

APPENDIX A: ZONING

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Municipal zoning, see §§ 11-13-1 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-13-1 et seq.

ARTICLE I. TITLE AND PURPOSE**§ A-1 TITLE.**

(A) This appendix, as hereby adopted, shall be known as the “Zoning Ordinance of the City of Petersburg, Illinois”.

(B) The zoning map referred to herein and adopted as part of this appendix shall be identified as the “Zoning District Map of the City of Petersburg, Illinois”.
(Ord. 81-6-1, passed 6-2-1981)

§ A-2 INTENT AND PURPOSE.

This appendix is adopted for the following purposes:

(A) To promote and protect the public health, safety and general welfare of the people;

(B) To divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential business, manufacturing and other specified uses;

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

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

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

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

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

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

(I) To prevent additions to or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;

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

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

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

(M) To conserve the taxable value of land and buildings throughout the city;

(N) To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

(O) To define and limit the powers and duties of the administrative officers and bodies as provided herein; and

(P) To lessen or avoid the hazards to persons or property resulting from the accumulation of run-off of storm or flood waters.

(Ord. 81-6-1, passed 6-2-1981)

§§ A-3—A-9 RESERVED.

ARTICLE II. DEFINITIONS

§ A-10 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future tense. Words in the singular number include the plural number, and words in the plural number include the singular number. The word “lot” shall include the word “plot”. The word “shall” is mandatory and not directory. “District” shall mean “zone”, and vice versa.

ABANDONMENT. An action to give up one’s rights or interests in property.

ACCESSORY USE OR BUILDING. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

AGRICULTURAL USES. All agricultural uses limited to horticulture, forestry, including crop and tree farming, gardening and nursery operation together with the operation of any machinery or vehicles incidental to the above uses.

ALLEY. A public or private right-of-way which affords a secondary means of access to abutting property.

ALTERATION. As applied to a building or structure, is a change or rearrangement in the structural parts or in the means of ingress and/or egress; or an enlargement, whether by extending a side or by increasing in height; or the moving from one location or position to another.

APARTMENT. A room or group of rooms which is arranged, designed, used or intended to be used as a single housekeeping unit, each unit having complete kitchen and sanitary facilities permanently installed.

AWNING. A canopy, either stationary or retractable, projecting from the front of a building whose primary purpose is shelter from the elements.

BASEMENT. The portion of a building or structure which is partly underground (below grade).

BED AND BREAKFAST. Sleeping quarters for rent in a dwelling for use by temporary guests of the owner of the premises. Breakfast shall be the only meal served to paying guests.

BUILDABLE AREA OF A LOT. The space remaining on a lot after complying with the minimum open space zoning requirements.

BUILDING. Anything constructed for the shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING, ACCESSORY. A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, HEIGHT OF.

- (1) The vertical distance from the grade to:
 - (a) The highest point of a flat roof;
 - (b) The deck line of a mansard roof; or
 - (c) The average height between eaves and ridge for gable, hip and gambrel roofs.
- (2) Chimneys, towers, tanks and similar projections shall not be included in calculating height.

BUILDING, NON-CONFORMING. Any building which was legally constructed prior to the effective date of this appendix or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this appendix because structure is not in conformance with the use restrictions, yards and/or height of the zone in which it is located.

BUILDING, PRINCIPAL. A building in which the main or principal use of the lot is conducted.

BULK. A composite characteristic of a given building or structure as located upon a given lot, not definable as a single quantity, but involving all of these characteristics:

- (1) Size and height of building or structure;

- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings or structures;
- (3) All open spaces allocated to the building or structure; and
- (4) Amount of lot area provided per dwelling unit.

DWELLING UNIT. One or more rooms, including a kitchen or kitchenette, located within a residence providing complete living facilities for one family by containing facilities and equipment for living, sleeping, cooking and eating.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room for living, sleeping and eating, containing complete cooking and sanitary facilities.

FACADE. The portion of any exterior elevation on a building extending from grade to top of the parapet wall or eaves and the entire width of the building elevation.

FAMILY. One or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a **FAMILY**.

FLOOR AREA. The total amount of interior floor space, measured in square feet, of any one permitted or special use of a structure.

FLOOR AREA RATIO. The ratio refers to the relationship between the floor area of a building and the size of the lot on which the building is constructed. The **FLOOR AREA RATIO** is determined by dividing the floor area of the building by the area of the zoning lot.

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

GARAGE, PRIVATE. A detached accessory building or portion of a main building used only for the storage of motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located; provided, however, that, if the occupants of the lot have fewer vehicles than the storage spaces contained in said garage, the unrequired spaces may be used by, or rented, to others. Not more than one of the vehicles may be a commercial vehicle of not more than three-fourths-ton capacity.

GARAGE, PUBLIC. A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, including trucks, tractors, truck trailers and commercial vehicles exceeding three-quarter-ton capacity.

GAS STATION. See **SERVICE STATION.**

GRADE. The average of the elevations of the surface of the ground measured at all corners of a building.

ILLUMINATED SIGN. Any sign which has non-flashing lighting as part of the sign, whether the light is projected onto the sign, the light is behind an opaque surface of a sign, or light is used as part of the design as in neon signs.

LOT. A single unified tract of land located within a single block and which is to be used, developed or built upon as a unit under single ownership or control.

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

LOT, CORNER. A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

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

LOT FRONTAGE. The front of a lot shall be that boundary of a lot along a public or private street.

LOT, INTERIOR. A lot other than a corner lot or reversed corner lot.

LOT LINE, FRONT. The front property line of a lot.

LOT LINE, INTERIOR. A side lot line common with another lot or abutting a right-of-way.

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

LOT WIDTH. The width of the lot measured at the building line and at right angles to its depth.

MARQUEE. Any hood, canopy or other structure of permanent construction projecting from the front wall of a building for an advertising purpose.

METRIC CONVERSIONS.

<i>When you know:</i>	<i>Multiply by:</i>	<i>To find:</i>
Feet	30.0	Centimeters
Square feet	0.09	Square meters
Acres	0.4	Hectares

MOBILE HOME. A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. Any such structure served by individual utilities and resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall, for purposes of this appendix, remain and be construed as a **MOBILE HOME**.

MOBILE HOME PARK. A tract of land or two or more contiguous tracts of lands upon which five or more independent mobile homes are located for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such **MOBILE HOME PARK**.

MOBILE HOME SPACE. A lot or plot of ground within a mobile home park designed for the accommodation of one mobile home based on standards contained herein.

MODULAR HOME. A dwelling unit designed and substantially fabricated at a factory and transported in components to a building site and there permanently assembled and affixed to a foundation.

MULTI-FAMILY DWELLING. A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building.

PLANNED RESIDENTIAL DEVELOPMENT. A development pattern and technique which arranges dwellings in closely related groups of detached, attached, multi-storied structures or any combinations thereof.

PLANNING COMMISSION. The term in this text means the Planning Commission of the city as established by the Mayor and City Council of the city.

RECREATIONAL AND HOBBY USE. All private recreational uses limited to residential or agricultural districts.

RECREATIONAL USE. All public and semi-private recreational uses limited to business, recreational or floodplain districts.

SERVICE STATION. Any building used for the dispensing, sale or offering for sale at retail any automobile fuel or oils.

SETBACK. For any structure facing a public street, the distance between the public right-of-way and the nearest part of the principal building.

SIGN. Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

SIGN AREA. Measured by:

- (1) Enclosing each face of each sign, including any protrusions, excluding any standard, in a rectangle with two sides parallel to the ground;
- (2) Computing the number of square feet in each rectangle; and
- (3) Computing the total number of square feet in all rectangles.

SIGN, FREESTANDING. A sign completely or principally self-supported by posts or other supports in or on the ground and independent of any building or other structure.

SIGN HEIGHT. The distance between the point at which the sign structure enters the ground and the uppermost portion of the sign.

SIGN, ROOF. A sign erected, constructed or maintained wholly upon or over the roof of a building or structure.

SIGN STRUCTURE. Any permanent, freestanding post or structure, anchored or secured in the ground, the purpose of which is to secure or support signs.

SIGN, TEMPORARY. Any sign not permanently anchored or secured to a building or sign structure.

SIGN, WALL. A permanent sign displayed on a wall of a building or structure so as to be seen primarily from the direction facing that wall of the building or structure. A **WALL SIGN** attached to the exterior wall of a building or structure does not project more than 15 inches therefrom.

SPECIAL USE. Permission granted to a property owner to use his or her property contrary to the appendix; provided that, the intended use is one of those specifically listed in the appendix; and, provided that, the public convenience will be served by the use.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, FIRST. The lowermost story entirely above the grade plane.

STORY, HALL. A story under a gable, hip or gambrel roof, the wall plates of which at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET. Any dedicated public right-of-way designed for vehicular travel; shall be equated with the words **ROAD**, **HIGHWAY** and **AVENUE**, but not the word “alley”.

STRUCTURE. Anything constructed or erected with a fixed location on or in the ground or attached to anything having a fixed location on the ground, both which are substantially three dimensional. Among other things examples of structures are: buildings, walls, swimming pools, fences, billboards, signs and storage bins. “Substantially three dimensional” is intended to exclude such real property improvements as parking lots, streets or driveways.

STRUCTURE, HEIGHT. As applied to any structure other than a building, the vertical distance from the grade to the highest point of the structure.

STRUCTURE, NON-CONFORMING. Any structure which was legally constructed prior to the effective date of this appendix or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this appendix because the structure is not in conformance with the use restrictions, yards and/or height requirements of the zone in which it is located.

TOXIC MATERIALS. Material which is capable of causing injury or malaise to living organisms by chemical reaction, or is capable of causing detrimental effects upon the health, or the psychological, social or economic well-being of human beings.

USE. The purpose or activity for which a building, structure or land is occupied or maintained.

USE, NON-CONFORMING. A use of building or land lawful at the time of enactment of this appendix that does not conform with the permitted use provisions of this appendix.

VARIATION. A waiver of specific terms of this appendix in order to permit a property owner to establish a particular use or arrangement of uses, the prohibition of which would impose an undue hardship.

YARD. An open space on the same lot with a principal building which is open, unoccupied and unobstructed by buildings, except as otherwise provided in this appendix.

YARD, FRONT. The yard extending across the entire width of the lot between the street right-of-way which the building faces and the nearest part of the principal building.

YARD, REAR. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

YARD, SIDE. The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

ZONING ADMINISTRATOR. The term in this text means the official as appointed by the Mayor and approved by the City Council, who shall be empowered to administer and enforce the provisions of this appendix.

ZONING BOARD. The Zoning Board of Appeals of the city as established by the Mayor and City Council.

ZONING MAPS. The official zoning map incorporated herein as a part of this appendix designating zoning districts and entitled the “Zoning District Map of the City of Petersburg, Illinois”. (Ord. 81-6-1, passed 6-2-1981; Ord. 2000-17, passed 9-19-2000; Ord. 2000-18, passed 9-19-2000; Ord. 2001-19, passed 9-18-2001; Ord. 2003-18, passed 10-21-2003; Ord. 2008-01, passed 4-1-2008)

§§ A-11—A-19 RESERVED.

ARTICLE III. GENERAL REGULATIONS AND DISTRICT MAPS

§ A-20 ESTABLISHMENT OF DISTRICTS.

For the purpose of this appendix, all land within the corporate limits of the city is hereby designated on the Zoning District Map of the city as being in one of the following districts:

R1	Low-Density Residential District
R2	Medium-Density Residential District
3	High-Density/Multi-Family Residential District
4	Residential Mobile Home Park District
B1	Business Commercial District
M1	Limited Manufacturing District
A1	Agricultural District
A2	Recreational District
A3	Floodplain District

(Ord. 81-6-1, passed 6-2-1981)

§ A-21 ZONING MAPS.

The locations and boundaries of the districts established herein are shown upon the zoning district map which is hereby incorporated into this appendix. The zoning district map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part of this appendix and shall have the same force and effect as if the zoning district map, together with all notations, references and other information shown thereon, were fully set forth and described herein. (Ord. 81-6-1, passed 6-2-1981)

§ A-22 DISTRICT BOUNDARIES.

Unless otherwise indicated on the zoning district map, the boundary lines of the districts follow lot lines, centerlines of streets, alleys, waterways, railroad rights-of-way or such centerlines extended or the corporate limits existing at the time of adoption of this appendix. (Ord. 81-6-1, passed 6-2-1981)

§ A-23 APPLICATION OF REGULATIONS.

(A) No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations for the district in which it is located.

(B) All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such alleys, streets, public ways and railroad rights-of-way or waterways. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. (Ord. 81-6-1, passed 6-2-1981)

§ A-24 ZONING OF ANNEXED LAND.

It is the duty of the Planning Commission prior to or at the time of annexation to establish the zoning classification for the territory proposed to be annexed. Thereafter, the procedure utilized for the zoning of such territory should be the same procedure provided for the adoption of amendments to this appendix (i.e., public notice and public hearing). (Ord. 81-6-1, passed 6-2-1981)

§§ A-25—A-29 RESERVED.

**ARTICLE IV. PROVISIONS GOVERNING THE LOW-DENSITY
RESIDENTIAL (R1) DISTRICT**

§ A-30 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Single-family detached dwellings, excluding mobile homes; and

(B) Single-family detached modular homes.

(Ord. 81-6-1, passed 6-2-1981)

§ A-31 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structures consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.

(Ord. 81-6-1, passed 6-2-1981)

§ A-32 SPECIAL USES.

The following are special uses:

(A) Churches, schools, libraries, parks, playgrounds and community centers;

(B) Utility substations and pumphouses;

(C) Home occupations;

(D) Signs;

(E) Home residence bed and breakfast operations;

(F) Cemeteries, including columbaries and mausoleums;

(G) Golf courses, except miniature golf courses, operated as a commercial use; and

(H) Home residence bed and breakfast operations with limited public restaurant service.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2005-08, passed 7-19-2005)

§ A-33 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Frontage</i>
Minimum: 5,456 square feet	Minimum: 44 feet	Minimum: 35 feet

<i>Yard Requirements</i>		<i>Floor Area Ratio</i>	<i>Off-Street Parking</i>
<i>Minimum</i>			
Front	20 feet	Maximum: 0.33	Minimum: 2 spaces per unit
Rear	20 feet		
Side	4 + 4 feet		
Corner	8 feet		

(Ord. 81-6-1, passed 6-2-1981)

§ A-34 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No accessory structure shall be constructed closer than eight feet to any lot line nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, a driveway not closer than two feet along a lot line, and a private garage that is structurally a part of the principal building.

(B) Architectural features of residential buildings such as window sills, cornices and roof overhangs may project into the required yard; provided, such projection is not closer than four feet to any lot line.

(C) Any residential structure may project into the required front yard if existing residential structures on both adjacent lots in the same district have less than the required minimum front yard; provided, however, that, such projection extends no closer to the street than either of the adjacent structures.

(D) Required parking spaces shall not be located in the required front yard unless said parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard.

(E) No mechanical device designed for the purpose of controlling the internal environment of the structure shall be permitted in any front yard or within eight feet of any lot line.

(F) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case, such antennas may be placed anywhere on the lot, except within an easement of record.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2000-18, passed 9-19-2000; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 02-15, passed 11-5-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-35—A-39 RESERVED.

***ARTICLE V. PROVISIONS GOVERNING THE MEDIUM-DENSITY
RESIDENTIAL (R2) DISTRICT***

§ A-40 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Single-family detached dwellings, excluding mobile homes; and

(B) Single-family detached modular homes.

(Ord. 81-6-1, passed 6-2-1981)

§ A-41 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structures consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.

(Ord. 81-6-1, passed 6-2-1981)

§ A-42 SPECIAL USES.

The following are special uses:

(A) Two-family detached dwelling units;

(B) Mobile homes;

(C) Utility substations;

- (D) Group living quarters;
- (E) Churches, schools, libraries, parks, playgrounds and community centers;
- (F) Home occupations;
- (G) Signs;
- (H) Home residence bed and breakfast operations;
- (I) Cemeteries, including columbaries and mausoleums;
- (J) Golf courses, except miniature golf courses, operated as a commercial use; and
- (K) Home residence bed and breakfast operations with limited public restaurant service.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2005-08, passed 7-19-2005)

§ A-43 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Frontage</i>
Single-family dwelling		
Minimum: 5,456 square feet	Minimum: 44 feet	Minimum: 35 feet
Two-family dwelling		
Minimum: 9,000 square feet	Minimum: 70 feet	

<i>Yard Requirements</i>		<i>Height</i>	<i>Off-Street Parking</i>
Minimum		Maximum: 25 feet	Minimum: 2 spaces per unit
Front:	20 feet		
Rear:	20 feet		
Side:	4 + 4 feet		
Corner:	8 feet		

(Ord. 81-6-1, passed 6-2-1981)

§ A-44 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No accessory structure shall be constructed closer than eight feet to any lot line nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, a driveway not closer than two feet along a lot line, and a private garage that is structurally a part of the principal building.

(B) Architectural features of residential buildings such as window sills, cornices and roof overhangs may project into the required yard provided such projection is not closer than three feet to any lot line.

(C) Any residential structure may project into the required front yard if existing residential structures on both adjacent lots in the same district have less than the required minimum front yard; provided, however, that, such projection extends no closer to the street than either of the adjacent structures.

(D) Required parking spaces shall not be located in the required front yard unless said parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard.

(E) No mechanical device designed for the purpose of controlling the internal environment of the structure shall be permitted in any front yard or within five feet of any lot line.

(F) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case, such antennas may be placed anywhere on the lot, except within an easement of record.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 02-15, passed 11-5-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-45—A-49 RESERVED.

***ARTICLE VI. PROVISIONS GOVERNING THE HIGH-DENSITY/
MULTI-FAMILY RESIDENTIAL (R3) DISTRICT***

§ A-50 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Single-family detached dwellings, excluding mobile homes;

(B) Single-family detached modular homes;

(C) Single-family attached dwellings (row and town houses);

(D) Two-family dwellings, excluding mobile homes; and

(E) Multi-family dwellings.

(Ord. 81-6-1, passed 6-2-1981)

§ A-51 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structures consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.

(Ord. 81-6-1, passed 6-2-1981)

§ A-52 SPECIAL USES.

The following are special uses:

(A) Churches, schools, libraries, parks, playgrounds and community centers;

(B) Utility substations;

(C) Day care centers;

(D) Home occupations;

(E) Signs;

(F) Home residence bed and breakfast operations;

(G) Cemeteries, including columbaries and mausoleums;

(H) Golf courses, except miniature golf courses, operated as a commercial use;

(I) Golf practice driving ranges operated as a commercial use; and

(J) Indoor public storage operated as a commercial use.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2011-18, passed 12-20-2011; Ord. 2012-01, passed 3-6-2012)

§ A-53 LOT AREA, WIDTH AND FRONTAGE; YARD REGULATIONS.

The following are yard regulations for lot area, width and frontage:

<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Frontage</i>
Single-family detached dwellings		
Minimum: 5,456 square feet	Minimum: 44 feet	Minimum: 35 feet
Single-family attached dwellings		
Minimum: 6,400 square feet	Minimum: 65 feet	All others: minimum: 45 feet
Two-family dwellings		
Minimum: 2,900 square feet/unit	Minimum: 90 feet	All others: minimum: 45 feet
Multi-family dwellings (see special requirements)	Minimum: 90 feet	

<i>Yard Requirements</i>		<i>Height</i>	<i>Off-Street Parking</i>
Single-family detached dwellings			
Minimum		Single-family detached dwellings: maximum: 25 feet	Single-family detached dwellings: minimum: 2 spaces per unit
Front	20 feet		
Rear	20 feet		
Side	4 + 4 feet		
Corner	8 feet		
Minimum: all others			
Front	20 feet	All others: maximum: 45 feet	All others: minimum: 2 spaces per unit, adjacent to the dwelling unit served
Rear	5 feet		
Side	5 + 5 feet		
Corner	25 feet each side		

(Ord. 81-6-1, passed 6-2-1981)

§ A-54 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No multi-family or single-family attached dwelling units shall be constructed with a total lot area less than 11,000 square feet.

(B) Required parking spaces shall not be located in the required front yard unless such parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard.

(C) No mechanical device designed for the purpose of controlling the internal environment of the structure shall be permitted in any front yard or within eight feet of any lot line.

(D) Multi-family dwellings shall be located on lots which provide two minimum buildable lot areas per dwelling unit as follows:

- (1) Apartments with two or more bedrooms: 1,500 square feet;
- (2) Apartments with one bedroom: 1,200 square feet; and
- (3) Efficiency apartments: 1,000 square feet.

(E) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot, except within an easement of record.

(F) No accessory structure to a single-family dwelling unit shall be constructed closer than eight feet to any lot line nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, a driveway not closer than two feet along a lot line, and a private garage that is structurally a part of the principal building.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001; Ord. 02-15, passed 11-5-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-55—A-59 RESERVED.

ARTICLE VII. PROVISIONS GOVERNING THE RESIDENTIAL MOBILE HOME PARK (R4) DISTRICT

§ A-60 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

- (A) Single-family mobile dwelling units;
- (B) Single-family detached dwellings, excluding mobile homes; and
- (C) Single-family detached modular homes.

(Ord. 81-6-1, passed 6-2-1981)

§ A-61 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

- (A) Uses clearly incidental, but necessary to the permitted principal uses; and
- (B) Private recreational and hobby uses such as swimming pools, tennis courts, gardens and greenhouses.

(Ord. 81-6-1, passed 6-2-1981)

§ A-62 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Frontage</i>
Minimum: 5,445 square feet	Minimum: 50 feet	Minimum: 35 feet

<i>Yard Requirements</i>		<i>Height</i>	<i>Off-Street Parking</i>
Minimum		Maximum: 35 feet	Minimum: 2 spaces per unit, as defined in special requirements
Front	25 feet		
Rear	30 feet		
Side	8 + 12 feet		
Side, corner lot	25 feet		

(Ord. 81-6-1, passed 6-2-1981)

§ A-63 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) All mobile homes and mobile home parks shall conform to App. B of this code of ordinances.

(B) At least one required parking space shall be located on the same lot as the dwelling unit and the second required parking space shall be located in a common parking area not more than 200 feet from the dwelling unit to be served.

(C) Every mobile home dwelling shall be permanently affixed and placed on a foundation and/or anchored to a permanent support.

(D) The undercarriage of a mobile home shall be completely enclosed in a manner that is aesthetically compatible with the mobile home.

(E) Only mobile homes and their accessory structures, and structures necessary for the operation and maintenance of the mobile home park, shall be permitted in the park.

(F) No accessory structure shall be constructed closer than eight feet to any lot line, nor in either side or front yard, except an approved fence not exceeding eight feet in height along a lot line, and a driveway not to be constructed closer than two feet along a lot line.

(G) Any residential mobile home park development shall have a minimum of two acres. The average density of the development shall not exceed eight mobile home spaces per acre.

(H) All mobile home parks shall have direct access to an approved and dedicated street.

(I) Each mobile home space shall be provided with a concrete paved pad consisting of a minimum of 600 square feet.

(J) Service buildings, if provided, housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(K) Each mobile home park shall provide a recreational area or areas totaling at least 200 square feet for each mobile home space.

(L) All exterior park lights shall be located and shielded so as to prevent direct illumination outside of park.

(M) The park shall be located on a well drained site, properly graded to ensure rapid drainage and free from stagnant pools of water.

(N) No mobile home shall be located closer than 25 feet to any public right-of-way.

(O) All streets within a mobile home park shall be provided by the developer and shall meet existing city specifications and shall, upon inspection and approval, be dedicated to the city.

(P) The developer will provide each mobile home space with facilities that meet city specifications for hook-up to municipal water, sanitation facilities and other utilities. Upon inspection and approval, these will be dedicated to the city.

(Q) All mobile homes shall have a front and rear exit and shall conform to all other state statutes.

(R) Each mobile home shall be permitted one porch, one carport and one accessory structure. The permitted accessory structure shall not exceed eight feet in width, ten feet in length and ten feet in height.

(S) (1) Garbage cans with tight-fitting covers shall be provided by the park owner in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located in areas enclosed by fencing which will screen the garbage cans from view.

(2) These areas shall be conveniently located throughout the park and shall meet minimum state statutes.

(3) The park owner shall provide collection and disposal of garbage and rubbish as frequently as may be necessary to ensure that the garbage cans shall not overflow and that the enclosed, screened-off areas of garbage cans shall remain neat.

(T) The provisions of §§ 1 et seq. of the Mobile Home Park Act, 210 ILCS 115/1 et seq., shall govern when this appendix is inconsistent with the same.

(U) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot, except within an easement of record.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2011-02, passed 2-1-2011)

§§ A-64—A-69 RESERVED.

ARTICLE VIII. PROVISIONS GOVERNING THE BUSINESS COMMERCIAL (B1) DISTRICT**§ A-70 PERMITTED PRINCIPAL USES.**

The following are permitted principal uses:

(A) Sale of retail goods such as hardware, food, wearing apparel, home furnishings, books, jewelry, cafés, restaurants;

(B) Business and professional offices;

(C) Recreational facilities such as theaters (indoor), bowling alleys, billiard parlors;

(D) Sale of services such as barber shop, beauty parlor, bicycle repair, appliance repair, photography studios, laundry (pick-up only);

(E) Taverns and liquor stores;

(F) Tax supported colleges/universities;

(G) Government buildings;

(H) Public service buildings; and

(I) Other uses of similar scale and intensity.

(Ord. 81-6-1, passed 6-2-1981)

§ A-71 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Uses clearly incidental, but necessary to the principal use; and

(B) Signs.

(Ord. 81-6-1, passed 6-2-1981)

§ A-72 SPECIAL USES.

The following are special uses:

(A) Production of goods for sale on the premises such as bakery, printing;

- (B) Residential dwelling units above the first floor; owner-occupied dwelling units on the first floor;
- (C) Public and private parking lots and garages;
- (D) Hotels;
- (E) Automobile service stations;
- (F) Not-for-profit clubs and lodges, fraternal or religious institutions;
- (G) Home residence bed and breakfast operations;
- (H) Laundromats and/or dry cleaners;
- (I) Cemeteries, including columbaries and mausoleums;
- (J) Golf courses, except miniature golf courses, operated as a commercial use;
- (K) Golf practice driving ranges operated as a commercial use; and
- (L) Automobile repair and automobile body repair shops.

(Ord. 81-6-1, passed 6-2-1981)

§ A-73 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Frontage</i>
Minimum: 1,000 square feet	Minimum: 20 feet	Minimum: 20 feet

<i>Yard Requirements</i>	<i>Height</i>	<i>Off-Street Parking</i>
Minimum: none, except when abutting an R District	Maximum: 60 feet	Minimum: 1. 1 space per 300 square feet of sales, service or floor area; 2. 1 space per dwelling unit

(Ord. 81-6-1, passed 6-2-1981)

§ A-74 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) All business, service, storage, merchandise display, repair and processing is to be conducted within a completely enclosed building. Other uses clearly incidental, but necessary and appropriate to the principal use, shall be permitted beyond the limits of an enclosed building. Examples of these uses include sidewalk sales, drive-in banking facilities and outdoor restaurants.

(B) Business commercial districts adjacent to a residential district shall provide a dense hedge, tree row or other suitable landscape device on that adjacent property line. All landscaping must be approved by the city's Planning Commission and/or City Council as adequate to visually screen the commercial area from the residential area.

(C) Outdoor storage in the business commercial district shall be permitted only upon the approval of the city's Planning Commission and/or City Council. All outdoor storage, when permitted, shall be no more than ten feet in height and shall be completely screened from public view.

(D) Ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot, except within an easement of record.

(E) First floor apartment dwelling units may not occupy more than the rear 50% of the main floor area and must be separated from the business area by a permanent wall. Dwelling shall not be visible from the street.

(Ord. 81-6-1, passed 6-2-1981; Ord. 98-12, passed 7-4-1998; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001; Ord. 2001-12, passed 6-5-2001; Ord. 2001-28, passed 12-18-2001; Ord. 2002-13, passed 7-16-2002; Ord. 2011-02, passed 2-1-2011)

§§ A-75—A-79 RESERVED.

**ARTICLE IX. PROVISIONS GOVERNING THE LIMITED
MANUFACTURING (M1) DISTRICT**

§ A-80 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Manufacturing and processing, excluding heavy industrial activity such as chemical plants, rendering and the like;

(B) Bottling plants;

(C) Warehousing, except petroleum and flammable liquids;

(D) Research facilities;

(E) Express, cartage and trucking facilities;

(F) Truck terminals;

(G) Auto repair and auto body repair;

(H) Light industrial activity, such as meat processing, excluding the processing of fish; and

(I) Other uses similar in scale and intensity.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2003-05, passed 4-1-2003; Ord. 2015-07, passed 3-17-2015)

§ A-81 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

Uses clearly incidental, but necessary to the principal use.

(Ord. 81-6-1, passed 6-2-1981)

§ A-82 SPECIAL USES.

The following are special uses:

(A) Dwelling units for watchmen and their families when located on the premises where they are employed in such capacity;

(B) Utility substations;

(C) Communication towers and stations;

(D) Cemeteries, including columbaries and mausoleums;

(E) Golf courses, except miniature golf courses, operated as a commercial use; and

(F) Golf practice driving ranges operated as a commercial use.

(Ord. 81-6-1, passed 6-2-1981)

§ A-83 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Frontage</i>
Minimum: 1/2 acre	Minimum: 150 feet	Minimum: 100 feet

<i>Yard Requirements</i>		<i>Height</i>	<i>Off-Street Parking</i>
Minimum		Maximum: 60 feet	Minimum: 1 space for each 2 employees, plus 1 space for each company vehicle
Front	40 feet		
Rear	None		
Side	15 feet		
Corner	40 feet		

(Ord. 81-6-1, passed 6-2-1981)

§ A-84 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) Limited manufacturing districts adjacent to residential or commercial districts shall provide a dense hedge, tree row or other suitable landscape device on that adjacent property line. All landscaping must be approved by the city’s Planning Commission and/or City Council as adequate to visually screen the manufacturing zone from residential or commercial areas.

(B) Outdoor storage in the limited manufacturing district shall be permitted only upon the approval of the city's Planning Commission and/or City Council. All outdoor storage, when permitted, shall be no more than ten feet in height and shall be completely screened from public view.

(C) No ground-mounted dish-type satellite signal-receiving antennas, also referred to as earth-stations or ground-stations, shall be permitted in any front yard or street frontage, or within eight feet of any lot line.

(D) Meat processing in a building larger than 15,000 square feet is considered "heavy industrial activity" and is not a permitted principal use. Meat processing allows for the slaughter of animals not to exceed 50 pounds. All meat processing activities in the M-1 District must meet all applicable regulations and codes of the state's Environmental Protection Agency, the United States Department of Agriculture, the state's Department of Agriculture and the ordinances of the city. Byproducts created during meat processing must be removed from the city and property in a timely manner and all byproducts must be kept in a closed, sealed container until removed. No offensive smells will be allowed at any time from the facility and failure to comply with § 14-74 of this code of ordinances will result in fines after three days and closure of the facility if not corrected within five days.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001; Ord. 2003-05, passed 4-1-2003; Ord. 2011-02, passed 2-1-2011; Ord. 2015-07, passed 3-17-2015)

§§ A-85—A-89 RESERVED.

ARTICLE X. PROVISIONS GOVERNING THE AGRICULTURAL (A1) DISTRICT

§ A-90 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Agricultural uses limited to the following: horticultural, forestry, gardening or nursery operations;

(B) One-family residential dwellings associated with bona fide agricultural uses included above;

(C) Temporary roadside stands for the display and sale of agricultural products; and

(D) Commercial grain storage if not closer than 300 feet from any residence not that of the owner or lessor of the storage site.

(Ord. 81-6-1, passed 6-2-1981)

§ A-91 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Accessory structure consistent with the principal use; and

(B) Private recreational and hobby uses such as swimming pools and tennis courts.

(Ord. 81-6-1, passed 6-2-1981)

§ A-92 SPECIAL USES.

The following are special uses:

(A) Boarding and breeding kennels;

(B) Utility substations and pumphouses;

(C) Communication towers and stations;

(D) Community buildings, libraries, schools and museums;

(E) Cemeteries;

(F) Home occupations;

(G) Signs;

(H) Cemeteries, including columbaries and mausoleums;

(I) Golf courses, except miniature golf courses, operated as a commercial use; and

(J) Golf practice driving ranges operated as a commercial use.

(Ord. 81-6-1, passed 6-2-1981)

§ A-93 LOT AREA, WIDTH AND FRONTAGE; YARD REQUIREMENTS.

The following are yard requirements for lot area, width and frontage:

<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Frontage</i>
Minimum: 5 acres	None	None

<i>Yard Requirements</i>	<i>Height</i>	<i>Off-Street Parking</i>
Minimum: 40-foot setback from any public right-of-way or designated right-of-way	None	A minimum of 2 off-street parking spaces for permitted uses. Parking requirements for special uses will be established by the city’s Planning Commission

(Ord. 81-6-1, passed 6-2-1981)

§ A-94 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No structure or accessory structure shall be constructed closer than 50 feet to any public right-of-way, nor 15 feet to any lot line.

(B) Parking requirements for this district shall be developed by the city’s Planning Commission at the time of the project proposal in accordance with the projected amount of traffic generated.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-4, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001)

§§ A-95—A-99 RESERVED.

ARTICLE XI. PROVISIONS GOVERNING THE RECREATIONAL (A2) DISTRICT

§ A-100 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

(A) Parks, open space areas;

(B) Recreational uses such as golf courses, swimming pools, playgrounds and the like;

(C) Bathing beaches and bath houses; and

(D) Boat docks and marinas.

(Ord. 81-6-1, passed 6-2-1981)

§ A-101 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

Uses clearly incidental, but necessary to the permitted principal use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-102 SPECIAL USES.

The following are special uses:

(A) Private recreational clubs;

(B) Riding stables;

(C) Zoos;

(D) Cemeteries, including columbaries and mausoleums; and

(E) Golf practice driving ranges operated as a commercial use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-103 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) No structure or accessory structure shall be constructed closer than 50 feet to any public right-of-way, nor 15 feet to any lot line.

(B) Parking requirements for this district shall be developed by the city's Planning Commission at the time of the project proposal in accordance with the projected amount of traffic generated.
(Ord. 81-6-1, passed 6-2-1981; Ord. 2001-3, passed 2-6-2001; Ord. 2001-5, passed 2-6-2001)

 §§ A-104—A-109 RESERVED.

ARTICLE XII. PROVISIONS GOVERNING THE FLOODPLAIN (A3) DISTRICT

§ A-110 PERMITTED PRINCIPAL USES.

The following are permitted principal uses:

The conveyance of a greater amount of water in cubic feet per second in an area adjacent to a valley channel to provide for periodic inundation of flood waters.

(Ord. 81-6-1, passed 6-2-1981)

§ A-111 PERMITTED ACCESSORY USES.

The following are permitted accessory uses:

(A) Parks, open spaces, natural wildlife preserves; and

(B) Recreational uses such as golf courses, playgrounds.

(Ord. 81-6-1, passed 6-2-1981)

§ A-112 SPECIAL USES.

The following are special uses:

(A) Farms, truck gardens and nurseries; and

(B) Golf practice driving ranges operated as a commercial use.

(Ord. 81-6-1, passed 6-2-1981)

§ A-113 SPECIAL REQUIREMENTS.

The following are special requirements:

(A) All parks, open spaces, preserves or recreational uses shall be regulated by the following requirements.

(1) No accessory structure shall be constructed closer than 50 feet to any public right-of-way, nor 15 feet to any lot line.

(2) Parking requirements within this district shall be developed by the city's Planning Commission at the time of the project proposal.

(B) All farms, truck gardens and nurseries shall be regulated by the following requirements.

(1) A minimum of ten acres shall be required for all farm, truck gardens and nurseries within the A3 District.

(2) A 40-foot setback from any public right-of-way shall be required.

(3) Parking requirements within this district shall be developed by the city's Planning Commission at the time of the project proposal.

(C) No alteration of the floodplain is permitted that would reduce or inhibit the total volume of water conveyed during times of periodic inundation without approval of the city's Planning Commission. (Ord. 81-6-1, passed 6-2-1981; Ord. 2001-5, passed 2-6-2001)

§§ A-114—A-119 RESERVED.

ARTICLE XIII. GENERAL PROVISIONS

§ A-120 OFF-STREET PARKING.

The following regulations are established to increase safety and lessen congestion in the public streets, to adequately provide for parking needs associated with the development of land and increased automobile usage, to set standards for the requirement of off-street parking according to the amount of traffic generated by each use, and to reduce the on-street storage of vehicles.

(A) For all buildings and structures erected and all uses of land established after the effective date of this appendix, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of the ordinance; and, provided that, construction is begun within 180 days of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

(B) When the intensity of use of any building, structure or premises shall be increased through 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.

(C) However, no building or structure lawfully erected or use lawfully established prior to the effective date of this appendix 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 appendix, in which event parking or loading facilities, as required herein, shall be provided for the total increase.

(D) 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 the said building or structure was erected prior to the effective date of this appendix, 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 appendix.

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

(F) For any conforming or legally non-conforming building or use which is in existence on the effective date of this appendix, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this appendix for equivalent new uses or construction.

(G) If off-street parking space for non-residential uses as required above cannot be provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property provided such space is within 400 feet of the main entrance to such principal use. Such off-street parking space shall thereafter be deemed to be required open space associated with this permitted use and shall not be reduced nor encroached upon in any manner.

(H) 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 appendix.

(I) In all residential districts, not more than one truck with a gross weight of 8,000 pounds or less, one trailer with a gross weight of 5,000 pounds or less and not more than one boat and/or boat trailer may be parked in a building or in a rear yard, but not in a required front or side yard, unless said parking is on an improved surface and covers only that portion of the yard that leads to parking space in the side or rear yard. Furthermore, no heavy vehicular equipment in excess of 8,000 pounds shall be parked in a residential district.

(J) All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence or densely planted compact hedge not less than five feet, nor more

than seven feet, in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located.

(K) If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces shall be the sum of the individual requirements for each use. However, where peak parking requirements occur at distinctly different times of the day or at different times of the week as determined by the Zoning Administrator, joint parking facilities may be shared by two or more uses.

(L) When determination of the number of off-street parking spaces required by this appendix results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

(M) All required spaces shall conform to the following stall and aisle dimensions:

<i>Parking Angle</i>	<i>Stall Width</i>	<i>Width of Stall Parallel to Aisle</i>	<i>Depth of Stall Perpendicular to Aisle</i>	<i>Unit Parking Depth</i>			
				<i>Aisle Width</i>	<i>Parking Against Walls</i>	<i>Parking with Inter-Meshing Stalls</i>	<i>Parking Head-in to Curb</i>
45-degree	10 feet	15 feet, 2 inches	20 feet	11 feet, 6 inches	49 feet	43 feet	43 feet, 10 inches
60-degree	10 feet	15 feet, 7 inches	20 feet	18 feet	57 feet, 6 inches	53 feet	52 feet
90-degree	10 feet	10 feet	20 feet	29 feet	65 feet	-	61 feet

(N) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of 30 feet.

(O) All parking facilities and access ways to the parking areas shall be maintained in a dust-free condition. Parking areas located between a public street and the principal building on the lot shall be maintained in a dust-free condition. Access ways between public streets and property lines shall be maintained with a substance similar to the composition of the street. Any lighting shall be arranged and maintained so that it does not shine directly upon any adjacent dwelling or street and does not produce excessive glare. Uncovered parking spaces must be at least three feet from any street right-of-way line.

(P) (1) All open off-street parking areas containing more than four parking spaces must be constructed pursuant to the following requirements:

(a) An adequate storm water drainage system must be approved by the City Engineer or Zoning Administrator and constructed in all such parking areas;

(b) Such parking areas must include a CA-6 type base (as defined by the then current Illinois Department of Transportation *Standard Specifications for Road and Bridge Construction*), no less than six inches in depth of crushed stone or equivalent material approved by the City Engineer or Zoning Administrator; and

(c) Such parking areas must be constructed with a wearing surface of asphaltic concrete or comparable hard-surface, all-weather dustless material. Such surface may consist of five-inch thick concrete, four-inch thick asphalt, or A3 surface oil and chip (as defined by the then current IDOT *Standard Specifications for Road and Bridge Construction*).

(2) All open off-street parking areas containing four or fewer parking spaces must be constructed of materials and maintained in such a way as to ensure that such areas will remain dust-free.

(Q) The following number of surfaced off-street automobile parking spaces shall be provided for the following particular uses.

(1) Banks, businesses or professional offices, and buildings not specifically mentioned elsewhere in this subsection (Q) shall have one parking space per 300 square feet of floor area, plus one parking space per two employees.

(2) Churches shall have one parking space per four seating spaces in the main sanctuary.

(3) Commercial recreation users shall have one parking space per 100 square feet of floor area, plus two parking spaces per three employees.

(4) Convalescent, nursing and other health homes and institutions shall have one visitor parking space per four patient beds, plus two parking spaces per three employees, plus one parking space per staff doctor.

(5) Hospitals shall have one visitor parking space per two patient beds, plus two parking spaces per three employees, plus one parking space per staff doctor.

(6) Hotels and motels shall have one parking space per room or suite, plus two parking spaces per three employees.

(7) Medical clinics shall have five patient parking spaces per staff doctor, plus two parking spaces per three employees, plus one parking space per staff doctor.

(8) Mortuaries or funeral parlors shall have one parking space per 25 square feet of floor area.

(9) Private clubs and lodge halls shall have one parking space per 100 square feet of floor area.

(10) Restaurants, taverns and lounges shall have one parking space for every 50 square feet of floor area, or every four occupants, whichever is greater.

(11) Schools shall have parking spaces as follows.

(a) Elementary and junior high schools shall have two parking spaces per three teachers and other employees.

(b) Senior high schools, colleges and universities shall have two parking spaces per three teachers and other employees, plus one parking space per five students.

(c) Nursery schools shall have two parking spaces per three teachers and other employees, plus one off-street loading space per eight pupils.

(d) If a school has an auditorium or assembly hall which may be used by persons other than students of the school, the parking requirements set forth under "theaters, auditoriums and places of assembly" shall be used to fulfill the parking requirements of the school; provided, the parking spaces are located near both uses.

(12) Theaters, auditoriums and places of assembly shall have one parking space per four people based on the design capacity of the structure.

(13) For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2007-07, passed 11-20-2007)

§ A-121 OFF-STREET LOADING.

(A) All commercial and manufacturing activities shall provide off-street loading berths, as defined by this section.

(B) (1) All required loading berths shall be located on the same zoning lot as the use served.

(2) No loading berth for vehicles over two tons capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height.

(3) No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.

(C) Unless otherwise specified, a required loading berth shall be at least ten feet in width by at least 25 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 14 feet.

(D) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

(E) All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all-weather dustless material.

(F) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business districts.

(G) Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(H) (1) Off-street loading berths shall be provided on the basis of gross floor area of buildings, or portions thereof, devoted to such use.

(2) All required off-street loading berths shall conform to the following schedule.

<i>Square Feet of Floor Area</i>	<i>Minimum Number and Size of Each Berth</i>
5,000 to 25,000	1 - 10 x 25 feet
25,000 to 250,000	1 - 10 x 50 feet

(Ord. 81-6-1, passed 6-2-1981)

§ A-122 TEMPORARY USES.

(A) In the event of a fire or natural disaster which results in the partial or total demolition of a single-family dwelling making it unfit for human habitation, the Zoning Administrator, upon application from the owner of such dwelling, may issue a special permit for the use of a mobile home during rehabilitation of the original dwelling or construction of a new dwelling, subject to the following conditions.

- (1) The mobile home must be placed on the lot of the home damaged or destroyed.
- (2) Required water and sanitary facilities must be provided.

(3) The permit is to be limited to six months, but in the event of circumstances beyond the control of the owner, the Zoning Administrator may extend the permit for a period not to exceed 60 days, and only if application is made 15 days prior to expiration of the original permit.

(B) A temporary real estate office may be allowed in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one year following completion of construction of said housing development.

(C) Temporary buildings for construction purposes may be allowed for a period not to exceed the completion date of such construction.
(Ord. 81-6-1, passed 6-2-1981)

§ A-123 ACCESSORY BUILDINGS AND USES.

(A) Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use; accessory uses shall not include a kennel or an accessory building for the keeping or the propagation of birds, poultry or livestock.

(B) No accessory building located in the rear yard of a corner lot shall be nearer to a street lot line than the minimum width required for a side yard abutting a street in the district where the lot is located. When the rear lot line of a reversed corner lot is contiguous to a lot in a residential district, an accessory building located within 25 feet of the rear lot line shall be no nearer to the street lot line than the required depth of the front yard on such contiguous lot.

(C) No accessory building shall exceed 16 feet in height unless otherwise permitted as accessory to business or manufacturing uses, or to an authorized special use.

(D) No accessory building or buildings shall occupy more than 40% of the area of a required rear yard.
(Ord. 81-6-1, passed 6-2-1981)

§ A-124 VISIBILITY OF INTERSECTIONS.

(A) No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

(1) In any residential district, exceeding a height of three feet above the street grade within 12 feet of the intersecting street lines bordering corner lots; and

(2) In any business or manufacturing district, within eight feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

(B) On street intersections, no parking shall be located within 30 feet of the corner formed by the intersection of any two street rights-of-way.
(Ord. 81-6-1, passed 6-2-1981)

§ A-125 SCREENING, LANDSCAPING AND FENCES.

(A) On any corner lot, surface grading shall be such as to permit unobstructed vision between the heights of two and one-half and ten feet within the sight triangle formed by the center of the intersection and two points 50 feet distant, each point being on the centerline of an intersection street.

(B) Fences, walls and hedges are permitted in a required side or rear yard; provided, they do not exceed six feet in height. Fences, walls and hedges are permitted in any front yard; provided that, a solid fence, wall or hedge does not exceed two and one-half feet in height and a fence, wall or hedge which has visibility through it, for example, a chain link fence does not exceed four feet in height.

(C) All commercial and industrial uses which abut any residential use shall provide effective screening with a planting strip not less than six feet wide. This planting strip shall include densely planted trees, shrubs or hedge, not less than eight feet in height, or an eight-foot wall or fence. The six-foot planting strip will be considered part of the required yard.

(D) In all districts, open parking areas or lots containing more than four required parking spaces shall provide effective and attractive boundary plantings to screen the parking area from adjoining properties, and intermittent screen planting between street boundaries and surface parking area, designed to break the view of the parking area and to provide visual attraction to the foreground.
(Ord. 81-6-1, passed 6-2-1981)

§ A-126 HOME OCCUPATIONS.

(A) Any occupation which is customarily, in whole or in part, conducted in a residence may be conducted in a dwelling unit as a special use provided all of the following criteria are met.

(1) The use for the occupation must be clearly incidental to the use of the dwelling as a residence.

(2) Only one person other than a member of the immediate family residing in the dwelling unit shall be employed.

(3) The total area devoted to such use shall not exceed 25% of the total area on any one floor of the dwelling unit, or 25% of any accessory building.

(4) No exterior structure, light or sign in excess of one square foot shall indicate that it is being used for any non-residential purpose.

(B) Examples of home occupations include: dressmaking and tailoring shops; the teaching of a musical instrument to one student at a time; beauty and barber shops; home antique shops and licensed child care centers.

(Ord. 81-6-1, passed 6-2-1981)

§ A-127 SIGNS.

The following regulations are established to promote the public health and safety by reducing the distracting characteristics of signs along public streets and highways, by prohibiting all signs which interfere with public traffic control devices, and by assuring adequate standards for the erection and maintenance of signs and/or sign structures. These regulations are also established to regulate the size, height, location and general characteristics of signs to protect and enhance the physical appearance of the community.

(A) *General.*

- (1) No sign shall prevent free ingress and egress from any door, window or fire escape.
- (2) No sign shall be located in such a way that it obstructs or impairs the visibility of traffic or traffic signals for drivers on streets within the jurisdiction of the city.
- (3) No sign shall obstruct the light and ventilation from any door or window.
- (4) No sign shall be attached to any vertical pole or post owned and maintained by any governmental entity or utility or any pole, post or tree located within any public property or right-of-way.
- (5) The lighting used in any illuminated sign shall be such that only the sign itself, and not the area surrounding it, will be illuminated. The term *ILLUMINATED*, as used in this code, includes any type of artificial lighting produced from either the interior or exterior of the sign and provided to facilitate the sign's readability during nighttime hours. Flashing signs are prohibited.
- (6) The owner, lessee or person in control of any sign shall be required to keep such sign properly maintained at all times.
- (7) No sign may contain or consist of ribbons, streamers, spinners or similar devices.
- (8) All temporary signs shall be securely fastened on all sides or at all corners to a building, sign structure or other support.
- (9) The construction or installation of all sign structures is subject to the permitting requirements of § 6-41 of this code of ordinances relating to construction, removal and demolition of buildings.

(10) Any sign determined by the city to pose a threat to public safety due to its construction or location shall be removed upon notice from the city's Zoning Administrator. Such determination may be appealed to the Mayor by the following business day for final determination.

(B) *Residential districts.*

(1) For residential, there shall be not more than one nameplate, not to exceed four square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation.

(2) For multiple family dwellings, for apartment hotels and for buildings other than dwellings, a single identification sign not exceeding 12 square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed.

(3) Signs listing property for sale shall be permitted; providing, there is not more than one such sign per zoning lot; except that, a corner lot shall be permitted two such signs. No sign shall exceed 12 square feet in area nor be closer than eight feet to any other zoning lot.

(4) Temporary signs are permitted, subject to the residential district sign regulations.

(5) No sign shall project higher than one story or ten feet above curb level, whichever is lower.

(6) No sign shall project beyond the property line into the public way.

(C) *Business/commercial districts.*

(1) The gross area in square feet of all signs on a zoning lot to include freestanding signs shall not exceed three times the lineal feet of frontage of such zoning lot. The gross area of all illuminated signs shall not exceed two times the lineal frontage of such lot.

(2) The sign or signs shall front the principal street, a parking area or in the case of a corner building, on that portion of the side street wall within 50 feet of the principal street.

(3) Signs suspended from any building shall not project more than 24 inches beyond the building line and the bottom of such signs shall not be less than eight feet above the finished grade of the sidewalk. Freestanding signs not to exceed 45 feet in height or 100 square feet, total of all signs on lot. Any sign projecting or suspended from a building shall not exceed 12 feet in height and its location and arrangement shall be subject to approval by the Zoning Administrator.

(4) No freestanding sign shall project beyond the property line into the public right-of-way.

(5) Temporary signs are permitted subject to the commercial district sign requirements.

(D) *Manufacturing districts.*

(1) The gross area in square feet of all signs on a zoning lot shall not exceed six times the lineal feet of frontage of such zoning lot; provided, the gross area of illuminated signs shall not exceed three times the lineal feet of frontage of such lot.

(2) No sign shall project higher than 45 feet above the ground level beneath it.

(E) *Billboards.*

(1) *Definitions.* For the purpose of this subsection (E), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLBOARD. An object, device, display, sign or structure, or part thereof displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images, which are not substantially related to the primary economic activity or use conducted on the zoning lot occupied by it. ***BILLBOARDS*** do not include commercial signage related to the business conducted on the zoning lot, nor signs temporarily placed in residential lawns by residents, owners, contractors, real estate brokers or agents, or by or on behalf of political candidates or issues.

BILLBOARD AREA. The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structure is not used to identify or attract attention to the business or product. A double-sided billboard, with sign faces parallel to each other, shall be deemed to have the ***BILLBOARD AREA*** of the larger sign face.

ILLUMINATED BILLBOARD. A billboard having its characters, letters, figures, designs or outlines illuminated by a source of artificial light.

SPACING. 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 shall apply to outdoor advertising billboard structures located on both sides of the highway involved. Spacing shall be calculated with respect to existing billboards whether or not the existing billboards are within the corporate limits of the city.

(2) *Purpose.* The regulations set forth in this appendix are established in order to promote and protect generally public health, safety, comfort, prosperity and welfare and in order to accomplish the following specific purposes:

(a) To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy the city's scenic beauty;

(b) To improve pedestrian and traffic safety;

(c) To minimize the possible adverse effect of billboards on nearby public and private property; and

(d) To provide a reasonable amortization period for non-conforming billboards, in order to lessen the economic impact thereof on the owners thereof.

(3) *General construction, material, location and performance standards.*

(a) *Electrical requirements.*

1. The electrical components, connections and installations of all billboards shall conform to the electric code of the city and all regulations promulgated thereunder.

2. In no case shall electrical wiring be exposed to the view of, or access by, the public.

(b) *Illumination and movement.*

1. The light from every illuminated billboard shall be shaded, shielded or directed so that no ray emanating from any light fixture shall directly impinge upon any residential structure or public road, and all light visible from any residential structure or public road is either reflected from, or diffused and filtered through, the sign.

2. Flashing billboards, flashing or moving lights on billboards, and reflective pennants are prohibited, except signs exhibiting time and temperature, date or other similar information.

(c) *Location.*

1. Billboards shall be located within the zoning lot in accordance with the applicable setback and yard provisions of the zoning district in which the lot is located.

2. Billboards shall not be located on the public right-of-way, or affixed to or upon public property on the public right-of-way, including, but not limited to, any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power, telephone

or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.

3. All billboards shall be properly maintained, free of broken or missing parts, rust or oxidation, faded or chipped paint, and similar conditions of disrepair.

(4) *Location restrictions.* Billboards are permitted only in areas of the city which meet all of the following conditions:

(a) The applicable zoning classification M1;

(b) No billboard which exceeds 33 square feet of billboard area shall be located on a zoning lot the boundary of which is closer than 800 feet to the nearest residential district or the A1, A2 and A3 Districts;

(c) No billboard which exceeds 33 square feet of billboard area shall be closer than 500 feet from any other billboard;

(d) No billboard shall have a billboard area exceeding 150 square feet; and

(e) The top of a billboard shall not be more than 45 feet above the lowest point on the surface of the zoning district in which it is located.

(5) *Enforcement.* From and after the effective date of this subsection (E), it shall be unlawful to erect, or to structurally or electrically alter, any billboard within the city unless a permit therefore has been issued by the Zoning Administrator in accordance with the provisions of this appendix. A written application for such permit shall be filed with the Zoning Administrator, and the application shall contain, as a minimum, a site plan; a plan of the proposed billboard; a map showing spacing with respect to existing billboards and the nearest residential zoning districts; and evidence of any federal or state permits which the applicant has obtained with respect to the billboard. The application shall be signed by the owner of record of the zoning lot on which the billboard will be located. Prior to or concurrently with the filing of such application, the applicant shall pay to the city a permit fee in the amount of \$200 for each sign, plus \$1 for each square foot of surface area of such sign in excess of 33 square feet. If the application shows that the proposed billboard would be in conformance with this appendix, the Zoning Administrator shall grant the application and issue a permit. If the application shows that the proposed billboard would not be in conformance with this appendix, the Zoning Administrator shall deny the application in writing. The Zoning Administrator shall have ten business days to grant or deny the permit application; his or her decision shall be reviewable by the Zoning Board of Appeals in accordance with the appeal provisions in this appendix.

(6) *Compliance with state law.* No billboard permit shall be issued by the Zoning Administrator unless the applicant has obtained all necessary state or federal permits, if any. The issuance of such state or federal permits shall not entitle the applicant to issuance of a city permit, unless the applicant is in compliance with all applicable city, state and federal laws.

(7) *Maintenance of billboards.* Billboards shall be maintained in a safe condition. If the Zoning Administrator shall find that any billboard has not been properly maintained, as evidenced by damaged, dented, cracked, broken or missing parts; the presence of rust or oxidation; faded or chipped paint; or similar conditions of disrepair, he or she shall give written notice of such violation to the owner or occupant of the premises upon which such sign is located, stating the condition noted and providing not less than 15 days within which to remedy the deficiency, unless the billboard presents an immediate threat to life or property, in which case the notice shall provide that the deficiency shall be remedied immediately.

(8) *Non-conforming billboards.*

(a) Billboards which were lawfully erected prior to the adoption of this appendix, but which do not conform to the requirements of this appendix, may continue in existence; however, they may not be enlarged, nor may the illumination thereof be increased.

(b) This section shall not be construed as permitting any billboard which was not in conformity with all city ordinances as in effect prior to the effective date of this subsection (E), or which do not conform to all safety, electrical and maintenance requirements of this appendix or other law or regulation.

(c) The city may, in its discretion, order the alteration or removal of any non-conforming billboard, subject to any right of the owner thereof, and the owner of the property on which the billboard is located, to just compensation pursuant to the state's eminent domain law.

(d) This subsection (E) shall not affect any right which has vested pursuant to any annexation agreement executed prior to the effective date hereof.

(9) *Nuisance declared.* The city hereby declares that any billboard which does not conform to the requirements of this subsection (E), and is not allowed pursuant to the non-conforming sign provisions provided herein is a nuisance. In addition to any other remedies available to the city, the city may sue the owner of any land on which a non-conforming billboard is located, to abate such a nuisance.

(10) *Exclusion.* Billboards of less than 33 square feet of billboard area, not exceeding seven feet in height to the top of the billboard area from ground level, which are used solely to advertise directions to the location of a person, instruction, organization, business or event located within the county may be permitted. A no-cost permit will be required. Billboards of less than 33 square feet of billboard area, not exceeding seven feet in height to the top of the billboard area from ground level, which are placed within the baseball or softball fields and located on the fences will be permitted during the season only.

(11) *Penalty.* Any person, firm or corporation who or which owns, leases (as lessor or lessee) or controls a billboard which violates any provision of this appendix, or owns a zoning lot on which such a billboard is located, or fails to remedy a deficiency as to which notice has been sent by the Zoning Administrator as set forth this amendatory ordinance, shall be subject to a fine of not less than \$250, nor more than \$750, for each violation. Each day a violation continues shall be deemed a separate offense.

(F) *Historic Downtown Square.*

(1) The **HISTORIC DOWNTOWN SQUARE** shall be defined as all properties located on the following streets:

- (a) Douglas Street, from 8th Street to 5th Street;
- (b) Jackson Street, from 8th Street to 5th Street;
- (c) 7th Street, from Monroe Street to Sheridan Street; and
- (d) 6th Street, from Monroe Street to Sheridan Street.

(2) Notwithstanding the foregoing regulations, signs within the Historic Downtown Square, whether illuminated or not, may not exceed 32 square feet per lot.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2003-19, passed 10-21-2003; Ord. 2004-07, passed 8-17-2004; Ord. 2008-01, passed 4-1-2008; Ord. 2009-08, passed 9-1-2008; Ord. 2014-02, passed 3-4-2014; Ord. 2014-20, passed 10-21-2014)

§ A-128 LOTS.

(A) When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are continuous and are held in one ownership, they shall be used as one zoning lot for such use.

(B) No recorded lot shall be divided into two or more lots unless such division results in the creation of lots, each of which conforms to all of the applicable regulations of the zone in which the property is located. Such a lot split shall require a surveyor's plat. No further reduction in the size of a recorded lot, which would render the lot unable to meet the requirements of this appendix, shall be permitted.

(C) Number of buildings per lot: in the R1, R2 and R3 Districts, only one principal building shall be permitted on any one lot, except as hereinafter provided. In the R1, R2 and R3 Districts, schools and health medical complexes may be permitted to have more than one principal building, upon approval as hereinafter provided. In the R3 District, two-family dwellings and multi-family dwellings consisting of more than one principal building may be permitted upon approval as hereinafter provided. Applications for permits for construction of multiple principal structures as described above shall be submitted to the Planning Commission and shall show the precise location and size of each structure on the lot, and shall show all setbacks and spacing as may be required by the ordinances of the city. The spacing and configuration of structures on such a lot shall be in compliance with safety standards and provide adequate access for emergency services and, the plans therefore shall comply with all other requirements imposed by the ordinances of the city. The procedure for review of such applications, and the requirements for notices thereof shall be the same as those required for applications for approval of subdivisions.

(D) Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of this appendix, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use; provided that, yards, courts or usable open spaces are not less than 75% of the minimum required dimensions or areas.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2005-19, passed 9-13-2005)

§ A-129 OTHER USES AND REGULATIONS.

(A) *Fallout shelters*. Fallout shelters are permitted in any zone, subject to the yard and lot coverage regulations of the zone. These shelters may contain or be contained in other structures or may be constructed separately.

(B) *Swimming pools*. Private swimming pools are permitted in any residential zone; provided that, no swimming pool or part thereof, including, but not limited to, aprons, walks and equipment rooms, shall protrude into any required front or side yard. Swimming pools must be fenced or otherwise protected against intrusion. No private swimming pool shall be operated as a business or as a private club.

(C) *Tents*. No tent shall be used, erected or maintained as living quarters. Tents used in commercial or industrial zones or tents used for camping purposes wherever permitted shall be of a temporary nature.

(D) *Principal uses without buildings*. Where a permitted use of land involves no structures, the use shall comply with all yard and minimum lot area requirements applicable to the zone in which it is located.

(E) *Adequate access*. Each lot shall have direct access to, and have frontage on, an approved street.
(Ord. 81-6-1, passed 6-2-1981)

§ A-130 HOME RESIDENCE BED AND BREAKFAST OPERATIONS.

(A) A residential business commonly known as bed and breakfast may be conducted in a private residence as a special use; provided, all of the following criteria are met.

(1) The principal owner must reside in the house and must be in residence at all times while conducting the business.

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(2) The number of bedrooms made available to the public is limited to the following, while retaining no less than five original rooms for the homeowner's occupancy.

<i>Gross Square Footage of Structure</i>	<i>Maximum Number of Guest Rooms</i>	<i>Minimum Number of Original Rooms</i>
2,000-2,499	2	7
2,500-2,999	3	8
3,000-3,499	4	9
3,500-4,999	5	10
5,000 and greater	6-10	11-16

(3) No more than three full-time equivalent persons other than a member of the immediate family residing in the dwelling unit may be working at any given time.

(4) No exterior structure, light or sign in excess of four feet by eight feet, and no greater than six feet in height shall indicate that it is being used for any non-residential purpose. If illuminated, the illumination shall be by directional light only.

(5) Off-street parking must be provided for one car per employee and one car per bedroom designed for rent. Such parking space cannot be planned in the front yard and must conform with the provisions governing off-street parking in the respective districts.

(6) Copies of currently applicable federal, state and local governing bodies' permits must be furnished to the Zoning Administrator before operation begins.

(7) Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one- and two-family dwellings and, in addition, the following standards shall apply:

- (a) Manual fire extinguishing equipment shall be provided on each floor;
- (b) All combustible or flammable liquids shall be stored in approved metal containers;
- (c) No combustible storage shall be permitted in or under stairways;
- (d) All trash containers shall be metal;
- (e) No cooking or cooking equipment or facilities shall be permitted in guest rooms;
- (f) All hallways and stairways shall be adequately lighted;
- (g) No portable heating devices shall be permitted in guest rooms;

(h) The owner shall submit a floor plan of the property to the city's Fire Department; and

(i) Smoke detectors of an approved type shall be installed and maintained in each guest room.

(B) See § A-10 of this appendix for the accepted description of a bed and breakfast operation. All existing criteria governing the district in which the bed and breakfast is proposed shall apply. (Ord. 81-6-1, passed 6-2-1981; Ord. 2003-18, passed 10-21-2003; Ord. 2003-28, passed 12-16-2003)

§ A-131 HOME RESIDENCE BED AND BREAKFAST OPERATIONS WITH LIMITED PUBLIC RESTAURANT SERVICE.

An approved home residence bed and breakfast operation with limited public restaurant service may be conducted as a special use in districts where authorized under this appendix; provided, all of the following criteria are met.

(A) The property must have qualified, be qualified and continue to be qualified and to operate as a home residence bed and breakfast operation under the terms of this appendix.

(B) No structures or improvements upon the premises, including parking areas, but excluding drives to access the parking areas, may be closer than 45 feet to the boundary lines of the subject property.

(C) In addition to the parking requirements for bed and breakfast operations, the property shall comply with parking requirements of this appendix applicable to restaurants. In the application of those provisions, however, the square footage of floor area shall be computed exclusive of the areas of the premises devoted to sleeping rooms and common passageways between them.

(D) No special use permit may be granted under this section for food service seating in excess of 40 persons.

(E) Food service to the general public may only be provided between the hours of 11:00 a.m. and 2:00 p.m. or otherwise as may be approved by the city.

(F) Food service to the general public shall be limited to food served for consumption upon the premises.

(G) The city may, in its discretion, require such screening, barriers or landscaping as it may determine in addition to the requirements of this appendix in the best interest of the neighboring or adjacent properties.

(H) The owner or operator of the approved home residence bed and breakfast shall file with the Zoning Administrator an annual report in such manner and form as may be approved by the Planning Commission detailing the number of bed-nights occupancy of the bed and breakfast operation.

(I) No food service shall be provided except in conformance with applicable health and safety laws, regulations or ordinances of the city, county and state.

(J) In the event that the Zoning Administrator determines that the principal use of the property as a home residence bed and breakfast has been discontinued for a period of not less than four months, the special use provided under this section may be revoked.

(Ord. 2005-08, passed 7-19-2005)

§§ A-132—A-139 RESERVED.

ARTICLE XIV. NON-CONFORMING BUILDINGS AND USES

§ A-140 DEFINITION.

(A) Any lawfully established use of a building or land, on the effective date of the ordinance or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

(B) Any legal, non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

(C) Any building for which a permit has been lawfully granted prior to the effective date of the ordinance or of amendments thereto, may be completed in accordance with the approved plans; provided, construction is started within 180 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

(Ord. 81-6-1, passed 6-2-1981)

§ A-141 BUILDINGS AND STRUCTURES.

(A) Ordinary repairs, maintenance and alterations may be made to a non-conforming building or structure, except that no structural alteration shall be made in or to such building or structure, except those required by law, and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.

(B) A building or structure which is non-conforming as to bulk shall not be added to or enlarged in any manner unless such building or structure and the use thereof, including all additions and enlargements thereto, are made to conform to all the regulations of the district in which it is located.

(C) A building or structure which does not conform to all of the regulations of the district in which it is located shall not be moved in whole or in part to any other location unless every portion of such building or structure which is moved and the use thereof are made to conform to all the regulations of the district into which it is moved.

(D) In all districts, a non-conforming residential building which is destroyed or damaged by fire or other casualty or by act of God may be restored to its condition prior to the occurrence.

(E) In any district a non-residential non-conforming building or structure which is destroyed or damaged by fire or other casualty or by act of God shall not be restored if the cost of restoration to its condition prior to the occurrence exceeds 50% of the cost of restoring the entire building or structure new, unless said building or structure and the use thereof shall conform thereafter to all the regulations of the district in which it is located.

(F) In the event that such damage or destruction is less than 50% of the cost of restoration of an entire building or structure new, the building or structure may be restored to its original non-conforming condition only if such restoration is started within 120 days from the date of the partial damage or destruction and is diligently prosecuted to completion.

(G) A non-conforming building, structure or portion thereof, which is unoccupied or unused for 180 days on and after the effective date of this appendix or thereafter becomes unoccupied or unused and remains unoccupied or unused for any continuous 180-day period, shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located.
(Ord. 81-6-1, passed 6-2-1981)

§ A-142 USES.

(A) A non-conforming use of a part of a building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.

(B) If a non-conforming use of a building or structure is discontinued for a period of six 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 building or structure is located. Occupancy of such building or structure shall not be permitted prior to inspection and issuance of a certificate of occupancy and use.

(C) A non-conforming use of a building or structure shall not be changed to another non-conforming use.
(Ord. 81-6-1, passed 6-2-1981)

§ A-143 USE OF LAND.

(A) A non-conforming use of land shall not be expanded or extended beyond the area it occupies on the effective date of this appendix.

(B) If a non-conforming use of land is discontinued for a period of six 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) A 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.
(Ord. 81-6-1, passed 6-2-1981)

§§ A-144—A-149 RESERVED.***ARTICLE XV. ADMINISTRATION AND ENFORCEMENT*****§ A-150 ZONING ADMINISTRATOR.**

(A) The Zoning Administrator, to be appointed by the Mayor with the advice and consent of the City Council, shall be empowered to administer and enforce the provisions of this appendix.

(B) (1) With cause shown, conduct inspections of buildings, structures and uses of any premises to determine compliance with the terms of this appendix and issue certificates of inspection where compliance with the article has been verified. The Zoning Administrator, who may be accompanied by additional officers, appointees or employees of the city as the Zoning Administrator may designate, may enter and inspect the interior of all buildings, structures and premises within the jurisdiction of this code;

(2) Provide written notice and recommendation for action to the City Council of any zoning code violations or illegal use of land, buildings or structures, such notice to be provided at the City Council meeting immediately following knowledge of any such violation or illegal use;

(3) Maintain permanent and current records of all functions of the Planning Commission related to the administration of this appendix, including, but not limited to, official actions on all amendments, zoning exception certificates, certificates of inspection and applications therefor;

(4) Receive petitions for proposed zoning amendments and provide such clerical and technical assistance as may be required;

(5) Make a monthly written status report to the City Council on all activities before the Zoning Administrator, the Revolving Loan Fund, the Planning Commission and the Zoning Board of Appeals;

(6) Make a written annual report to the City Council on the work of the Planning Commission and Zoning Board of Appeals on the enforcement of this appendix;

(7) Serve as an ex-officio, non-voting member of the Planning Commission and Zoning Board of Appeals; and

(8) Maintain regular office hours for public utilization as determined from time to time by the City Council.

(Ord. 81-6-1, passed 6-2-1981; Ord. 99-22, passed 5-4-1999; Ord. 99-26, passed 5-18-1999; Ord. 2005-20, passed 10-4-2005)

§ A-151 ZONING BOARD OF APPEALS.

There is hereby created a Zoning Board of Appeals to which the following applies:

(A) The Board shall consist of seven members appointed by the Mayor with the advice and consent of the City Council. To avoid any conflict of interest or appearance of conflict of interest, no member of this Board may sit on the Planning Commission. One of the members shall be named as Chairperson at the time of his or her appointment. The members of the Board so appointed shall serve for staggered terms of five years or until their successors are appointed and qualified. The Board shall elect its own Vice-Chairperson for a one-year term. Vacancies upon the Board shall be filled for the unexpired term of the member in the same manner as the initial appointment.

(B) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members.

(C) The Board of Appeals is hereby vested with the following duties under this appendix:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator;

(2) Variations should be granted only to provide relief in unusual situations which were not intended or foreseen when this appendix was adopted. No variation should be granted unless it will be in harmony with the general interest and purpose of this appendix;

(3) Upon application for appeal the Board shall be empowered to permit the following variations:

(a) To permit the extension of a district where the boundary line of a district divides a lot of record in single ownership;

(b) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or the public enemy to the extent of more than 50% of its assessed value when the Board finds some compelling public necessity requiring a continuance of the non-conforming use;

(c) To interpret the provision of any new zoning ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts; and

(d) To vary parking regulations whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(4) In exercising the powers of granting variations, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals or applications for variations, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change, including a variation in use, in the district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the city. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed;

(5) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the application on any matter upon which it is required to pass or to effect any variations in a new ordinance; and

(6) The following procedures shall be used in all matters before the Board:

(a) Appeals to the Board of any matter over which the Board is specifically granted jurisdiction may be taken by any person aggrieved, or by an officer, department, any board or bureau of the city affected by any decision of the Zoning Administrator. Such appeal shall be taken within 45

days of such decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken;

(b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of 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 or property. In such case, proceedings should not be stayed otherwise than by proper legal action; and

(c) Upon an appeal or request for a variation, the Board shall fix a reasonable time for a hearing. Upon an appeal from any decision of the Zoning Administrator or request for variation, the Board shall give not less than 15 days' public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the decision appealed from or the variation requested, as well as a brief statement of the nature of the appeal or of what the proposed variation consists. The Board shall give due notice of the place and time for hearing of the appeal application or request for variation to the parties concerned either in person or by registered mail, return receipt requested, not less than 15 days and not more than 30 days prior to the hearing. Said notice shall state the name and address of the applicant, the name and address of the owner of the property, the location of the property and a brief statement of the nature of the appeal or request for variation. The city shall post the property with a notification of appeal sign seven days prior to the hearing date and shall remove said sign no later than three days following the hearing date. (Ord. 81-6-1, passed 6-2-1981; Ord. 99-30, passed 6-15-1999)

§ A-152 PLANNING COMMISSION.

There is hereby created a Planning Commission to which the following applies:

(A) The Commission shall consist of five members appointed by the Mayor and approved by the City Council. To avoid any conflict of interest or appearance of conflict of interest, no member of this Commission may sit on the Zoning Board of Appeals. The members of the Commission so appointed shall serve for a term of three years or until their successors are appointed and qualified. The Mayor shall serve as an ex-officio, non-voting member of the Commission. The Commission shall elect its own Chairperson and Vice-Chairperson for one-year terms. Vacancies upon the Commission shall be filled for the unexpired term of the member in the same manner as the initial appointment.

(B) All meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Commission may determine. All hearings and meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

(C) The Planning Commission is hereby vested with the following duties under this appendix:

(1) Upon request of the City Council, to prepare, recommend, monitor and update the comprehensive development plan for the city and environs;

(2) Upon request of the City Council, to review, monitor, update and recommend to City Council necessary changes in the ordinances and codes of the city;

(3) To hear, decide and recommend to the City Council on all applications for zoning amendments, special use permits and planned developments; and

(4) To hear, decide and recommend on all other matters referred to it by the City Council.

(D) The city shall publish notice of a public hearing and shall post the property with a notice of zoning request sign.

(Ord. 81-6-1, passed 6-2-1981; Ord. 98-09, passed 5-19-1998; Ord. 99-24, passed 5-4-1999; Ord. 99-30, passed 6-15-1999)

§ A-153 VARIATIONS.

(A) An application for a variation of the regulations of this appendix may be made by a property owner or his or her agent to the Zoning Administrator. Such application shall be made in writing, stating the variation requested, the location of the property for which the variation is requested, name of the property owner and cause for the requested variation.

(B) The Zoning Board of Appeals shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once, but not more than 30 days, nor less than 15 days, before the hearing in one or more newspapers with a general circulation within the community.

(C) The Zoning Board of Appeals shall report its findings and recommendations to the City Council within 30 days after the public hearing.

(D) Upon receipt of the report and recommendations from the Board or Appeals to grant or deny the variations, the City Council, without further public hearing, may:

(1) Adopt the proposed variation by ordinance;

(2) Concur with the denial of a variance request; or

(3) Overrule a Board of Appeals recommendation with the affirmative vote of two-thirds of all members of the City Council.

(E) No variation shall be made by the City Council without a hearing by the Zoning Board of Appeals as required hereinabove nor without a report thereof having been made by the Board or Appeals to the City Council, and every such report shall be accompanied by a finding of fact specifying the reasons for the report.

(Ord. 81-6-1, passed 6-2-1981)

§ A-154 SPECIAL USES.

(A) *Purpose.* The development and execution of this appendix is based upon the division of the city into districts, within which districts the uses of land and buildings and the yard and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special 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 special uses fall into two categories:

(1) Uses publicly operated or traditionally connected 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 which is specifically enforceable, may file an application to use land for a special use provided for in this appendix in the zoning district in which the land is located.

(C) *Application for special use.* An application for special use permit, including a planned residential development special use permit, shall be filed with and on a form available from the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in subsection (E) below.

(D) *Hearing on application.* Upon receipt in proper form of the application and statement referred to in this section, the Planning Commission shall hold at least one public hearing on the proposed special use; not more than 30 days, nor less than 15 days, in advance of such hearing, notice of time and place of such hearing shall be published in a newspaper published in the city, as prescribed by applicable state statutes. Supplemental or additional notices may be published or distributed as the Planning Commission may, by rule, prescribe from time to time.

(E) *Findings of fact and recommendations of the Planning Commission.*

(1) Within 30 days after the close of the public hearing on a special use permit application, the Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council. The Commission shall make findings based upon the evidence presented to it in each specific case that:

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

(b) 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 or impair property values within the neighborhood;

(c) 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;

(d) Adequate utilities, access roads, drainage and/or 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 the public streets; and

(f) 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 Commission.

(2) For each application for a special use permit, the Planning Commission shall report to the City Council the stipulations or additional conditions and guarantees to be complied with by the applicant when they are deemed necessary for the protection of the public interest.

(F) *Action by the City Council.*

(1) The City Council shall not act upon a special use permit application until it shall have received a written report and recommendations from the Planning Commission.

(2) The City Council shall have three months from the date of decision by the Planning Commission to act on the special use permit application.

(3) Any action taken by the City Council with regard to special uses shall be by ordinance.

(4) In the event that the Planning Commission fails to provide a written report and recommendations to the City Council as referenced in subsection (F)(1) above, within 30 days after the close of a public hearing for a special use application and permit, through either the Planning

Commission's willful failure to provide such items, or due to inadequate staffing of or on the Planning Commission, the City Council may, at its option, elect to:

(a) Conduct its own public hearing on a special use application; and/or

(b) Act upon a special use permit application without having received any written report and recommendations from the Planning Commission.

(Ord. 81-6-1, passed 6-2-1981; Ord. 2000-4, passed 2-15-2000)

§ A-155 PLANNED DEVELOPMENT PROCEDURES.

(A) *Purpose.* The planned development procedure is established to encourage developers to use a more creative approach in the development of residential, commercial and industrial land by providing for flexibility in the requirements of this appendix. The planned development procedure shall observe the following general principles.

(1) The gross population density and building intensity remain unchanged and conform with basic overall density requirements of the zoning district. Lot dimensions and areas do not have to meet specific ordinance requirements.

(2) A variety of dwelling and building types is encouraged.

(3) Residential lot sizes related to single-family detached units may be reduced.

(4) In areas where town houses are used, no more than six town house units in any contiguous group shall be used. Minimum lot size should not be less than 3,000 square feet and rear yard depth not less than 25 feet where the lot does not abut a park or open space easement.

(5) Clustering of dwellings is accomplished through reduction of lot areas.

(B) *Procedure.*

(1) Any residential, commercial, industrial or combination development of two or more acres within the city or its one and one-half mile subdivision limit shall be developed under the planned development procedure. Upon petition to the Planning Commission, developments of less than two acres may be permitted under the provisions of this section.

(2) Prior to filing an application for a planned development, a preapplication conference shall be held with the Zoning Administrator at which time consideration of basic site information and sketch plans will be discussed. If the project is to be developed in phases, the preapplication conference shall include a discussion of each development phase and an anticipated timetable for development. No

planned development unless specifically approved by the Planning Commission shall be permitted in less than two-acre phases. Following the preapplication conference with the Zoning Administrator, a planned development application shall be prepared and submitted by the applicant.

(3) (a) The applicant shall submit a sepia map with ten prints of the preliminary development plan to the Planning Commission. The preliminary development map shall contain the following:

1. Kind, location, bulk and capacity of structures and uses;
2. General floor plans of the building;
3. Location and identification of open spaces, and other means for pedestrians and vehicular circulation, parks, recreational areas and other non-building sites;
4. Provisions for automobile parking and loading;
5. Landscaping and forestry features;
6. General nature and location of public and private utilities and other community facilities and services (including maintenance facilities); and
7. Phasing of the project if the development is to occur in more than one phase.

(b) The applicant shall also submit in written form the following:

1. Facts showing the suitability of the site and a description of proposed land uses, population densities and building intensities;
2. Proposed circulation pattern indicating both public and private streets, parking ratios and potential congested areas;
3. Proposed parks, playgrounds, school sites and other open spaces, if any;
4. Evidence that the real estate is owned or controlled by the applicant;
5. A development schedule for the development of units to be constructed; and
6. Other pertinent information as the Commission shall prescribe.

(c) Prior to considering the preliminary development plan and making a recommendation to the City Council either approving or disapproving the preliminary development plan, the Planning Commission shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once, but not more than 30 days nor less than 15 days,

before the hearing in one or more newspapers with a general circulation within the community. The City Council may concur or not concur with the Commission's recommendation. Approval by the City Council shall be a condition for filing by the applicant of and for a planned development permit.

(4) After approval of the preliminary planned development application, application for a planned development permit shall be filed by the applicant:

- (a) All documents submitted as part of the applicant's preliminary development plan;
- (b) Landscaping plans including type of plant materials and their arrangement;
- (c) Detailed superstructure plans including floor plans, exterior elevations and outline specifications of type of building materials, types of wall and roof construction;
- (d) Engineering plans, including site grading, street improvements, street and other outside lighting, drainage and public water, sanitary and storm sewer extensions as necessary;
- (e) A statement from the applicant that the ownership or control is the same as shown for the preliminary development plan;
- (f) Cost estimate for the proposed planned development and evidence of adequate financing of such detail as to demonstrate the financial capabilities of the developer;
- (g) A description of any proposed exceptions from any of the regulations of the underlying zoning district or districts in which the proposed planned development is located; and
- (h) The official subdivision site plan for registration and recording.

(5) Any application for a planned development permit shall be filed within one year of approval of the preliminary development plan.

(6) If the application for a planned development permit shall require an amendment to the zoning map for all or any part of the property in question, an application for zoning shall be submitted and heard concurrently with the application for the planned development permit by the Planning Commission.

(7) If effectuation of the development requires action by the City Council, in the form of rezoning, the Council's consideration thereof shall follow the Commission's concurrent permit application and rezoning hearing. Thereafter, the matter shall proceed further before the Commission only if the necessary action has been taken by the Council.

(8) Before the City Council shall approve a planned development, it shall find:

(a) The proposed planned development can be completed within three years of the granting of the permit. No alternative use of the property shall be permitted except upon approval by the City Council;

(b) The streets proposed are suitable and adequate to carry anticipated traffic and will not overload the streets adjacent to the development;

(c) Any proposed exceptions to the regulations of the underlying zoning district or districts are warranted and appropriate;

(d) The planned development will not alter the essential character of the area; and

(e) The existing and proposed utility services are adequate for the proposed planned development.

(9) No alteration or amendment shall be made in the construction and development of the planned development without a new application under the provisions of this appendix. Further, no building permits or occupancy permits shall be issued until final approval of the planned development permit by the City Council and the recording of the subdivision site plan as approved.

(10) Upon the abandonment prior to construction of a planned development or if, upon the expiration of three years from the endorsement of the Council's approval upon the planned development permit, construction has not been completed or has not been commenced with an extension of time for completion granted, the planned development permit shall expire and no authorization for construction shall be granted until the planned development permit shall have been reapproved or until it has been formally withdrawn and the subdivision plat duly rescinded.

(11) To insure completion of the public improvements, including pavements and installation of utilities, a surety bond for the full amount of the estimated cost of such improvements shall be furnished to the city. The condition of said bond shall be that if said improvements have not been completed within the specified time, the amount of the bond shall be paid to the city, and the city may use such funds to cause the completion of the improvements. If development is to occur in phases, a bond for only the immediate phase may be accepted with the approval of the Planning Commission.

(12) With respect to the buildings to be constructed in said planned development, an additional surety bond shall be furnished to the city in such form as shall be approved by the City Council and in a sum equal to 10% of the estimated cost of such buildings conditioned upon the substantial completion of said buildings within the time required by the permit.

(13) A fee of \$200 shall accompany the planned development application.

(14) The Mayor may, for good cause shown, grant an extension of a planned development permit for six months.

(15) All public improvements of every nature including streets, street lights, sidewalks, curbs, sewers, water mains shall be installed under the same terms and conditions as provided in other applicable ordinances of the city.

(16) All public improvements shall comply with all buildings and material requirements of the applicable ordinance of the city.

(17) Underground utilities including telephone and electric systems are required within the limits of the planned development. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission and City Council find such exceptions will not violate the intent of character of the development.

(Ord. 81-6-1, passed 6-2-1981)

§ A-156 PERMITS.

(A) Building permits.

(1) No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the Zoning Administrator stating that the building or structure and use of land comply with the regulations of this appendix and all building and health laws and ordinances of the city.

(2) All applications for building permits shall be accompanied by a plot plan, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots in relation to adjoining streets and lot lines, location of well, septic tanks and seepage field, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plot plans shall be kept in the office of the Zoning Administrator.

(3) Applications for building permits shall be accepted at City Hall, and stamped by city personnel indicating the date the application was received. Within 30 calendar days from the city's receipt of the completed application for a building permit, the Zoning Administrator (or the person temporarily responsible for the Zoning Administrator's duties) shall:

(a) Thoroughly investigate the application with respect to the city's zoning ordinances;

(b) Either:

1. Issue a building permit allowing said applied-for construction by:

a. Personally delivering the permit to the applicant; or

b. Sending the permit to the applicant, by certified mail from the city post office.

2. Issue a written denial for a building permit, stating the ordinance(s) and subsection(s) therein that constitute the basis of the applicant's failure to meet zoning requirements for said denial. The denial shall be delivered in the same manner as in subsection (A)(3)(b)1. above.

(c) Proof of delivery of either item in subsection (A)(3)(b)2. above shall be retained by the zoning official issuing said item, and all records relating to a permit application shall be similarly retained and available for inspection, within seven calendar days of a written request for said inspection; and

(d) In the event of the absence of a Zoning Administrator, or person temporarily responsible for the Administrator's duties, or said Administrator or person willfully fails to perform the duties outlined above in the required period of time, the City Clerk shall be empowered to issue building permits. This empowerment of the City Clerk shall not be construed as a limitation on the City Council's ability to levy penalties or fines on individuals for violations of this appendix.

(4) Notwithstanding the foregoing, no building permit shall be issued for construction unless or until the lot or parcel upon which such construction is proposed has been platted in a final plat approved by the city under the provisions of App. B of the code of ordinances of the city and there are no applications pending that have not received final approval of the city to amend or re-plat the property.

(B) Certificate of compliance.

(1) No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the Zoning Administrator. The certificate of compliance shall be issued only after the Zoning Administrator makes a finding that:

(a) The building or structure has been erected or structurally altered in conformance with the provisions herein and other health and building laws and in accordance with a building permit; and

(b) The lot or parcel of land upon which the building or structure has been constructed is the subject of a final plat approved by the City Council. No certificate of compliance shall be issued if an application for platting, re-platting or amending a prior plat is pending and has not been finally approved by the city in conformance with the provisions of App. B of the code of ordinances of the city.

(2) Certificates of compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection and alterations of such building have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies furnished on request to any person having a proprietary or tenancy interest in the building affected.

(C) *Certificate of continued occupancy of non-conforming uses.*

(1) Certificates for the continued occupancy of non-conforming uses existing at the time of passage of this appendix, or made non-conforming by this appendix shall state that the use is a non-conforming one and does not conform with the provisions of this appendix. The Zoning Administrator shall notify the owners of the property being used as a non-conforming use and shall furnish said owner with a certificate of occupancy for such non-conforming use.

(2) Upon the change of ownership of property which has been classified as a non-conforming use, the buyer of such property must obtain a certificate of ownership and a non-conforming permit for such non-conforming use from the Zoning Administrator prior to the commencement of his or her occupation of the property. Such buyer shall pay all prescribed fees for the issuance of such certificate. A non-conforming certificate will expire six months after date of issuance unless property is used within the six-month period.

(D) *Use permit.* No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the Zoning Administrator. No such use permit shall be issued to make such change unless it is in conformity with the provisions herein and amendments hereto, hereafter duly enacted.

(E) *Continuance of existing uses.* Nothing herein shall prevent the continuance of the present lawful occupancy or lawful use of any existing building or zoning lot, except as may be necessary for the safety of life and property and except as provided herein.

(F) *Satellite receiver permits.* For dish-type satellite receiver permits, the applicant need only submit a plot plan indicating exact location. Permits are only required for dish-type satellite receivers 40 inches in diameter or larger. No fee shall be required.

(Ord. 81-6-1, passed 6-2-1981; Ord. 91-5, passed 3-5-1991; Ord. 99-30A, passed 6-29-1999; Ord. 2000-8, passed 4-18-2000; Ord. 2006-11, passed 7-5-2006; Ord. 2011-02, passed 2-1-2011)

§ A-157 FEES.

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations and for appeals to the Zoning Board of Appeals shall be established by action of the City Council from time to time. Such fees shall be paid to the City Clerk who shall give a receipt therefor and account for same at regular intervals to the City Council. A copy of the existing fee schedule as amended from time to time shall be attached to the Zoning Ordinance of the city, as amended.

(Ord. 81-6-1, passed 6-2-1981; Ord. 98-02, passed 2-17-1998; Ord. 2003-23, passed 11-4-2003)

§ A-158 PENALTIES.

A violation of any section of this appendix shall constitute a petty offense. If that violation continues, it shall constitute a separate offense subjecting the violator to separate prosecutions for said violation. (Ord. 81-6-1, passed 6-2-1981)

§§ A-159—A-164 RESERVED.***ARTICLE XVI. AMENDMENTS*****§ A-165 PETITION FOR AMENDMENT.**

(A) The City Council, the city's Planning Commission and other governmental bodies may apply for an amendment in the text herein, and in the accompanying zoning map made a part hereof. Any petition for an amendment by a private party shall be accompanied by a filing fee as established by the City Council, which fee shall be deposited with the city and no part shall be returnable to the petitioner.

(B) The petition for amendment shall state the property location for which the amendment is requested, the name of the property owner and a statement describing the amendment requested. (Ord. 81-6-1, passed 6-2-1981; Ord. 2011-03, passed 2-1-2011)

§ A-166 REVIEW OF PETITION.

The regulations imposed and the zoning districts created hereunder may be amended by ordinance, but no such amendment shall be made by the City Council without public notice and without a public hearing before the Planning Commission of the city. The Planning Commission shall hold the public hearing and forward its recommendations to the City Council within 45 days of the date the petition was submitted to the Planning Commission unless it is withdrawn by the petitioner. (Ord. 81-6-1, passed 6-2-1981)

§ A-167 NOTICE OF PUBLIC HEARING.

The Planning Commission of the city shall cause notice of public hearing of petitioner's application to be given in the following manner:

(A) By publishing notice of the time and place of such public hearing at least once, not more than 30 days and not less than 15 days before the hearing in one or more newspapers published in the city or if no newspaper is published therein, then in one or more newspapers with a general circulation in the city;

(B) By causing said notice to contain the particular location for which the amendment is requested, as well as a brief statement describing the proposed amendment; and

(C) By notifying such property owners, groups or organizations as it deems desirable of the proposal.

(Ord. 81-6-1, passed 6-2-1981)

§ A-168 WRITTEN PROTEST.

In the event of written protest against the 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 the alley or rear line therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district, filed with the City Clerk, such amendment shall not be passed by the City Council, except by the favorable vote of two-thirds of all the elected members of the City Council.

(Ord. 81-6-1, passed 6-2-1981)

§§ A-169—A-174 RESERVED.

ARTICLE XVII. INTERPRETATION AND SEPARABILITY

§ A-175 INTERPRETATION AND SEPARABILITY.

(A) In interpreting and applying the provisions herein, they shall be held to be the minimum requirements for the promotion of the safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this appendix to interfere with, abrogate, annul or repeal any ordinances, rules or regulations previously adopted, and not in conflict with any of the provisions herein or which shall be adopted, pursuant to law relating to the use of buildings or premises, nor is it intended to

interfere with or abrogate or annul any easements, covenants or other agreements between parties; except that, where this appendix imposes a greater restriction upon the use of land, buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such other ordinances or such other easements, covenants or agreements, the provisions herein shall control.

(B) It is hereby declared to be the intention of the City Council of the city that the several provisions of this appendix are separable, in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this appendix to be invalid, such judgement shall not affect any other provision of this appendix not specifically included in said judgement; and

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

(Ord. 81-6-1, passed 6-2-1981)

§§ A-176—A-184 RESERVED.

ARTICLE XVIII. LEGAL STATUS PROVISIONS

§ A-185 INTERPRETATION.

(A) *Minimum requirements.* The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

(B) *Relationship with other laws.* Where the conditions imposed by any provision herein 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 herein or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

(C) *Effect of existing agreements.* This appendix is not intended to abrogate any easement, covenant or any other private agreement; provided that, where the regulations of the ordinance are more restrictive (or impose higher standards or requirements) than such easement, covenants or other private agreements, the requirements herein shall govern.

(Ord. 81-6-1, passed 6-2-1981)

§ A-186 SEPARABILITY.

It is hereby declared to be the intention of the city that the several provisions of this appendix are separable, in accordance with the following.

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

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

(Ord. 81-6-1, passed 6-2-1981)

§ A-187 EFFECTIVE DATE.

This appendix shall be in full force and effect from and upon its passage, approval and publication as required by law.

(Ord. 81-6-1, passed 6-2-1981)

