) *Adult regulated special use.*

(1) *General.* In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary controls or regulations are also itemized in this section and are for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two such uses within 1,000 feet of each other which would create such adverse effects). Uses subject to these controls are as follows:

- (a) Adult book store;
- (b) Adult motion picture theater;
- (c) Adult mini motion picture theater; and
- (d) Adult entertainment cabaret.

(2) *Waiver.* The Mayor and City Council may waive the locational provision set forth in division (H)(1) above for adult book stores, adult motion picture theaters, adult mini motion picture theaters or adult entertainment cabarets, if the following findings are made:

- (a) The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed;
- (b) The proposed use will not enlarge or encourage the development of a "skid row" area;
- (c) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal; and
- (d) All applicable regulations of this chapter will be observed.

(3) *Locations near residential areas.* It shall be unlawful to hereafter establish any adult book store, adult motion picture theater, adult mini theater or adult entertainment cabaret within 1,500 feet of any area zoned for residential use or use by churches or schools. This prohibition may be waived if the person applying for the waiver shall file with the Planning and Zoning Board of Appeals a petition which indicates approval of the proposed regulated use by 60% of the persons owning, residing or doing business within a radius of 1,500 feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius, and must maintain a list of all addresses at which no contact was made.

(a) The Planning and Zoning Board of Appeals shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in division (H)(3) above. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Board, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon.

(b) The Planning and Zoning Board of Appeals shall not consider the waiver of locational requirements set forth in division (H)(3) above until the above described petition shall have been filed and verified.

(4) *Application for adult regulated special use.* An application for an adult regulated special use shall be filed with the City Clerk on a suitable form provided by the City Clerk, shall be accompanied by such plans and other data recommended by the Planning and Zoning Board of Appeals, and shall include a statement in writing by the applicant along with adequate evidence showing that the proposed adult regulated special use will conform to the standards hereinafter set fo shall be supported by the waiver of location requirements as set forth in this division (H). Copies of such application shall be forwarded by the City Clerk to the Planning and Zoning Board of Appeals with a request to hold a public hearing thereon and to the Building Official for examination of the application and compliance with all applicable ordinances.

(5) *Hearing on application.* Upon receipt in proper form of the application and statement, the Planning and Zoning Board of Appeals shall hold at least one public hearing on the proposed adult regulated special use. Notice of the time and place of such hearing shall be published at least once in one or more newspapers of general circulation within the city, not more than 30, nor less than 15, days prior to such hearing. The published notice may be supplemented by such additional forms of notice as the Planning and Zoning Board of Appeals, by rule, requires.

(6) *Authorization.* For each application for an adult regulated special use, the Planning and Zoning Board of Appeals shall report to the City Council its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed adult regulated special use is not acted upon finally by the City Council within 90 days of the date upon which such application is received by the City Council, it shall be deemed to have been denied.

(7) *Standards.* No adult regulated special use shall be recommended by the Planning and Zoning Board of Appeals unless such Board shall find that:

- (a) The establishment, maintenance or operation of the adult regulated special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(b) The adult regulated special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(c) The establishment of the adult regulated special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

(e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets; and

(f) The adult regulated special use, in all respects, conforms to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Planning and Zoning Board of Appeals.

(8) *Conditions and guarantees.* Prior to the granting of any adult regulated special use, the Zoning Board of Appeals may recommend, and the City Council shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the adult regulated special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. In all cases in which adult regulated special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(I) *Planned developments.* Planned developments are of such substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern the report and recommendation of the Planning and Zoning Board of Appeals and the action of the City Council.

(1) *Purposes.* Some specific purposes of the planned development procedure are:

(a) *Residential planned development.* To offer recreational opportunities close to home; to enhance the appearance of neighborhoods by the conservation of streams and local spots of natural beauty; to add to the sense of spaciousness through the preservation of natural green spaces; to counteract the effects of urban monotony and congestion in the streets; to encourage cooperative relationships between neighbors and participation by all age groups in the use and care of local open space tracts in new residential subdivisions; to promote harmonious architecture between adjacent dwellings or institutional buildings; and to encourage the placement of structures in proper relationship to the natural characteristics of the site;

(b) *Business planned development.* To promote the cooperative development of business centers each with adequate off-street parking; to control access points on thoroughfares; to separate pedestrian and automobile traffic; to aid in stabilizing property values; to develop centers of size and location compatible with the market potential; to buffer adjacent residential areas with landscaped green spaces; and to encourage harmonious architecture between adjacent commercial structures; and

(c) *Industrial planned development.* To promote the establishment of industrial parks; to permit groups of industrial buildings with an integrated design and coordinated physical plan; to encourage recreational facilities within industrial areas; and to buffer adjacent residential areas with landscaped green spaces.

(2) *Required information.* The developer shall be required to submit plans and other documentation to the Planning and Zoning Board as detailed in § 165.033.

(3) *Use exceptions.* The Planning and Zoning Board of Appeals may recommend and the City Council may authorize that there be in part of the area of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located; provided, the Planning and Zoning Board of Appeals finds that:

(a) The uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;

(b) The uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and

(c) Not more than 25% of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exception.

(4) *Bulk regulations.* In the case of any planned development, the Planning and Zoning Board of Appeals may recommend and the City Council may authorize exceptions to the applicable bulk regulations of this chapter within the boundaries of such development; provided, the Planning and Zoning Board of Appeals finds that:

(a) Such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development and the neighboring property, than would be obtained under the bulk regulations of this chapter for building development on separate zoning lots;

(b) The lot coverage percent for residential planned development would not exceed by more than 20% the maximum lot coverage percent which would be determined on the basis of the percentage required for the individual uses in such planned developments, as listed in § 165.023 of this chapter; and

(c) In a residential planned development the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the area is located, and then increasing this number by 20%. Net development area shall be determined by subtracting the area set aside for non-residential uses from the gross development area and deducting 10% of the remainder for streets regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted.

(5) *Additional standards.*

(a) In addition to meeting the special use standards provided in §165.088(F), no planned development shall be recommended by the Zoning Board of Appeals and approved by the City Council unless the Board and Council find that the development meets the following standards.

1. *Size and ownership.* The site of the planned development must be under single ownership and/or unified control and be not less than two acres in area.
2. *Compatibility.* The planned development shall be demonstrated by developer to be of a type, and to be so located as to exercise no undue detrimental influence upon surrounding properties and to be compatible with the surrounding uses.
3. *Need.* A showing of the desirability of the plan and its benefit to the community must be made.
4. *Yards.* The required yards along the periphery of the planned development shall be at least equal in width or depth to that of the adjacent zoning district or districts.
5. *Parking requirements.* Adequate parking shall be provided as required in other sections of this chapter.
6. *Traffic.* Adequate provision shall be made to provide ingress and egress so designated as to minimize traffic congestion on the public streets and promote safety.

(b) The planned development may depart from strict conformance with the required density, dimension, area, height, bulk, use and other regulations for the zoning district in which the property is located, as long as all special use and planned development standards are met.

(6) *Conditions and restrictions.* Prior to the granting of any planned development, the Planning and Zoning Board of Appeals and/or the City Council may require such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the planned development as deemed necessary for the protection of the public interest, protection of the adjacent area, and to secure compliance with the standards specified in this section. In all cases in which planned developments are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the developer is complying and will comply with the conditions stipulated.

(J) *Denial of a special use.* No application for a special use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Board of Appeals and the City Council.

(K) *Revocation.* In any case where a special use has not been established within one year after the date of granting thereof, then without further action by the Planning and Zoning Board of Appeals or the City Council the authorization for the special use shall be null and void.

(Prior Code, § 166.095) (Ord. 2151, passed 6-28-1971; Ord. 2482, passed 10-9-1979; Ord. 2021-043, passed 9-14-2021; Ord. 2021-062, passed 12-14-2021)

§ 165.090 FEES.

(A) Any appeal from a decision of the Building Commissioner filed by, or on behalf of any person, firm, or corporation aggrieved by such decision shall be accompanied by a fee in the amount of \$25.

(B) Any application for a variation or special use permit filed by, or on behalf of the owner or owners of the property affected shall be accompanied by a fee in the amount of \$50, except in the case of an application for a special use for a planned development which in such case shall be accompanied by a fee of \$200. There shall be no such fee, however, in the case of an application for a variation or special use permit filed by the city or other duly constituted public body whether federal, state or local.

(C) Any application for an amendment filed by, or on behalf of any owner or owners of property located in the city shall be accompanied by a fee in the amount of \$150. There shall be no such fee, however, in the case of an application for an amendment filed by the city or other duly constituted public body, whether federal, state or local.

(D) All fees payable pursuant to this section shall be paid at the time of filing of application and shall be in cash or in a check payable to the City Treasurer. All such fees collected shall be credited to the General Revenue Fund of the city.

(Prior Code, § 166.096) (Ord. 2151, passed 6-28-1971)

SIGNS

§ 165.105 PURPOSE.

The purpose of this subchapter is to achieve balance among the following goals:

- (A) To protect the property values and economic well-being of the city;
- (B) To encourage the effective use of signs as a means of identification and communication for businesses, organizations and individuals in the city;
- (C) To provide a means of way finding in the community, thus reducing traffic confusion and congestion;
- (D) To assure maintenance of signs;
- (E) To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city;
- (F) To protect the safety and welfare of the public by minimizing sign-related hazards to pedestrian and vehicular traffic;
- (G) To preventing unsightly and chaotic visual clutter which has a blighting influence upon the community; and
- (H) To minimize the possible adverse effects of signs on nearby public and private property, in particular on residential uses and districts.

(Prior Code, § 166.105) (Ord. 2014-040, passed 7-8-2014)

§ 165.106 APPLICABILITY.

It is unlawful for any person to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the city, except in conformance with this subchapter.

(Prior Code, § 166.106) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.107 RELATIONSHIP TO OTHER ORDINANCES.

Nothing contained in this subchapter shall be deemed or construed to modify or alter the provisions of any other ordinance or chapter in the city code. In the event of a conflict between the requirements of this subchapter and those of any other provision of the city code, the more restrictive shall prevail and control.

(Prior Code, § 166.107) (Ord. 2014-040, passed 7-8-2014)

§ 165.108 SUBSTITUTION OF MESSAGES.

The sign regulations of this subchapter are not intended to favor commercial speech over constitutionally protected political or noncommercial speech. A sign containing a noncommercial message may be substituted for any sign containing a commercial message that is allowed by the regulations of this subchapter.

(Prior Code, § 166.108) (Ord. 2014-040, passed 7-8-2014)

§ 165.109 EXEMPTIONS.

The following signs are exempt from regulation under this subchapter:

- (A) Any public notice, warning or temporary sign posted by a valid and applicable federal, state or local law, regulation, or ordinance; or posted by a public agency, acting in accordance with an adopted law or ordinance, or by order of a court of competent jurisdiction;
- (B) Public utility signs and safety signs required by law;
- (C) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the property line, development site or parcel on which the sign is located, or any sign that the Zoning Administrator determines is not intended to be legible from any street right-of-way or beyond the property line;
- (D) Traffic-control signs on private property, such as stop, yield and similar signs, the faces of which meet standards set forth in the Illinois Manual on Uniform Traffic-Control Devices and which contain no commercial message of any sort;
- (E) Ghost signs are deemed conforming. Ghost signs may be maintained and repainted but no new information or images may be added to the existing sign. No new wall signs may be painted over an existing ghost sign; or
- (F) Signs in the public right-of-way and on public property:
 - (1) Signs installed by any of the following government agencies and directly related to the use of the right-of-way or of public property, including the control and direction of traffic are permitted in the public right-of-way and on public property: the city; county; state; any transit company authorized to provide service to or through the city; any public utility with a franchise or other agreement with the city; or any other government entity or person expressly authorized by Illinois law to install a sign in the right-of-way;
 - (2) Honorary signs acknowledging voluntary efforts to provide landscaping, litter control, or other maintenance, when the signs are installed pursuant to a written policy of the city or the state; or
 - (3) Any other sign installed or placed in the public right-of-way will be deemed an unlawful sign and will be subject to

immediate removal and disposal by the city, without compensation to the owner. The owner or other person placing the sign will, nevertheless, be subject to the penalty provisions of this subchapter.

(Prior Code, § 166.109) (Ord. 2014-040, passed 7-8-2014)

§ 165.110 PROHIBITED SIGNS.

The following signs are expressly prohibited in all zoning districts:

- (A) Animated signs;
- (B) Moving signs or signs that give the illusion of movement in any manner;
- (C) Flashing, blinking, mechanically moving, twinkling, scrolling or full-motion video elements or other lighting that does not provide constant illumination, including strobe lights, moving or fixed spotlights and floodlights;
- (D) Wind-blown signs;
- (E) Handwritten signs, pictures, symbols or lettering on window signs or displays;
- (F) Banners or pennants that are intended to be temporary for 30 days but left in place indefinitely;
- (G) Signs that cover any architectural elements or obstruct any ingress or egress, including doors, windows or fire escapes;
- (H) Roof signs, except where allowed by special use permit in the U-TOD Sign Overlay District;
- (I) Any sign that interferes with, obstructs the view of, or may be confused with any authorized traffic sign, signal or device because of its position, shape or color, including signs illuminated in red, green or amber color to resemble a traffic signal;
- (J) Signs which make use of words such as stop, look, "one way", danger, yield, or any similar word, phrase or symbol or light so as to interfere with or confuse pedestrian or vehicular traffic;
- (K) Signs displaying an obscene, indecent or immoral matter;
- (L) Signs on benches;
- (M) Signs on trees;
- (N) Signs on utility poles, other than signs installed by the city or other government agency or utility provider;
- (O) Portable signs, including mobile advertising signs and signs attached to trailers or that are equipped for towing, and any commercial vehicle that displays business identification or any advertising that is viewable from the public right-of-way and that is not regularly used in the course of everyday business;
- (P) Signs in the public right-of-way, unless otherwise provided by division (F) or elsewhere in this subchapter; and
- (Q) The list of prohibited sign types set out in this section is illustrative only. Any sign that is not exempt from this subchapter under § 165.109 and not established as a lawful non-conforming sign in accordance with §165.127 or not expressly allowed under another section of this subchapter is a prohibited sign.

(Prior Code, § 166.110) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.111 DETERMINATION OF VISIBILITY.

In determining visibility of a sign from a residential property, it will be assumed that a two-story residence will occupy the property with second-story windows facing toward the sign.

(Prior Code, § 166.111) (Ord. 2014-040, passed 7-8-2014)

§ 165.112 MEASUREMENT, CONSTRUCTION AND DESIGN STANDARDS.

(A) *Computation of sign area.* For signs on a background, the entire area of the background will be calculated for sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

- (1) *Computation of sign area.*
- (2) *Computation of sign area, non-rectangle.*
- (3) *Computation of sign area, individual lettering.*

(a) For wall signs consisting of individually attached letters or logos, the area of a sign face ("sign area") is calculated by means of the smallest square, circle, rectangle or triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

(b) For awning or canopy signs, the sign area is calculated in the same manner as for wall signs consisting of individual letters and logos.

(4) *Computation of sign area, individual lettering.*

(5) *Measurement of area of multi-faced signs.* Where the sign faces of a double-faced sign are parallel and the distance between the faces is three feet or less, only one display face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger sign. In all other cases, the areas of all faces of a multi-faced sign will be added together to compute the area of the sign.

(6) *Sign height and clearance measurements.* The height of a sign will be computed as the distance from the highest point of the sign structure to the elevation of the centerline of the adjacent public street or highway. The required clearance of a pole or projecting sign will be computed as the distance from the lowest point of the sign structure to the established grade on which the sign rests or is directly below the sign.

(7) *Sign height and clearance measurements.*

(B) *Design loads (wind, direct and snow).* Any sign, other advertising structure, marquee, canopy or awning as defined in this chapter must be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of net surface area, snow loads as required by the city code, and ASCE/SEI minimum design loads for buildings and other structures as required in the Building Code and/or other ordinances of the city.

(C) *Location.* On a corner lot, no freestanding sign over two feet tall may be placed within the clear sight area, as defined.

(D) *Illumination.*

(1) *Reflector lighting.* Any sign illumination, including gooseneck or reflectors and internally illuminated signs, and all electronic signs must be designed, located, shielded and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, or the distraction of motor vehicle operators or pedestrians in the public right-of-way. In the case of internally illuminated signs, the sign face must function as a filter for any illumination.

(2) The use of neon lighting as an accent is permitted for projecting, window and wall signs in the U-TOD and Commercial Sign Overlay Districts, subject to the following.

(a) Neon lighting shall only be used as an accent material on projecting and wall signs, such as for letters, logos and/or sign details.

(b) Neon lighting on projecting and wall signs shall not be illuminated during the daylight hours. When lit, neon lighting must be continuously illuminated. Flashing neon is prohibited.

(c) Neon lighting on projecting and wall signs shall not be combined with any reflective materials (such as mirrors, polished metal, highly-glazed tiles or other similar materials) that would cause glare and increase the spread of light.

(3) Neon, rope lighting, light bands, luminous tubes, LED lighting or similar to outline sign, buildings or building elements, such as doors and windows, is prohibited.

(4) Any sign that uses illumination shall be turned off while the related business is not open to the public for regular distribution of goods or services.

(5) No sign illumination shall exceed one footcandle of illumination at the property line, except indirect lighting where permitted in accordance with this section.

(E) *Landscaping.* All ground signs must be landscaped at the base of the sign in accordance with the following:

(1) Landscaping must extend a minimum of one square foot for every one square foot of sign area. All landscaping must be maintained in good condition, and free and clear of rubbish and weeds. Landscaping around the base of a sign is included in the total amount of landscaping required on a site, if applicable.

(2) Ground signs (monument or pole) must be landscaped with small shrubs a minimum of 18 inches in height at planting. The remainder of the landscaped area must be planted with a mix of perennials, ornamental grasses, shrubs, groundcover and organic mulch.

(F) *Items of information.*

(1) All signs must limit the number of items of information on any single sign face to no more than six items to prevent traffic hazards for passing motorists and to minimize the cluttered appearance of signs.

(2) Each piece of information on a sign shall be defined as an item of information. For example, each of the following would be defined as one item of information: a telephone number, the name of the business, even if multiple words, or the business logo. If the sign advertises products or services, each product or service would be one item of information. The street number address of the business is not counted as an item of information.

(3) In the case of an electronic sign, the electronic portion of the sign counts as one item of information. Changeable copy signs, where the items of information are changed manually, are also counted as one item of information.

(4) All signs on a zoning lot must be related to goods and/or services sold or offered on the premises, with the exception of non-commercial or political signs.

(5) Ground signs for multi-tenant commercial buildings used to advertise which tenants are located within the development, are limited to one item of information per tenant within the development, in addition to the name and address of the development.

(6) Directory signs and hospital signs are exempt from the items of information limitation.

(G) *Design criteria.*

(1) The purpose of these design criteria is to establish a checklist of those items relative to signs that affect the physical aspect of the city's environment. Pertinent to signs is the design of the sign, its scale and relationship to buildings and structures, plantings, street furniture and miscellaneous other objects.

(2) The following criteria are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve property values and promote the public health, safety and welfare.

(a) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

(b) Sign materials, size, color, lettering, location and arrangement shall be an integral part of site and building design.

(c) The colors, materials and lighting of every sign shall be restrained and harmonious.

(d) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face. Text should be kept to a minimum.

(e) Lighting for signs shall be in harmony with the signs' and the project's design. If external lighting is used, it should be arranged so the light source is shielded from view.

(f) Sign supports and braces shall whenever possible be an integral part of the sign design. Necessary supports or braces shall whenever possible be hidden from public view.

(Prior Code, § 166.112) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.113 ESTABLISHMENT OF SIGN OVERLAY DISTRICTS.

(A) The following Sign Overlay Districts are established, and are mapped in division (C) below:

(1) *Residential Sign Overlay District.* The purpose of the Residential Sign Overlay District is to ensure proper regulation of signs common to residential areas for both limited non-residential uses that need to identify their location and services, and the variety of temporary and non-commercial signs residents may require, provided in a manner that is not contrary to the established predominant residential character of the district.

(2) *Commercial Sign Overlay District.* The purpose of the Commercial Sign Overlay District is to ensure that signs within these areas are able to balance the needs of commercial users located adjacent to or within residential neighborhoods to identify their premises and the goods and/or services sold on the premises without negative impact to the character of the surrounding residential neighborhoods.

(3) *Uptown-Transit Oriented Development Sign Overlay District.* The purpose of the Uptown Transit Oriented Development (U-TOD) Sign Overlay District is to ensure that signs within the Uptown central business district, Vermont Street Station area and Old Western Historic District are compatible in character and image and provide businesses with a number of alternatives for identifying their premises and the goods and/or services sold on the premises to pedestrian and automotive patrons.

(4) *Industrial Sign Overlay District.* The purpose of the Industrial Sign Overlay District is to ensure that signs provide an effective means of identifying their premises and the goods and/or services sold on the premises, as well as presenting a positive and coordinated appearance along the roadway. Signs within the industrial areas are to be primarily oriented toward the automobile.

(B) *Hospital use.* A hospital that falls within any of the Sign Overlay Districts established is subject to the regulations for a hospital, as defined in this subchapter, provided under § 165.117(H).

(C) *Sign Overlay District location.*

(Prior Code, § 166.113) (Ord. 2014-040, passed 7-8-2014; Ord. 2021-062, passed 12-14-2021) Penalty, see § 165.999

§ 165.114 SIGNS ALLOWED WITHOUT A SIGN PERMIT.

The following signs are allowed in all city sign overlay districts without a permit, subject to the requirements of this section and provided they are not directly illuminated, cause glare or cast light onto adjacent property. Such signs are not counted toward the applicable limits on the number or area of signs allowed on a site.

(A) Address and nameplate signs on all buildings, not exceeding four square feet in area.

(B) Directional signs, of up to six per zoning lot or business, with none exceeding six square feet in area. Commercial messages on each directional signs may comprise no more than 50% of the sign area.

(C) Multi-tenant developments are permitted one directory sign per building entrance that is open to the general public. Directory signs may not exceed 16 square feet in area and, if a ground sign, may not exceed six feet in height.

(D) Temporary signs, provided they are limited to one per lot or street frontage and removed upon completion of the activity identified on the sign:

- (1) Identifying the location of garage or yard sale, not exceeding six square feet in area;
- (2) Advertising property for sale, lease or rent, including open-house directional signs, not exceeding six square feet in area in residential zoning districts or 32 square feet area in nonresidential districts;
- (3) Contractor, developer or construction- project identification signs, not exceeding 32 square feet in area, provided the sign is not larger than 12 square feet and such signs are removed promptly upon completion of the work;
- (4) Artisan and trade signs of painters, tradespeople and other artisans may be erected and maintained during the period such persons are performing work, provided the sign is not larger than 12 square feet and such signs are removed promptly upon completion of the work;
- (5) Political signs located on private property, limited to a maximum of 20 square feet in area;
- (6) Temporary signs protecting private property or identifying property hazards;
- (7) Seasonal signs and holiday decorations erected for periods of time not exceeding the customary duration of general celebration;
- (8) Incidental signs, including but not limited to signs identifying a private driveway, "No Trespassing", "Beware of Dog", for example, are permitted provided that the size of any such sign is no larger than two square feet;
- (9) Signs located on private property but not visible from any public right-of-way or public lands; and
- (10) Signs no larger than four square feet not requiring a building permit or electrical permit and signs not legible from a distance of more than three feet beyond the property line of the development site or parcel on which the sign is located, except as otherwise regulated in this subchapter.

(Prior Code, § 166.114) (Ord. 2014-040, passed 7-8-2014)

§ 165.115 SIGNS IN RESIDENTIAL DISTRICTS.

In addition to the requirements of this section, signs that are accessory to residential uses are subject to the regulations of § 165.109, which allows real estate (for sale/for rent) signs, home occupation signs and other signs typically associated with residential uses. Illumination of signs on residential lots in residential districts, by any means, exterior or internal is prohibited. All ground signs in residential districts must be set back at least 12 feet from any street right-of-way. Monument signs in residential areas should be decorative and blend in with the surrounding neighborhood, constructed of brick or masonry materials or of materials used on the exterior of the principal use on the lot.

(Prior Code, § 166.115) (Ord. 2014-040, passed 7-8-2014)

§ 165.116 SPECIFIC NONRESIDENTIAL USES.

Nonresidential uses that are permitted by right in residential zoning districts are allowed one monument sign per street frontage. Monument signs must not exceed 32 feet in area and six feet in height. All monument signs must be set back at least six feet from any street right-of-way. Pole signs are not allowed for nonresidential uses in residential districts.

(A) *Schools and places of worship.* Signs at schools and places of worship may be erected and maintained in a residential district provided:

- (1) Monument signs and wall signs are permitted;
- (2) No more than one sign is permitted on such a site, except for properties located on a corner lot, in which case two such signs may be erected, one on each frontage;
- (3) Pole signs are prohibited;
- (4) The permitted sign area for each sign allowed is 24 square feet;
- (5) Up to 33% of the permitted sign area of an institutional sign may be used for a manual changeable copy area or an electronic message board; and
- (6) The permitted sign area for wall signs that are made of individually pin-mounted letters is 32 square feet.

(B) *Signs accessory to parking areas.* Signage for parking areas for multi-family developments and nonresidential uses may be erected and maintained in a residential district provided:

- (1) Signs designating entrances and exits must be no larger than four square feet in size; and
- (2) One additional sign of up to nine square feet in area may be used to identify the parking area or designate the terms of use.

(C) *Development signs.* A sign announcing the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:

- (1) Such a sign is no larger than 32 square feet;
- (2) No more than one such sign is placed on a property, provided that on a corner lot, two such signs may be erected, one on each frontage; and
- (3) Any such sign must be removed by the developer within 30 days of the final sale of property.

(D) *Neighborhood or subdivision identification signs.* Neighborhood and subdivision identification signs must be monument signs and must not exceed six feet in height and 32 square feet in sign area.

(E) *Signs for nonresidential uses allowed by special use permit.* Signs for nonresidential uses in residential districts that require special use approval must be established during the special use review and approval process. A master sign plan must be reviewed and approved as part of the special use approval process.

(Prior Code, § 166.116) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.117 SIGNS IN COMMERCIAL DISTRICTS.

(A) *Permitted sign types.* The following types of signs are permitted in the Commercial Sign Overlay District subject to the requirements of this subchapter:

- (1) Wall signs, including individually mounted channel letter signs;
- (2) Awnings and canopy signs;
- (3) Window signs;
- (4) Projecting signs, including hanging and blade signs;
- (5) Monument and pole ground signs; and
- (6) Temporary signs including sidewalk signs, banners and attention-getting devices pursuant to §165.121(D).

(B) *Wall signs.*

(1) The maximum size of a wall sign in the Commercial Sign Overlay District is one square foot per lineal foot of zoning lot frontage to a maximum of 40 square feet in area.

(2) On a corner lot, the maximum size of a wall sign located on each building wall is one square foot per linear foot of zoning lot frontage as measured along the front or corner side lot line of that building wall. The size of a wall sign on each side of the building is limited to the square footage calculated on that side only. In no case can the square footage permitted for the building wall located along the front lot line and the square footage permitted for the building wall located along the corner side lot line be combined to create a larger sign on a wall other than that permitted on each individual wall.

(3) Wall signs must be safely and securely attached to the building wall. Wall signs must be affixed flat against the building wall and must not project more than 12 inches from the building wall. No aesthetic sign elements may be affixed or painted directly on a building's exterior facade. All signs must be mounted in such a way that they may be removed with minimal impact on the building's exterior wall.

(4) Wall signs must be located on the sign band of the building immediately above the first floor window and below the second floor window sills in the case of a two-story building. No wall sign is permitted to rise above the second story sill line. On one-story buildings, the top of the sign must be no more than five feet above the top of the main display window on the first floor.

(5) No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall to which it is attached. On existing buildings, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign.

(6) For new buildings, when a sign is to be mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials. Wall signs may not be attached to un-reinforced masonry parapets. Wall signs must not cover windows, doors or architectural elements.

(7) Individually lettered, pin-mounted wall signs may consist of channel, H-channel, reverse channel, cast metal and flat cut metal letters mounted above the storefront in the masonry sign band or suspended in front of the storefront at the transom or recessed entry. The size of the lettering is restricted so that the height of the letters does not exceed 80% of height of the sign band or 18 inches, whichever is less. The length of the lettering is to be contained within 80% of the length of the sign band.

(8) Gooseneck or reflector lighting fixtures are permitted on all wall signs provided the reflectors must concentrate the illumination upon the area of the sign face only.

(9) Within a multi-tenant commercial development, all wall signs must be located at a generally uniform height on the building wall.

(C) *Awnings or canopy signs.*

(1) Non-illuminated awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined sign area of all wall signs and awning or canopy signs does not exceed 32 square feet.

(2) Where an awning sign is used as the primary sign on the premises, the maximum sign area permitted on an awning sign is equal to 1.25 square feet per one foot of awning length or 25% of the awning area, whichever is less. The total combined length all elements of the sign copy area may not exceed 75% of the awning or canopy length.

(3) In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

(D) *Window signs.*

(1) Window signs affixed to the interior of a ground floor exterior window are permitted. Regulations for temporary window signs are located in § 165.121(B).

(2) Not more than 40% of a window area may be covered.

(3) Permanent window signs for businesses that are not located on the ground floor are permitted only for businesses located within the room situated behind the window on which such signs are located.

(E) *Projecting signs (includes hanging and blade).*

(1) One projecting sign is permitted per ground floor establishment with frontage on a public street. For a multi-tenant building, one additional projecting sign is permitted. The maximum sign area of a projecting sign is 24 square feet.

(2) The outer edge of a projecting sign must be set back a minimum of one foot from curb line of any street or alley.

(3) A projecting sign must be pinned away from the wall at least six inches and must not extend more than six and one-half feet from the face of the building to which it is attached, including the area between the sign and the face of the building.

(4) The top of a projecting sign may be no higher than 20 feet above the sidewalk or thoroughfare. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.

(5) Projecting signs must have a minimum vertical clearance of eight feet, as measured by a line extending straight down from the bottom of the sign to the ground immediately below the sign.

(6) No projecting or hanging sign is permitted to be attached to a roof.

(F) *Ground signs.* One monument sign or pole sign is allowed per zoning lot, pursuant to the requirements of this chapter except as otherwise provided in this chapter.

(1) In the Commercial Overlay District, the maximum allowable sign area of a monument sign is 48 square feet and the maximum sign area of a pole sign is 36 square feet. The maximum height of such a sign is ten feet.

(2) Ground signs associated with multi-tenant office or commercial developments must devote at least 40% of the total sign area to the name and address of the development. No more than four tenant panels are permitted per sign face. Tenant panels may be used for the display of leasing information pertaining to the development.

(3) In addition to a ground sign, drive-through establishments are allowed one menu board sign with a maximum area of 32 square feet, maximum height of six feet.

(4) Poles or pylons used to support pole signs must be constructed of a material or covered or concealed by a decorative cover. The cover must be that architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors and materials.

(5) All ground signs must be landscaped in accordance with §165.112(E).

(G) *Electronic message boards.* Electronic message boards may be allowed as a special use in the Commercial Sign Overlay District under the following conditions. A master sign plan must be reviewed and approved as part of the special use approval process.

(1) A maximum of one electronic message board sign is permitted per zoning lot. An electronic message board must not exceed 35% of the total permitted sign area for the lot. Electronic message boards are allowed only on single-user lots. A minimum 300 feet of lot frontage is required. A minimum of 500 feet is required between electronic message board signs.

(2) All illumination must be consistent in color. The message must not flash, scroll or scintillate. Illumination representing movement is prohibited. Each message must be displayed for a minimum of five seconds.

(3) The owner of an electronic message board that was granted permit approval prior to the adoption of this subchapter will be permitted to repair the sign provided the repaired sign does not exceed the size, number and operation requirements of this section.

(H) *Signs for hospital use.* Signs for a hospital use as shall comply with the above regulations for the Commercial Overlay District and this subchapter, except for directional signs (permanent) as follows:

(1) Such signs may designate hospital entrances, parking, walkways, emergency room locations and other hospital-related facilities, as well as entrances or exits, by means of symbols or words. There is no limitation on the items of information.

(2) Each driveway access from a public street is permitted one directional sign.

(3) Each intersection of drives within a site is permitted one sign to identify traffic routing, entrances and services, such as drive-in lanes. Additional directional signs may be permitted subject to Zoning Administrator approval.

(4) Directional signs shall be located entirely on the property to which they pertain. Directional signs shall not project beyond the property line.

(5) Directional signs may have a maximum height of 12 feet and a maximum surface area of 50 square feet.

(6) Directional signs may be illuminated.

(Prior Code, § 166.117) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.118 SIGNS IN THE UPTOWN-TRANSIT ORIENTED DEVELOPMENT (U-TOD) DISTRICT.

Any sign located the Uptown-TOD Zoning District are regulated by the sign standards with the following additional standards.

(A) Monument ground signs.

(1) One monument-type ground sign may be permitted on both sides of Western Avenue between Burr Oak Avenue (127th Street) on the north and Union Street on the south for the purpose of providing a transition between the types and appearance of signs in the U-TOD Sign Overlay District and the Commercial Sign Overlay District.

(2) Monument signs must not exceed 32 square feet in sign area or eight feet in sign height.

(3) Pole signs are not permitted in the U-TOD Sign Overlay District.

(B) Roof signs. Roof signs may be allowed in the U-TOD Sign Overlay District subject to the measurement, construction and design standards of this subchapter and the issuance of a special use permit in accordance with the provisions of this chapter. A master sign plan must be reviewed and approved as part of the special use approval process.

(Prior Code, § 166.118) (Ord. 2014-040, passed 7-8-2014)

§ 165.119 SIGNS IN INDUSTRIAL DISTRICTS.

Any sign located the Industrial Sign Overlay District that is placed within 100 feet of a residential zoning district and is visible from that residential zoning district is subject to the Commercial Sign Overlay District regulations of § 165.117. Other signs in the Industrial Overlay District are subject to the following standards.

(A) Wall signs. In the Industrial Sign Overlay District, one wall sign is permitted per zoning lot frontage. The maximum size of such wall sign is 50 square feet, plus one square foot for each foot of building wall frontage in excess of 50 feet.

(B) Ground signs. In the Industrial Sign Overlay District, one monument or pole ground sign is permitted per zoning lot. The maximum sign area of such sign is 50 square feet, plus one square foot for each two feet of street frontage in excess of 100 feet to a maximum of 72 square feet. The maximum height of such a sign is 15 feet.

(C) Projecting signs. In the Industrial Overlay Districts, a projecting sign may be used in lieu of a ground sign.

(1) The maximum sign area of a projecting sign is 16 square feet plus one square foot for each three feet of building frontage in excess of 50 feet, to a maximum of 32 square feet of sign area.

(2) The outer edge of a projecting sign must be set back a minimum of two feet from curb line of any street or alley.

(3) A projecting sign must be pinned away from the wall at least six inches and must not extend more than six and one-half feet from the face of the building to which it is attached, including the area between the sign and the face of the building.

(4) The top of a projecting sign may be no higher than 20 feet above the sidewalk or thoroughfare. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.

(5) Projecting signs must have a minimum vertical clearance of eight feet, as measured by a line extending straight down from the bottom of the sign to the ground immediately below the sign.

(6) No projecting or hanging sign is permitted to be attached to a roof.

(Prior Code, § 166.119) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.120 BILLBOARDS (ADVERTISING SIGNS, OFF-PREMISES SIGNS).

(A) Billboards (also known as outdoor advertising signs or off-premises signs) which advertise products, commercial or public service activities, not related to the occupancy and use of the premises, may be permitted as a special use in the Industrial Sign Overlay District and must conform to the requirements of this section. (Billboards are limited to industrial zones by Ord. 2329, adopted 4-13-1976.)

(B) Billboards are not permitted in any Residential, Commercial or U-TOD Sign Overlay District. Existing non-conforming billboards shall not be converted to LED, electronic, or other similar displays. Billboards in the Industrial Sign Overlay District changing their display or construction must conform to the requirements of this subchapter.

(1) *Relationship to other laws.*

(a) If a billboard site is adjacent to a federal-aid primary or interstate highway, a copy of a valid Illinois Department of Transportation sign permit must accompany the city permit application.

(b) Whenever an applicant for a permit does not own the proposed site, a fully executed site lease or other proof of consent to erect and maintain a billboard on the site must accompany the special use permit application.

(2) *Height and clearance.* Billboards must be freestanding. The maximum height of a billboard is 50 feet with a minimum vertical clearance of eight feet from ground at the base of the sign structure to the bottom of the sign board perimeter or casing.

(3) *Number.* Where a sign or billboard has two or more faces, the area of all faces in total must be included in determining the area of the sign, except that as follows.

(a) Where two such faces are placed parallel back to back and are at no point more than two feet from one another, the area of the sign will be measured as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

(b) Where two such faces are placed together creating a V shape with an angle no greater than 25 degrees, the area of the sign will be measured as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces are of unequal area. Where two such faces are placed together creating a V shape with an angle greater than 25 degrees, the area of the sign will be measured as the total area of the two sign faces.

(4) *Area and dimensions.* The maximum permitted sign area of a billboard is determined by the type of road from which the owner or lessee intends it to be viewed and readable. The maximum permitted sign area for billboards adjacent to roadways in the city is as follows:

(a) Interstate 57: maximum area is 672 square feet;

(b) Federal aid primary highways: maximum area is 378 square feet; and

(c) Federal aid secondary, county highways, and all other highways, roads and local streets: maximum area is 200 square feet.

(5) *Illumination of billboards.* The light from any illuminated billboard must be directed or shielded in a manner that minimizes to the maximum extent possible light trespass onto adjoining residential districts.

(a) Top- or bottom-mounted light fixtures are allowed on billboards provided at least 90% of the illumination is of the sign face.

(b) The source of illumination must not be directly visible from any right-of-way or adjoining property.

(c) Billboards are prohibited from having any flashing lights or animation in adherence to federal highway standards.

(6) *Spacing and placement of billboards.*

(a) Billboards must not be erected within 500 feet of any existing billboard on either side of the highway, roadway or street. Spacing of billboards will be measured by the minimum distance between outdoor advertising billboard structures measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and will apply to outdoor advertising billboard structures located on both sides of the highway involved.

(b) Billboards must be located a minimum of 200 feet from residential districts.

(c) All billboards must be located a minimum of 200 feet from any public park or outdoor recreation area.

(d) All billboards must be located at least 20 feet from any property line.

(Prior Code, § 166.120) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.121 TEMPORARY SIGNS.

(A) *Sidewalk signs.* Freestanding, A-frame (A) or sandwich board signs are allowed in the public way in Commercial and U-TOD Districts pursuant to the applicable measurement, construction and design standards of § 165.112 and this section:

(1) Limited to six square feet in area and four feet in height;

(2) On display during business hours only. Signs must be stored indoors at all other times;

(3) Kept inside and out of use when high winds or heavy snow conditions exist;

(4) Limited to one such sign per business and separated by at least 20 feet from any other sign of the same type;

(5) Placed within 15 feet of the primary entrance of the business, and must not interfere with pedestrian traffic or violate

standards of accessibility as required by the ADA or other accessibility codes; and

(6) Placed so as to maintain a five-foot sidewalk clearance at all times.

(B) *Temporary window signs.* Window signs which are, in the opinion of the Zoning Administrator, substantially tattered, discolored, frayed, ripped or otherwise in a state of visible disrepair are prohibited and must be removed.

(C) *Temporary banner signs.* The following regulations shall apply to banner signs that are displayed in the Commercial, U-TOD or Industrial Sign Overlay Districts.

(1) A permit is required for all banners in nonresidential zoning districts and must be obtained prior to locating, erecting or displaying any.

(2) Banner signs may only be displayed for a period of time not to exceed 30 consecutive days.

(3) Banner signs may only be displayed by a commercial establishment or business entity on four occasions in any single calendar year. The display shall be for a period not to exceed 30 days.

(4) A minimum 30-day period of time between separate displays of a banner sign or signs by any commercial establishment or business entity shall apply.

(5) Displays of banner signs shall only be permitted for the purpose of advertising grand openings by new businesses or sales of commodities or services by existing businesses.

(6) Banner signs may not be displayed as replacements for permanent signs.

(D) *Attention-getting devices.* Attention-getting devices are permitted in nonresidential sign overlay districts and must comply with the following standards.

(1) A permit is required for all attention-getting devices in nonresidential zoning districts and must be obtained prior to locating, erecting or displaying any.

(2) Each bona fide tenant of a site may install one attention-getting device on site for a maximum of 15 consecutive days one time per calendar quarter. If a unit's tenant changes, the new tenant may also install one attention-getting device for a maximum of 15 days, one time per calendar quarter. A temporary sign permit is required for each 15-day period, and each 15-day period must not be consecutive to each other.

(Prior Code, § 166.121) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.122 SIGN PERMITS.

(A) *Applicability.* No sign, except those identified as exempt or as allowed without a permit (but still subject to the provisions of this subchapter), is allowed to be erected, constructed, altered or relocated without first obtaining a sign permit.

(B) *Authority and execution.* The Zoning Administrator is responsible for determining compliance with this subchapter, and the Building and Zoning Department is responsible for issuing a sign permit.

(C) *Permit issuance.*

(1) Upon the filing of an application with the Building and Zoning Department for a sign permit to erect, alter or relocate a sign, the Building Commissioner or his or her designee will determine whether the application is complete. If necessary, the Commissioner will notify the applicant of any deficiencies, and will not process the application until the deficiencies are remedied. Once the application is determined to be complete, it will be received, logged in and forwarded to the Zoning Administrator.

(2) Upon receipt of a complete application, the Zoning Administrator will examine the plans and specifications, and the premises upon which the proposed sign is to be erected to ensure compliance with the requirements of the city's Building Code and all other applicable ordinances of the city. The Building and Zoning Department will issue a sign permit if the structure complies with the requirements of this subchapter, as determined by the Zoning Administrator, and all other ordinances of the city.

(D) *Approval of electric signs.* The application for an electrical permit for the erection of a sign in which electrical wiring and connections are to be used must be submitted to the Building and Zoning Department, who shall forward the specifications regarding all wiring and connections to the Building Commissioner, or his or her designee. The Building Commissioner will examine the plans and specifications to determine compliance with the Electrical Code of the city as a condition of granting the sign permit.

(E) *Inspection.* The Building Commissioner may inspect, at such times as deemed appropriate, signs regulated by this subchapter. The purpose of the inspection is to ascertain whether the structure is secure or not secure, whether in need of repair or removal, or in conformance with the permit application and the provisions of this subchapter.

(F) *Revocation of permit.* All rights and privileges acquired under the provisions of this section are licenses revocable at any time by the City Council. Upon the termination or revocation of the sign permit, the licensee must remove the sign or other sign structure without cost or expense to the city. In the event of the failure, neglect or refusal on the part of the licensee to do so, the city will remove the sign and charge the expense to the licensee.

(G) *Void.* If the work authorized under a sign permit is not completed within 180 days after the date of issuance, the

permit becomes null and void.

(Prior Code, § 166.122) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.123 MASTER SIGN PLAN.

The purpose of a master sign plan is to coordinate signs on commercial developments, and create a plan that establishes a building or site's overall sign design, which then provides direction to future tenants.

(A) *Applicability.* For any new commercial development where multiple signs are varying types are being proposed, the applicant must submit a master sign plan for review and approval by the Zoning Administrator.

(B) *Required information.* A master sign plan must include, at a minimum, criteria and specifications for general appearance, location, lighting and approved construction materials including:

- (1) The type, number, location, materials, colors and dimensions of all signs proposed for the development;
- (2) A description and visual illustration of the proposed signs that demonstrates a consistent pattern of signage planned for the development;
- (3) All signs within the development must have at least three of the following design elements in common:
 - (a) Colors on the background or text;
 - (b) Lettering style;
 - (c) Size (such as, a height or wall location common to each sign); or
 - (d) Building and sign materials.
- (4) All sign casings, trim caps, returns and all sign supports such as poles and braces must be of a common color.

(Prior Code, § 166.123) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.124 HISTORIC SIGNS.

The city has several historic signs in its commercial areas that serve as important visual markers which residents and visitors closely identify with an existing or former business or civic entity or a period of time in the city. Many such signs were erected or painted under a previous code and may not conform to the height, shape, type and sign area requirements of this chapter nor to the non-conforming and obsolete signs provisions of this chapter.

(A) *Purpose.* The intent of this section is to permit historic signs to be kept in place and be maintained to ensure their continued display for as long as possible and to be exempt from any provisions of this chapter that would require that such a sign be removed or significantly altered.

(B) *Required characteristics of a historic sign.* To be eligible for classification as a historic sign in the city, a sign must:

- (1) Have been lawfully erected prior to June 28, 1971 and has been continuously maintained in the same location since that date;
- (2) Is attached to or painted on a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it;
- (3) Is located on a site that has been continuously operated for the same business use since June 28, 1971 or earlier;
- (4) Is of a unique shape or type of design representative of its era;
- (5) Is a ghost sign; or
- (6) Identifies a building or business that is associated with a family, business or organization that was noteworthy in the history of the city community.

(C) *Procedure.*

(1) The owner of a property on which an historic sign is located may submit a request to the Building and Zoning Department to have such sign classified as historic for the purposes of this subchapter. The Building and Zoning Department will review such a request and refer it to the Historic Preservation Commission. The Historic Preservation Commission will review the property owner's request and make a recommendation to the City Council that such sign should be classified as historic and thus exempt from the requirements of this chapter.

(2) The Historic Preservation Commission may also initiate a review of a historic sign and make its own direct recommendation to the City Council that such sign should be classified as historic and thus exempt from the requirements of this chapter.

(Prior Code, § 166.124) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.125 OBSOLETE SIGNS.

Any sign, whether existing on or erected after the effective date of this subchapter, which identifies a business no longer being conducted or a product no longer being sold in or from must be taken down and removed by the owner or agent of the building, structure or premises upon which such sign is found. Removal must be effected within 20 days after written notice from the Building and Zoning Department. If such a sign is not removed after such 20-day period, the Building and Zoning Department is authorized to have the sign removed. Any reasonable cost incident thereto will be filed as a lien against the property where the sign was located.

(Prior Code, § 166.125) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.126 UNSAFE SIGNS.

When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign is found to be unlawfully installed, erected or maintained in violation of any of the provisions of this subchapter or any other law enacted by the city, the owner thereof or the person or firm maintaining same, must, upon written notice of the Building and Zoning Department, forthwith in the case of immediate danger, and in any case within no more than ten days, make such sign conform to the provisions of this subchapter or remove it.

(Prior Code, § 166.126) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.127 NON-CONFORMING SIGNS.

All signs not in conformance with this section must comply with the provisions of this section.

(A) Any sign lawfully existing or under construction from or before the effective date of this subchapter that does not conform to one or more of the provisions of this section may be continued in operation and maintained indefinitely as a non-conforming sign, subject to compliance with this section. A sign shall be deemed to lawfully exist when the consent, license or permit to erect the sign can be proven or verified.

(B) As an incentive to encourage the removal of non-conforming signs, the City Council, after review and recommendation by the Planning and Zoning Board of Appeals, is expressly authorized to waive sign permit fees and special use permit application fees and approve special use permit requests for replacement signs. In deciding such requests, the Planning and Zoning Board of Appeals must consider whether the public benefit derived from removal and replacement will be generally proportionate to the fee waiver and/or deviation requested. The Planning and Zoning Board of Appeals is also authorized to approve minor exception requests for replacement signs if the Committee determines that the public benefit derived from removal and replacement will be generally proportionate to the exception requested.

(C) Routine maintenance of non-conforming signs is allowed, including changing of copy, necessary non-structural repairs, and incidental alterations that do not expand, extend or enlarge the non-conforming features of the sign. However, no structural alteration, enlargement, or expansion may be made to a non-conforming sign unless the alteration, enlargement, or expansion will result in the elimination of the non-conforming features of the sign.

(D) A non-conforming sign and its associated sign structure must be removed or modified to comply with these regulations if the sign or sign structure is demolished or destroyed to an extent exceeding 50% of its replacement cost. A non-conforming sign or sign structure subject to removal under this division (D) must be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator must give the owner/lessee written notice of the requirements of this division (D) and the sign must be removed within 30 days of such notice.

(Prior Code, § 166.127) (Ord. 2014-040, passed 7-8-2014; Ord. 2021-043, passed 9-14-2021) Penalty, see § 165.999

§ 165.128 SIGN MAINTENANCE.

(A) All signs must be adequately maintained in good appearance and repair.

(B) Painted signs will be considered in need of refinishing if:

(1) Twenty percent or more of the surface is missing or shows evidence of peeling, checking, cracking or blistering of the paint;

(2) Twenty percent or more of the surface shows evidence of mildew; or

(3) The colors used have faded appreciably and the surface sheen is gone.

(C) All sign framing and support structures must be adequately maintained to keep them in a state of good appearance and repair.

(D) Illuminated signs will be considered in need of repair if 20% or more of the light bulbs are not fully illuminated, or if 20% or more of the surface area of an internally illuminated sign is not illuminated.

(Prior Code, § 166.128) (Ord. 2014-040, passed 7-8-2014) Penalty, see § 165.999

§ 165.129 SIGN VARIATIONS.

The Planning and Zoning Board of Appeals shall hear and make recommendations to the City Council with regard to requests for variations from the city sign ordinance.

(A) *Determination of need for a variation.* It shall be the duty of the Zoning Administrator, after an application for any sign permit, to advise the applicant whether under the provisions of this subchapter, a sign variation is required.

(B) *Preliminary conference.*

(1) Any applicant for a sign permit that requires a variance may file a written request for a preliminary conference with the Planning and Zoning Board of Appeals. At the conference, the Planning and Zoning Board of Appeals shall give consideration to preliminary exterior drawings, sketches or photographic examples, landscape and site plans and materials on a specific project, and shall provide the applicant with guidance in the development of a plan which would be consistent with the requirements and purposes of this subchapter.

(2) Notice of this preliminary meeting shall be provided to tenants within 250 feet of the subject property. Notice will be by mail and shall be given no more than 30 days nor less than 15 days before the meeting. Such notice shall include the time and place of the hearing, a general description of the contents of the request to be heard, and the address or location of the property to which the request applies.

(C) *Procedure.*

(1) An applicant for a sign permit that requires a variation shall apply to the Planning and Zoning Board of Appeals for such variation and shall submit all items as required in division (C)(3) below. Upon receipt of such application, the Planning and Zoning Board of Appeals shall schedule a meeting where the applicant shall be given an opportunity to make a presentation and all interested parties shall be given the opportunity to comment.

(2) Notice of public hearings on requests for variances shall be given no more than 30 days nor less than 15 days before the hearing by publication in a newspaper of general circulation in the city. Such notice shall include the time and place of the hearing, a general description of the contents of the request to be heard, and the address or location of the property to which the request applies. The published notice may be supplemented by such additional form of notice as provided by rule of the hearing body.

(3) At the time of the public hearing, the applicant shall provide the Board with the following documents depicting exterior design features:

- (a) Drawings which shall include plans, elevations and site plans;
- (b) Landscaping and screening plans (when appropriate);
- (c) Renderings and specifications for signs;
- (d) A statement as to kind, color and texture of materials; and
- (e) All documents shall be drawn to scale.

(4) Based upon the findings of fact in division (D) below, the Planning and Zoning Board of Appeals shall make its recommendation to the Mayor and Aldermen of the city within 30 days of the conclusion of the hearing. The concurring vote of a majority of the members of the City Council shall be necessary to grant a variance. The order of the City Council shall be by written resolution and contain its findings of fact.

(5) Upon the granting of a variation by the City Council, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which the variance was granted shall be turned over to the Zoning Administrator whose responsibility it shall be to determine that, upon completion, there have been no deviations from the approval regarding sign design, aesthetics or regulations contained within this subchapter.

(6) The Building and Zoning Department will be responsible for inspecting the built sign plans and built sign to ensure that it does not deviate from this and other city codes related to structural, electrical and any other regulations contained in this subchapter or other city codes. Such deviations shall constitute a violation of this subchapter, in which event the Zoning Administrator or Building and Zoning Department may stop work on the project in the same manner as for a violation of the city code. Work may not be resumed until such deviations are corrected.

(7) It shall be the duty of the person to whom a variation has been granted to comply with the requirements and/or conditions of the variation and to obtain such inspections as are necessary to assure compliance. The Building Official shall give notice to said person of any deficiencies found to exist. Failure to correct any deficiencies within ten days after receipt of notification of such deficiency shall constitute a violation of this subchapter.

(D) *Findings of fact.* After hearing and considering the materials presented, the Planning and Zoning Board of Appeals shall recommend a variation if it finds that:

- (1) The applicant's plans are substantially consistent with the design criteria of this subchapter;
- (2) The proposed exterior design features of the sign are suitable and compatible with the character of neighboring buildings and structures existing or under construction and with the character of the neighborhood and the applicable zoning district, and enhance the environment of the city;
- (3) The exterior design features of the sign will not be detrimental to the harmonious and orderly growth of the city; or
- (4) The exterior design features of the sign will not cause a substantial depreciation in the property values in the neighborhood.

(E) *Validity and extension of time.*

(1) No order granting a variation shall be valid longer than 12 months from the date the approval was granted unless an application for building permit is filed within such period or the use is commenced within such period.

(2) The City Council may grant one additional extension of time not exceeding 12 months, upon written application made within the initial 12-month period, without further notice or hearing. The right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

(G) *Amendments to approved variations.* Amendments to a variation may be obtained by application in the same manner as provided for an original variation.

(Prior Code, § 166.129) (Ord. 2014-040, passed 7-8-2014; Ord. 2021-043, passed 9-14-2021) Penalty, see § 165.999

§ 165.130 ENFORCEMENT.

Any violation or attempted violation of this subchapter of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to city codes and state law.

(A) The Building Official, Building and Zoning Department Inspectors and Code Enforcement Officers for the city are authorized to inspect all signs and to issue notices of violations and a summons to appear at a hearing conducted pursuant to the provisions of the local ordinance court of the city. The official issuing the notice of violation and summons shall photograph the violation as proof thereof and preserve said photograph for the hearing.

(B) In the event that any person, business, commercial or industrial establishment fails to pay any fine imposed, after a hearing and conviction for a violation of this subchapter, within 30 days of the date of the imposition of the fine, the business registration and license for the establishment shall be immediately suspended until payment is made.

(C) (1) In the event the licensee of any business or commercial establishment is convicted of three or more violations of this subchapter for violations occurring within any 90-day period, the licensee of the establishment shall be required to appear before the Planning and Zoning Board of Appeals for a hearing to show cause why the business registration and license should not be suspended or revoked. After such hearing the Planning and Zoning Board of Appeals may recommend to the Mayor and Aldermen of the city suspension or revocation the license.

(2) If the City Council finds sufficient cause to suspend or revoke the establishment's business registration and license, the establishment shall cease operations for the period specified by the City Council.

(Prior Code, § 166.130) (Ord. 2014-040, passed 7-8-2014; Ord. 2021-043, passed 9-14-2021) Penalty, see § 165.999

§ 165.131 PERMIT FEES.

The city shall establish a schedule of fees, charges and expenses for permits for any inspection, construction, alteration, repair, demolition or removal of any sign regulated by this subchapter. Fees shall be paid to the city at the time application for permit is made. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended from time to time by the Mayor and City Clerk.

(Prior Code, § 166.131) (Ord. 2014-040, passed 7-8-2014)

§ 165.999 PENALTY.

(A) Any person, firm or corporation who violates, disobeys or fails to comply with any provision of this chapter shall be fined not less than \$100, nor more than \$750, for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(B) Any person, business, commercial or industrial establishment found to be in violation of §§165.105 through 165.131 after a hearing conducted pursuant, the local ordinance court shall, upon such a finding, be subject to a fine of not less than \$50 nor more than \$750 at the discretion of the Hearing Officer. Each day that a violation continues after the day notice of the violation and summons have been served in accordance with the terms and provisions hereof shall be deemed a separate offense subject to a separate fine.

(Prior Code, § 166.199) (Ord. 2151, passed 6-28-1971; Ord. 2482, passed 10-9-1979; Ord. 98-196, passed 2-24-1998; Ord. 2014-040, passed 7-8-2014)