



# CITY OF ELMHURST

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## ZONING ORDINANCE

**Public Hearing Draft | August 2025**

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## Article 1. Title, Purpose, & Applicability

- 1.1 TITLE**
- 1.2 PURPOSE**
- 1.3 APPLICABILITY**
- 1.4 TRANSITION RULES**
- 1.5 SEVERABILITY**

### **1.1 TITLE**

This Zoning Ordinance, which incorporates the Official Zoning Map, is known, cited, and referred to as the "Elmhurst Zoning Ordinance," "Zoning Ordinance," or "Ordinance."

### **1.2 PURPOSE**

The intent of this Ordinance is to establish land use regulations to serve the City of Elmhurst. The purpose of this Ordinance is to:

- A.** Promote and protect the public health, safety, and welfare.
- B.** Secure adequate light, air, privacy, and convenience of access to property.
- C.** Promote the orderly development of the City in accordance with the Comprehensive Plan and adopted land use policies.
- D.** Divide the City into zoning districts, according to use of land and structures, height and bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- E.** To establish reasonable standards to which buildings and structures must conform, and to encourage reasonable flexibility of development design through appropriate innovation.
- F.** Conserve the value of land and structures and encourage the most appropriate use of land throughout the City.
- G.** Prevent the overcrowding of land by regulating and limiting the use and bulk of structures in relation to the surrounding land.
- H.** Minimize congestion on the public streets.
- I.** Facilitate the provision of adequate transportation and of other public requirements and services such as water, sewerage, schools, and parks.
- J.** Avoid hazards to persons and damage to property from inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- K.** Prohibit uses or structures incompatible with the character of development or intended uses within zoning districts.
- L.** Provide for the regulation of nonconforming buildings, structures, and uses.
- M.** Define the powers and duties of the administrative officers and bodies as provided in this Ordinance.
- N.** Prescribe penalties for the violation of this Ordinance or any amendment to this Ordinance.

### **1.3 APPLICABILITY**

#### **A. Territorial Application**

This Ordinance applies to all land, uses, and structures within the City.

#### **B. General Application**

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

#### **C. Required Conformance**

Any structure, or portion thereof, must be erected, constructed, reconstructed, moved, or enlarged in conformance with the requirements of this Ordinance. Any structure, or portion thereof, or land must be used and occupied in conformance with the requirements of this Ordinance.

#### **D. Relation to Other Laws and Regulations**

Unless otherwise specifically provided, this Ordinance controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.

#### **E. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)**

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc to 2000cc-5, is a civil rights law that protects individuals and religious assemblies and institutions from discriminatory and unduly burdensome land use regulations. This Ordinance acknowledges the existence of RLUIPA and will be applied in such a manner as to provide protections for the religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions.

#### **F. Conflicting Standards**

Where the standards imposed by this Ordinance on the use of land or buildings or the dimensional or design standards of buildings are either more restrictive or less restrictive than comparable standards imposed by another part of this Ordinance, the regulations which are more restrictive or impose higher standards control.

#### **G. Relation to Private Agreements**

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The City does not enforce any private agreement or covenants.

#### **H. Rules Regarding Illustrations and Graphics**

Any illustrations, graphics, and/or photos contained in this Ordinance are to assist the user in understanding and applying the Ordinance. If there is any inconsistency between the text of the Ordinance and any such illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

### **1.4 TRANSITION RULES**

#### **A. Existing Uses**

The rules of Table 1-1: Use Transitions apply to uses operating as of the effective date of this Ordinance:

Table 1-1: Use Transitions		
Previous Use Categorization Prior to Effective Date	Current Use Categorization as of Effective Date	Functional Change
Permitted use	Permitted use	Remains a permitted use, but is subject to any new use standards required by the Ordinance
Permitted use	Conditional use	Becomes a conditional use, and any subsequent addition, enlargement, or expansion requires conditional use approval and is subject to any new use standards required by the Ordinance
Conditional use	Conditional use	Remains a conditional use, and any subsequent addition, enlargement, or expansion requires conditional use approval and is subject to any new use standards required by the Ordinance; the use also remains subject to any conditions approved as part of the prior conditional use approval
Conditional use	Permitted use	Becomes a permitted use and is no longer subject to any conditions approved as part of conditional use process, but is subject to any new use standards required by the Ordinance
Permitted use	Not allowed	Prohibited in the zoning district; existing use becomes a nonconforming use (Article 19)
Conditional use	Not allowed	Prohibited in the zoning district; existing use becomes a nonconforming use (Article 19)

**B. Structures Rendered Nonconforming**

Any structure existing lawfully prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, that does not meet all standards for the zoning district in which it is located, as set forth in this Ordinance or any subsequent amendment to this Ordinance, is classified as a nonconforming structure.

**C. Lots Rendered Nonconforming**

Any lot existing lawfully prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, that does not meet all standards for the zoning district in which it is located, as set forth in this Ordinance or any subsequent amendment to this Ordinance, is classified as a nonconforming lot.

**D. Illegal Structures or Uses**

1. Any structure or use that was illegal prior to adoption of this Ordinance, but is subsequently made legal by this Ordinance, is deemed legal as of the effective date of this Ordinance.
2. Any structure or use that was illegal prior to adoption of this Ordinance and does not conform to all requirements of this Ordinance, remains illegal. Illegal structures and uses are not considered nonconforming structures or uses.

**E. Previously Issued Building Permits**

Where a building permit has been lawfully issued prior to the effective date of this Ordinance and provided that construction is begun within nine months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued. The building or structure may, upon completion, be occupied under a certificate of occupancy by the use for which it was originally designated.

**F. Previously Granted Variation**

All variance approvals granted prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, remain in full force and effect. The recipient of the variation may proceed to develop the property in accordance with the approved plans and all applicable conditions of the variation so long as the variation has not expired.

**G. Existing Planned Developments**

Previously approved planned developments (PD) remain in effect and continue to control the development of land that is subject to the PD. Any amendments to existing PD are subject to the amendment procedures of this Ordinance.

**H. Pending Applications**

An application that has been received and deemed complete is subject to the rules in effect on the date the application was deemed complete.

**1.5 SEVERABILITY**

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.



## Article 2. General Definitions & Measurement Methodologies

- 2.1 RULES OF INTERPRETATION
- 2.2 GENERAL ABBREVIATIONS
- 2.3 DEFINITION OF GENERAL TERMS
- 2.4 RULES OF MEASUREMENT

### 2.1 RULES OF INTERPRETATION

The terms in the text of this Ordinance are interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. Any gender includes all genders.
- D. The terms "must," "shall," and "will" are mandatory.
- E. The terms "may" and "can" is permissive.
- F. The terms "must not," "will not," "cannot," "may not," and "shall not" are prohibiting.
- G. Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

### 2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance:

- A. BTL is an abbreviation for "build-to line."
- B. BTZ is an abbreviation for "build-to zone."
- C. BT% is an abbreviation for "build-to percentage."
- D. GFA is an abbreviation for "gross floor area."
- E. ft is an abbreviation for "feet."
- F. N/A is an abbreviation for "not applicable."
- G. sf is an abbreviation for "square feet."
- H. SF is an abbreviation for "single-family."
- I. 2F is an abbreviation for "two-family."
- J. TH is an abbreviation for "townhouse."
- K. MF is an abbreviation for "multi-family."
- L. NR is an abbreviation for "nonresidential."

## 2.3 DEFINITION OF GENERAL TERMS

The following are definitions of general terms used throughout this Ordinance with the exception of use definitions, which are defined in Article 9.

**Abut.** To share a common wall or lot line without being separated by a street or alley.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair or similar access to a structure.

**Accessory Dwelling Unit (ADU).** An additional dwelling unit associated with and incidental to a principal single-family dwelling on the same lot. An accessory dwelling unit (ADU) includes separate cooking and sanitary facilities and is a complete, separate dwelling unit. The ADU may be within or attached to the principal dwelling unit or within a detached accessory structure.

**Accessory Structure.** A detached structure located on the same lot as the principal building that is incidental to, subordinate in purpose to, and serves the use of the principal building.

**Accessory Use.** A use of land or a structure, or portion thereof, incidental and subordinate to the principal use of the land or structure.

**Addition.** Construction that increases the size of a structure in terms of building footprint, height, or floor area.

**Adjacent.** See abut.

**Air-Inflated Structure.** A building where the shape of the structure is maintained by air pressurization of cells or tubes to form a barrel vault over the usable area. Occupants of such a structure do not occupy the pressurized areas used to support the structure.

**Alley.** A public right-of-way primarily designed to serve as a secondary access to properties whose principal frontage is on a street.

**Ancillary.** In regard to principal uses, a structure or use that provides support and is typically integral to a principal structure or use.

**Arbor.** A latticework structure, typically constructed in an arched shape, upon which plants and vines can grow.

**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Awning.** A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**Banner.** A temporary sign printed upon flexible material mounted with or without rigid frames.

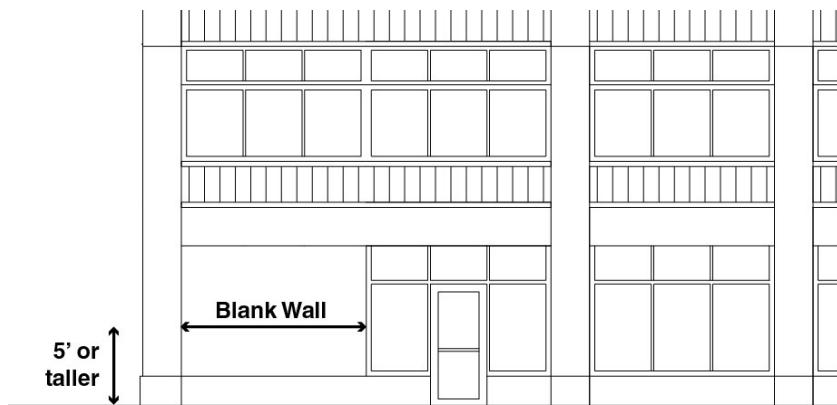
**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground and must be a minimum of two feet or more above the ground.

### BAY WINDOW



**Blank Wall.** The horizontal linear dimension of contiguous building wall that does not contain windows, doors, or decorative elements such as banding, medallions, change in material, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural embellishment. Any wall less than five feet in height is not considered to be a blank wall.

### BLANK WALL



**Block.** Defined in Section 2.4.

**Blockface.** Defined in Section 2.4.

**Blue Roof.** A roof designed to store water and discharge rainfall.

**Breezeway.** A roofed outdoor passage connecting two buildings, such as a dwelling and garage, or halves of a building.

**Buffer Yard.** Land area with landscape plantings and other components used to separate one use from another and to shield or block noise, lights, and other nuisances.

**Build-To Line (BTL).** Defined in Section 2.4.

**Build-To Zone (BTZ).** Defined in Section 2.4.

**Build-To Percentage (BT%).** Defined in Section 2.4.

**Build-Out Percentage (BO%).** Defined in Section 2.4.

**Buildable Area.** The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected. Buildable area is also called building envelope.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced fire or party walls extended continuously from the ground through all stories to and above the roof, each part is deemed a separate building.

**Building.** Any structure built, used, designed, or intended for supporting or sheltering any use or occupancy and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extended continuously from the ground through all stories to and above the roof, each part is deemed a separate building.

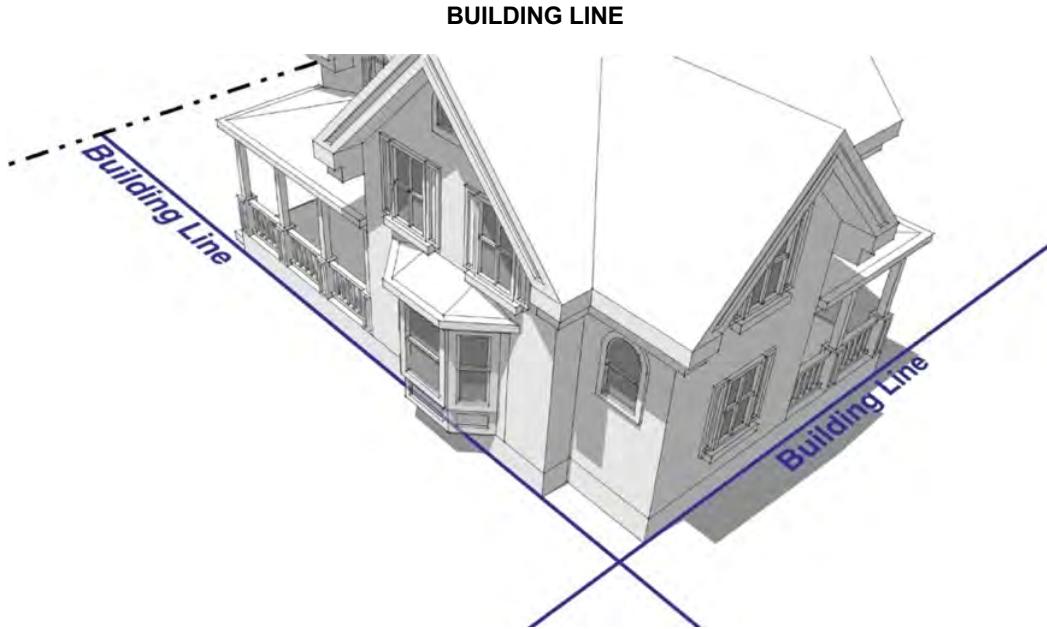
**Building, Attached.** Any building which is permanently connected to another building, having one or more walls in common with other buildings, other than a private garage.

**Building, Detached.** A building surrounded by open space on the same lot as another, separate building.

**Building Coverage.** Defined in Section 2.4.

**Building Height.** Defined in Section 2.4.

**Building Line.** A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include the permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.



**Building Permit.** means a document issued by the Building Commissioner which authorizes performance of an activity which is subject to the Building Code.

**Caliper.** Defined in Section 2.4.

**Canopy (Architectural Feature).** A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed over the entryway of a building, with supports that extend to the ground.

**Canopy (Residential).** A pliable or fabric roof-like structure attached to and projecting from a wall and supported in part by vertical supports from the ground, erected primarily to provide shelter from the weather.

**Changeable Message Board.** A sign designed where a portion of the sign area allows for a message to be changed manually. A changeable message board sign does not include electronic message signs or portable reader-board signs.

**Chimney.** A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

**City.** The City of Elmhurst, Illinois.

**Co-Location.** Placement of equipment from more than one service or service provider on a single tower or site.

**Commercial Vehicle.** Any vehicle, except standard passenger vehicles, operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a vehicle used in a ride-sharing arrangement when being used for that purpose or a recreational vehicle not being used commercially. In any event, any vehicle that is licensed for a gross weight, including vehicle and cargo, of 8,001 pounds or more, or any vehicle used in a commercial enterprise and containing lettering on the vehicle body advertising a commercial enterprise, is considered a commercial vehicle. In addition, a vehicle will be considered a commercial one if the same allows for property and/or equipment to be stored and/or transported in a manner which is not completely enclosed within such vehicle.

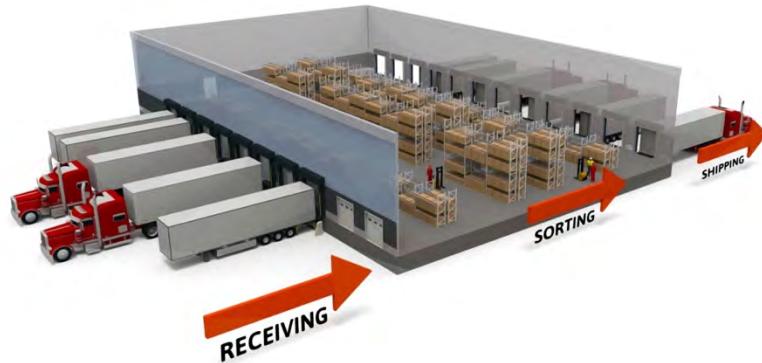
**Commission.** The City of Elmhurst, Illinois, Zoning and Planning Commission.

**Contiguous.** See abut.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without having to exit to the street.

**Cross-Dock.** A logistics technique where shipments are transferred from inbound trailers at the receiving dock, sorted in the central area of the facility, and crossed over through the facility to the outbound trailers on the other side.

#### CROSS-DOCK

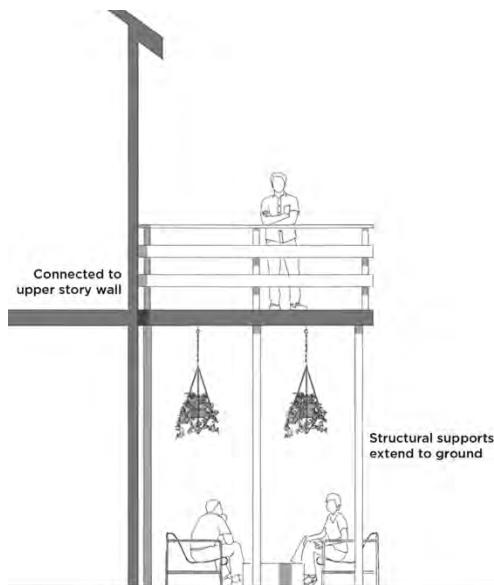


**Day.** For the purposes of notice or public hearing, a calendar day.

**Deck, First Floor.** A roofless outdoor space built as an aboveground platform projecting from the first floor of a structure and connected by structural supports at grade and/or by the structure. An upper floor deck may be located above a first floor deck.

**Deck, Upper Story.** A roofless outdoor space built as an aboveground platform projecting from and connecting to an upper story wall of a structure with structural supports that extend to the ground. A first floor deck may be located below an upper story deck.

#### UPPER STORY DECK



**Development.** The division of land into two or more parcels, or the construction, reconstruction, conversion, structured alteration, relocation, or enlargement of any structure, or any mining, landfill, quarrying, or land disturbance, and any use or the extension of use of the land.

**Driveway.** A hard-surfaced area on a lot where vehicles are driven to access parking spaces and where vehicles may be parked.

**Driveway Approach.** The area from street pavement to lot which provides vehicular access to a driveway.

**Dwelling.** A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, townhouse dwellings, and multi-family dwellings.

**Dwelling Unit.** A structure or portion of a structure providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement.** Land designed by lawful agreement between the owner(s) of the land and another entity(s) for a specified use only by such entity(s).

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**Electronic Message Sign.** A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs. Flashing signs, animated signs, and video display signs are not considered electronic message signs.

**Electric Vehicle Charging Station.** An electric vehicle charging station, also called an EV charging station, electric recharging point, charging point, and EVSE (electric vehicle supply equipment), is infrastructure that supplies electric energy for the recharging of plug-in electric vehicles, including all-electric cars, neighborhood electric vehicles, and plug-in hybrids.

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

**Erect.** To build, construct, attach, hang, place, suspend, or affix.

**Excavation.** Any cutting, grading, trenching, digging, stripping, or bustling for any purpose.

**External Illumination (Signs).** Illumination by an artificial source of light not internal to the sign face.

**Exterior Lighting.** The illumination of an outside area or object by any man-made device that produces light by any means.

**Family.** A family is defined as one of the following:

1. An individual or two or more persons related by blood, marriage, domestic partnership, civil union, legal adoption, or foster relationships living together as a single housekeeping unit within a dwelling unit, including no more than two guests or roomers.
2. Family includes not more than four unrelated persons living together as a single housekeeping unit within a dwelling unit.

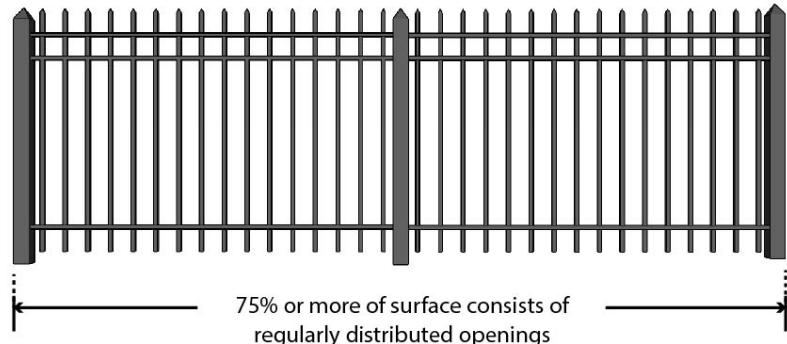
**Feather Flag/Sail.** A freestanding attention-getting device, vertical in orientation, typically constructed of cloth held taut by a single post.

**Fence.** A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material and is used as a barrier.

1. **Fence - Open.** A fence that has, over its entirety, more than 75% of the superficial surface consisting of regularly distributed openings.

2. **Fence - Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is only considered a solid fence in the I1 and I2 Districts.

#### OPEN FENCE



**Flag.** Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags.

**Flood.** The condition existing when the waters of any watercourse, pond, or depressions temporarily rise to a height above their normal levels and overflow the boundaries within which they are ordinarily contained. It also includes the unusual rapid accumulation or run-off of surface waters.

**Floodlight.** A powerful light, typically in a grouping of several lights, used to illuminate the exterior of a building or sign.

**Foot-Candle.** A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

**Garage, Attached.** That part of a single-family, two-family, or townhouse dwelling designed and/or used for the parking and storage of motor vehicles.

**Garage, Detached.** An accessory structure to a single-family, two-family, or townhouse dwelling that is used for the parking and storage of motor vehicles.

**Gazebo.** A freestanding outdoor structure designed for recreational use and not for habitation or storage.

**Grade.** Defined in Section 2.4.

**Green Roof.** A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Gross Floor Area (GFA).** Defined in Section 2.4.

**Hedge.** A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

**Home Occupation.** An activity carried out for economic gain by a resident, conducted as an accessory use in a resident's dwelling unit.

**Infrastructure.** Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities, including, but not limited to, water lines, sewer lines, and rights-of-way.

**Intensity of Use.** Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

**Light Pole.** Pole on which a luminaire is mounted.

**Loading Berth.** A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

**Lot.** Defined in Section 2.4.

**Lot Area.** Defined in Section 2.4.

**Lot, Corner.** Defined in Section 2.4.

**Lot Depth.** Defined in Section 2.4.

**Lot, Flag.** Defined in Section 2.4.

**Lot, Interior.** Defined in Section 2.4.

**Lot, Reverse Corner.** Defined in Section 2.4.

**Lot, Through.** Defined in Section 2.4.

**Lot Width.** Defined in Section 2.4.

**Lot Line.** Defined in Section 2.4.

**Lot Line, Corner.** Defined in Section 2.4.

**Lot Line, Front.** Defined in Section 2.4.

**Lot Line, Interior.** Defined in Section 2.4.

**Lot Line, Rear.** Defined in Section 2.4.

**Lot Line, Reverse Corner.** Defined in Section 2.4.

**Lot Line, Street.** Defined in Section 2.4.

**Low Tunnel.** A temporary structure typically made of, but not limited to, flexible pipe or other material covered with translucent plastic/material, constructed in a half-round or hoop shape, for the purpose of protecting and cultivating plants. A low tunnel is considered more temporary than a greenhouse.

**Luminaire.** A complete lighting unit consisting of a light source, pole, and all mounting brackets, if appropriate, and all necessary mechanical, electrical, and decorative parts.

**Manufactured Home.** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

1. For manufactured homes built before June 15, 1976, manufactured home means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.
2. Modular buildings and modular homes are not considered manufactured homes, and refer to a method of construction.

**Marquee.** A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

#### MARQUEE



**Membrane Structure.** An air-inflated, air-supported, cable or frame covered structure as defined by the International Building Code and not otherwise defined as a tent.

**Modified Shipping Container.** A shipping container that has been modified or repurposed to be used as a food or beverage serving station.

**Noncommercial Message.** The expression of *noncommercial* ideas and *messages*. A noncommercial message does not promote a business, product, service, commercial entertainment, or other commercial activity, product, or service offered on or off the premises.

**Nits.** A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

**Off-Premise Sign.** A permanent or temporary sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

**Off-Street Parking.** The storage space for an automobile on premises other than streets or rights-of-way.

**Open Space.** That portion of land, either landscaped or left unimproved, which is used to meet active or passive recreation or spatial needs, and/or to protect water, air, or plant resources.

**Outdoor Kitchen.** Kitchen equipment, such as a stove, grill, and/or sink, permanently installed in the yard of a dwelling unit in the open-air, which may be roofed, where residents can cook and prepare meals. Moveable barbecue grills are not considered an outdoor kitchen.

**Outdoor Sales and Display (Accessory Use).** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Outdoor Storage (Accessory Use).** The storage of materials, supplies, equipment, vehicles, and similar items outdoors in conjunction with the principal use of land.

**Outlot.** An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line.

**Owner.** Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records; a person shown as owner in the records of the tax assessor of the county in which the property is situated; the agent of any such person and those in possession of a dwelling, dwelling unit, or premises; or the contract purchaser with owner permission.

**Parapet.** The extension of a false front or wall above a roof.

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another but is in joint use by each building.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a parking space.

**Pergola.** An open structure, which may be either freestanding or attached to a structure, that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice.

**Porch.** An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

1. **Porch – Unenclosed.** A porch that is open on all sides of the structure that are not abutting the principal building wall or walls.
2. **Porch – Enclosed.** A porch enclosed by walls, screens, lattice, or other material. A screened-in porch is an enclosed porch.

**Porte Cochere.** A permanent structure built over a driveway or entry drive that provides temporary shelter to persons exiting a vehicle.

**Property Line.** For the purposes of this Ordinance, a property line is a lot line. (See lot line definition.)

**Principal Building.** A non-accessory structure in which a principal use of the lot on which it is located is conducted.

**Principal Use.** The main use of land or structures as distinguished from an accessory use.

**Prominent Entrance.** A building entrance that is visually distinctive from the remaining portions of the facade where it is located and is parallel and directly connected to adjacent pedestrian facilities. Entrances that contain at least three of the following are considered a prominent entrance: decorative pedestrian lighting/sconces; architectural details carried through to upper stories; covered porches, canopies, awnings, or sunshades; archways; transom or sidelight windows; terraced or raised planters; common outdoor seating enhanced with specialty details, paving, landscaping, or water features; double doors; stoops or stairs. Emergency egress doors and doors to mechanical rooms or stairwells are not considered a prominent entrance.

**Recreational Vehicle.** Any camping trailer, motor home, mini motor home, travel trailer, truck camper, or van camper and any towed recreational equipment such as boats, snowmobiles and motorcycles, including the trailers for same, used privately for recreational purposes and not used commercially. Recreational vehicle more specifically includes:

1. **Camper Trailer (Pop Up):** A recreational trailer not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and are of a size or weight not requiring an over-dimension permit when towed on a highway.
2. **House Trailer:** A recreational trailer or semitrailer equipped and used for living quarters for human habitation (temporarily or permanently) rather than for the transportation of freight, goods, wares and merchandise.

3. Motor Home, Mini Motor Home, or Van Camper: Any self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk-through access to the living quarters from the driver's seat.
4. Travel Trailer: A recreational trailer not used commercially, designed to provide living quarters for recreational camping, or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway.
5. Truck Camper: A recreational truck, not used commercially, when equipped with a portable unit designed to be loaded on to the bed which is construed to provide temporary living quarters for recreational, travel or camping use.

**Right-of-Way.** A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, parkways, sidewalks, and shoulders.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Satellite Dish Antenna.** A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

**Searchlight.** An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

**Semi-Trailer.** A freight trailer that when attached is supported at its forward end by the fifth wheel device of the truck tractor.

**Setback.** Defined in Section 2.4.

**Setback, Front.** Defined in Section 2.4.

**Setback, Interior Side.** Defined in Section 2.4.

**Setback, Corner Side.** Defined in Section 2.4.

**Setback, Rear.** Defined in Section 2.4.

**Setback, Reverse Corner Side.** Defined in Section 2.4.

**Shade Structure.** An open structure, which may be either freestanding or attached to a structure, that forms a shaded pedestrian walkway, passageway, or sitting area, and is constructed of a solid roof and vertical posts.

**Shed.** An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

**Shipping Container, Modified.** See "Modified Shipping Container."

**Sign.** A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right of way or public place and directs attention to a product, service, place, activity, person, institution, business, or solicitation.

**Sign, A-Frame.** A temporary sign ordinarily in the shape of the letter "A" or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

**Sign, Athletic Field.** A sign for an athletic field, oriented to the field of play, primarily used to display information regarding gameplay.

**Sign, Animated.** A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs.

**Sign, Awning.** An awning sign is a sign printed or displayed upon an awning.

**Sign, Balloon.** A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation.

**Sign, Cabinet Box Wall.** A type of wall-mounted sign constructed as within a box where the flat sign face is not an integral part of the structure and is specifically constructed to allow the sign face to be changed without any alteration to the box structure, and may or may not be internally illuminated. A cabinet box wall sign does not include molded wall signs, routed metal signs, or similar designs. Generally, a cabinet box wall sign is designed by applying vinyl printed with the sign message onto acrylic/plexiglass sheets and then inserting such into the cabinet structure.

#### CABINET BOX WALL SIGN



**Sign, Canopy.** A sign printed, mounted, or installed upon a canopy. A sign canopy may be one of two types:

1. **Canopy - Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the ground.
2. **Canopy - Structural.** A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, that is constructed as part of and attached to a building, and extends outward from the building and supported both by the structure and by supports that extend to the ground. Certain structural canopies may also be constructed as freestanding accessory structures on the same lot with the principal use and/or structure.

**Sign, Drive-Through.** A sign constructed as part of a drive-through lane.

**Sign, Flashing.** A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

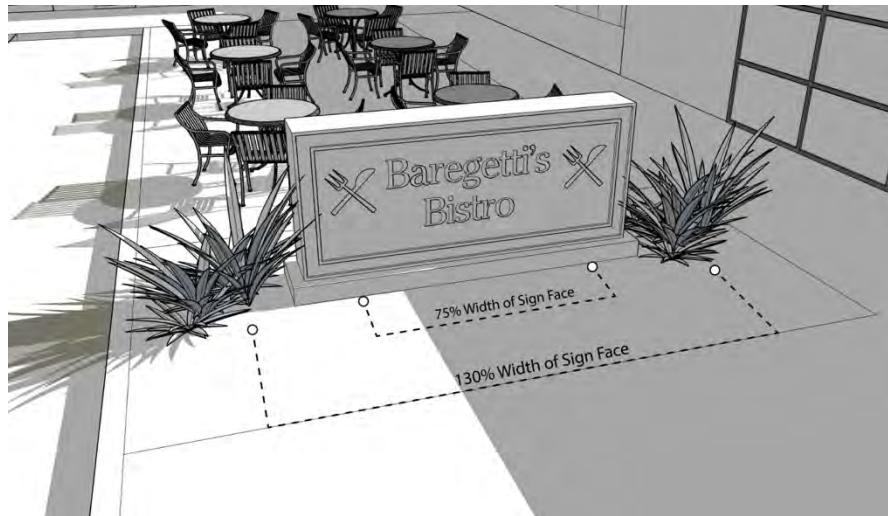
**Sign, Freestanding.** A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure.

**1. Sign, Freestanding – Monument.** A sign, other than a freestanding pylon sign, placed upon or supported by the ground independently of any other structure.

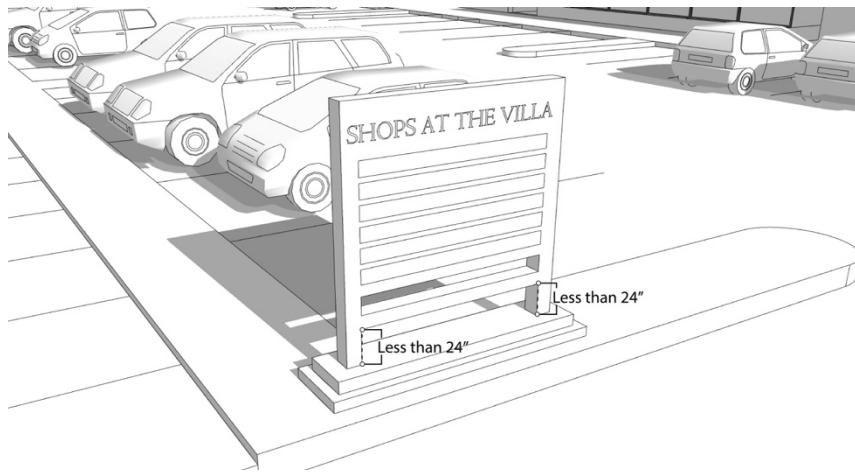
- a. When designed with a base, the sign base of a monument sign must be a minimum of 75% to a maximum of 130% of the width of the sign face situated upon the base.
- b. A freestanding sign is also considered a monument sign when the sign face is mounted on two or more poles that are 24 inches or less in height.

#### MONUMENT SIGN: MOUNTED ON BASE

*Diagram shows what minimum width (75%) and maximum width (130%) of sign base could be in relation to shown sign face*



#### MONUMENT SIGN: MOUNTED ON POLES (LESS THAN 24" IN HEIGHT)



**2. Sign, Freestanding – Pylon.** A sign erected and maintained on one or more poles of more than 24 inches in height and not attached to any structure.

**Sign, Gateway.** A sign that is installed over a pedestrian entryway and supported by the ground, independent of the principal structure on the lot, designed as an entryway feature to the property.

**Sign, Moving.** A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles.

**Sign, Painted.** A sign that is painted, applied, or affixed directly on the exterior wall of a building or structure. A painted sign is not limited to only the application of paint, but includes other methods of application and/or material including but not limited to tile, screen printing, vinyl application, and paste-ups.

**Sign, Portable Reader-Board.** A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable reader-board signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable reader-board signs do not include a-frame signs.

**Sign, Projecting.** A sign that is attached perpendicularly to a building or a rigid structure.

**Sign, Roof.** A sign that is erected, constructed, or maintained on and/or extending above the roof structure or parapet of any building with the principal support attached to the roof structure.

#### ROOF SIGN



**Sign, Wall.** A sign that is attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

**Sign, Wall – Projected.** A sign created by an optical device that projects an image directly onto the exterior wall of a building or structure by light or other technological means.

**Sign, Window.** A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

**Solar Panel.** A photovoltaic device capable of collecting and converting solar energy into electricity.

**Stacking Space.** A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

**Standpipe.** A rigid vertical or horizontal pipe to which fire hoses can be connected, which may be building, ground, or roof mounted.

**Stoop.** An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and/or designed with railings, but cannot be enclosed.

**Street.** A public or private right-of-way that affords a primary means of vehicular, and may include cyclist and pedestrian, access to abutting property. A street does not include alleys or driveways.

**Structural Alteration.** Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**Structure.** A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

**Transparency.** The required amount of window area as a percentage of the specified facade area. Doors are included in ground floor transparency when such doors are designed with glass or other transparent materials. Garage entrances are not included in ground floor transparency. Windows with shadowboxes on the interior, glass block, and printed window film, regardless of whether it allows views into or out of the building are not considered to meet a minimum transparency requirement.

**Unified Control.** The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

**Use.** The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Video Display Sign.** A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming. This includes projection of an electronic video on a wall or other surface.

**White Roof.** A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

**Wind Turbine.** A wind energy conversion system typically consisting of a turbine apparatus and the associated control or conversion mechanisms. A horizontal axis means the rotating axis of the wind turbine is horizontal or parallel with the ground. A vertical axis means the rotating axis of the turbine stands vertical or perpendicular to the ground.

**Window/Escape Well.** An excavation or space dug out around a basement or below-grade living space required by the Building Code and/or other public safety codes that provides a means of escape in case of emergencies, such as fires, and/or to provide for light and ventilation. Also known as a light wells or area wells.

**Yard.** Defined in Section 2.4.

**Yard, Front.** Defined in Section 2.4.

**Yard, Interior Side.** Defined in Section 2.4.

**Yard, Corner Side.** Defined in Section 2.4.

**Yard, Rear.** Defined in Section 2.4.

**Yard, Reverse Corner Side.** Defined in Section 2.4.

**Zoning Administrator.** The person designated as Zoning Administrator by the City Manager and such deputies as may be appointed by the City Manager. The Zoning Administrator is authorized and has the duty to administer and enforce the provisions of this Ordinance, making such determinations, interpretations, and other descriptive material in connection with applications/permits as are necessary for them to judge compliance with this Ordinance.

**Zoning Board of Appeals.** The Zoning Board of Appeals of the City of Elmhurst, Illinois. The Zoning Board of Appeals and the Zoning and Planning Commission are the same body acting in two capacities.

**Zoning Certificate.** The written approval of the Zoning Administrator certifying that the applicant's plans and drawings comply with all applicable provisions of this Ordinance. The zoning certificate may consist of a standardized independent form bearing the signature of the Zoning Administrator or it may be represented as a part of the building permit application.

**Zoning Lot.** A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may coincide with a lot of record or may be comprised of one or more lots of record.

**Zoning Map.** The map or maps that are a part of this Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City.

**Zoning and Planning Commission.** The Zoning and Planning Commission of the City of Elmhurst, Illinois.

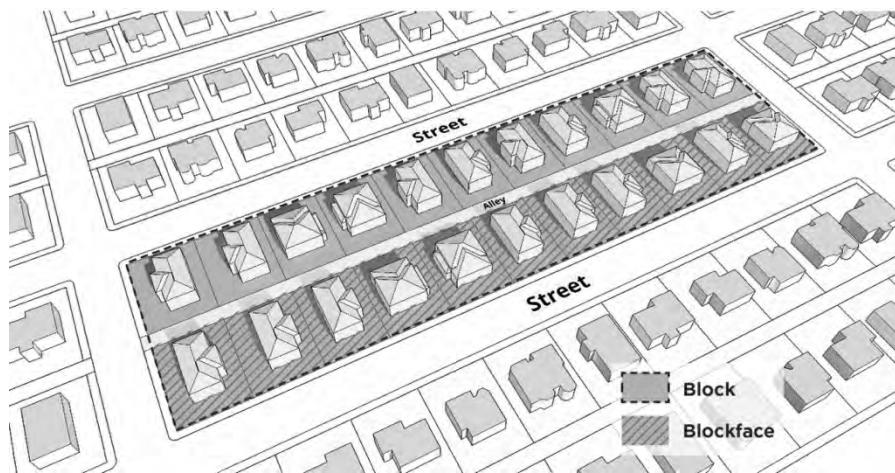
## 2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

### A. Block and Blockface

- Block.** A parcel or tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkheads, or shorelines of waterways, the equivalent of the foregoing as a line of demarcation, or the corporate boundary line of the City.
- Blockface.** Measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

#### BLOCK AND BLOCKFACE



### B. Build-To Dimensions

Certain dimensional requirements within the district require structures to be constructed at a build-to dimension.

#### 1. Build-To Zone (BTZ)

A build-to zone (BTZ) is the area on a lot, measured perpendicular from the applicable lot line, where the building must locate within a minimum and maximum range of setback established by the district. The building facade must be located within the build-to zone. For structures over 40 feet in height, the first 40 feet must meet the build-to zone requirements and floors above the initial 40 feet may be set back.

#### 2. Build-To Line (BTL)

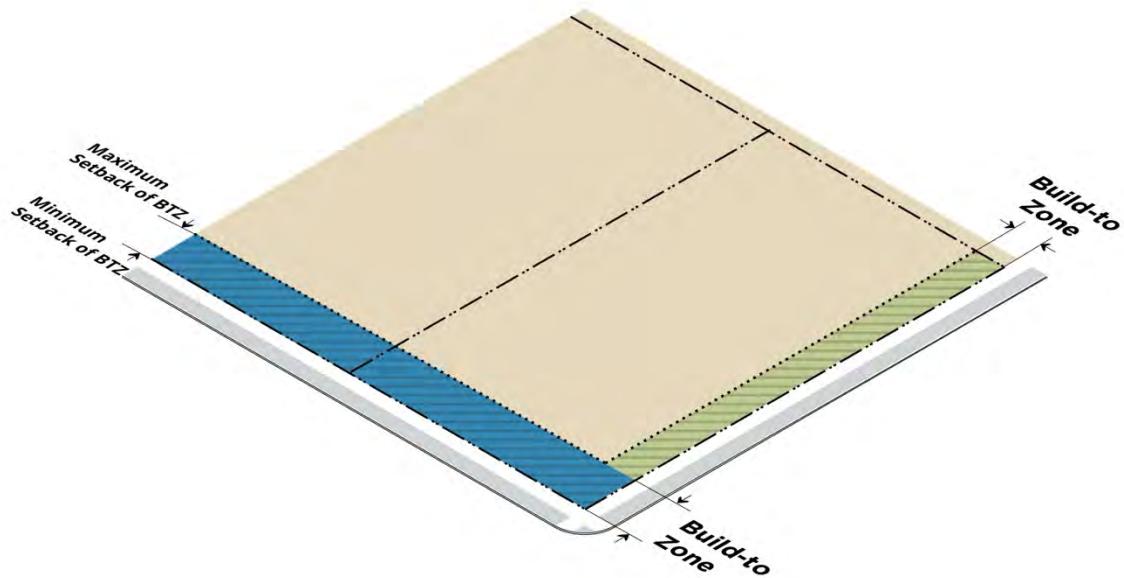
A build-to line (BTL) is a set building line on a lot as established by the district, measured perpendicular from the applicable lot line, where a building line must be located. The building facade must be located on the build-to line. For structures over 40 feet in height, the first 40 feet must meet the build-to line requirements and floors above the initial 40 feet may be set back.

### 3. Build-To Percentage (BT%)

A build-to percentage specifies that percentage of the building facade that must be located within a build-to zone or build-to line. Build-to percentage is calculated using actual linear building width, not lot width.

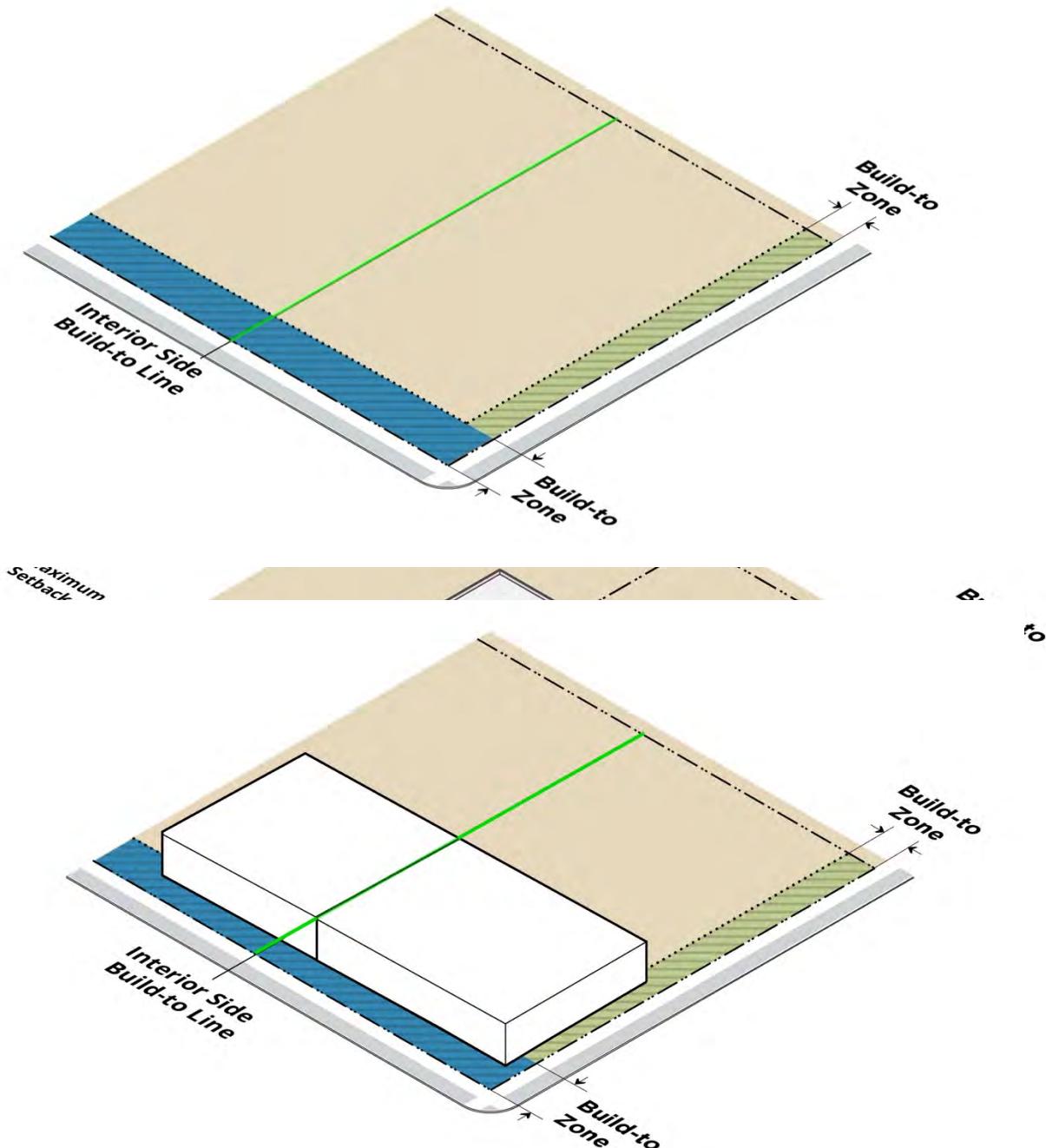
- a. Facade articulation elements, such as window or wall recesses and projections, meet any required build-to percentage.
- b. Open spaces, such as courtyards, bounded on three sides by the walls of the same building meet the build-to percentage.

#### BUILD-TO ZONE (BTZ)



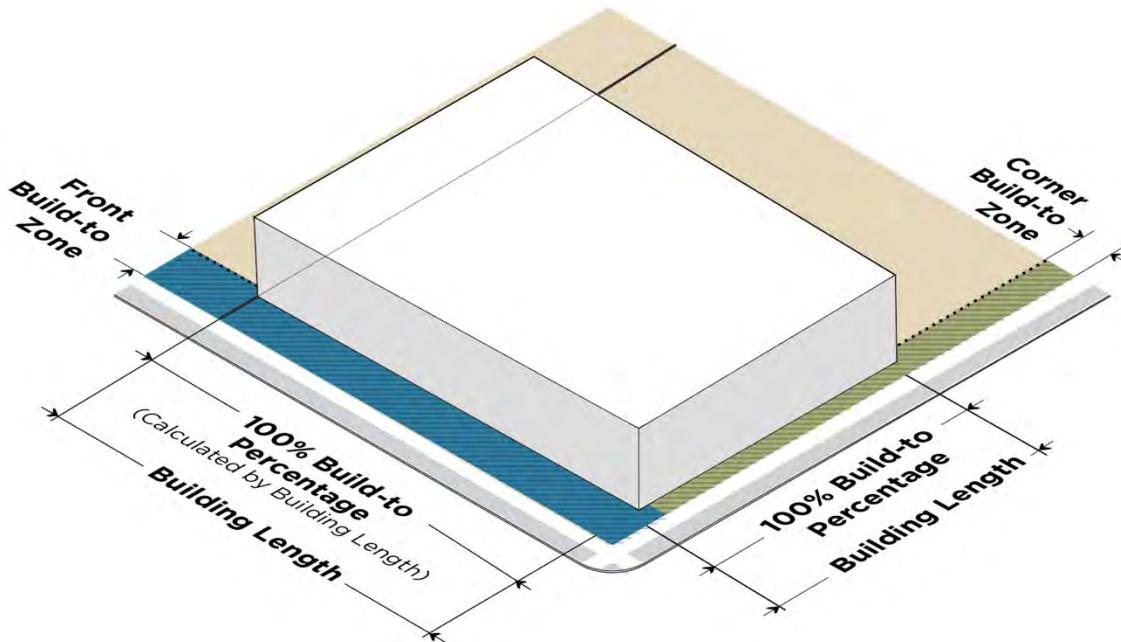
### BUILD-TO LINE (BTL)

*Shown as Interior Side Build-To Line*

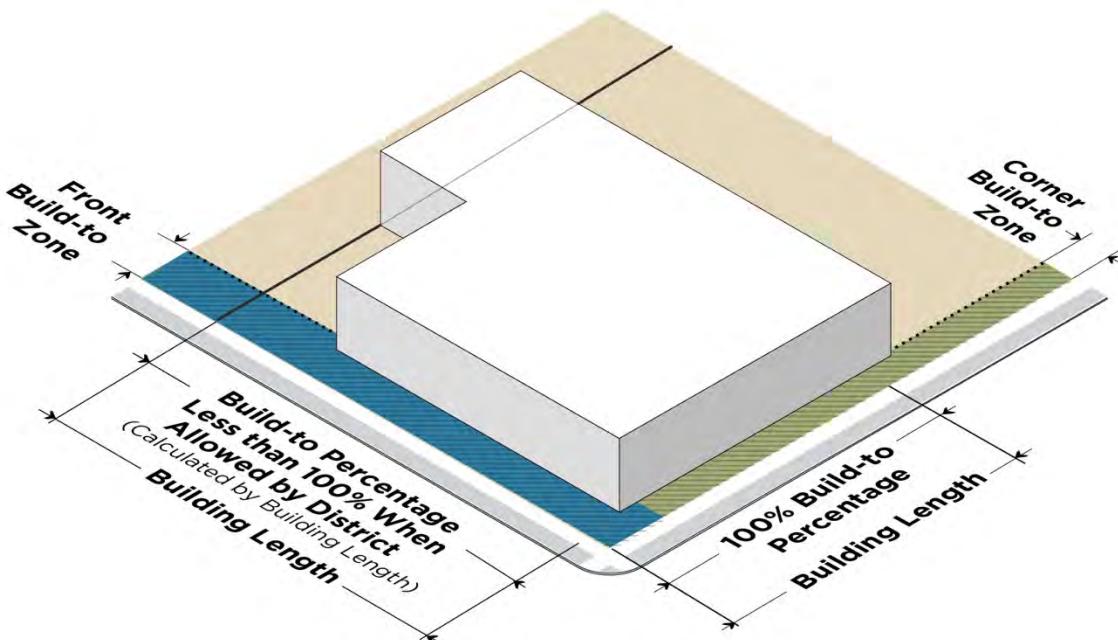


### BUILD-TO PERCENTAGE (BT%)

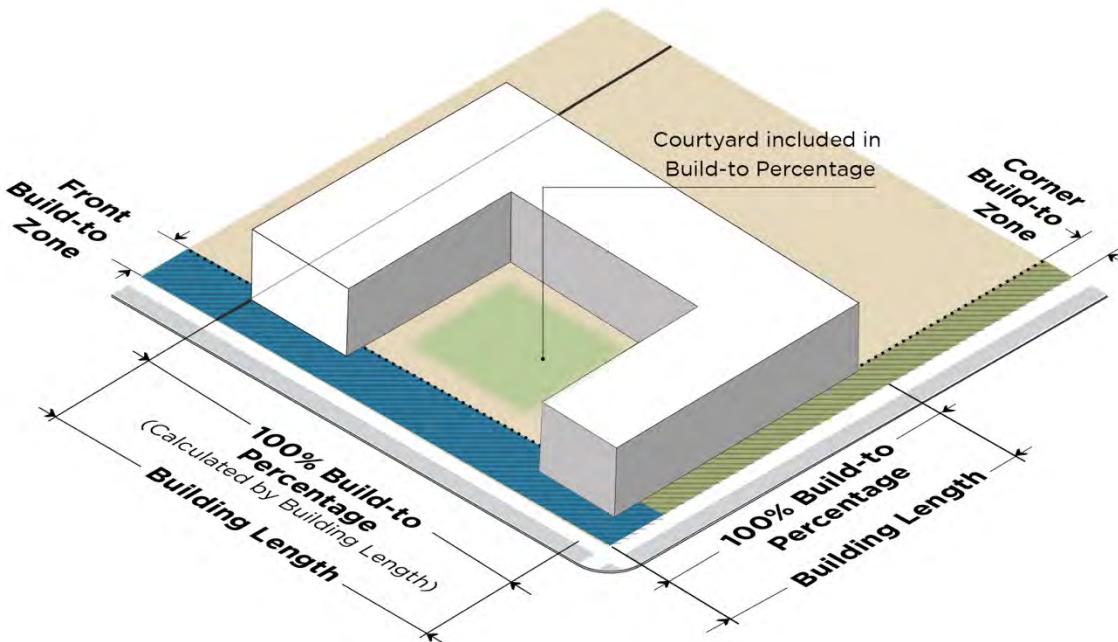
#### *Build-To Percentage – 100%*



#### *Build-To Percentage – Less Than 100%*



**Build-To Percentage – Courtyard Counted Toward 100%**



**C. Building Coverage**

1. That portion of the lot that is or may be covered by buildings and accessory structures.
2. Building coverage is measured by the building footprint, which includes all parts of the building that rest, directly or indirectly, on the ground, including, but not limited to, bay windows, cantilevered floor space ("box-outs") on the ground floor, covered/roofed decks and patios, porches, freestanding roofed structures, and covered/roofed breezeways.

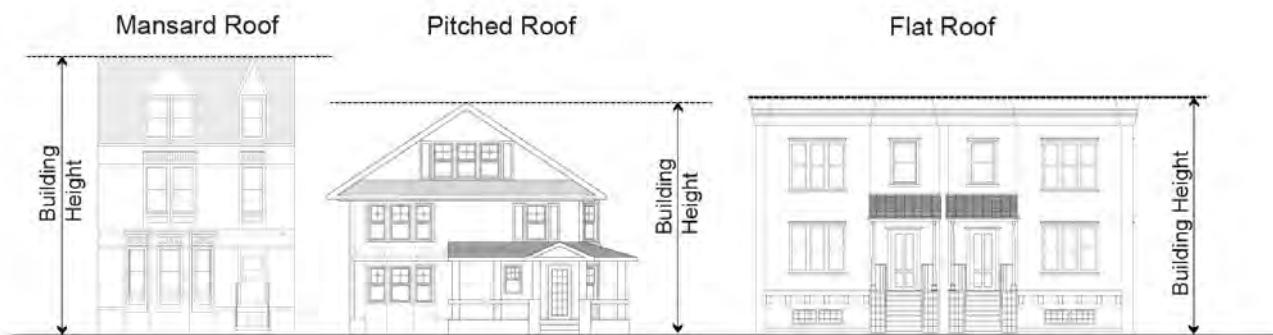
**D. Building Height**

1. Maximum building height is the vertical measurement taken from grade taken at the midpoint of the front yard building wall to the height of the highest roof surface.
2. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, monuments, stacks, ornamental towers and spires, water tanks and standpipes, or penthouses to house mechanical equipment and the like are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority
3. Where building height includes stories, stories are calculated as follows:
  - a. **Story**  
That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it.

**b. Story, Half Story**

- i. That portion of a building the rooms of which are partially cut off by a gable, hip, or gambrel roof.
- ii. The floor area of the half story cannot exceed 50% of the gross building area of the story immediately below it. If a dormer(s) provided on a sloping roof facing a front, corner side, or interior side yard of a structure exceeds 30% of the maximum width of the roof surface on which the dormer(s) is built, then the roofed area is considered a full story.

**BUILDING HEIGHT**



**E. Caliper**

Tree caliper is the diameter of a tree trunk, measured at four and one-half feet above the adjacent ground.

**F. Grade**

1. Within the residential districts, grade is the elevation measured at the middle of the building line that faces the front lot line.
2. Within the nonresidential districts, grade is the elevation measured at the middle of any building line that faces a street lot line. However, grade for any single-family or two-family dwelling located within a nonresidential district is measured as described in item 1 above.
3. Existing grade is the elevation of a parcel, lot, or tract of land prior to commitment of development activity, commonly verified by a topographic survey prior to development.
4. Final grade is measured as described above. Finished grade must match the existing grade within six inches unless otherwise approved by the City Engineer.
5. If a property does not meet the standards listed above, grade will be established by the City Engineer.

**G. Gross Floor Area (GFA)**

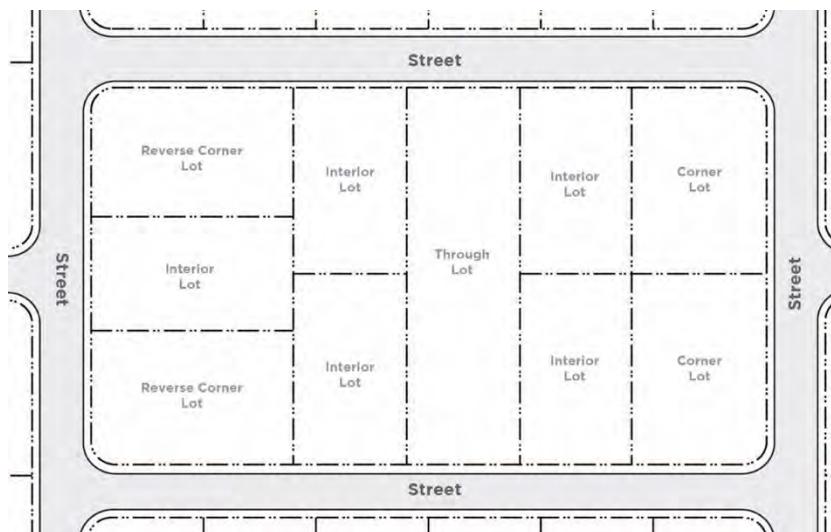
The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

**H. Lot**

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.
4. A reverse corner lot is a corner lot where the longer street side lot line, perpendicular to the front lot line, is substantially a continuation of the front lot line of the first lot to its rear.
5. A flag lot is platted so that the main building site area (the "flag") is set back from the street on which it fronts and includes an access strip (the "pole") connecting the main building site with the street.

## LOT TYPES



## I. Lot Area

1. The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in square footage.
2. For a townhouse development, the minimum lot area standards of the district determine the overall development site for the full townhouse development, not each individual townhouse.

## J. Lot Depth

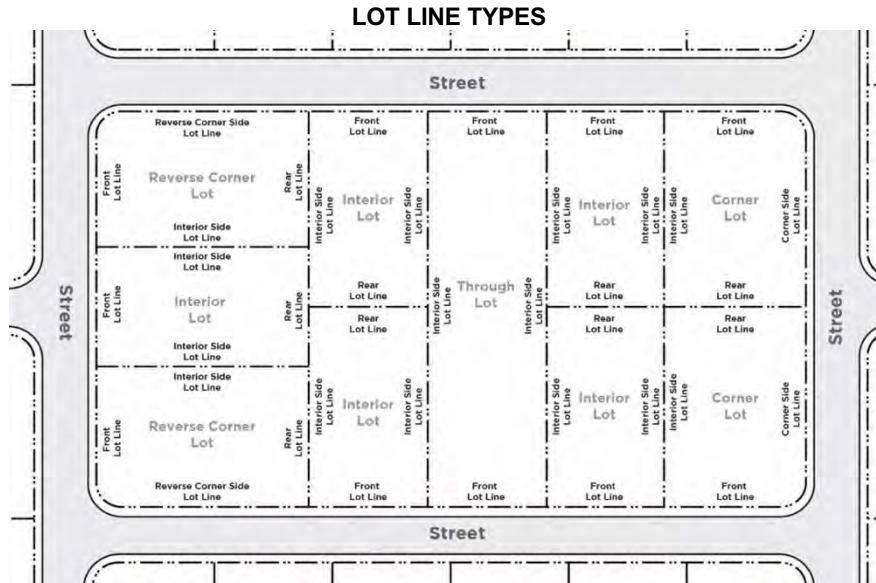
The distance from the front lot line to the rear lot line as measured from the midpoint of the front lot line to the midpoint of the rear lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line used to measure lot depth is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

## K. Lot Line

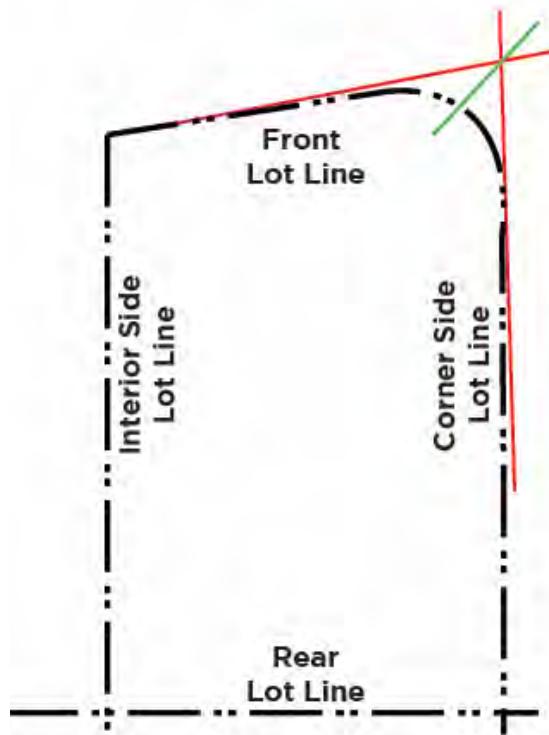
A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.
2. On a corner lot, the corner side lot line and reverse corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer abutting street lot line.

3. Where a corner lot has a curved street lot line that does not clearly delineate the front lot line from the corner side lot line, the existing lot lines will be extended out to the point where such extended lot lines intersect. That point of intersection will determine which portions of the curved lot line are the front lot line and corner side lot line.
4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts an adjacent lot.
5. A rear lot line is the lot line opposite and most distant from the front lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
6. A street lot line is any lot line separating a lot from a street right-of-way (does not include alleys).



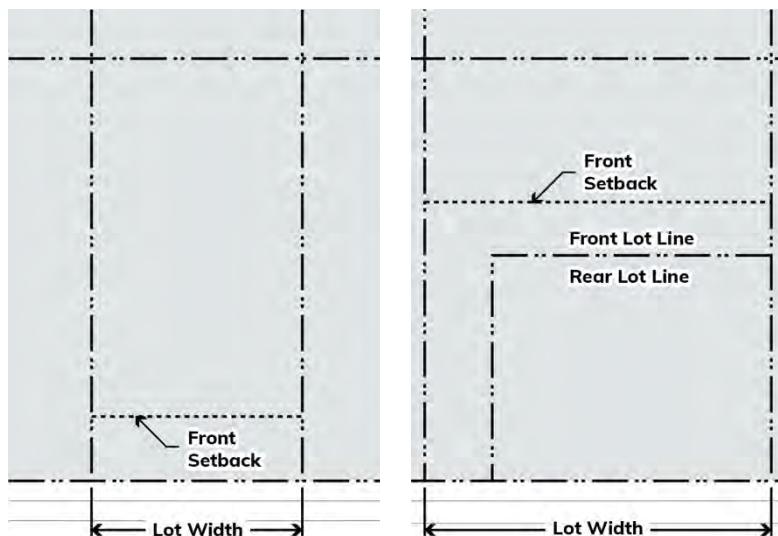
### CORNER LOT WITH CURVED STREET LOT LINE



#### L. Lot Width

1. For regular lots, lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required minimum front setback, build-to line, or maximum dimension of a build-to zone.
  - a. A line is drawn at the midpoint of the lot between the side lot lines, extending from the front lot line to the rear lot line.
  - b. Where the required front setback intersects the midpoint line at a right angle, a line is drawn perpendicular to the midpoint line.
  - c. Lot width is determined as the length of the line between side lot lines.
  - d. Where the side lot lines angle to increase width towards the rear, the required lot width measured at the required setback is 75% of the lot width required by the zoning district.
2. For flag lots, lot width is measured at the required front setback as defined in this section.
3. For a townhouse development, the minimum lot width standards of the district determine the overall development site for the full townhouse development, not each individual townhouse.

### LOT WIDTH

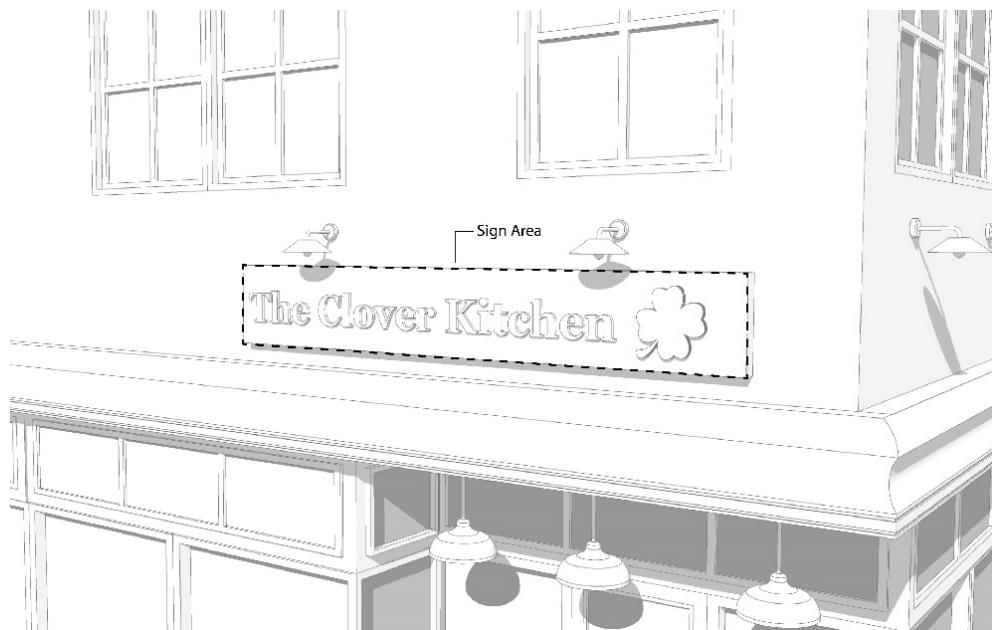


## M. Sign Dimensions

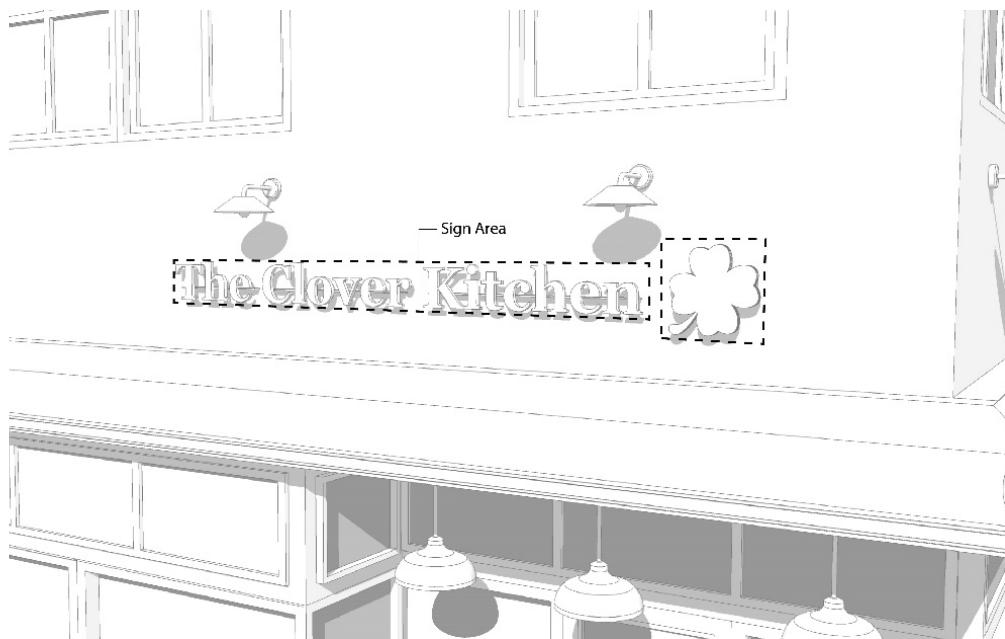
### 1. Calculation of Sign Area

- a. The sign area of each sign is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing. For channel letters or freestanding logos/symbols, the sign area is calculated as the customary, applicable mathematical formula for the total area of each square, circle, ellipse, rectangle, or triangle, or combination thereof, that encompasses each word, logo, image, background, and/or display.
- b. Window area for the purpose of calculating maximum area of window signs is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Total window area is calculated as length times width of the window area. Only the individual letters or logos of the window sign are used in the calculation of surface area. The transparent film around the perimeter of the individual letters or logos comprising the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door is exempt from the area calculations, provided that such portion of the transparent film maintains 100% transparency of the window.

**SIGN AREA - SIGN WITH BACKGROUND**



**SIGN AREA - CHANNEL LETTERS/FREESTANDING LOGOS**



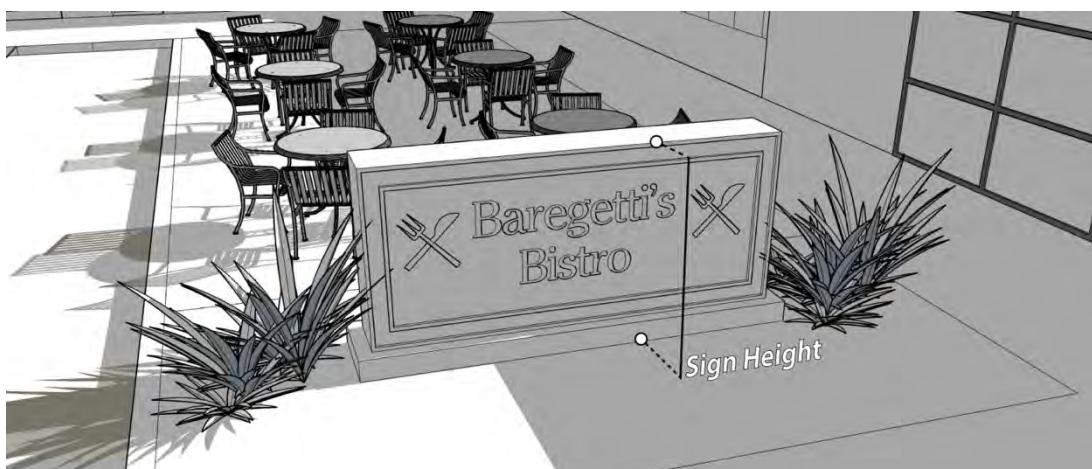
### SIGN AREA - WINDOW SIGNS



#### 2. Measurement of Sign Height

For ground signs, sign height is measured as the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including any decorative elements. Normal grade is construed to be the existing grade prior to construction or the newly established grade after construction, exclusive of any fill, berm, mound, or excavation solely for the purpose of locating the sign, whichever is lower.

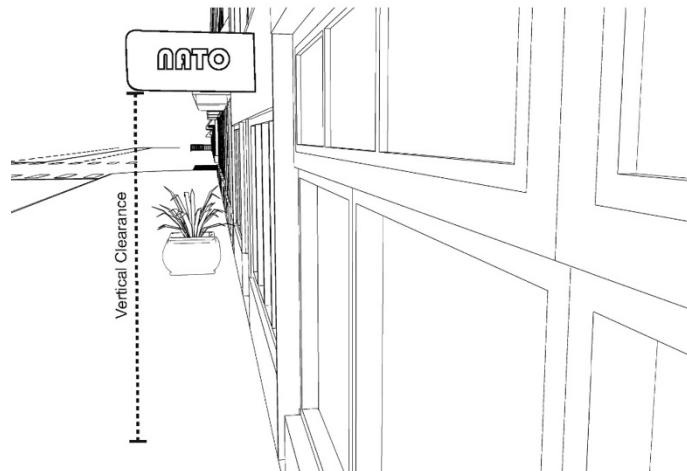
### SIGN HEIGHT



### 3. Measurement of Vertical Clearance

For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

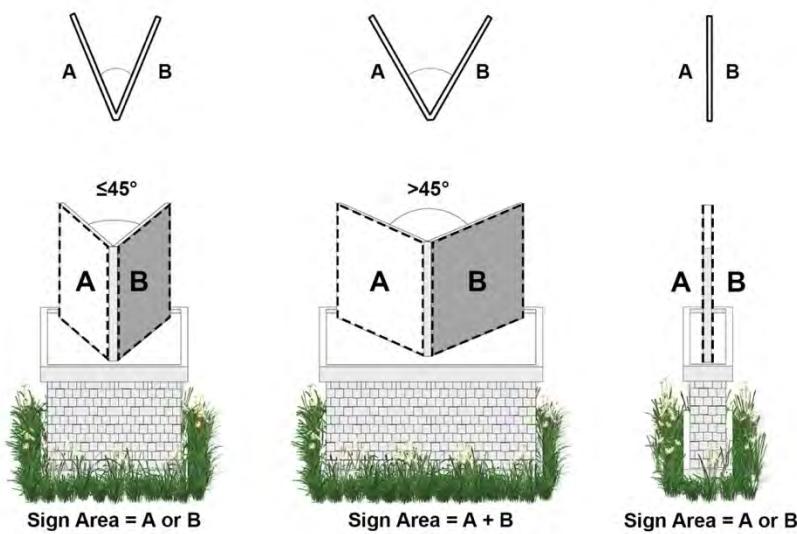
#### VERTICAL CLEARANCE



### 4. Determination of Number of Sign Faces

If the interior angle between two sign faces is 45° (degrees) or less, the sign area is computed as the area of one face only. If the angle between two sign faces is greater than 45° (degrees), the total sign area is computed as the sum of the areas of the two faces.

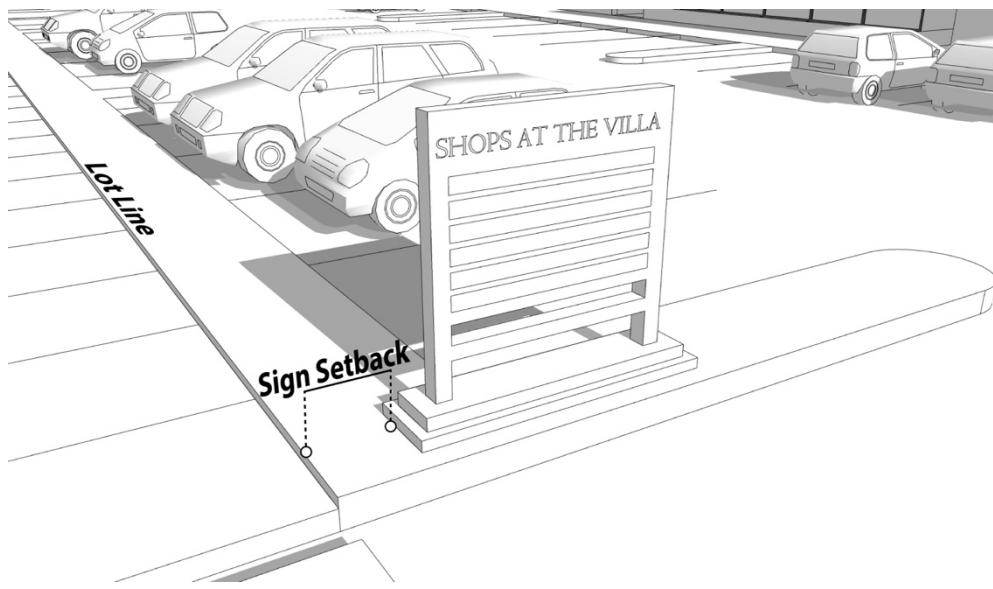
#### NUMBER OF SIGN FACES



## 5. Sign Setback

A required sign setback is measured from the applicable lot line to the closest component of the sign or sign structure.

### SIGN SETBACK



## N. Yards and Setbacks

### 1. General Definitions

- a. A yard is the area between the building line of a principal building and the adjoining lot line.
- b. A required setback is the required minimum distance per the zoning district that a principal building must be located from a lot line.
  - i. A build-to zone or build-to line is considered a required setback.
  - ii. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

### 2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between the principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. Front setbacks on irregular lots are subject to the additional provisions:
  - i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line.
  - ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.

### **3. Interior Side Yard and Interior Side Setback**

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. Interior Side Yard:** An interior side yard is located between the principal building line and the interior side lot line.
- b. Interior Side Setback:** An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line. Interior side setback is measured from the eaves of a building; when a structure is designed without eaves, the interior side setback is measured from the building wall.
- c. For townhouse developments, the interior side yard and interior side setback are only applicable to end units of a townhouse development.**

### **4. Corner Side Yard and Corner Side Setback**

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. Corner Side Yard:** A corner side yard is located between the principal building line and the corner side lot line.
- b. Corner Side Setback:** A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

### **5. Reverse Corner Side Yard and Setback**

The reverse corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line. The corner side lot line adjoining the street is substantially a continuation of the front lot line of the first lot to its rear.

- a. Reverse Corner Side Yard:** A reverse corner side yard is located between the principal building and the corner side lot line.
- b. Reverse Corner Side Setback:** A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from corner side lot line.

### **6. Rear Yard and Rear Setback**

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

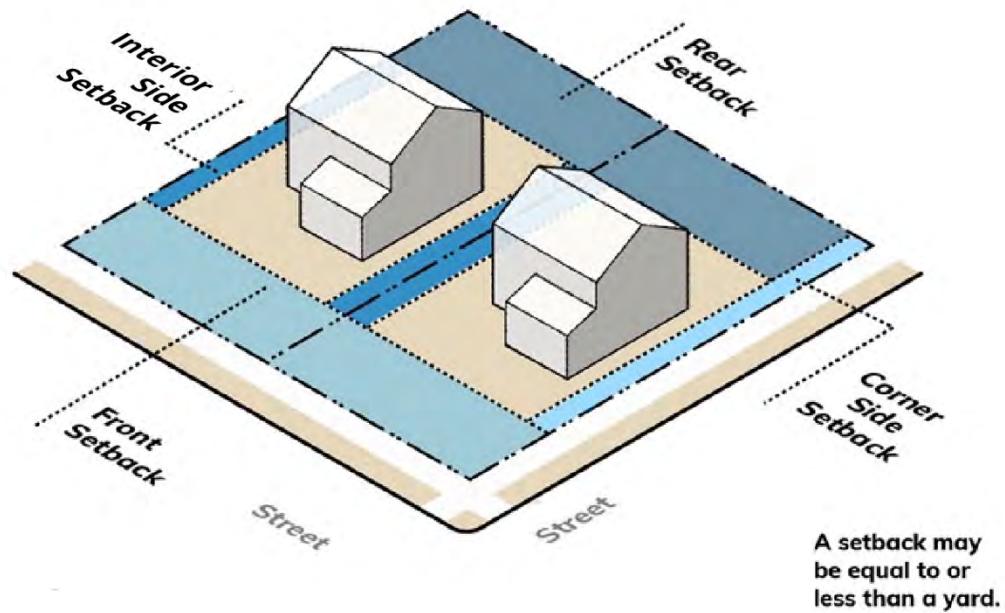
- a. Rear Yard:** A rear yard is located between the principal building line and the rear lot line.
- b. Rear Setback:** A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.
- c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side yard or corner side setback, measured perpendicular to the rear lot line.**

### **7. Yard and Setback Requirements for Through Lots**

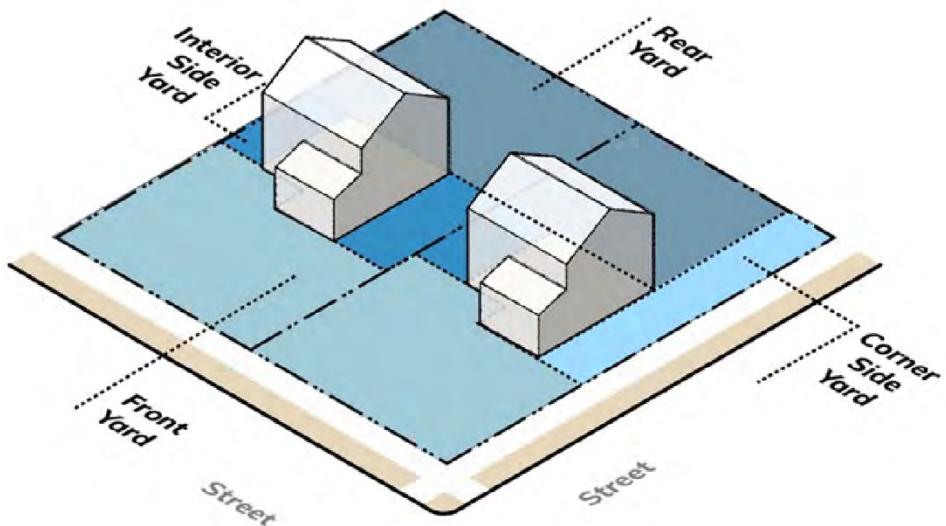
For through lots, both the front and the rear required setbacks must meet the required front setback of the zoning district.

### SETBACKS AND YARDS: REGULAR LOT

#### REQUIRED SETBACKS

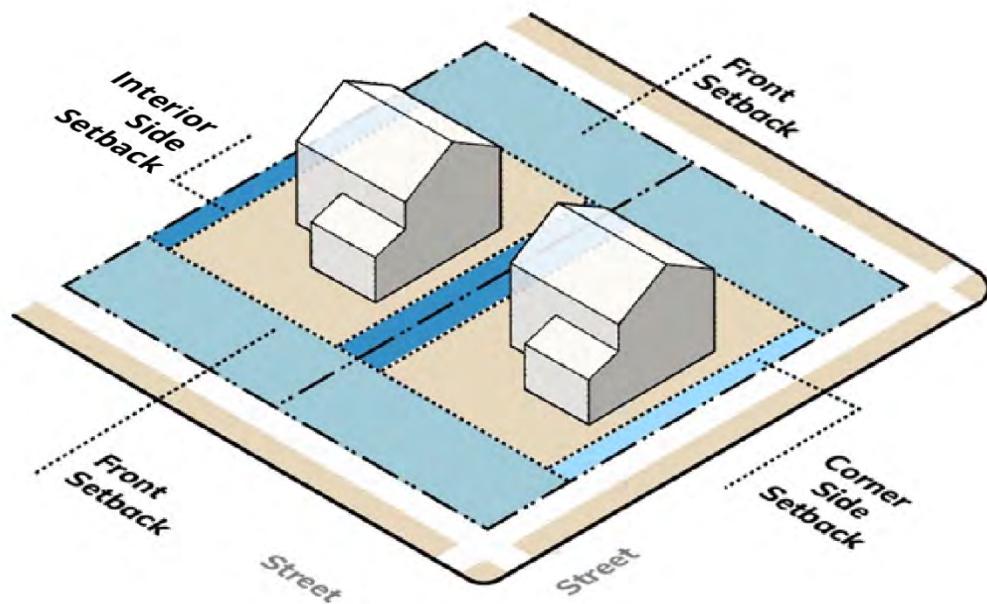


#### YARDS

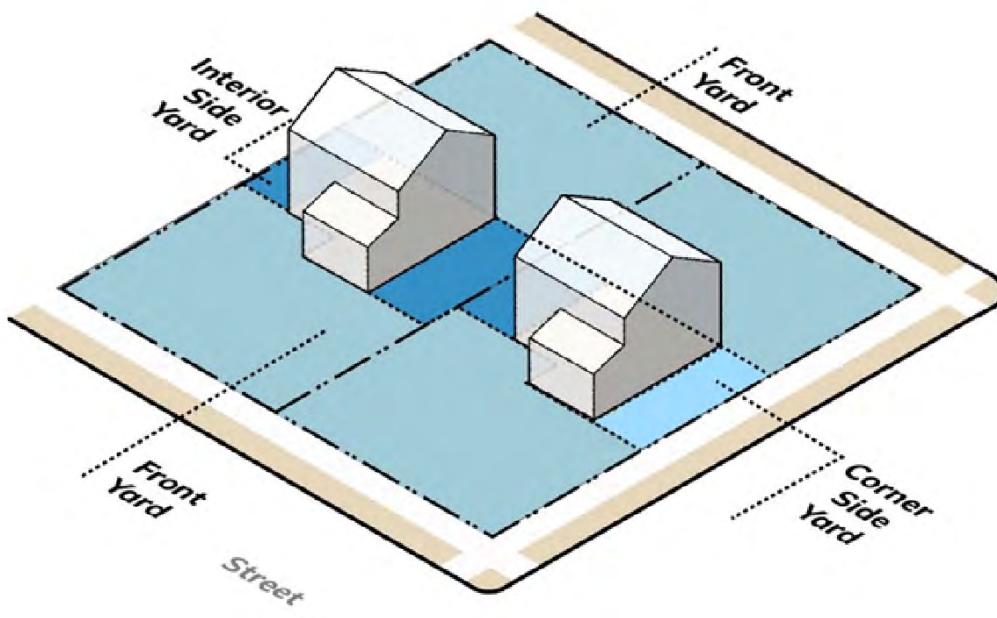


SETBACKS AND YARDS: THROUGH LOT

REQUIRED SETBACKS

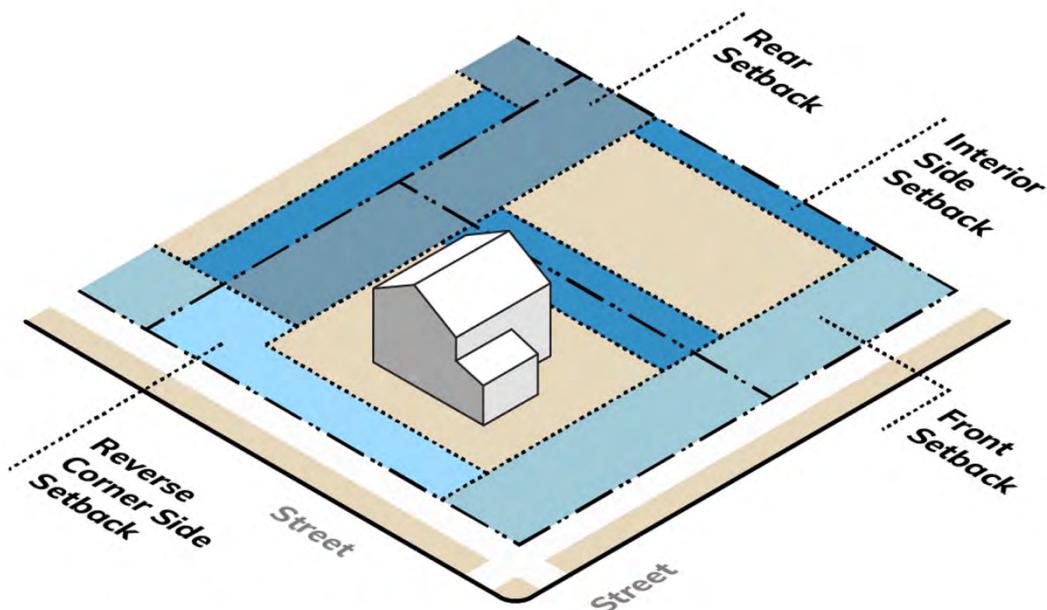


YARDS

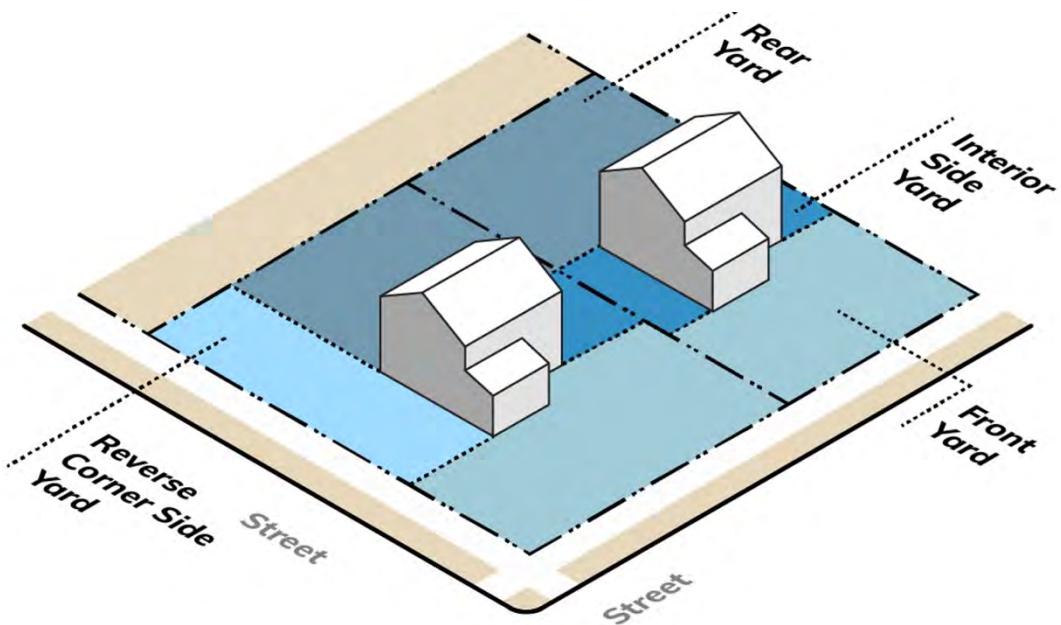


SETBACKS AND YARDS: REVERSE CORNER LOT

REQUIRED SETBACKS

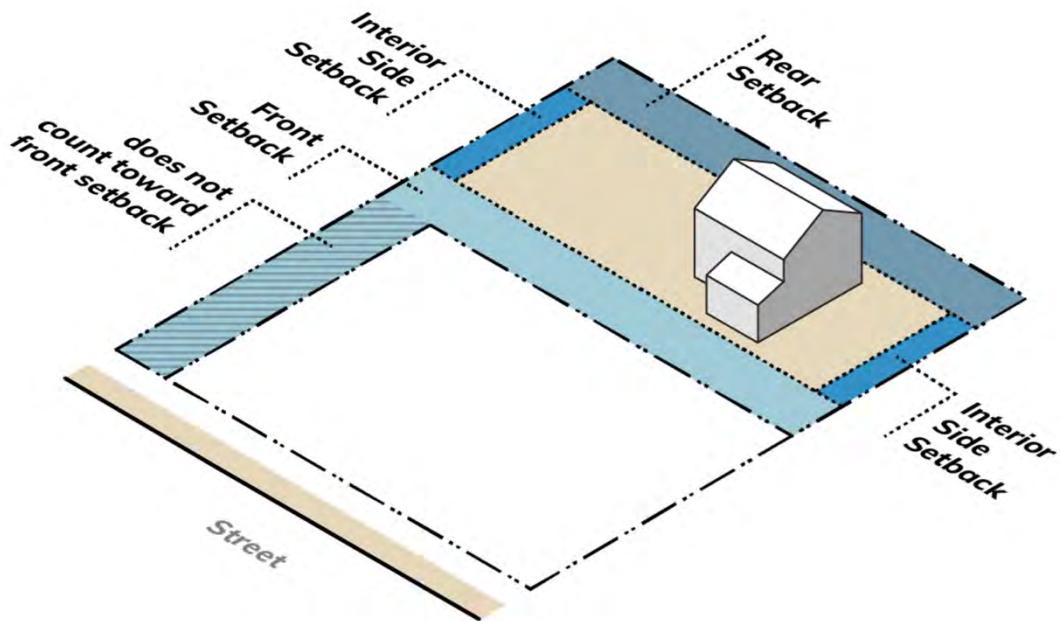


YARDS

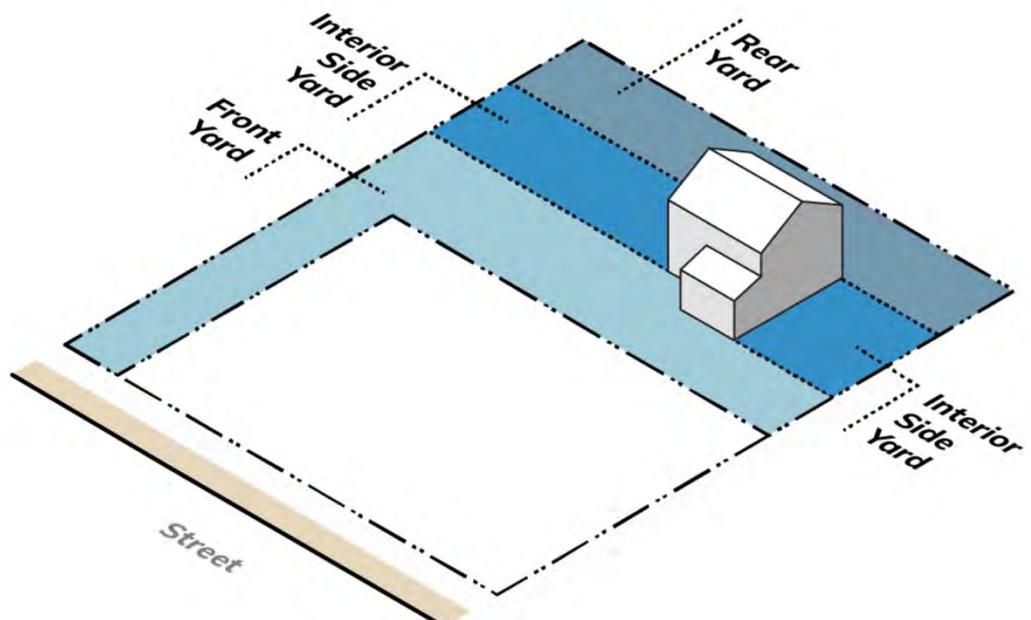


SETBACKS AND YARDS: FLAG LOT

REQUIRED SETBACKS



YARDS





## Article 3. Zoning Districts and Zoning Map

- 3.1 ZONING DISTRICTS
- 3.2 ZONING MAP
- 3.3 ESSENTIAL SERVICES EXEMPTIONS
- 3.4 ANNEXED LAND

### 3.1 ZONING DISTRICTS

To carry out the purpose and intent of this Ordinance, the City of Elmhurst is divided into the following zoning districts:

#### A. Residential Districts

- RE Residential Estates District
- R1 Single-Family Residential District
- R1A Single-Family Residential District
- R2 Single-Family Residential District
- R2A Single-Family Residential District
- R3 Two-Family Residential District
- R4 Limited General Residential District
- R5 Specialty Residential District
- RNT Neighborhood Transition District

#### B. Commercial Districts

- O1 Office Zoning District
- C1 Local Commercial District
- C2 Community Commercial District
- C3 General Commercial District
- C4 Commercial/Industrial Mixed-Use District
- C5 Commercial Mixed-Use District

#### C. Central Business Districts

- CBC Central Business Core Zoning District
- CBOC Central Business Outer Core Zoning District
- CBOCR Central Business Outer Core Residential Zoning District

#### D. Industrial Districts

- I1 Restricted Industrial Zoning District
- I2 General Industrial Zoning District

#### E. Special Purpose Districts

- CR Conservation/Recreation Zoning District
- CI Civic Institutional Zoning District
- HCC Health Care Campus Zoning District

### 3.2 ZONING MAP

A. The location and boundaries of the districts established by this Zoning Ordinance are set forth on the Zoning Map entitled City of Elmhurst Zoning District Map, which is incorporated and made part of this Ordinance.

B. The following rules apply with respect to the boundaries of the various zoning districts shown on the Zoning Map:

1. District boundary lines are the centerlines of highways, streets, alleys, and easements; right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.

2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips must be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage must be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Zoning Board of Appeals, after appropriate public hearing, may extend the regulations for either portion of such lot. No fee will be assessed for such interpretation.

### **3.3 ESSENTIAL SERVICES EXEMPTION**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead, surface, or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, cable television transmission lines (but not including appurtenances), gas regulator stations and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service by the public utility or municipal department or commission or for the public health, safety, or general welfare, are exempt from the regulations of this Ordinance. All installations must conform to Federal Communications Commission (FCC) and Federal Aviation Agency (FAA) rules and regulations, and of other authorities having jurisdiction.

### **3.4 ANNEXED LAND**

- A. On land annexed to or consolidated with the City, no building or structure may be erected, enlarged, or moved and no change in the use of land or existing buildings or structures may be made until an ordinance designating the zoning district classification of such annexed land is adopted by the City Council.
- B. Within 30 days of the annexation, the City Council will file an application for an amendment to establish the zoning district classification of such land. Action must be taken by the City Council regarding the classification of annexed land within 90 days of its receipt of the amendment application from the Zoning and Planning Commission.
- C. Failure of the City Council to take action regarding the classification of annexed land within the prescribed time period will result in such land being automatically classified as the R1 District.
- D. However, that those parcels of land located on the south side of Harrison Street as herein identified, are, in the absence of action by the City Council otherwise, automatically classified as R1A District, provided any parcel of such land annexed has a minimum lot frontage of 75 feet and a minimum lot area of 12,000 square feet:

15W221 Harrison Street (PIN 06-13-400-010)  
15W209 Harrison Street (PIN 06-13-400-011)  
15W153 Harrison Street (PIN 06-13-401-002)  
15W105 Harrison Street (PIN 06-13-401-005)  
15W073 Harrison Street (PIN 06-13-401-006)  
15W061 Harrison Street (PIN 06-13-401-007)  
15W045 Harrison Street (PIN 06-13-401-008)  
15W035 Harrison Street (PIN 06-13-401-009)  
0S414 Cadwell Avenue (PIN 06-13-401-010)  
0S424 Cadwell Avenue (PIN 06-13-401-011)

## Article 4. Residential Districts

- 4.1 PURPOSE STATEMENTS
- 4.2 USES
- 4.3 DIMENSIONAL STANDARDS
- 4.4 GENERAL STANDARDS

### 4.1 PURPOSE STATEMENTS

#### A. RE Residential Estates District

The RE Residential Estates District is intended to preserve and protect those unique areas within the City that are characterized by large lots with deep setbacks. The RE District also accommodates select, compatible nonresidential uses.

#### B. R1 Single-Family Residential District

The R1 Single-Family Residential District is intended to accommodate single-family areas on moderately sized lots. The R1 District also accommodates select, compatible nonresidential uses.

#### C. R1A Single-Family Residential District

The R1A Single-Family Residential District is intended to accommodate select larger lot single-family areas located within predominantly R1 District areas.

#### D. R2 Single-Family Residential District

The R2 Single-Family Residential District is intended to accommodate existing development patterns of single-family neighborhoods. The R2 District also accommodates select, compatible nonresidential uses.

#### E. R2A Single-Family Residential District

The R2A Single-Family Residential District is intended to accommodate select smaller lot single-family areas located within predominantly R2 District areas.

#### F. R3 Two-Family Residential District

The R3 Two-Family Residential District is intended to accommodate single-family, two-family, and townhouse residential development. The R3 District also accommodates select, compatible nonresidential uses.

#### G. R4 Limited General Residential District

The R4 Limited General Residential District is intended to accommodate areas that contain a mix of single-family, two-family, townhouse, and lower density multi-family dwellings. The R4 District also accommodates select, compatible nonresidential uses.

#### H. R5 Specialty Residential District

The R5 Specialty Residential District is intended to accommodate a mix of single-family, two-family, and townhouse, and low to medium density multi-family dwellings. In addition, the R5 District allows for limited opportunities for single-family structures to have office and bed and breakfast uses, conditionally approved by City Council, in order to encourage creative solutions in the re-use of the older single family-structures while encouraging compatible new construction within this district.

#### I. RNT Neighborhood Transition District

The RNT Neighborhood Transition District is intended to accommodate moderate residential density in the form of single-family, two-family, and townhouse development to act as a buffer between single-family residential neighborhoods and the intensity of the CBC and CBOC Districts (Article 6).

## 4.2 USES

Article 9 lists principal uses and temporary uses for the residential districts.

## 4.3 DIMENSIONAL STANDARDS

Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a standard is listed for a specific use.

### A. Front Setback Averaging

Front setback average is calculated by averaging the front setback of four adjacent lots on either side of the subject lot. Averaging is based on four adjacent lots on either side. In the case of a lot near or at the end of the block, the total number of lots averaged must equal eight lots total.

#### FRONT SETBACK AVERAGING

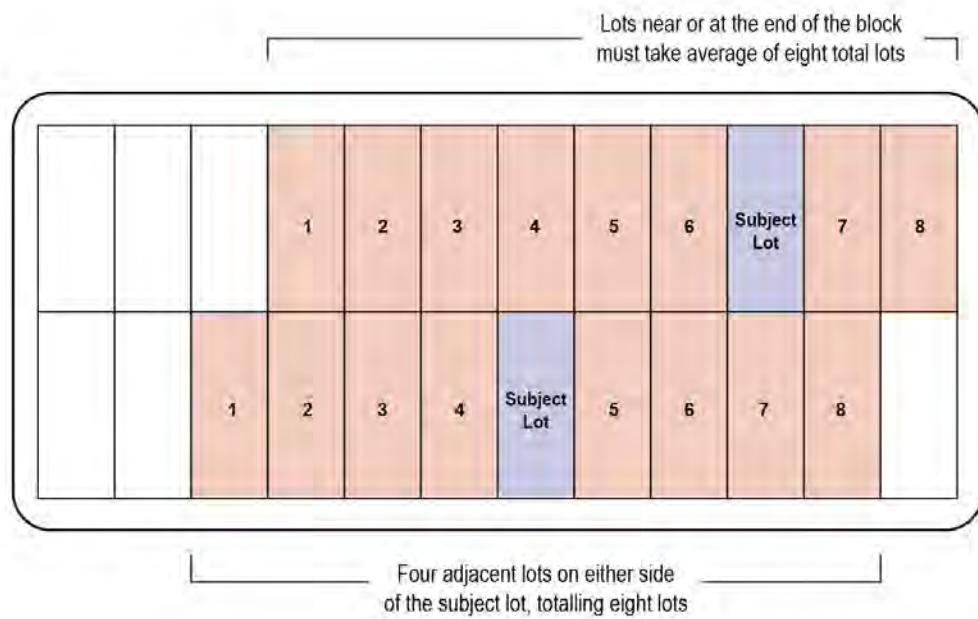
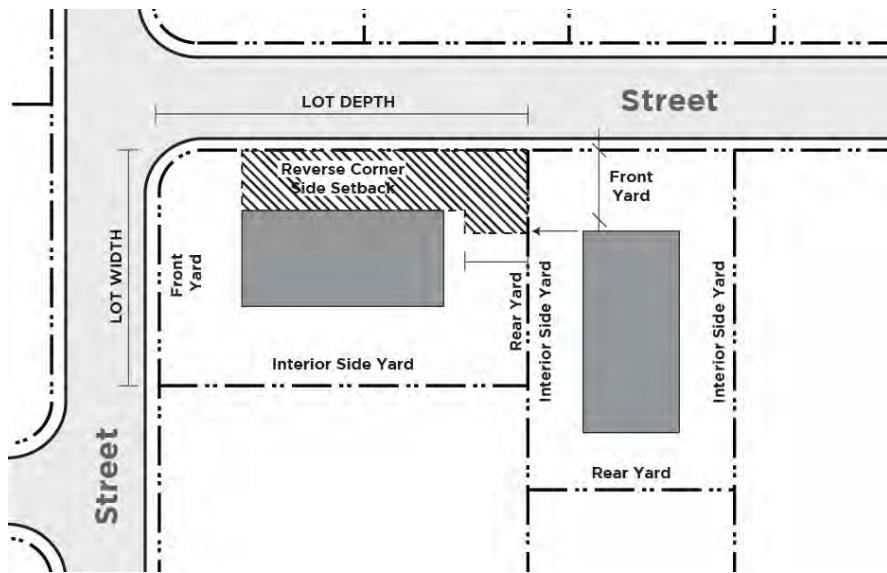


Table 4-1: Residential Districts Dimensional Standards						
Bulk Standards	RE	R1	R1A	R2	R2A	R3
Minimum Lot Area	12,000sf	9,000sf NR: 20,000sf	10,000sf	7,260sf NR: 2,000sf	6,500sf	SF: 7,260sf 2F: 7,260sf TH: 2,200sf/du NR: 20,000sf
Minimum Lot Width	75'	50' NR: 100'	56'	50'	50'	SF: 7,260sf 2F: 9,000sf TH: MF: 2,200sf/du NR: 20,000sf
Maximum Building Height	35' and 2.5 stories NR: 35'			35' and 2.5 stories NR: 35'	35' and 2.5 stories NR: 35'	SF: 2F: 35' and 2.5 stories TH: 35' NR: 100'
Maximum Building Coverage	25%		30%	30%	30%	SF: 2F: 35' and 2.5 stories TH: 35' NR: 100'
Minimum Setback Requirements	Front Setback averaging per Section 4.3.A is required; however, in no case may the front setback be less than 30' NR: 50'	Front setback averaging per Section 4.3.A is required; however, in no case may the front setback be less than 30' NR: 50'	Front setback averaging per Section 4.3.A is required; however, in no case may the front setback be less than 30' NR: 45'	Front setback averaging per Section 4.3.A is required; however, in no case may the front setback be less than 25' NR: 25'	Front setback averaging per Section 4.3.A is required; however, in no case may the front setback be less than 25' TH: 25' NR: 25'	Front setback averaging per Section 4.3.A is required; however, in no case may the front setback be less than 25' NR: 35'
Front Setback	10% of lot width NR: 20'	10% of lot width NR: 20'	10% of lot width NR: 15'	5'	5'	5'
Interior Side Setback (See below for SF, 2F with detached garage requirement)				NR: 10'	NR: 10'	NR: 10'

Table 4-1: Residential Districts Dimensional Standards									
	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT
<b>Interior Side Setback for SF, 2F Where Detached Garage Takes Access from Front Lot Line</b> - This applies only to the yard where the garage is located	9'	9'	9'	9'	9'	9'	9'	9'	9'
<b>Corner Side Setback</b>	25'	15'	15'	10'	NR: 25'	10'	10'	10'	10'
<b>Reverse Corner Side Setback Applies to SF, 2F</b>	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth	First 20', as measured from rear lot line, equals the front setback of the lot to the rear; Remainder of the setback: 50% of the front setback depth
<b>Rear Setback</b>	NR: 50'	NR: 50'	NR: 50'	NR: 45'					

### REVERSE CORNER SIDE SETBACK



## 4.4 GENERAL STANDARDS

### A. On-Site Development Standards

See Article 10 for additional on-site development standards and requirements.

### B. Accessory Structures and Uses

See Article 11 for accessory structure and use regulations.

### C. Off-Street Parking and Loading

See Article 12 for off-street parking and loading standards and requirements.

### D. Landscape

See Article 13 for landscape, buffering and screening standards and requirements.

### E. Signs

See Article 14 for sign standards.



## Article 5. Commercial Districts

- 5.1 PURPOSE STATEMENTS**
- 5.2 USES**
- 5.3 DIMENSIONAL STANDARDS**
- 5.5 DESIGN STANDARDS**
- 5.6 GENERAL STANDARDS**

### **5.1 PURPOSE STATEMENTS**

#### **A. O1 Office Zoning District**

The O1 Office Zoning District is intended to accommodate business and professional offices and related uses located in close proximity to residential districts. The O1 District can serve as a transition between commercial districts and neighborhood residential areas.

#### **B. C1 Local Commercial District**

The C1 Local Commercial District is intended to accommodate convenience shopping for adjacent residential areas that allow commercial uses that meet basic daily or frequent shopping needs. Mixed-use development is allowed, with residential dwellings permitted above the ground floor.

#### **C. C2 Community Commercial District**

The C2 Community Commercial District is designed to accommodate the shopping needs of a larger consumer base than is served by the C1 District. Generally located along major commercial arterials, the C2 District allows a wide range of commercial uses and developments. Mixed-use development is allowed, with residential dwellings permitted above the ground floor.

#### **D. C3 General Commercial District**

The C3 General Commercial District is intended to accommodate more auto-oriented commercial activities, which can also attract a more regional consumer base. The C3 District is generally located along major commercial arterials.

#### **E. C4 Commercial/Industrial Mixed-Use District**

The C4 Commercial/Industrial Mixed-Use District is intended to accommodate auto-oriented commercial activities as well as provide an environment suitable for certain warehousing and distribution activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and-nuisance-free environment. The C4 District is generally located along major commercial arterials.

1. Any lots zoned the C3A District on the Zoning Map are subject to the standards for the C4 Districts of this Ordinance.

#### **F. C5 Commercial Mixed-Use District**

The C5 Commercial Mixed-Use District is intended to accommodate a heterogeneous mixture of medium-intensity commercial and higher density residential uses in a vertically mixed-use environment.

### **5.2 USES**

Article 9 lists principal uses and temporary uses for the commercial districts.

### **5.3 DIMENSIONAL STANDARDS**

Table 5-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a standard is listed for a specific use.

Table 5-1: Commercial Districts Dimensional Standards

	O1	C1	C2	C3	C4	C5
<b>Bulk Standards</b>						
<b>Minimum Lot Area</b>	5,000sf	None	None	10,000sf	10,000sf	10,000sf
<b>Minimum Lot Width</b>	50'	None	None	None	None	None
<b>Maximum Building Height</b>	Less than 1ac in lot area: 35' 1ac or more in lot area: 55'	40'	55'	55'; Above 55' up to 75' allowed by conditional use However, when within 200' of a lot in current use as SF, 2F, TH: 40' <sup>1</sup>	55'; Above 55' up to 75' allowed by conditional use However, when within 200' of a lot in current use as SF, 2F, TH: 40' <sup>1</sup>	55'; Above 55' up to 75' allowed by conditional use However, when within 200' of a lot in current use as SF, 2F, TH: 40' <sup>1</sup>
<b>Minimum First Floor Demarcation Line</b> <i>This includes a cornice line, first-floor window height, bottom sill of second story windows, or entablature</i>	None	None	None	None	None	15'
<b>Maximum Building Coverage</b>	40%	None	None	None	None	None
<b>Minimum Setback Requirements</b>						
<b>Front Setback</b>	25'	None	None	25'	25'	None
<b>Interior Side Setback</b>	10'	None required, but a minimum of 5' if provided	None required, but a minimum of 5' if provided	10'	10'	10'
<b>Corner Side Setback</b>	15'	None	None	25'	25'	None
<b>Rear Setback</b>	20'	None	None	20'	20'	20'

#### FOOTNOTES

<sup>1</sup> The maximum building height within 200' of a lot in current use as single-family, two-family, or townhouse dwelling is limited in height as indicated in Table 5-1 above. The 200' distance is measured to include rights-of-way. This limitation applies only to that part of a structure within this 200' distance.

#### 5.4 DESIGN STANDARDS

**A.** Single-family, two-family, townhouse, and multi-family dwellings are not subject to these design standards but rather subject to the design standards included within the use standards of the dwelling type in Article 9.

**B.** The design standards of Table 5-2: Commercial Districts Design Standards apply to nonresidential and mixed-use developments. The standards apply to new construction and to any additions. In the table, a “✓” indicates that the standard is applicable in the district indicated. The absence of a “✓” indicates that the standard does not apply to the district. For the purposes of Table 5-2, when standards indicate that they are applicable when facing a street, this does not apply to alleys. Diagrams included below of the design standards are for illustrative purposes only; text within the diagrams is provided for explanatory purposes and in the case of conflict with the text of Table 5-2, the Table controls.

Table 5-2: Commercial Districts Design Standards

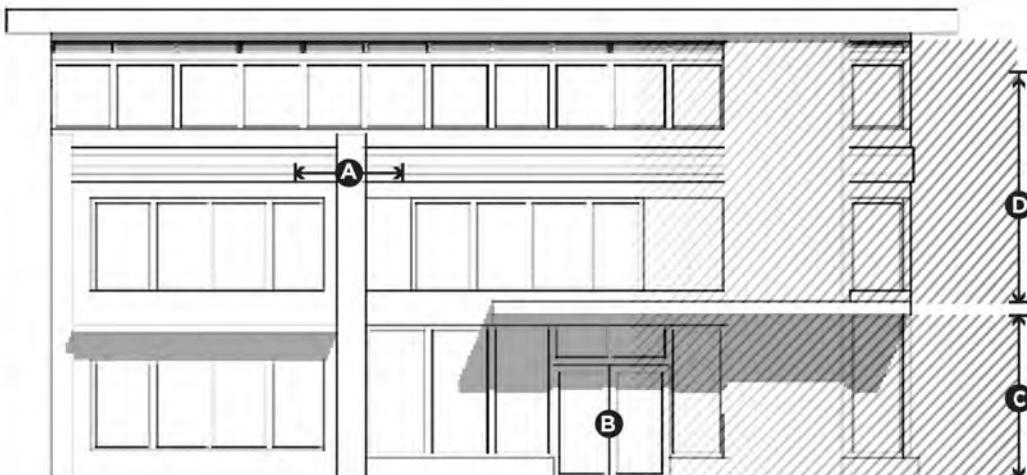
Orientation		O1	C1	C2	C3	C4	C5
1	For developments with a single ground floor tenant, a minimum of one prominent entrance is required along a street.	✓	✓	✓	✓		✓
2	At least one prominent entrance along the main building facade must include a direct pedestrian connection to the adjacent sidewalk. On a corner lot, only one façade along a street must have a prominent entrance connected to the sidewalk or such entrance may be located at the corner.	✓	✓	✓			
Facade Design		O1	C1	C2	C3	C4	C5
3	Building facades facing a street must not contain blank wall areas that exceed 25 linear feet.	✓	✓				
4	Building facades facing a street must not contain blank wall areas that exceed 40 linear feet.			✓	✓	✓	✓
5	Building facades of 100' in length or greater facing a street must include an architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓	✓	✓	✓
6	For structures over three stories in height, facades facing a street must express a visual distinction between the ground floor and upper stories through architectural features or detailing or change in materials. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓	✓	✓	✓
7	Building facades facing a street must include windows, projected or recessed entrances, overhangs, and other architectural features.	✓	✓	✓	✓	✓	✓
Fenestration Design		O1	C1	C2	C3	C4	C5
8	The ground floor of a facade facing a street must maintain a minimum transparency of 50%, measured between two and eight feet in height.	✓	✓	✓	✓	✓ <sup>1</sup>	✓
9	Upper floors of a facade facing a street must maintain a minimum transparency of 20% of the wall area of the story.	✓	✓	✓	✓	✓ <sup>1</sup>	✓
10	All windows facing a street must be clear or lightly tinted.	✓	✓	✓	✓	✓	✓
Roof Design		O1	C1	C2	C3	C4	C5
11	Rooflines of 100' in length or more must be varied through the use of architectural design elements such as dormers, gables, material patterns, raised/lowered portions, or projected wall features. Such elements of variation may be no wider than 50'.	✓	✓	✓	✓	✓ <sup>1</sup>	✓
12	Reflective roof surfaces that produce glare are prohibited, except for cool roof designs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building. This restriction does not include solar panels.	✓	✓	✓	✓	✓	✓
13	Green roof, blue roof, and white roof designs are permitted.	✓	✓	✓	✓	✓	✓

**FOOTNOTES:** <sup>1</sup> Does not apply to industrial developments.

**C.** For nonresidential and mixed use, developments, the following building materials are limited to 20% of each façade facing a street or any facade that faces a residential district. They may also be used as a component of construction when not a surface finish material without limitation.

1. Plain concrete block.
2. Mirrored glass. Any mirrored glass used must be designed to be bird safe. Bird-safe glass is specially designed to make glass a visible obstacle to birds and includes approaches such as fritting, silk-screening, or ultraviolet coating. Patterns must break up the reflectivity of the glass and be spaced two inches apart horizontally and four inches apart vertically.
3. Exposed aggregate (rough finish) concrete wall panels.
4. Exterior insulating finish systems (EIFS).

## O1 DISTRICT DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

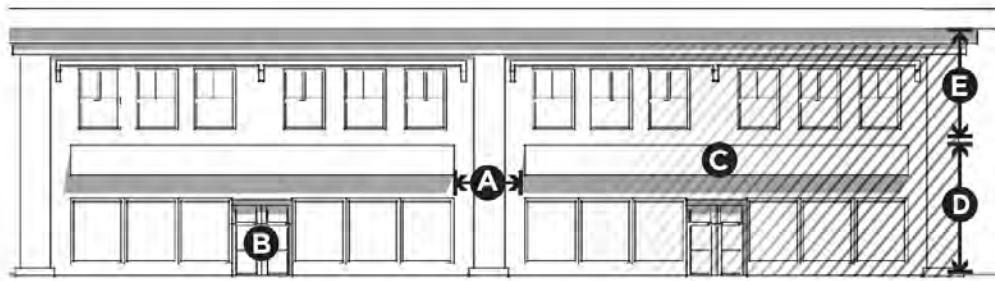
**A** Blank wall limitation

**B** Prominent entrance

**C** Ground floor transparency

**D** Upper floors transparency

## C1 DISTRICT DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

- A** Blank wall limitation
- B** Prominent entrance
- C** Street facing facade features

- D** Ground floor transparency
- E** Upper floors transparency

## C2 DISTRICT DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

- A** Blank wall limitation
- B** Prominent entrance
- C** Architectural distinction between the ground floor and upper stories

- D** Ground floor transparency
- E** Upper floors transparency

### C3 DISTRICT DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

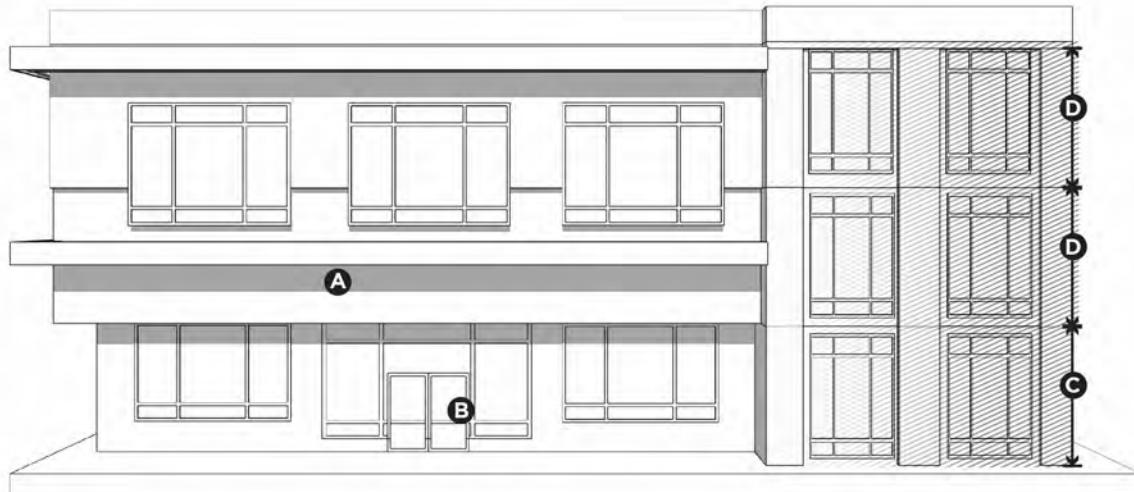
**A** Blank wall limitation

**B** Prominent entrance

**D** Ground floor transparency

**E** Upper floor transparency

### C4 DISTRICT DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

**A** Blank wall limitation

**B** Street facing façade features

**C** Ground floor transparency

**D** Upper floor transparency

## C5 DISTRICT DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

- A** Blank wall limitation
- B** Prominent entrance
- C** Architectural distinction between the ground floor and upper stories

- D** Ground floor transparency
- E** Upper floors transparency

### 5.5 GENERAL STANDARDS

#### A. On-Site Development Standards

See Article 10 for additional on-site development standards and requirements.

#### B. Accessory Structures and Uses

See Article 11 for accessory structure and use regulations.

#### C. Off-Street Parking and Loading

See Article 12 for off-street parking and loading standards and requirements.

#### D. Landscape

See Article 13 for landscape, buffering and screening standards and requirements.

#### E. Signs

See Article 14 for sign standards.



## Article 6. Central Business Districts

- 6.1 PURPOSE STATEMENTS
- 6.2 USES
- 6.3 DIMENSIONAL STANDARDS
- 6.5 DESIGN STANDARDS
- 6.6 GENERAL STANDARDS

### 6.1 PURPOSE STATEMENTS

#### A. CBC Central Business Core Zoning District

The CBC Central Business Core Zoning District addresses the Downtown core of the City of Elmhurst. The CBC District is intended to accommodate all those retail, service and specialty shops and necessary civic services that are characteristic of a traditional central business district. Mixed-use development is allowed, with residential dwellings permitted above the ground floor.

#### B. CBOC Central Business Outer Core Zoning District

The CBOC Central Business Outer Core Zoning District addresses the outer Downtown core area of the City of Elmhurst. The CBOC District is intended to accommodate all those retail, service and specialty shops and necessary civic services that are characteristic of traditional areas that surrounds the core. Mixed-use development is allowed, with residential dwellings permitted above the ground floor as well as multi-family dwellings.

#### C. CBOCR Central Business Outer Core Residential Zoning District

The CBOCR Central Business Outer Core Residential Zoning District addresses the outer Downtown core area of the City of Elmhurst. The CBOCR District is intended to accommodate multi-family and townhouse development that is compatible with the larger Downtown area.

### 6.2 USES

Article 9 lists principal uses and temporary uses for the Central Business Districts.

### 6.3 DIMENSIONAL STANDARDS

Table 6-1: Central Business Districts Dimensional Standards establishes the dimensional standards for the Central Business Districts. These regulations apply to all uses within each district unless a standard is listed for a specific use.

Table 6-1: Central Business Districts Dimensional Standards

	CBC	CBOC	CBOCR
<b>Bulk Standards</b>			
Minimum Lot Area	None	None	None
Maximum Building Height	77' Above 77' up to 125' allowed by conditional use However, when within 100' of a lot in current use as SF, 2F, TH: 53' <sup>1</sup>	77' However, when within 100' of a lot in current use as SF, 2F, TH: 53' <sup>1</sup>	72' However, when within 100' of a lot in current use as SF, 2F, TH: 48' <sup>1</sup>
Minimum First Floor Demarcation Line <i>This includes a cornice line, first-floor window height, bottom sill of second story windows, or entablature</i>	15'	15'	None
Minimum Unit Size	Studio: 500sf 1 bedroom: 700sf 2 bedroom: 1,000sf 3+ bedroom: 1,200sf	Studio: 500sf 1 bedroom: 700sf 2 bedroom: 1,000sf 3+ bedroom: 1,200sf	Studio: 500sf 1 bedroom: 700sf 2 bedroom: 1,000sf 3+ bedroom: 1,200sf
<b>Setback Requirements</b>			
Front Setback	0'-5' build-to zone (BTZ)	Residential: 0'-15' build-to zone (BTZ) NR: 0'-5' build-to zone (BTZ)	Min. 25'
Front Setback Required Build-To Percentage	100% <sup>2</sup>	100% <sup>2</sup>	None

Table 6-1: Central Business Districts Dimensional Standards			
	CBC	CBOC	CBOCR
<b>Interior Side Setback</b>	0' build-to line <sup>3</sup>	0' build-to line <sup>3</sup>	Min. 5'
<b>Corner Side Setback</b>	0'-5' build-to zone (BTZ)	Residential: 0'-15' build-to zone (BTZ) NR: 0'-5' build-to zone (BTZ)	Min. 10'
<b>Corner Side Setback Required Build-To Percentage</b>	100% <sup>2</sup>	100% <sup>2</sup>	None
<b>Rear Setback</b>	None	None	Min. 20'

#### FOOTNOTES

<sup>1</sup> The maximum building height within 100' of a lot in current use as single-family, two-family, or townhouse dwelling is limited in height as indicated in Table 6-1 above. The 100' distance is measured to include rights-of-way. This limitation applies only to that part of a structure within this 100' distance.

<sup>2</sup> The required built-to percentage may be reduced to 80% if the structure is designed with programmed outdoor space along the setback, such as outdoor dining and seating and similar elements that allow people to congregate. Such reduction must be approved during site plan review.

<sup>3</sup> The interior side setback may be increased to a maximum of 8' to accommodate pedestrian accessways. The walkway must be a minimum of 5' in width and maintain a vertical clearance a minimum of 8.5' in height. If the walkway is adjacent to a driveway or alley, it must be physically separated from such by a barrier a minimum of 4' in height designed to safely separate vehicular and pedestrian traffic. Such increase must be approved during site plan review.

#### 6.4 DESIGN STANDARDS

**A.** Townhouse dwellings are not subject to these design standards but rather subject to the design standards included within the use standards of the dwelling type in Article 9.

**B.** The design standards of Table 6-2: Central Business Districts Design Standards apply to nonresidential and mixed-use developments and multi-family dwellings. The standards apply to new construction and to any additions. In the table, a “✓” indicates that the standard is applicable in the district indicated. The absence of a “✓” indicates that the standard does not apply to the district. For the purposes of Table 6-2, when standards indicate that they are applicable when facing a street, this does not apply to alleys. Diagrams included below of the design standards are for illustrative purposes only; text within the diagrams is provided for explanatory purposes and in the case of conflict with the text of Table 6-2, the Table controls.

Table 6-2: Central Business Districts Design Standards			
Orientation	CBC	CBOC	CBOCR
1 For developments with a single ground floor tenant, a minimum of one prominent entrance is required along a street.	✓	✓	✓
2 At least one prominent entrance along the main building facade must include a direct pedestrian connection to the adjacent sidewalk. On a corner lot, only one façade facing a street must have a prominent entrance connected to the sidewalk or such entrance may be located at the corner.	✓	✓	✓
Facade Design		CBC	CBOC
3 Building facades facing a street must not contain blank wall areas that exceed 25 linear feet.	✓	✓	
4 Building facades facing a street must not contain blank wall areas that exceed 40 linear feet.			✓
5 Building facades of 100' in length or greater facing a street must include an architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓

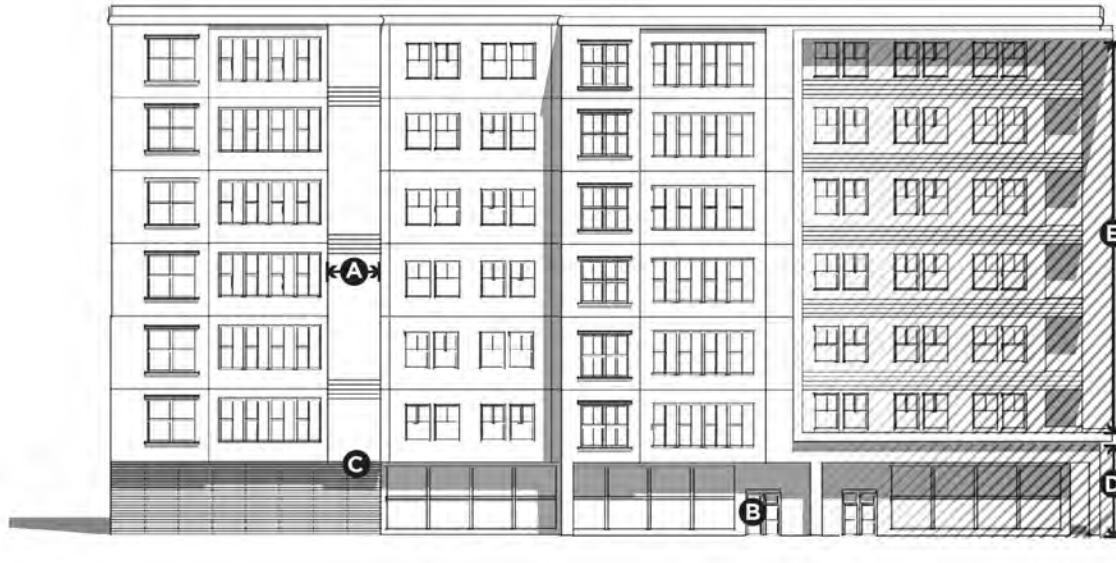
Table 6-2: Central Business Districts Design Standards

		CBC	CBOC	CBOCR
6	For structures over three stories in height, facades facing a street must express a visual distinction between the ground floor and upper stories through architectural features or detailing or change in materials. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓
7	Building facades facing a street must include windows, projected or recessed entrances, overhangs, and other architectural features.	✓	✓	✓
<b>Fenestration Design</b>		CBC	CBOC	CBOCR
8	The ground floor of a facade facing a street must maintain a minimum transparency of 50%, measured between two and eight feet in height.	✓	✓	
9	The ground floor of a facade facing a street must maintain a minimum transparency of 30%, measured between two and eight feet in height.			✓
10	Upper floors of a facade facing a street must maintain a minimum transparency of 20% of the wall area of the story.	✓	✓	✓
11	All windows facing a street must be clear or lightly tinted.	✓	✓	✓
<b>Roof Design</b>		CBC	CBOC	CBOCR
12	Reflective roof surfaces that produce glare are prohibited, except for cool roof designs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building. This restriction does not include solar panels.	✓	✓	✓
13	Green roof, blue roof, and white roof designs are permitted.	✓	✓	✓

C. The following building materials are limited to 20% of each façade facing a street or any facade that faces a residential district. They may also be used as a component of construction when not a surface finish material without limitation.

1. Plain concrete block.
2. Mirrored glass installed below the first floor demarcation line.
3. Non-bird safe mirrored glass installed above the first floor demarcation line. Mirrored glass is designed to be bird safe is permitted above the first floor demarcation line. Bird-safe glass is specially designed to make glass a visible obstacle to birds and includes approaches such as fritting, silk-screening, or ultraviolet coating. Patterns must break up the reflectivity of the glass and be spaced two inches apart horizontally and four inches apart vertically.
4. Exterior insulating finish systems (EIFS).

## CBC AND CBOC DISTRICTS DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

**A** Blank wall limitation

**B** Prominent entrance

**C** Architectural distinction between the ground floor and upper stories

**D** Ground floor transparency

**E** Upper floors transparency

## CBOCR DISTRICT DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

<b>A</b>	Blank wall limitation	<b>D</b>	Ground floor transparency
<b>B</b>	Prominent entrance	<b>E</b>	Upper floors transparency
<b>C</b>	Architectural distinction between the ground floor and upper stories		

### 6.5 GENERAL STANDARDS

#### A. On-Site Development Standards

See Article 10 for additional on-site development standards and requirements.

#### B. Accessory Structures and Uses

See Article 11 for accessory structure and use regulations.

#### C. Off-Street Parking and Loading

See Article 12 for off-street parking and loading standards and requirements.

#### D. Landscape

See Article 13 for landscape, buffering and screening standards and requirements.

#### E. Signs

See Article 14 for sign standards.



## Article 7. Industrial Districts

- 7.1 PURPOSE STATEMENTS
- 7.2 USES
- 7.3 DIMENSIONAL STANDARDS
- 7.4 DESIGN STANDARDS
- 7.5 GENERAL STANDARDS

### 7.1 PURPOSE STATEMENTS

#### A. I1 Restricted Industrial Zoning District

The I1 Restricted Industrial Zoning District is intended to accommodate industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and-nuisance-free environment. The I1 District may also accommodate select service or commercial uses.

#### B. I2 General Industrial Zoning District

The I2 General Industrial Zoning District is intended to accommodate those industrial activities which may produce moderate nuisances or hazards in areas that are relatively remote from residential and commercial development. The I2 District may also accommodate limited service and commercial.

### 7.2 USES

Article 9 lists principal uses and temporary uses for the industrial districts.

### 7.3 DIMENSIONAL STANDARDS

Table 7-1: Industrial Districts Dimensional Standards establishes the dimensional standards for the industrial districts. These regulations apply to all uses within each district unless a standard is listed for a specific use.

	I1	I2
<b>Bulk Standards</b>		
Minimum Lot Area	10,000sf	20,000sf
Minimum Lot Width	50'	100'
Maximum Building Height	55'; Above 55' up to 75' allowed by conditional use However, when within 200' of a lot in current use as SF, 2F, TH: 35' <sup>1</sup>	55'; Above 55' up to 100' allowed by conditional use However, when within 200' of a lot in current use as SF, 2F, TH: 35' <sup>1</sup>
<b>Minimum Setback Requirements</b>		
Front Setback	20' However, when located across the street from a residential district, then 45'	20'
Interior Side Setback	20'	20'
Corner Side Setback	20'	20'
Rear Setback	30'	30'

### FOOTNOTES

<sup>1</sup> The maximum building height within 200' of a lot in current use as single-family, two-family, or townhouse dwelling is limited in height as indicated in Table 7-1 above. The 200' distance is measured to include rights-of-way. This limitation applies only to that part of a structure within this 200' distance.

## 7.4 DESIGN STANDARDS

**A.** The design standards of Table 7-2: Industrial Districts Design Standards apply to nonresidential and mixed-use developments. The standards apply to new construction and to any additions. In the table, a “✓” indicates that the standard is applicable in the district indicated. The absence of a “✓” indicates that the standard does not apply to the district. For the purposes of Table 7-2, when standards indicate that they are applicable when facing a street, this does not apply to alleys. Diagrams included below of the design standards are for illustrative purposes only; text within the diagrams is provided for explanatory purposes and in the case of conflict with the text of Table 7-2, the Table controls.

Table 7-2: Industrial Districts Design Standards			
Facade Design		I1	I2
1	Building facades facing a street must not contain blank wall areas that exceed 50 linear feet.	✓	✓
2	Building facades of 100' in length or greater facing a street must include an architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.	✓	
3	Building facades facing a street must include windows, projected or recessed entrances, overhangs, and other architectural features.	✓	✓
Fenestration Design		I1	I2
4	The ground floor of a facade facing a street must maintain a minimum transparency of 50%, measured between two and eight feet in height.	✓	
5	All windows facing a street must be clear or lightly tinted.	✓	✓
Roof Design		I1	I2
6	Rooflines of 100' in length or more must be varied through the use of architectural design elements such as dormers, gables, material patterns, raised/lowered portions, or projected wall features. Such elements of variation may be no wider than 50'.	✓	
7	Reflective roof surfaces that produce glare are prohibited, except for cool roof designs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building. This restriction does not include solar panels.	✓	✓
8	Green roof, blue roof, and white roof designs are permitted.	✓	✓

**B.** The following building materials are limited to 20% of each façade facing a street or any facade that faces a residential district. They may also be used as a component of construction when not a surface finish material without limitation.

1. Plain concrete block.
2. Mirrored glass. All mirrored glass must be designed to be bird safe. Bird-safe glass is specially designed to make glass a visible obstacle to birds and includes approaches such as fritting, silk-screening, or ultraviolet coating. Patterns must break up the reflectivity of the glass and be spaced two inches apart horizontally and four inches apart vertically.
3. Exposed aggregate (rough finish) concrete wall panels.
4. Exterior insulating finish systems (EIFS).

## I1 AND I2 DISTRICTS DESIGN STANDARDS



These diagrams are intended only to illustrate the basic elements of the building design standards and building form. They are not intended to denote any required architectural style or detail.

- A** Blank wall limitation
- B** Street facing façade features
- C** Ground floor transparency

### 7.5 GENERAL STANDARDS

#### A. On-Site Development Standards

See Article 10 for additional on-site development standards and requirements.

#### B. Accessory Structures and Uses

See Article 11 for accessory structure and use regulations.

#### C. Off-Street Parking and Loading

See Article 12 for off-street parking and loading standards and requirements.

#### D. Landscape

See Article 13 for landscape, buffering and screening standards and requirements.

#### E. Signs

See Article 14 for sign standards.



## Article 8. Special Districts

- 8.1 CR CONSERVATION/RECREATION ZONING DISTRICT
- 8.2 CI CIVIC INSTITUTIONAL ZONING DISTRICT
- 8.3 HCC HEALTH CARE CAMPUS ZONING DISTRICT

### 8.1 CR CONSERVATION/RECREATION ZONING DISTRICT

#### A. Purpose Statement

The CR Conservation/Recreation Zoning District is designed to preserve and protect large, open space uses and to encourage the development of land for open space recreational activities or to conserve natural resources.

#### B. Uses

Article 9 lists principal uses and temporary uses for the CR District.

#### C. Dimensional Standards

Table 8-1: CR District Dimensional Standards establishes the dimensional standards for the CR District. Minimum lot area and minimum lot width standards do not apply to publicly-owned lands.

Table 8-1: CR District Dimensional Standards	CR
<b>Bulk Standards</b>	
Minimum Lot Area	2 acres
Minimum Lot Width	200'
Maximum Building Height	35'
<b>Setback Requirements</b>	
Minimum Front Setback	50'
Minimum Interior Side Setback	50'
Minimum Corner Side Setback	50'
Minimum Rear Setback	50'

#### D. General Standards

##### 1. On-Site Development Standards

See Article 10 for additional on-site development standards and requirements.

##### 2. Accessory Structures and Uses

See Article 11 for accessory structure and use regulations.

##### 3. Off-Street Parking and Loading

See Article 12 for off-street parking and loading standards and requirements.

##### 4. Landscape

See Article 13 for landscape, buffering and screening standards and requirements.

##### 5. Signs

See Article 14 for sign standards.

## 8.2 CI CIVIC INSTITUTIONAL ZONING DISTRICT

### A. Purpose Statement

The CI Civic Institutional Zoning District is designed to accommodate civic and governmental structures, and educational and institutional buildings in a mutually compatible environment in agreement with the Comprehensive Plan. The purpose of the CI District is to protect and enhance existing concentrations of such structures.

### B. Uses

Article 9 lists principal uses and temporary uses for the CI District.

### C. Dimensional Standards

Table 8-2: CI District Dimensional Standards establishes the dimensional standards for the CI District.

Table 8-2: CI District Dimensional Standards	CI
<b>Bulk Standards</b>	
Minimum Lot Area	14,000sf
Minimum Lot Width	100'
Maximum Building Height	55'; Above 55' up to 75' allowed by conditional use
<b>Setback Requirements</b>	
Minimum Front Setback	35'
Minimum Interior Side Setback	Structures up to 35' in height: 15' Structures above 35' in height: 15' plus an additional 1' in setback for every 3' in height above 35'
Minimum Corner Side Setback	20'
Minimum Rear Setback	30'

### D. General Standards

#### 1. On-Site Development Standards

See Article 10 for additional on-site development standards and requirements.

#### 2. Accessory Structures and Uses

See Article 11 for accessory structure and use regulations.

#### 3. Off-Street Parking and Loading

See Article 12 for off-street parking and loading standards and requirements.

#### 4. Landscape

See Article 13 for landscape, buffering and screening standards and requirements.

#### 5. Signs

See Article 14 for sign standards.

### 8.3 HCC HEALTH CARE CAMPUS ZONING DISTRICT

#### A. Purpose Statement

The HCC Health Care Campus Zoning District is designed to accommodate community hospitals and the broad array of uses which are directly related to hospital care on larger parcels of land in a campus like setting.

#### B. Uses

Article 9 lists principal uses and temporary uses for the HCC District.

#### C. Dimensional Standards

Table 8-3: HCC District Dimensional Standards establishes the dimensional standards for the HCC District.

Table 8-3: HCC District Dimensional Standards	HCC
<b>Bulk Standards</b>	
<b>Minimum Lot Area</b>	11 acres
<b>Maximum Building Height</b>	125'; Above 125' up to 150' allowed by conditional use
<b>Minimum Setback Requirements</b>	
Front Setback	25'
Interior Side Setback	25'
Corner Side Setback	25'
Rear Setback	25'

#### D. General Standards

##### 1. On-Site Development Standards

See Article 10 for additional on-site development standards and requirements.

##### 2. Accessory Structures and Uses

See Article 11 for accessory structure and use regulations.

##### 3. Off-Street Parking and Loading

See Article 12 for off-street parking and loading standards and requirements.

##### 4. Landscape

See Article 13 for landscape, buffering and screening standards and requirements.

##### 5. Signs

See Article 14 for sign standards.



## Article 9. Uses

- 9.1 GENERAL USE REGULATIONS
- 9.2 USE MATRIX
- 9.3 PRINCIPAL USE STANDARDS
- 9.4 TEMPORARY USE STANDARDS
- 9.5 USE DEFINITIONS

### 9.1 GENERAL USE REGULATIONS

- A. No structure or land may be used or occupied unless allowed as a permitted or conditional use within the zoning district.
- B. All uses must comply with any applicable federal and state requirements, and any additional federal, state, or City ordinances.
- C. Any use that is not included in the use matrix and cannot be interpreted as part of a use within the matrix is prohibited in all districts.
- D. A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. However, this does not apply to lots used for single-family or two-family dwellings. Lots used for single-family or two-family dwellings are limited to one principal use (the dwelling type).
- E. All uses, whether permitted or conditional, must comply with the use standards of Section 9.3, as applicable, as well as all other regulations of this Ordinance and the City.

### 9.2 USE MATRIX

- A. Table 9-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district.
- B. P indicates that the use is permitted by-right in the district. C indicates that the use is a conditional use in the district and requires conditional use approval. If a cell is blank, the use is not allowed in the district.
- C. In the case of temporary uses, a T indicates the temporary use is allowed in the district and may require approval of a temporary use permit per the standards of Section 9.4.
- D. All uses in Table 9-1 are defined in Section 9.5.



Table 9-1: Use Matrix

Principal Use	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards	
Adult Use																							Sec. 9.3.A	
Amusement Facility, Indoor										P	P	P	P	P	P	P	P						Sec. 9.3.B	
Amusement Facility, Outdoor										C	C	C	C	C	C	C	C						Sec. 9.3.B	
Animal Care Facility, With Outdoor Area										P	P	P	P	P	P	P	P						Sec. 9.3.C	
Animal Care Facility, No Outdoor Area										P	P	P	P	P	P	P	P						Sec. 9.3.D	
Art Gallery										P	P	P	P	P	P	P	P							
Arts and Fitness Studio										P	P	P	P	P	P	P	P							
Bar										C	C	C	C	C	C	C	C							
Bed and Breakfast										C														Sec. 9.3.C
Body Modification Establishment											P							C					Sec. 9.3.D	
Car Wash											C	C	C	C	C	C	C	C					Sec. 9.3.E	
Cartage/Truck Dispatch Facility																		P	C				Sec. 9.3.F	
Cemetery																			P	P				
Principal Use	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards	
Commercial Kitchen (Standalone)											C							P						
Community Center	C	C	C	C	C	C	C	C		C	P	P	P	C	C	C				P	P			
Community Garden	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.3.G	
Conservation Area																				P				
Cultural Facility	C	C	C	C	C	C	C	C		C	P	P	P	C	C	C	C	C	C	P	P			
Data Center																		C						Sec. 9.3.H
Day Care Center										C	P	P	P	C	C	C	C	C	C	P	P	P	P	
Day Care Home	P	P	P	P	P	P	P	P															Sec. 9.3.I	
Drive-Through Lane											C	C	C	C	C	C	C	C	C	C	C	C	C	
Dwelling - Single-Family	P	P	P	P	P	P	P	P																
Dwelling - Two-Family										P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Table 9-1: Use Matrix

Principal Use	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards			
Dwelling - Townhouse						P	P	P									P							Sec. 9.3.K		
Dwelling - Multi-Family						P	P									P	P							Sec. 9.3.L		
Dwelling - Above the Ground Floor										P	P					P	P									
Educational Facility - Pre-School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Educational Facility - Primary or Secondary	C	C	C	C	C	C	C	C												C	P					
Educational Facility - University or College																				C	P	P				
Educational Facility - Vocational										P	P	P	P	P	P	P	P	P	C	C	P					
Financial Institution										P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Financial Institution, Alternative											C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 9.3.M		
Firearm Range											C									C						
Firearm Sales																				C						
Food Bank											P	P								P						
Food Pantry											P	P								P						
Principal Use	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards			
Funeral Home										P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Gas Station											C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 9.3.N		
Government Office/Facility	C	C	C	C	C	C	C	C		P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Group Home: 5 to 8 Residents	P	P	P	P	P	P	P	P	P																Sec. 9.3.O	
Group Home: 9 to 14 Residents										P	P														Sec. 9.3.O	
Health Care Facility																						C				
Heavy Retail, Rental, and Service											P	P								P						
Heliport																				C	P					
Helistop or Helipad																					C					
Hotel											C	P	P	P	P	P	P	P	P	C	P	P	P	P		
Industrial Design											P	P	P	P	P	P	P	P	P	P	P	P	P	P		

Table 9-1: Use Matrix

Principal Use	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards
Industrial, Artisan																							
Industrial, Light																							
Industrial, General																							
Landscape Business with Outdoor Storage											C	P	P	C	P	P	P	P	P	P	P	P	
Live Performance Venue										P	P	P	P	P	P	P	P	P	P	P	P	P	
Live Entertainment – Ancillary Use										P	P	P	P	P	P	P	P	P	P	P	P	P	
Lodge/Social Club										P	P	P	P	P	P	P	P	P	P	P	P	P	
Massage Parlor										C	C	C	C	C	C	C	C	C	C	C	C	C	
Medical/Dental Office										P	P	P	P	P	P	P	P	P	P	P	P	P	
Medical Cannabis: Cultivation Center																							
Medical Cannabis: Dispensing Facility											C												
Micro-Production of Alcohol										P	P	P	P	P	P	P	P	P	P	P	P	P	
Office										C	P	P	P	P	P	P	C	P	P	P	P	P	
Principal Use	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards
Park/Playground – Under 2 acres in area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Park/Playground – 2 or more acres in area	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Parking Lot, Surface (Principal Use)	C	C	C	C	C	C	C	C	C						C	C	C	C	C	C	C	C	
Parking Structure (Principal Use)																C	C	C	C	C	C	C	
Parking Lot, Surface (Principal Use) – Municipal										P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking Structure (Principal Use) – Municipal										P	P	P	P	P	P	P	P	P	P	P	P	P	
Pawn Shop															C	C							
Personal Service Establishment										P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of Worship	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	C	C	C	C	C	C	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Reception Facility											C	C	C	C	C	C	C	C	C	C	C	C	

Table 9-1: Use Matrix

Principal Use	RE	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards
Research and Development (R&D)																	P	P			P	
Residential Addiction Treatment Facility										C	C	P	P	C		C				P	Sec. 9.3.T	
Residential Care Facility		C	C		C	C				C	C	P	P	P	C	C				P	Sec. 9.3.T	
Restaurant										P	P	P	P	P	P	P	P	C				
Retail Goods Establishment										P	P	P	P	P	P	P						
Self-Storage Facility: Climate-Controlled										P	P					P	P				Sec. 9.3.U	
Self-Storage Facility: Outdoor-Access										P	P	P	P	P	P	P	P	P			Sec. 9.3.U	
Social Service Center										P	P	P	P	P	P	P	P	P	P	P		
Specialty Food Service										P	P	P	P	P	P	P	P	P	P	P		
Vehicle Dealership – With Outdoor Display										C	P	P	P	P	P	C					Sec. 9.3.V	
Vehicle Dealership – Completely Enclosed, No Outdoor Display										P	P	P	P	P	P	C	C				Sec. 9.3.V	
Vehicle Operation Facility										C						P	P				Sec. 9.3.W	
Vehicle Rental										P	P					C	C				Sec. 9.3.V	
Vehicle Repair/Service – Major										P	P					C	C				Sec. 9.3.X	
Vehicle Repair/Service - Minor										C	C	P	P	P	P	C	C				Sec. 9.3.X	
Warehouse and Distribution											P					P	P				Sec. 9.3.Y	
Wholesale Goods Establishment																P	P					
Wireless Telecommunications: Colocation or Stealth Antenna	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	Sec. 9.3.Z	
Wireless Telecommunications: Tower, Antenna, and/or Facility Building	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Temporary Use General Standards for Temporary Uses - Sec. 9.4.A	RE	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOCR	I1	I2	CR	CI	HCC	Standards
Farmer's Market	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 9.4.B	
Mobile Food Vendor: Operation										T	T	T	T	T	T	T	T	T	T	T	Sec. 9.4.C.1	
Mobile Food Vendor: Storage										T	T	T	T	T	T	T	T	T	T	T	Sec. 9.4.C.2	

Table 9-1: Use Matrix

Principal Use	RE	R1	R1A	R2	R2A	R3	R4	R5	RNT	O1	C1	C2	C3	C4	C5	CBC	CBOC	CBOCR	I1	I2	CR	CI	HCC	Standards
Real Estate Project Sales Office/Model Unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T						Sec. 9.4.D
Temporary Contractor's Office and Contractor's Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 9.4.E
Temporary Outdoor Event	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 9.4.F
Temporary On-Site Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 9.4.G
Temporary Party/Event Tent	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 9.4.H



## 9.3 PRINCIPAL USE STANDARDS

### A. Adult Use

#### 1. Declaration of Policy

- a. In the development and execution of the provisions of this Ordinance regulating and limiting the location of adult uses, it is recognized that adult uses, by virtue of their nature, have serious objectionable operational characteristics which can have a deleterious effect upon areas adjacent to them. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.
- b. The primary purpose of these regulations is to control the concentration or location of these uses to the fullest extent allowable by law, in order to eliminate such adverse effects. It is not the intent of this section to deny adults access to sexually oriented materials and services or the providers of such materials and services their market in a manner that is inconsistent with law. Adult uses include adult card, gift or novelty stores, adult bookstores and/or video stores, and adult uses as defined in this Ordinance.

#### 2. Restrictions on Location

No adult business use is allowed:

- a. Within 1,000 feet of the lot line of another adult use.
- b. Within 500 feet of any of the following districts: RE, R1, R1A, R2, R2A, R3, R4, RNT, and CBOCR.
- c. Within 500 feet of a place of worship, educational facility, cultural facility, park, or other publicly operated recreation facility.

The distances in this section are measured by following a straight line, without regard to intervening structures, from a point on the property upon which the proposed adult use is to be located that is nearest to the lot line or district boundary line from which the proposed use is to be separated. This measurement includes any rights-of-way.

### B. Animal Care Facility

These standards do not apply to animal shelters operated by a government agency or animals kept and trained by a public safety facility.

1. Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A solid fence or wall a minimum of six feet and a maximum of eight feet in height is required for all exterior exercise areas.
2. Animal care facilities must locate all overnight boarding facilities indoors.
3. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

### C. Bed and Breakfast

1. The exterior of a bed and breakfast use must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building facade.
2. Cooking equipment is prohibited in individual guestrooms. However, this does not include a mini-refrigerator, coffee maker, and/or a microwave, which are allowed.
3. No retail sales are permitted with the exception of ancillary retail of related items, such as souvenirs, postcards, and snack items.
4. No bed and breakfast may operate an eating and drinking establishment or reception facility. Meals may only be served to registered guests.
5. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to five feet in height and must be a minimum of five feet from any lot line.

**D. Body Modification Establishment**

1. In the C2 District, a body modification establishment is only permitted when part of a medical office, beauty salon, or spa. In addition, the area devoted to the body modification establishment cannot exceed 25% of the total floor area of establishment.

**E. Car Wash**

1. All machine washing and machine drying operations must be conducted within a building.
2. The building exit for automobiles that have completed the washing and machine drying process must be set back a minimum of 20 feet from any lot line abutting a street.
3. When a car wash shares a lot line with a residential district or the CR District, it must be screened along the interior side and/or rear lot lines shared with the lot in a residential district or the CR District with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. One shrub, a minimum of three feet in height at maturity, is required every three linear feet on the inside of the fence or wall toward the interior of the lot.
4. All entrance and exit lanes and parking areas must be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and must be graded and drained to dispose of all surface water accumulation.

**F. Cartage/Truck Dispatch Facility**

1. All required parking must be located on the same site as the cartage/truck dispatch facility. No off-site parking is permitted.

**G. Community Garden**

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures, including but not limited to, sheds, gazebos, and pergolas, are also permitted. All accessory structures must be located a minimum of ten feet from any lot line.
3. The keeping of livestock, chickens, bees (apiaries), and aquaculture are prohibited.
4. On-site composting is permitted, subject to Section 12.04 of the Municipal Code.
5. Farmstands are permitted twice a year for a sales period of up to a maximum of 14 days each time, and are limited to sales of items grown at the site. Farmstands must be removed from the premises during that time of the year when the use is not open to the public. Only one farmstand is permitted per lot.

**H. Data Center**

1. All noise, exhaust, heat, or humidity in any form must be carried on in such a manner that it is not perceptible at or beyond the property line. Any data mining center located within five-hundred feet of a residential district or use is required to submit a noise mitigation plan.
2. Electric fields and magnetic fields cannot be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception off the premises where the activity is conducted.
3. The use of cargo containers, railroad cars, semi-truck trailers, and similar storage containers for any component of the operation is prohibited.

4. The applicant must provide written verification from utilities that:
  - a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity is available to serve the other needs of the area.
  - b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the use.
  - c. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

**I. Day Care Center and Day Care Home**

1. Each day care must have a state license and/or registration.
2. The exterior of a day care home must maintain its original appearance as a single-family dwelling. No visitor/client parking may be located in the front yard.
3. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant development, the pickup/drop off area must not interfere with vehicle circulation in a surface parking lot, including blocking of the drive aisle.

**J. Drive-Through Lane**

1. All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Stacking spaces provided for drive-through facilities must be:
  - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
  - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay. Spaces must be placed in a single line behind each lane or bay.
2. All drive-through facilities must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through facilities on corner lots must not route exiting traffic into adjacent residential neighborhoods.
3. Drive-through facilities must be screened as follows:
  - a. When abutting a residential district or use: Along the interior side and/or rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. One shrub, a minimum of three feet in height at maturity, is required every three linear feet on the inside of the fence or wall toward the interior of the lot.
  - b. When abutting a nonresidential district: Along the interior side and/or rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. This does not apply to drive-through facilities located within retail shopping centers.

**K. Dwelling - Townhouse**

1. There must be a unifying architectural theme for the entire development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
2. Building façades abutting a street must be articulated through the use of architectural elements to break up blank walls and add visual interest.
3. A minimum transparency of 10% applies to any façade facing a street as calculated on the basis of the entire area of the façade.

4. A minimum separation of 15 feet between buildings within a single development. However, where the front or rear wall of a building faces the front or rear wall of another building, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.

5. Prohibited building materials are as follows:

- a. The following building materials are prohibited on any façade:
  - i. Plain concrete block
  - ii. T-111 composite plywood siding
- b. The following building materials are limited to 20% of each façade. They may also be used as a component of construction when not a surface finish material without limitation.
  - i. Corrugated metal
  - ii. Aluminum, steel, or other metal sidings
  - iii. Exposed aggregate (rough finish) concrete wall panels
  - iv. Exterior insulating finish systems (EIFS)
  - v. Plastic

#### TOWNHOUSE DESIGN EXAMPLE



#### L. Dwelling – Multi-Family

These standards do not apply to multi-family developments in the Central Business Districts.

1. There must be a unifying architectural theme for the entire development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
2. Building façades abutting a street must be articulated through the use of architectural elements to break up blank walls, add visual interest, and present a residential character. Such articulation must occur at intervals a maximum of 40 feet linear feet. Two or more of the following forms of building articulation must be incorporated:
  - a. Modulation of the façade through the use of architectural features such as projections, indentations, overhangs, awnings, bays, canopies, and cornices. Building modulations must be either projected or be set back a minimum of two feet in depth, and must be a minimum of four feet in width.
  - b. Provision of a balcony, bay window, patio, porch, terrace, or visually prominent ground-level entry within each interval.

- c. Changes in color, texture, or material. Such changes should occur at inside corners to convey solidity and permanence, and should not occur on a flat wall plane or an outside edge.
- d. Provision of lighting fixtures or other building ornamentation such as artwork, trellises, or green walls within each interval.

3. A minimum transparency of 20% applies to any façade facing a street as calculated on the basis of the entire area of the façade.

4. Prohibited building materials are as follows:

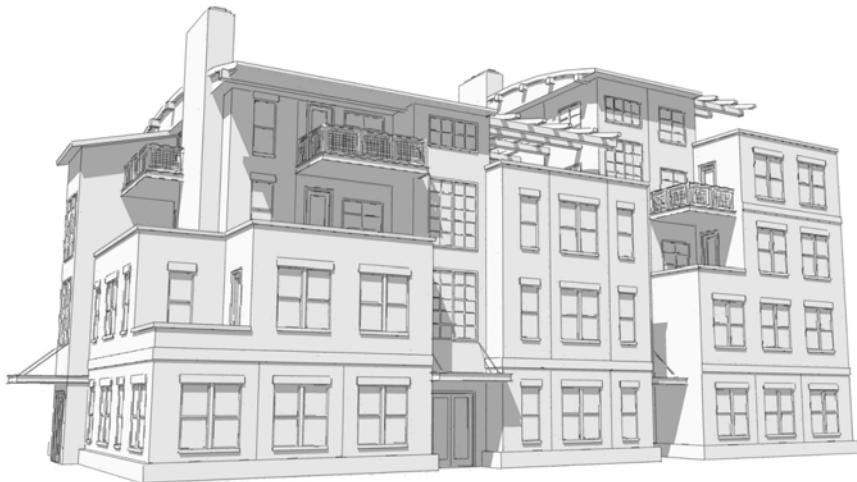
- a. The following building materials are prohibited on any façade:
  - i. Plain concrete block
  - ii. T-111 composite plywood siding
- b. The following building materials are limited to 20% of each façade. They may also be used as a component of construction when not a surface finish material without limitation.
  - i. Corrugated metal
  - ii. Aluminum, steel or other metal sidings
  - iii. Exposed aggregate (rough finish) concrete wall panels
  - iv. Exterior insulating finish systems (EIFS)

5. All multi-family developments of 20 or more dwelling units are required to provide on-site open space as follows.

- a. Multi-family developments must provide an area equivalent to 20% of the lot area in on-site open space. Open space may be either private open space or common open space.
- b. Open space must meet the design requirements of Table 9-2: On-Site Open Space, organized by type of open space:

Table 9-2: On-Site Open Space		
Design Element	Common	Private
Open space designed for outdoor living, recreation, and/or landscaping, including areas located on the ground and areas on decks, balconies, galleries, porches, or roofs as applicable.	•	•
Open space area must be contiguous and accessible to all tenants.	•	
Open space located on the ground level must have a minimum dimension of at least 15 feet on each side.	•	•
The surface area of open space cannot exceed 18 inches above or below the adjacent sidewalk level.	•	•
Open space located on an attached structural element, such as a balcony, gallery, or roof, must have a minimum dimension of at least five feet on each side.	•	•
When located at ground level, the required open space area must be substantially covered with grass, live groundcover, shrubs, plants, and trees. Seating areas and patios, and fountains, public art, and other points of visual interest should be integrated into the design.	•	
Usable outdoor amenities, such as grills, pools, tennis courts, or playgrounds, are permitted as part of the required open space.	•	

## MULTI-FAMILY DWELLING DESIGN EXAMPLE



### **M. Financial Institution, Alternative**

No alternative financial institution may be located within 1,000 feet of any other existing alternative financial institution, as measured from the lot lines of the alternative financial institutions and including any rights-of-way.

### **N. Gas Station**

1. All structures and all pump islands, compressed air connections, and similar equipment must be set back a minimum of 15 feet from interior side and rear lot lines, and ten feet from any front or corner side lot line. Structures are exempt from any build-to requirements of the district.
2. The minimum distance a freestanding canopy for gas pumps must be from any street lot line is ten feet and 20 feet from any interior or rear lot line.
3. The ancillary uses of a retail goods establishment and no more than one car wash bay are permitted in connection with the principal gas station use. Car washes must meet the standards of item D above. When a gas station is allowed as a conditional use, a car wash bay added after the initial construction of the gas station requires a conditional use.
4. When a gas station shares a lot line with a residential district or the CR District, it must be screened along the interior side and/or rear lot lines shared with the lot in a residential district or the CR District with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. One shrub, a minimum of three feet in height at maturity, is required every three linear feet on the inside of the fence or wall toward the interior of the lot.

### **O. Group Home**

1. Group homes must be licensed by the state, as applicable.
2. When a group home is located within an existing residential structure, the location, design, and operation of such facility must not alter the residential character of the structure.
3. Where a group home is not licensed by the state, an inspection by the City is required prior to occupancy.

### **P. Lodge/Social Club**

1. No more than 30% of the gross floor area may be used as office space for the lodge/social club.
2. Lodges/social clubs are permitted to serve meals and alcohol on the premises for members and their guests only.

3. Sleeping facilities are prohibited.
4. Lodges/social clubs may be leased or used as reception facilities.

**Q. Office**

In the R-5 District, office uses are limited as follows:

1. Permitted only for conversion of an existing single-family dwelling.
2. Limited to the ground floor of a structure.

**R. Parking Lot, Surface and Parking Structures**

1. Surface parking lots and parking structures must meet the applicable standards of Article 12.
2. All parking structures must also comply with district standards, including any build-to requirements.
3. In the residential districts, parking lots are only allowed by conditional use in accordance with Section 12.4.B.

**S. Pawn Shop**

1. No pawn shop may be located within 1,000 feet of any other existing pawn shop, as measured from the lot lines of the pawn shops and including any rights-of-way.

**T. Residential Care Facility and Residential Addiction Treatment Facility**

1. Facilities are subject to all federal, state, and City regulations, and must be licensed.
2. Facilities must comply with all applicable standards for multi-family dwellings in the district in which they are located, including the standards for design of multi-family dwellings in this Article. When such facilities are located above the ground floor, such developments are subject to all applicable standards for mixed-use development in the district in which they are located.

**U. Self-Storage Facility: Climate-Controlled and Outdoor-Access**

1. Storage units cannot be used for residential occupancy or business.
2. No plumbing connections are permitted in self-storage units.
3. For self-storage facilities that include both climate-controlled and outdoor facilities, both types of uses must be allowed in the district.
4. The following additional standards apply to climate-controlled self-storage facilities:
  - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
  - b. All facilities must meet the design standards of the district.
  - c. Storage units located on the first floor cannot be visible from any public right-of-way.
  - d. Access to loading areas must be located to the interior or rear of the building.
5. The following additional permissions apply to outdoor-access self-storage facilities:
  - a. Outdoor-access self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.

- b.** Outdoor-access self-storage facilities may include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard but no closer than 25 feet to any rear lot line or interior side lot line. No storage of recreational vehicles is allowed within 40 feet of any front or corner side lot line.
    - c.** If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented toward the interior of the lot.

#### **V. Vehicle Dealership and Vehicle Rental**

- 1.** In the CBC District, a vehicle dealership must be fully enclosed. Outdoor display or storage of vehicles is prohibited.
- 2.** Outdoor vehicle sales and storage areas must be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and must be graded and drained to dispose of all surface water accumulation.
- 3.** Storage of vehicles stocked by the dealership or rental agency are permitted on a separate lot when such district allows vehicle sales. The dealership must own or lease such lot.
- 4.** Major repairs, including engine repair, body work, frame straightening, painting, upholstering, or similarly intensive repair work are prohibited. Minor repairs are allowed and must be performed only within the principal building on the premises.
- 5.** When a vehicle dealership or rental agency shares a lot line with a residential district or the CR District, it must be screened along the interior side and/or rear lot lines shared with the lot in a residential district or the CR District with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
- 6.** Partially dismantled or wrecked vehicles must be stored within a completely enclosed building.

#### **W. Vehicle Operations Facility**

- 1.** Any portion of the building used for vehicle maintenance must be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing windows and doors, screening windows and doors, and installing proper ventilation or noise reduction equipment. This requirement does not include any private fueling stations.
- 2.** When a vehicle operations facility shares a lot line with a residential district or the CR District, it must be screened along the interior side and/or rear lot lines shared with the lot in a residential district or the CR District with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. One shrub, a minimum of three feet in height at maturity, is required every three linear feet on the inside of the fence or wall toward the interior of the lot.

#### **X. Vehicle Repair/Service – Major or Minor**

- 1.** All vehicle repair/service establishment structures must be set back a minimum of 15 feet from interior side and rear lot lines.
- 2.** Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have completed servicing or are being serviced may be stored outdoors.
- 3.** Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.

4. When a vehicle repair/service establishment shares a lot line with a residential district or the CR District, it must be screened along the interior side and/or rear lot lines shared with the lot in a residential district or the CR District with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. One shrub, a minimum of three feet in height at maturity, is required every three linear feet on the inside of the fence or wall toward the interior of the lot.
5. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
6. The sale of new or used vehicles is prohibited unless a vehicle dealership is allowed within the district.
7. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

## **Y. Warehouse and Distribution**

1. Cross-dock design is prohibited.
2. All circulation and maneuvering, including loading, unloading, and turnaround areas, must occur on-site.

## **Z. Wireless Telecommunications**

### **1. Application Requirements**

All applications to erect, construct, or modify any part of a wireless telecommunications system require site plan review and must include the following items:

- a. A site plan showing:
  - i. The location, size, screening, and design of all structures, including fences.
  - ii. The location and size of all outdoor equipment.
  - iii. Elevations showing antenna height.
  - iv. If the site plan is for a new wireless telecommunications facility, a landscape plan showing all screening.
  - v. If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
- b. A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, such as maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications system in the proposed location. This is not required for co-location or stealth design antennas.
- d. The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives. This is not required if the proposal does not involve the erection of a new tower.
- e. The service area of the proposed wireless telecommunications system.
- f. If the proposal is for a new telecommunications tower, then a map showing collocation opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g. If the proposal is for a new telecommunications tower, certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

## 2. Tower and Facility Building Setbacks

- a. All wireless telecommunications towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements no less than the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- b. All wireless telecommunications facility buildings are subject to the minimum setback requirements of the district.

## 3. Height

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of site plan review.

## 4. Lighting and Marking

Wireless telecommunications systems must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

## 5. Stealth Design for Wireless Telecommunications Antennas

Wireless telecommunications antennas are a conditional use in all districts, unless they are stealth design in which case they are a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review and approval. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a. To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. Wireless telecommunication antennas must be mounted at least 30 feet above grade, as measured from grade to the base of the antenna, in addition to meeting the other requirements of this section. Wireless telecommunication antennas mounted lower than 30 feet are considered a conditional use.
- c. Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (must be behind the parapet wall), and steeples, and must be designed to blend in with the structure.
- d. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, such antennas cannot increase the overall height of the existing wireless tower.
- e. No antenna may increase the overall height of any structure on which it is mounted by more than 15 feet.

## 6. Specific Standards for Wireless Telecommunications Facility Buildings

- a. Buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.
- b. Commercial advertising is prohibited. Only signs that is part of the equipment as manufactured or warning signage is permitted.

## 7. Specific Standards for Wireless Telecommunications Towers

- a. The use of guyed towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.

- b. Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- c. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

#### **9.4 TEMPORARY USE STANDARDS**

Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance and any licensing requirements of the City Code. These regulations are for temporary uses located on private property and a temporary use permit is required unless the standards specifically exempt the use from such. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

##### **A. Temporary Uses and Events Generally; Temporary Use Permit**

###### **1. Defined**

A temporary use is a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. The temporary uses within this section are for temporary uses located on private property only.

###### **2. Authorization and Permit**

a. Temporary uses and events are allowed per the permissions of Table 9-1 pursuant to a permit that may be issued upon written application to the City Manager.

b. Each temporary use on a site requires a separate temporary use permit.

c. The City Manager will not approve or issue any permit for a temporary use or event, nor will any such permit remain valid unless the applicant satisfies the following conditions throughout the term of the permit:

i. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.

ii. Compliance with all applicable provisions of City ordinances.

iii. The temporary use does not conflict with another previously authorized temporary use.

iv. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

v. Approval by the City departments of plans for structures and plans for vehicular and pedestrian access in connection with the temporary use or event.

vi. Compliance with all applicable regulations of the DuPage County Health Department.

vii. Compliance with conditions established by the City Manager which are necessary to protect the public health, safety, and general welfare and the objectives and policies of this Ordinance.

d. A violation of terms and/or conditions as established by these standards and the temporary use permit that is not corrected within 24 hours will result in the immediate termination of the temporary use permit. Such violation will be provided by written notice.

###### **3. Violation**

A violation of terms and/or conditions and not corrected within 24 hours will result in the immediate termination of the temporary use permit.

###### **4. Expiration**

The temporary use permit is valid only for the time period granted as part of the approval.

## B. Farmer's Market

1. The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmers' market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.
2. In any residential district, farmer's markets may only be authorized when sponsored by and for the benefit of not-for-profit, charitable, or governmental entities that are allowed within the district in which such property is located and such use or events is held on property owned or controlled by such entities.
3. A management plan is required as part of the temporary use permit application that demonstrates the following:
  - a. The on-site presence of a representative of the farmers' market during hours of operation who directs the operations of vendors participating in the market.
  - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
  - c. A general site plan including vendor stalls, parking areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
  - d. A lighting plan describing all temporary lighting to be installed.
  - e. Provision for waste removal.
  - f. The days and hours of internal operation, including vendor set-up and take-down times.

## C. Mobile Food Vendors

### 1. Mobile Food Vendor: Operation

These standards apply to individual mobile food vendors (food trucks and food trailers) that locate on private property as an individual temporary use. These standards do not apply to mobile food vendors that provide catering services as part of events, including at private residences.

- a. The timeframe of a temporary mobile food sales use, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
- b. The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
- c. In the residential districts, mobile food vendors may only be authorized when sponsored by and for the benefit of not-for-profit, charitable, or governmental entities that are allowed within the district in which such property is located. The mobile food vendors must be parked on property owned or controlled by the not-for-profit, charitable, or governmental entity.
- d. In the nonresidential districts, mobile food vendors may only be authorized when associated with an event occurring on-site sponsored by the principal use on-site. This includes events sponsored by and for the benefit of not-for-profit, charitable, or governmental entities. The mobile food vendors must be parked on property owned or controlled by the principal use on-site.
- e. If the mobile food vendor operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
- f. The permit holder must keep the area clear of litter and debris at all times.
- g. All mobile food establishments must be properly licensed by the health department.
- h. A permanent water or wastewater connection is prohibited.

i. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.

j. Drive-through service is prohibited.

**2. Mobile Food Vendor: Storage**

a. A temporary use permit is required to store a mobile food vendor (food trucks and food trailers) on-site. Storage of a mobile food vendor is only allowed when accessory to the associated on-site operating restaurant or other food service business.

b. Such storage cannot exceed a maximum of 180 days in a calendar year.

c. A temporary storage permit is limited to one food truck or one food trailer.

d. The food truck or food trailer must be parked in dedicated parking space with a graded surface of concrete, bituminous asphalt, or brick pavers. Such parking space cannot be located within the front or corner side yard.

e. The food truck or food trailer cannot be used for storage of other equipment or materials.

**D. Real Estate Project Sales Office/Model Unit**

1. A real estate sales office/model unit(s) is allowed for residential development.

2. A real estate sales office/model unit(s) must meet all setbacks of the district.

3. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.

4. All activities conducted within real estate sales office/model unit(s) must be directly related to the sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

**E. Temporary Contractor's Office and Contractor's Yard**

1. A temporary contractor's office is allowed incidental to a construction project. A temporary contractor's office may be located in a manufactured home.

2. The temporary use permit is valid for a six month period and is renewable for six successive periods at the same location.

3. The temporary contractor's office must be removed within 30 days of completion of the construction project.

4. A contractor's yard is permitted on or on an adjacent lot to any construction demolition and can only be used during the life of the construction project.

**F. Temporary Outdoor Event**

1. The timeframe of a temporary outdoor event, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.

2. In any residential district, such temporary outdoor events may only be authorized when sponsored by and for the benefit of not-for-profit, charitable, or governmental entities that are allowed within the district in which such property is located and such event is held on property owned or controlled by such entities.

3. A management plan is required and must be approved as part of the permit application that demonstrates the following:

a. General layout of performance or sales areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.

- b. An established set of operating rules addressing the governance structure of the event, maintenance operations, and a description of crowd control and security measures.
  - c. The on-site presence of a manager during the event.
  - d. Provision for waste removal and for recycling.
  - e. The days and hours of operation, including set-up and take-down times.
  - f. A lighting plan describing all temporary lighting to be installed.
  - g. A parking and loading management plan.
- 4. Any temporary structures must be removed within seven days of the conclusion of the event.
- 5. No expansion into public right-of-way is allowed without City Council approval.

## **G. Temporary On-Site Storage Container**

1. The temporary storage of on-site storage containers is permitted without a temporary use permit for 21 days. A temporary use permit is required for temporary storage over 21 days.
2. Such on-site storage containers must be located on a graded surface of concrete, bituminous asphalt, or brick pavers.
3. A maximum of two on-site storage containers may be located on the property for a period not to exceed seven days in one calendar month for purposes of loading and unloading.
4. These standards do not apply to modified shipping containers, which are regulated separately as an accessory structure (Article 11).

#### **H. Temporary Party/Event Tent**

1. Temporary party/event tents are permitted for residential uses without a temporary use permit. Residential uses may have a temporary tent for a maximum of 72 hours no more than two times per year.
2. Temporary party/event tents for nonresidential uses require a temporary use permit. The timeframe of a temporary party/event tents will be determined and approved as part of the temporary use permit.
3. Tents must be installed pursuant to manufacturer's recommendation to ensure stability and safety of the tent. Tents and their appurtenances must be adequately roped, braced, and anchored to withstand the elements of weather and prevent collapse.

## 9.5 USE DEFINITIONS

All uses within Table 9-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

**Adult Use.** Adult use is defined as follows:

- 1. Adult Book or Adult Video Store.** An establishment having as a substantial or significant portion of its sales and/or stock in trade, books, magazines, films, and/or videos for sale or viewing on the premises by use of motion picture devices or any coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on material depicting, describing, or relating to specified anatomical areas or specified sexual activities, or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview, or coin operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.
- 2. Adult Entertainment Establishment.** A public or private establishment which, live or on motion pictures, features any of the following:

- a. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- b. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals.
- c. The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.
- d. Entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, the specified sexual activities set forth above.

3. **Adult Mini Motion Picture and/or Video Theater.** An enclosed building or an area within a building, having a capacity for less than 50 persons, and used for presenting motion picture films, video cassettes, cable television, and/or any other such visual media. All of such materials so presented distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

4. **Adult Motion Picture Theater.** An enclosed building, or an area within a building, having a capacity of 50 or more persons, and used regularly and routinely for presenting motion picture films, video cassettes, cable television, and/or any other such visual media all of such materials so presented having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities for observation by patrons therein.

5. **Specified Anatomical Areas.** Less than completely and opaquely covered: human genitals and pubic region; buttock; and female breast below a point immediately above the top of the areola.

6. **Specified Sexual Activities.** Any of the following:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse, or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Amusement Facility - Indoor.** A facility for spectator and/or participatory uses conducted within an enclosed building including, but not limited to, movie theaters, indoor sports arenas, bowling alleys, arcades, escape room/physical adventure game facilities, and pool halls. Participatory uses may or may not allow spectators. An indoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales.

**Amusement Facility - Outdoor.** A facility for spectator and/or participatory uses conducted outdoors or within partially enclosed structures, such as outdoor sports arenas, batting cages, and miniature golf courses. Participatory uses may or may not allow spectators. An outdoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales.

**Animal Care Facility.** An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays.

**Art Gallery.** An establishment that sells, loans, and/ or displays paintings, sculpture, photographs, video art, or other works of art.

**Art or Fitness Studio.** An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, pottery, metalsmithing, music, painting, gymnastics, pilates, or yoga. An art or fitness studio also includes private exercise studios for private sessions with trainers and/or private classes.

**Bar.** An establishment where primarily alcoholic beverages are served to the public for on-premises consumption. Incidental entertainment, which is defined as live or pre-recorded background music, is permitted within a permanent enclosed area.

**Bed and Breakfast.** A single-family detached dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators) and prepares meals for guests.

**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only an ear-piercing and/or microblading service as an ancillary use to the operation of a main principal use.

**Cartage/Truck Dispatch Facility.** A facility where trucks, trailers, tractors, and industrial or commercial vehicles are dispatched to other locations from an office located on-site and may include temporary storage and/or parking of such prior to dispatch.

**Car Wash.** An establishment for the washing and cleaning of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configurations.

**Cemetery.** Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums, embalming facilities, ossuaries, and columbariums.

**Commercial Kitchen (Standalone).** A certified shared commercial kitchen in which individuals or businesses prepare value-added food products and meals, usually paying an hourly, daily, weekly, or monthly rate to lease a space shared by others.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

**Community Garden.** Land used for the cultivation of fruits, flowers, vegetables, or ornamental plants by one or more persons, households, or organizations. Community gardens do not include the raising of any livestock or poultry or the use of heavy machinery.

**Conservation Area.** Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A *Conservation Area* may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education facilities.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include additional uses as part of the principal use such as, but not limited to, retail sales of related items and restaurants.

**Data Center.** A facility for the operation of specialized computer equipment for the primary purpose of storing, processing, and distributing large amounts of digital data for businesses, governments, or cloud service providers. Data center also includes facilities for mining one or more blockchain based cryptocurrencies. Physical characteristics of this use include specialized computer hardware, high density load electricity use, a high energy use intensity, and with a high load factor in addition to the use of equipment to cool the hardware and operating space.

**Day Care Center.** A facility where, for a portion of a 24-hour day, care and supervision is provided for children or the elderly and/or functionally-impaired adults in a protective setting who are not related to the owner or operator.

**Day Care Home.** A residential dwelling where, for a portion of a 24-hour day, licensed care and supervision is provided by a permanent occupant of the dwelling for children or the elderly and/or functionally-impaired adults in a protective setting who are not related to the owner or operator of the facility.

**Drive-Through Lane.** That portion of a business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle.

**Dwelling – Single-Family.** A structure containing only one dwelling unit.

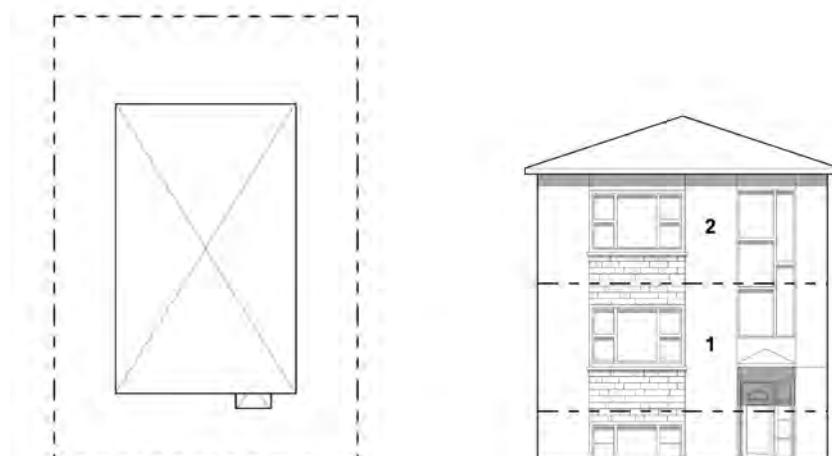
#### SINGLE-FAMILY DWELLING



Dwelling, Single-Family Detached

**Dwelling – Two-Family.** A structure containing two dwelling units, each with a separate entrance.

#### TWO-FAMILY DWELLING (STACKED)



Dwelling, Two-Family

### TWO-FAMILY DWELLING (SIDE BY SIDE)



Dwelling, Two-Family

**Dwelling – Townhouse.** A structure consisting of three or more dwelling units, which are connected by party walls. A townhouse is designed with no other dwelling or portion of other dwelling, directly above or below, where each unit has a separate exterior entrance and direct ground level access to the outdoors with no opening between units. A townhouse dwelling does not include two-family or multi-family dwellings. A townhouse may also be referred to as single-family attached dwelling. A townhouse dwelling refers to the design of a structure and not the type of ownership of the individual units.

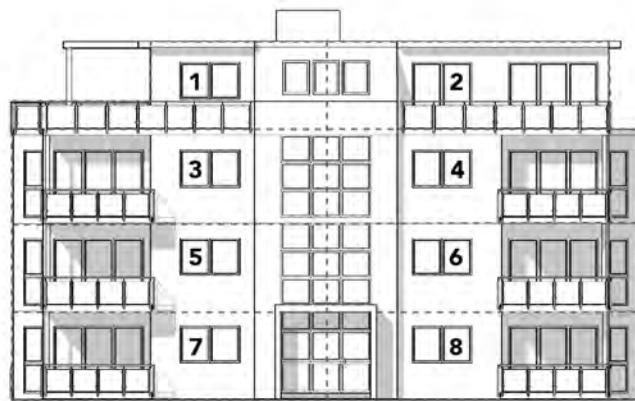
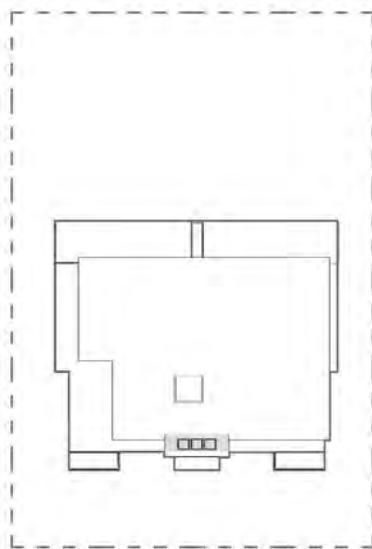
### TOWNHOUSE DWELLING



Dwelling, Townhouse

**Dwelling – Multi-Family.** A structure containing three or more dwelling units used for residential occupancy not designed as a townhouse dwelling as defined in this section.

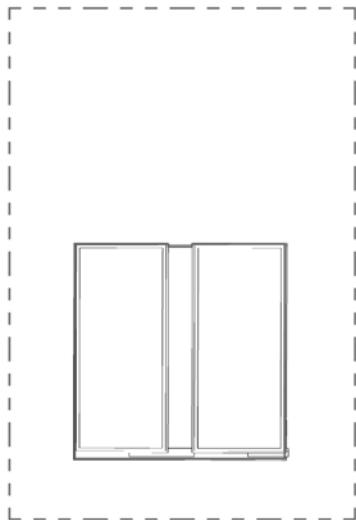
#### MULTI-FAMILY DWELLING



Dwelling, Multi-Family

**Dwelling – Above the Ground Floor.** Dwelling units located above ground-floor nonresidential uses.

#### DWELLING – ABOVE THE GROUND FLOOR



Dwelling, Above the Ground Floor

**Educational Facility - Pre-School.** A facility that offers early childhood programs in which children combine learning with play prior to attendance at primary/elementary school.

**Educational Facility - Primary or Secondary.** A facility that offers instruction at the elementary, middle, and/or high school levels. A primary educational facility may also include pre-school programs.

**Educational Facility - University or College.** A facility for post-secondary higher learning that grants associate, or bachelor, master, and/or doctoral degrees. Such facilities may include ancillary uses such as research facilities, dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

**Educational Facility - Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a full educational curriculum.

**Farmers' Market.** A temporary use of land and/or structures for the sale of a variety of fresh fruits and vegetables, and other locally produced farm and food products and value-added products directly to consumers from two or more farmers or vendors that have taken such items on consignment for retail sale.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office. Financial institution also includes check cashing establishments and currency exchanges.

**Financial Institution, Alternative.** A financial service provided outside a traditional banking institution. An alternative financial institution includes payday loans, tax refund anticipation loans, car title loans, and cash for gold establishments.

**Firearm Range.** A facility where individuals can practice shooting firearms in a supervised environment, equipped with specific safety measures, such as backstops to catch bullets, and target areas. A firearm range may also be called a gun range or shooting range.

**Firearm Sales.** An establishment where firearms, including but not limited to, firearms, handguns, rifles, shotguns, and automatic or semi-automatic firearms are bought, sold, traded, and/or transferred.

**Food Bank.** A facility that collects and distributes food to hunger relief organizations. Food is not distributed to individuals from a food bank.

**Food Pantry.** A facility that provides food directly to individuals. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them.

**Funeral Home.** An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

**Gas Station.** An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include retail uses and an accessory car wash bay.

**Government Office/Facility.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices include public safety or public works facilities.

**Group Home.** A residence licensed, certified, or accredited for specialized residential care by the appropriate state and/or federal agencies, that functions as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities, and other aspects of residential living. For the purposes of this Ordinance, a group home of four or fewer residents is considered a single-family dwelling. Only staff that live at the residence are counted as residents.

**Health Care Facility.** Facilities for primary health services and medical or surgical care to people, primarily in-patient overnight care, and including related facilities such as laboratories, outpatient facilities, dormitories, educational facilities, cafeterias, retail sales, and similar uses.

**Heavy Retail, Rental, and Service.** Retail, rental, and service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service and storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, sales, rental, and repair of heavy equipment, and moving equipment rental establishments. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail establishments.

**Helipad.** Any portion of an area used or intended to be used for the landing and take-off of helicopters and does not include passenger or cargo facilities fueling, service, storage, tie-down, hangars, or similar facilities.

**Heliport.** Any portion of an area used or intended to be used for the landing and take-up of helicopters which, in addition includes any passenger facilities and cargo facilities maintenance and overhaul, fueling, service, storage, tie-down areas, hangers, and similar facilities.

**Helistop.** Any portion of an area used or intended to be used for the landing and take-off of helicopters and does not include passenger or cargo facilities, fueling, service, storage, tie-down, hangars, or similar facilities.

**Hotel.** A commercial facility that provides sleeping accommodations and customary lodging services for a fee, without benefit of a residential lease or rental agreement. Related accessory uses may include, but are not limited to, meeting facilities, restaurants, bars, fitness rooms, and recreational facilities for the use of guests.

**Industrial Design.** An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but does not mass manufacture products on the premises.

**Industrial, Artisan.** Artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, and furniture making.

**Industrial, Light.** Within a wholly enclosed building, the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

**Industrial, General.** The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, ancillary outdoor storage, and sales and distribution of such products. General industrial may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users.

**Landscape Business with Outdoor Storage.** A business that conducts a range of activities related to landscaping, such as gardening, lawn care, tree trimming, and similar services, and stores materials related to such outdoors, such as soil, mulch, landscape stock, and landscape equipment.

**Live Performance Venue.** A facility for the presentation of live entertainment, including musical acts (including disc jockeys), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom and/or rehearsal space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. This does not include any adult use.

**Live Entertainment - Ancillary Use.** A live performance, performed live by one or more persons including, but not limited to, musical acts, including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of a restaurant, bar, amusement facility, or similar use. As an ancillary use, the other principal use operating on the site is open to the public during hours when no performance is scheduled. Live entertainment - ancillary use is approved separately as a principal use. Live entertainment - ancillary use does not include:

1. Any adult use, as defined by this Ordinance.
2. Live performance venue.

3. Periodic performances or entertainment at educational facilities, places of worship, cultural facilities, reception facilities, and performances at weddings and similar events.
4. Background music provided at an eating and drinking establishment.

**Lodge/Social Club.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Massage Parlor.** An establishment that provides massage services, which is defined as any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage. Uses that provide massage services as an ancillary use, such as health clubs, gyms, and spas, are not considered massage parlors. Physical therapy facilities and holistic healing establishments are also not considered massage parlors.

**Medical/Dental Office.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physical therapists, acupuncturists, and other licensed practitioners of the healing arts and holistic healing for the examination and treatment of persons solely on an outpatient basis. Medical/dental office includes laboratory facilities. Medical/dental office also includes drug treatment clinics, where a facility is licensed and authorized by the state to administer drugs, such as methadone or suboxone, in the treatment, maintenance, or detoxification of persons.

**Medical Cannabis Cultivation Center.** A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

**Medical Cannabis Dispensing Facility.** A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Medical is permitted, recreational is not.

**Micro-Production of Alcohol.** A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. Facilities must include a bar/tasting room and/or restaurant for consumption and tasting on-premises. It may also include retail areas to purchase beverages manufactured on-site and related items. A tasting room is an area within the premises of the brewery's production facilities where guests may sample the brewery's products.

**Mobile Food Vendor.** A motor vehicle or food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

**Office.** An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair or sale of products for immediate purchase and removal from the premise by the purchaser. Office includes tutoring services that offer educational support and/or instruction to individuals or in small group settings.

**Park/Playground.** A publicly-owned facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor or outdoor facilities, including zoos, recreational centers, and amphitheaters, additional uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

**Parking Lot, Surface (Principal Use).** A privately owned lot used for the parking of operable vehicles, whether for compensation or at no charge.

**Parking - Structured Facility (Principal Use).** A privately owned structure used for the parking of operable vehicles, whether for compensation or at no charge.

**Parking Lot, Surface (Principal Use) - Municipal.** A lot owned and operated by the municipality used for the parking of operable vehicles, whether for compensation or at no charge.

**Parking - Structured Facility (Principal Use) - Municipal.** A structure owned and operated by the municipality used for the parking of operable vehicles, whether for compensation or at no charge.

**Pawn Shop.** An establishment that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase such property on the condition of selling it back again at a stipulated price. Consignment shops and antique shops are not considered pawn shops.

**Personal Service Establishment.** An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty salons, barbershops, microblading or permanent makeup establishments, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may include additional uses such as day care facilities, food pantries, meeting rooms, food preparation and dining areas, auditoriums, dormitories, and/or classrooms for religious instruction.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

**Real Estate Project Sales Office/Model Unit.** A real estate project sales office is a residential unit, commercial space, or standalone structure within a development that is temporarily used as a sales or leasing office. A model unit is a residential unit or commercial space within the development used for display purposes as an example of dwelling units or commercial spaces available for sale or lease within the development.

**Reception Facility.** A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, corporate events, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

**Research and Development (R&D).** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software.

**Residential Addiction Treatment Facility.** A licensed care facility that provides 24-hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation and treatment of addiction. Such facilities may include medical detoxification. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Residential Care Facility.** A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum.

**Restaurant.** An establishment where food and non-alcoholic beverages are provided to the public for on-premise consumption. Alcoholic beverages may be served for on-premise consumption as part of the meal service. Food and beverages may be sold for off-premise consumption through carry-out service and/or delivery. Incidental entertainment, which is defined as live or pre-recorded background music, is permitted within a permanent enclosed area.

**Retail Goods Establishment.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. A retail goods establishment does not include specialty food service.

**Self-Storage Facility: Climate-Controlled.** A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Accessory retail sales of related items, such as moving supplies, and facility offices may also be included.

**Self-Storage Facility: Outdoor-Access.** A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

**Social Service Center.** A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

**Specialty Food Service.** Specialty food service is an establishment where food products are prepared, processed, canned, and/or packaged and all processing is completely enclosed on-site and there are no outside impacts. Such business specializes in the sale of specific food products made on-site, such as a coffee roaster, nut roaster, and cheesemaker, and may offer areas for retail sales and/or eating and drinking areas that serve the products processed on-site. Catering businesses are considered a specialty food service. Specialty food service does not include bakeries, even if products are prepared on-site.

**Temporary Contractor's Office and Contractor's Yard.** A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

**Temporary Outdoor Event.** One or a combination of the following events:

1. **Temporary Entertainment Event.** A temporary entertainment event, such as the performance of live music, revue, or play within an outdoor space, carnivals, and festivals.
2. **Temporary Sales Event.** A temporary sales event where goods are sold, such as arts and crafts fairs, flea markets, and holiday sales, such as Christmas tree lots and pumpkin sales lots.

**Temporary On-Site Storage Container.** Temporary self- storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

**Temporary Party/Event Tent.** A temporary structure consisting of fabric or other material attached to a frame of poles, which may have sides that can be removed, used as a shelter for events held outside.

**Vehicle Dealership.** An establishment that sells or leases new or used automobiles, vans, pick- ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles. A vehicle dealership may maintain an inventory of the vehicles for sale or lease off-site. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sale.

**Vehicle Operation Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, delivery vehicles, and similar vehicles.

**Vehicle Rental.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. An enclosed motor vehicle rental establishment may maintain an inventory of the vehicles for rent on-site or off-site.

**Vehicle Repair/Service - Major.** A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.

**Vehicle Repair/Service – Minor.** A business that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like.

**Warehouse and Distribution Center.** An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

**Wholesale Goods Establishment.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

**Wireless Telecommunications.** Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

1. **Wireless Antenna.** A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.
2. **Wireless Facility Building.** A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.
3. **Wireless Tower.** A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.



## ARTICLE 10. GENERAL DEVELOPMENT STANDARDS

- 10.1 SPECIFIC ON-SITE DEVELOPMENT STANDARDS
- 10.2 EXTERIOR LIGHTING
- 10.3 FENCES AND WALLS
- 10.4 WINDOW/ESCAPE WELLS
- 10.5 REFUSE AND RECYCLING CONTAINERS
- 10.6 PERMITTED ENCROACHMENTS
- 10.7 PERFORMANCE STANDARDS

### 10.1 SPECIFIC ON-SITE DEVELOPMENT STANDARDS

#### A. Number of Structures on a Lot

1. Lots used for single-family and two-family dwellings are limited to one principal structure per lot. An accessory dwelling unit is not considered a principal structure.
2. For all other uses, there may be more than one principal building on a lot, but all buildings must comply with all standards of the zoning district.

#### B. Interpretation of Irregular Lot Setbacks

The location of required setbacks on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings on individual lots.

#### C. Structures Prohibited in Utility Easements

Permanent structures, including buildings, retaining walls, decks, walls, and accessory structures, are prohibited within utility easements unless otherwise approved by the authorizing agency. If any structures are located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any structures that may be damaged.

#### D. Sight Visibility

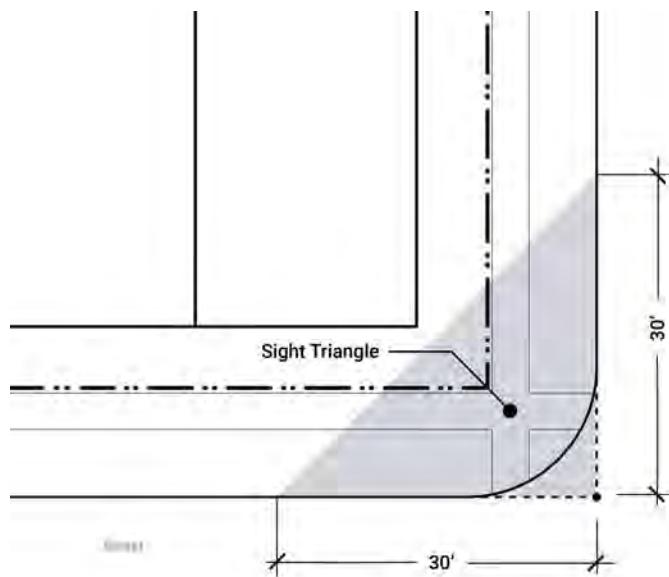
1. No fence (excluding an open fence), wall, sign, hedge, or shrubbery may be erected, constructed, installed, maintained, or grown to a height exceeding three feet above the nearest street grade within 30 feet of the intersection of any street lines or of street lines projected as measured from back of curb.
2. Additionally, no fence (excluding an open fence), wall, sign, hedge, or shrubbery may be erected, constructed, installed, maintained, or grown to a height exceeding three feet above the nearest grade within ten feet of the intersection of an alley and a sidewalk, or five feet of the intersection of a driveway and a sidewalk.

#### E. Flood-Prone Areas

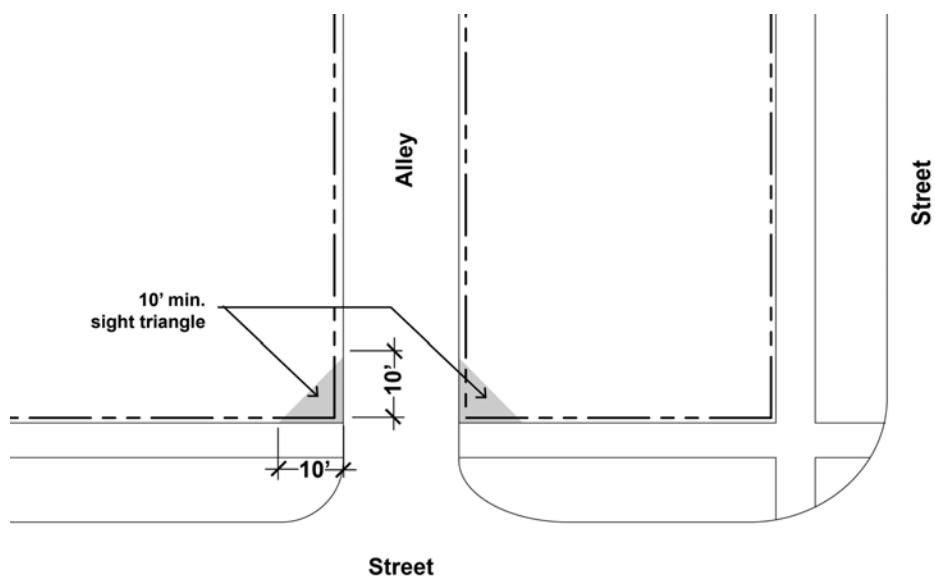
In addition to the requirements of this Ordinance, every application for a permit or certificate for the use of land or structures located within the designated boundaries of the flood hazard boundary map and/or flood insurance rate map is subject to the regulations contained within Chapter 14 of the City Code. The Zoning Administrator will forward copies of all applications to the Building Commissioner and the City Engineer along with their finding that the application site falls within a flood-prone area.

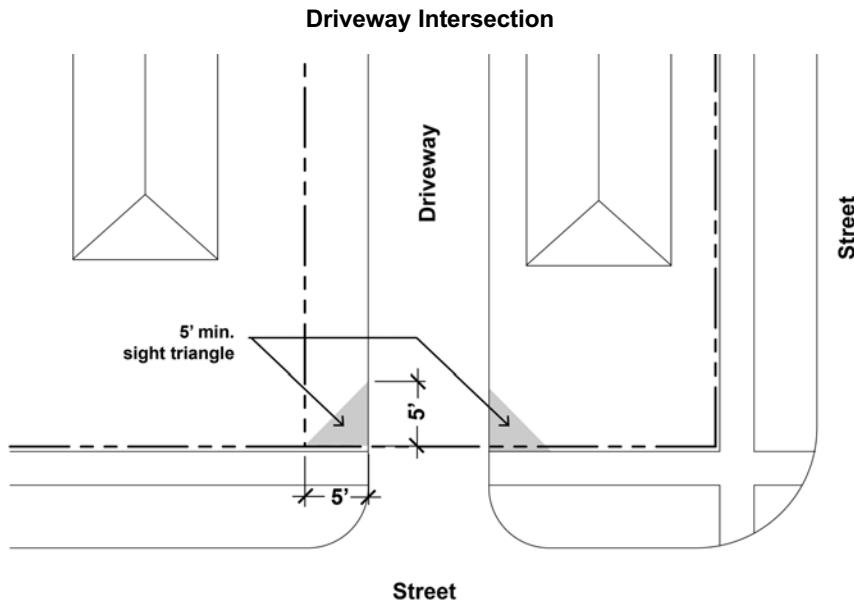
## SIGHT VISIBILITY

### Street Intersection



### Alley Intersection





## 10.2 EXTERIOR LIGHTING

### A. Lighting Plan Required

1. A lighting plan is required as part of new construction for all nonresidential uses, mixed-use, multi-family, and townhouse developments. A lighting plan is also required for any standalone surface parking lots and parking structures. Other developments are exempt from a required lighting plan but are subject to applicable lighting standards of Item B below.
2. A lighting plan must include the following:
  - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting.
  - b. Specifications for luminaires, lamp types, and poles, including photographs or drawings of proposed light fixtures.
  - c. Pole and luminaire details including pole heights and mounting height of building-mounted lights.
  - d. Photometric plans that show the footcandle measurement at lot lines.
  - e. Other information and data reasonably necessary to evaluate the required lighting plan.

### B. Lighting Standards

1. The maximum allowable footcandle at any lot line is as follows. This does not apply to single-family dwellings which are regulated by the building code.
  - a. Residential district: 0.2 footcandle
  - b. Nonresidential district when abutting residential district: 0.2 footcandle
  - c. Nonresidential district when abutting nonresidential district: 1 footcandle

2. All luminaires must be either full cutoff or semi-cutoff luminaire design
3. Any freestanding luminaire for a nonresidential use over 18 inches in height must be located at least 5 feet from a residential district lot line.
4. The maximum total height of a freestanding luminaire is 20 feet.
5. All outdoor luminaires must be located and adequately shielded so that there is no glare onto adjacent lots or onto the public right-of-way.
6. For those uses required to submit a lighting plan, per item A above, all public lighting sources must have a correlated color temperature (CCT) at or below 3,000°K. This does not apply to outdoor recreation fields.

**C. Exceptions to Lighting Standards**

1. Lighting for single-family dwellings is regulated within the building code. The building code controls over any of these zoning regulations.
2. Luminaires used for public roadway illumination or installed by a utility to light public rights-of-way are not subject to these requirements.
3. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are not subject to these requirements.
4. Lighting mounted on a single-family, two-family, or townhouse dwelling.
5. Shielded, directional accent lighting or uplighting is permitted but must be aimed at a building facade, sign, or accent feature, such as landscape. However, such lighting must not exceed one footcandle at any lot line.
6. Security lighting installed with a motion vacancy sensor.
7. Safety lighting.
8. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational fields (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, driving ranges, and other similar uses are exempt from the lighting standards of Item B above and subject to the following:
  - a. Recreational fields are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may only be approved by conditional use.
  - b. All lighting must be directed onto the field.
  - c. Lighting outside the recreational field, such as for parking areas, must comply with the lighting standards of Item B above
  - d. The recreational field lighting must be extinguished one hour following the end of the event. Lighting outside the recreational field, such as for parking areas, is not subject to the timeframe of item c above to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities.
  - e. Where a recreational field is adjacent to a residential district, a conditional use is required for all outdoor lighting.
9. Temporary holiday and seasonal lighting designs are not subject to these requirements.
10. Certain temporary uses may use lighting that does not meet the requirements of this section. When such temporary uses are allowed, approval of the lighting plan is required as part of the temporary use permit.

#### **D. Prohibited Lighting**

1. Flickering or flashing lights.
2. Searchlights, laser source lights, or any similar high intensity.
3. The use of neon or LED lighting to outline doors, windows, architectural features, and building facades. This does not apply to uplighting of architectural features and building facades as permitted in item C above.
4. Any light fixture that can be confused with or construed as a traffic control device.

### **10.3 FENCES AND WALLS**

#### **A. Permit Required**

Installation of fences and walls requires a fence permit. Plans indicating specific location, material type, and height of proposed fencing must accompany the permit application. The Community Development Department will issue a fence permit, after review and approval by the Zoning Administrator and subject to payment of the fee established in the fee ordinance.

#### **B. General Requirements**

1. Every fence and wall must be maintained in a good repair and safe condition at all times. Every damaged, rusted, or missing element must be repaired, removed, repainted, or replaced.
2. When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located.
3. Decorative posts of a fence or wall may exceed the maximum fence height by nine inches.
4. If a fence of a greater height is required and/or a fence is required to be a solid fence by any other section of this Ordinance or other City ordinance, then such fence requirements control. Swimming pools will be completely enclosed with a minimum four foot fence in accordance with Section 24.04 of the City Code.
5. All fences and walls are subject to the sight visibility requirements of Section 10.1.D above.
6. The following materials are prohibited in the construction of fences and walls:
  - a. Scrap metal, corrugated metal, and sheet metal. This does not include manufactured decorative fence panels.
  - b. Electrically charged fences
  - c. Pallets
  - d. Oriented strand board (OSB)
  - e. Particle board
  - f. Plywood

#### **C. Fence or Wall Height**

Fence height is measured from the ground at the base of the fence. When a gap is required for drainage between the ground and the fence, such gap is permitted but cannot exceed two inches. If such gap is included, fence height is measured from the bottom of the fence panel to the top. Fence panels cannot exceed the heights permitted in this section. Fence posts that are installed into the ground to support such panels are limited to the maximum height of the district plus the height of the gap.

## 1. Residential Districts

### a. Front Yard

- i. Solid fence or wall – A maximum height of three feet.
- ii. Open fence – A maximum height of four feet.
- iii. Chain link is prohibited in the front yard.
- iv. These standards apply to the entire portion of the lot located in front of the front building line.

### b. Interior Side Yard

- i. Solid or open fence or wall - A maximum height of six feet.
- ii. When such lot line is shared with a nonresidential use, the fence height may be increased to a maximum of eight feet.

### c. Corner Side Yard

- i. Solid or open fence or wall located along lot line or within the required corner side setback – A maximum height of four feet.
- ii. Solid or open fence or wall when located at or behind the required corner side setback – A maximum height of six feet.
- iii. On reverse corner lots where a detached garage is located in the rear yard and access is taken from the corner side, a solid or open fence or wall up to a maximum of six feet in height is permitted within the corner side setback between the single-family dwelling and garage.
- iv. Solid or open fence or wall when the corner side yard of a lot is immediately adjacent to and abutting the corner side yard of another lot where the fence is behind front building line – A maximum height of six feet above grade.

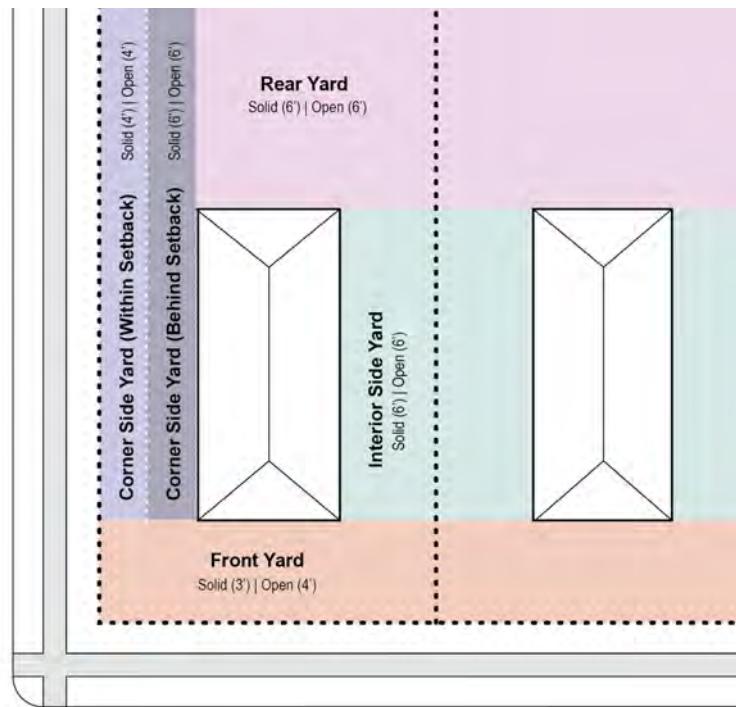
### d. Rear Yard

- i. Solid or open fence or wall - A maximum height of six feet.
- ii. When such lot line is shared with a nonresidential use, the fence height may be increased to a maximum of eight feet.

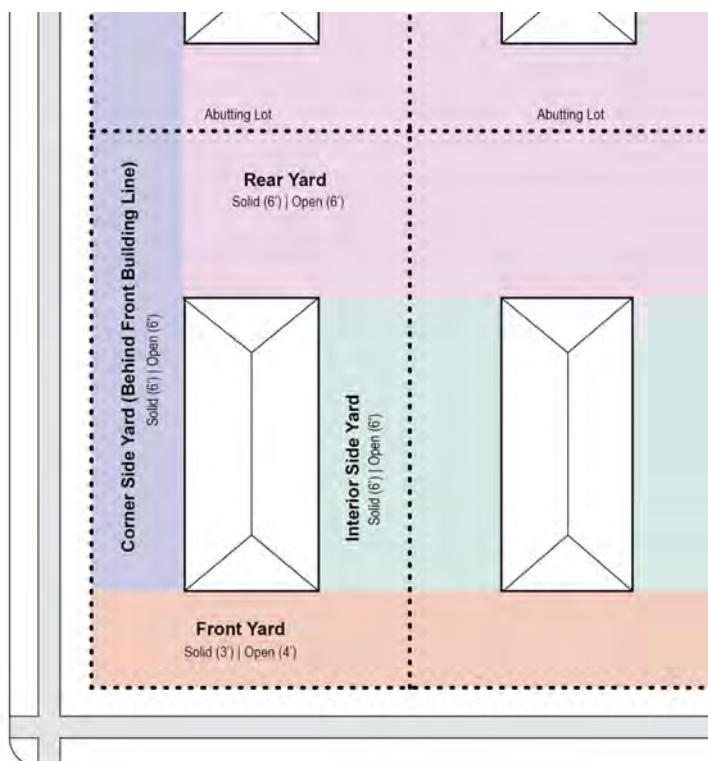
### e. Fences or Walls Abutting a Railroad or Federal Highway Right-of-Way

On any property abutting a railroad or Federal highway right-of-way, a fence or wall may be erected on such lot line to a maximum height of eight feet, provided the fence or wall is located behind the front building line.

### RESIDENTIAL DISTRICTS FENCES: GENERAL



### RESIDENTIAL DISTRICTS FENCES: Corner Lot Immediately Adjacent to and Abutting Another Corner Lot (Shared Rear Lot Line)



## 2. Nonresidential Districts

### a. Front Yard

- i. Solid fence or wall – A maximum height of three feet above grade. However, a solid fence is prohibited in the C1, C2, CBC, and CBOC Districts.
- ii. Open fence – A maximum height of four feet.
- iii. Solid or open fence or wall when located at or behind the required front setback – A maximum height of eight feet.

### b. Interior Side Yard

- i. Solid or open fence or wall - A maximum height of eight feet.

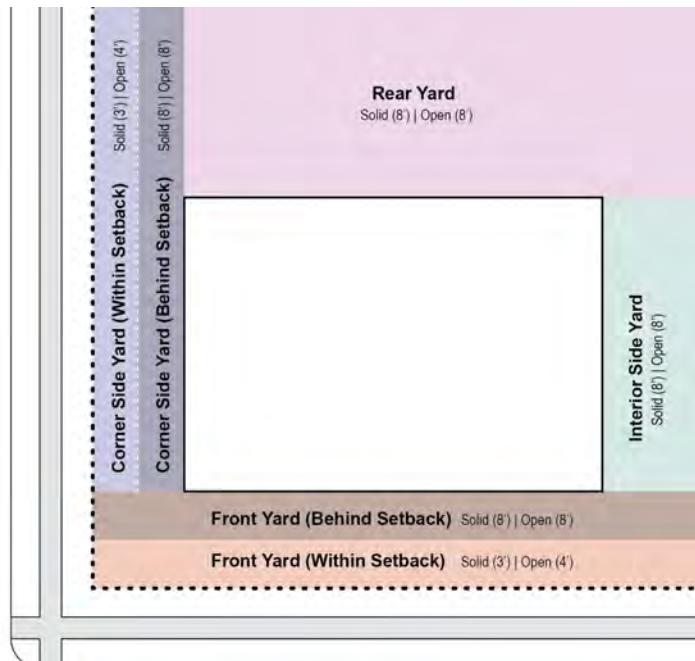
### c. Corner Side Yard

- i. Solid fence located along lot line or within the required corner side setback – A maximum height of three feet.
- ii. Open fence located along lot line or within the required corner side setback – A maximum height of four feet.
- iii. Solid or open fence when located at or behind the required corner side setback – A maximum height of eight feet.

### d. Rear Yard

- i. Solid or open fence - A maximum height of eight feet.

## NONRESIDENTIAL DISTRICTS FENCES



#### D. Prohibited Fencing

1. In the residential districts, chain link is prohibited in the front yard.
2. Barbed wire, razor wire, concertina strands, the electrification of fencing, and similar fencing with sharp edges or points are prohibited unless needed for additional security.
3. Fencing that includes barbed wire or concertina strands located in the commercial or industrial districts may be permitted by the City Manager on fences over six feet in height if erected around properties needed for additional security.

#### 10.4 WINDOW/ESCAPE WELL

- A. For lots with a required interior side setback of five feet, a three foot setback from interior side lot lines is required. However, the City Engineer has final authority to determine if more than three feet is required due to a unique drainage situation that may produce extreme overland flow routes that would require an increased setback to convey drainage through the interior side yard.
- B. For lots with a required interior side setback greater than five feet, window wells may encroach into the interior side setback but cannot be wider than three feet ten inches (including concrete construction) as measured from outside of each window well perimeter. In no event can a window well or stoop result in a setback of less than three feet.
- C. A window/escape well located within a required setback is limited to a maximum length of six feet as measured inside the window well and parallel to the foundation wall.
- D. Where more than one encroaching window/escape well is installed along a wall, the maximum aggregate lineal length of all window/escape wells as measured inside the window well along the same wall cannot exceed 40% of the length of that wall.
- E. Where more than one encroaching window/escape well is installed along a wall, there must be a minimum of three feet between each well as measured from outside of each window well perimeter.
- F. Window/escape wells that are not located in a required setback are allowed and are not subject to items A through E above.
- G. No more than two window wells are allowed per each façade of the structure.
- H. Existing homes as of (*insert ordinance effective date*) may add window/escape wells in a required interior side setback to accommodate egress in the event of a remodel or for floodproofing. Such window/escape wells must be set back a minimum of two feet from the interior side lot line where a five foot interior side setback is required and a minimum of three feet where the required interior side setback is greater than five feet.

#### 10.5 REFUSE AND RECYCLING CONTAINERS

These provisions do not apply to standard personal refuse and recycling bins, approximately 96 gallons or less in size.

- A. Refuse and recycling containers are prohibited in the front or corner side yard.
- B. Enclosures are required as follows:
  1. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The wall or wall extension must be constructed as an integral part of the building's architectural design.
  2. The enclosure must be gated. Such gate must be solid and a minimum of six feet and a maximum of eight feet in height. This requirement does not apply to refuse containers located adjacent to an alley.
  3. The gate must be maintained in good working order and must remain closed except when refuse/recycling pick-ups occur.
  4. Refuse and recycling containers must remain in the enclosure with the gate closed.

## 10.6 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of an accessory structure or architectural feature into a required setback. Permitted encroachments are indicated in Table 10-1: Permitted Encroachments into Required Setbacks.

- A. Article 11 contains regulations on additional accessory structures and architectural features not listed in Table 10-1, which may include additional permissions or restrictions for their permitted encroachment into required setbacks.
- B. Unless otherwise indicated in the table, accessory structures and architectural features must meet the requirements for general accessory structures (Article 11).
- C. Unless specifically indicated, reverse corner side setbacks are considered front setbacks for the purposes of Table 10-1.
- D. When an attached or detached accessory structure or architectural feature regulated by Table 10-1 is permitted to locate in a required setback, it also indicates permission to locate in the corresponding yard.
- E. When an accessory structure or architectural feature regulated by Table 10-1 is prohibited from encroaching in a required setback, the structure or architectural feature may be located in the corresponding yard behind the required setback line unless specifically prohibited by the table.

Table 10-1: Permitted Encroachments into Required Setbacks

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Arbor/Trellis <i>Limited to a max. length of 16'</i>	Y	Y	Y	Y
Awning - Residential (Does not apply to awnings used as signs - See Article 14) <i>Max. of 2' into setback</i>	Y	Y	N	Y
Awning - Nonresidential (Does not apply to awnings used as signs - See Article 14) <i>Awnings along the front and corner side facades – 18" from curb line</i> <i>Rear setback – 5' into setback</i> <i>Vertical clearance of 7'</i>	Y	Y	N	Y
Balcony - Residential Districts <i>Max. of 4' into front or corner side setback</i> <i>Max. of 6' into rear setback</i> <i>Min. of 5' from any lot line</i>	Y	Y	N	Y
Balcony - Nonresidential Districts	Y	Y	N	Y
Bay Window <i>Max. of 2' into any setback</i> <i>Min. of 2' above ground</i> <i>Min. of 5' from any lot line</i>	Y	Y	N	Y
Canopy (Architectural Feature) – Nonresidential or Multi-Family (Does not apply to canopies used as signs - See Article 14) <i>Canopies along the front and corner side facades – 18" from curb line</i> <i>Rear setback – 5' into setback</i> <i>Vertical clearance of 7'</i>	Y	Y	N	Y
Canopy (Residential) – Single-Family, Two-Family, Townhouse <i>Max. of 10' into rear setback</i>	N	N	N	Y
Chimney <i>Max. of 18" into setback</i>	Y	Y	Y	Y

Table 10-1: Permitted Encroachments into Required Setbacks

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Deck, First Floor <i>Max. of 4' into corner side setback</i> <i>Max. of 10' into rear setback</i> <i>Prohibited in front yard</i> <i>Max. height of first floor height</i>	N	Y	N	Y
Deck, Upper Story <i>Max. of 10' into rear setback</i> <i>Prohibited in front yard</i>	N	N	N	Y
Eaves <i>Max. of 18" into setback</i>	Y	Y	N	Y
Gazebo <i>Prohibited in front yard</i>	N	N	N	Y
Pergola or Shade Structure– Attached <i>Max. of 15' into rear setback</i> <i>Prohibited in front yard</i>	N	N	N	Y
Pergola or Shade Structure – Detached <i>Min. of 5' from any lot line</i> <i>Prohibited in front yard</i>	N	N	N	Y
Personal Recreation Game Court <i>Prohibited in front, corner side, and interior side yard</i> <i>Min. of 5' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front yard</i> <i>Min. of 5' from any lot line</i> (This does not apply to backstops & portable basketball nets, which are allowed in any yard)	N	N	N	Y
Porches - Unenclosed <i>Max. of 6' into front or corner side setback</i> <i>Max. of 10' into rear setback</i> (Enclosed porches are considered part of the principal structure and are not permitted within required setbacks)	Y	Y	N	Y
Porte-Cochere <i>Min. of 10' from any lot line</i>	Y	Y	N	Y
Shed <i>Prohibited in front yard</i>	N	N	N	Y
Sills, Belt Course, Cornices, and Ornamental Features <i>Max. of 18" into setback</i>	Y	Y	N	Y
Stoop – Roofed or Unroofed <i>Max. of 6' into front or corner side setback</i> <i>Unroofed stoops are prohibited in the required interior side setback</i> <i>Stoop landings are limited as follows:</i> <ul style="list-style-type: none"> <li>• A minimum width of 3' and a minimum projection from building wall of 3'</li> <li>• A maximum width of 8' and a maximum projection from building wall of 8'</li> </ul> <i>No stoop landing located in the interior side yard may exceed 24sf in area</i> <i>Max. height of stoop is that of the first floor entry door</i>	Y	Y	N	Y
Temporary Tent/Temporary Shade Structure – Nonresidential <i>Min. 5' from all lot lines</i> <i>No permanent mounting fixtures permitted</i>	Y	Y	N	Y

## 10.7 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses must comply with the performance standards established in this section unless any federal, state, or local law, code, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

### A. Noise

An activity or use must not be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.

### B. Heat

Any activity or the operation of any use that produces heat must be conducted so that no heat from the activity or operation is detectable at any point off the lot on which the use is located.

### C. Vibration

No earthborne vibration from the operation of a principal use may be detectable at any point off the lot on which the use is located.

### D. Dust, Air, and Water Pollution

1. Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.
2. Storage of materials must include all proper precautions to protect any surface water or groundwater sources, whether natural or manmade, from contamination.

### E. Discharge and Disposal of Hazardous Waste

The discharge of fluid and the disposal of hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. Hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

### F. Electromagnetic Interference

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

### G. Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified to remove the odor.

### H. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

## Article 11. Accessory Structures and Uses

### 11.1 GENERAL STANDARDS FOR ACCESSORY STRUCTURES AND USES

### 11.2 SPECIFIC ACCESSORY STRUCTURE AND USE STANDARDS

#### 11.1 GENERAL STANDARDS FOR ACCESSORY STRUCTURES AND USES

Accessory structures and uses are subject to the requirements of this Article and this section. Additional accessory structures not regulated in this section may be regulated in Section 10.5. All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section or Ordinance.

**A.** No accessory structure may be constructed prior to construction of the principal building to which it is accessory. Where there is no principal structure as part of the use, such as a community garden, no accessory structure may be constructed until the use is approved.

**B.** Detached accessory structures must be setback as follows, unless otherwise permitted or restricted by this Ordinance:

1. A minimum of five feet from any interior side or rear lot line.

2. No detached accessory structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.

**C.** Certain accessory structures may be prohibited in specific yards. The use of the term "yard" refers to the area between the principal building line and lot line (see definitions in Article 2). The distinction is made because certain principal buildings may be built further back than the required district setback lines, thereby creating a yard larger than the minimum setback dimension of the district.

**D.** The maximum height of any detached accessory structure is 21 feet, unless otherwise permitted or restricted by this Ordinance.

**E.** Detached accessory structures are limited to a maximum coverage in each yard of 40%.

**F.** The footprint of any single detached accessory structure cannot exceed the footprint of the principal building.

**G.** Detached accessory buildings or structures must be located no closer to any other accessory or principal building than ten feet.

**F.** A detached accessory structure connected to a principal structure by a breezeway, a wall, or extension of a building wall is considered detached and subject to all applicable dimensional and locational requirements for detached accessory structures.

#### 11.2 SPECIFIC ACCESSORY STRUCTURE AND USE STANDARDS

##### A. Apiary

1. All apiaries and bee keeping must comply with Section 51.29 - Bees and beehives, in Chapter 51 - Offenses Against Public Peace, Safety and Morals of the Municipal Code.
2. Apiaries are prohibited in the commercial and industrial districts.

##### B. Electric Vehicle Charging Station

The following standards apply to electric vehicle charging stations located on private property.

1. Electric vehicle charging stations are permitted as an accessory use within any principal or ancillary surface parking lot or parking structure or gas station. Electric vehicle charging stations may be for public or private use.
2. Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwelling(s) located on that property.
3. Commercial electric vehicle charging stations must be either level 2 charging stations or level 3 fast charging stations, or the equivalent if standard industry categorizations change.

4. Public electric vehicle charging station spaces must be posted and painted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if tow away provisions are to be enforced by the owner of the property. Information identifying voltage and amperage levels and/or safety information must be posted.
5. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in functional use must be removed within 30 days of discontinuance.
6. Within a surface parking lot, electric vehicle charging stations that include signs, whether digital or changed manually, must be located 100 feet from any lot line abutting a street.

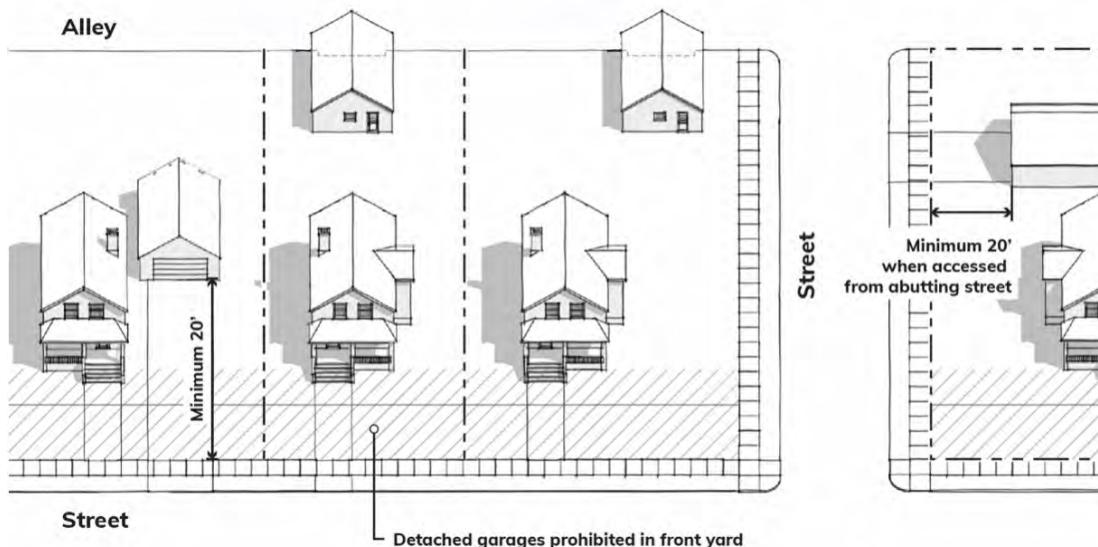
**C. Flagpoles**

1. Flagpoles are limited to a maximum of three poles.
2. Flagpoles are limited to a maximum height of 21 feet.
3. Flagpoles must be setback a minimum of ten feet from any lot line.
4. External illumination of flags is permitted but must be focused on the flagpole and flag.

**D. Garage, Detached**

1. Detached garages are permitted only in the corner side, rear, and interior side yards.
2. Detached garages must be set back a minimum of 20 feet from the lot line where street access to the garage is taken. This does not include alleys.
3. Where the garage is located in the corner side yard but does not take access from the abutting street, the garage cannot be located within the required setback.
4. No detached garage may exceed 720 square feet in area (footprint) and 21 feet in height. The storage space above the main story is limited to no more than 50% of the cubic volume of the first floor.
5. Only hip or gable roofs are permitted on garage structures. However, for the purpose of architectural compatibility, gambrel roofs are permitted if the principal structure has a gambrel roof.
6. As of (*insert effective date*), existing nonconforming detached garages may be replaced in the existing location. Replacement garages cannot exceed the previous garage footprint or square footage.

### DETACHED GARAGE



#### E. Home Occupation

1. Home occupations must be incidental to the residential use of the zoning lot and compatible with adjacent residential uses.
2. A home occupation must be operated entirely within a dwelling unit or a permitted accessory structure. Space within a garage for a home occupation cannot occupy required vehicle parking spaces.
3. There can be no structural alterations, or construction features to the dwelling, nor installation of special equipment attached to the walls, floors, or ceilings specific to the operation of the home occupation.
4. A home occupation cannot have a separate entrance from outside the building, or otherwise involve an alteration in the residential appearance of any structure upon the property.
5. No sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling.
6. No person may be employed other than a member of the immediate family residing on the premises.
7. The operation of a home occupation involving visitors or customers may be conducted only between the hours of 7:30AM and 8PM. The home occupation does not cause or result in the arrival or entrance to the premises of more than eight persons upon any given day for the purposes of, or in connection with the home occupation.
8. No exterior storage of home occupation materials, supplies, or equipment used is permitted. No waste resulting from any off-site operation of a home occupation may be stored in any manner on the lot associated with the home occupation or upon any right-of-way.
9. All delivery of merchandise, goods, or equipment must be by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
10. Performance standards:
  - a. A home occupation cannot utilize mechanical or electrical equipment other than the type normally found in a dwelling unit or associated with domestic or hobby purposes. Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or that creates noise not normally associated with residential uses is prohibited.

b. The home occupation cannot produce offensive noise, vibration, smoke, electrical interference, dust, or other particulate matter, odors, heat, humidity, or glare detectable to normal sensory perception beyond the lot lines, or beyond the walls of the dwelling unit if the unit is part of a multi-family structure.

c. No toxic, explosive, flammable, combustible, corrosive, etiologic, or radioactive materials, or materials which decompose by detonation can be stored or used in connection with a home occupation.

**11. The following types of home occupations or operations are specifically prohibited:**

a. The repair of internal combustion engines, including, but not limited to, automobiles, motorcycles, snowmobiles, jet skis, aircraft motors, boat motors, recreational vehicle motors, chain saws, leaf blowers, generators, and any similar such equipment.

b. The use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business.

c. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product.

d. Dispatching services, where workers report to the home for dispatching.

**F. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment. This does not include solar panels and wind turbines which are regulated by items L and O below.

**1. Ground-Mounted Equipment**

a. Heating, ventilation, and air conditioning (HVAC) equipment is permitted in the front, corner side, and rear yards and may encroach four feet into a required setback. Such equipment in the front or corner side yard must be screened with a fence or hedge a minimum of three feet in height.

b. Other mechanical equipment is permitted in the rear yard only.

c. Ground-mounted equipment is prohibited in the interior side setback.

**2. Roof-Mounted Equipment**

a. For structures 40 feet or more in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet in height.

b. For structures less than 40 feet in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

**G. Outdoor Kitchen**

Residential uses are permitted an outdoor kitchen. Outdoor kitchens are allowed in the rear yard only and cannot be located in any required setback.

**H. Outdoor Sales and Display (Accessory)**

These regulations apply only to outdoor sales and display located on the same lot as the principal use.

1. Retail uses in the nonresidential districts are permitted to have accessory outdoor sales and display of merchandise. Such merchandise must be customarily sold on the premises.

2. All outdoor display of merchandise must be located adjacent to the storefront and not in drive aisles, loading zones, or fire lanes. It may be located in a surface parking lot so long as the minimum number of required parking spaces remains unobstructed. No outdoor display may be located in a public right-of-way.

3. No display may be placed within five feet of either side of an active door, or within 15 feet directly in front of an active door.

4. A minimum clear width for pedestrian traffic of five feet must be provided and maintained along any pedestrian way.

**I. Outdoor Storage (Accessory)**

Principal uses that typically have outdoor storage as an operation feature are permitted to include outdoor storage on the same lot as such principal use. The Zoning Administrator will render an interpretation that outdoor storage is typical to such use's operation.

1. Accessory outdoor storage is permitted only in the industrial districts.
2. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic.
3. Outdoor storage is prohibited in a required interior side setback. Outdoor storage is prohibited in the front or corner side yard. Outdoor storage is permitted in a rear yard.
4. Outdoor storage may be located in a surface parking lot so long as the minimum number of required parking spaces remains unobstructed.
5. Outdoor storage must be screened as follows:
  - a. When abutting a residential district or use: Along the interior side and/or rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height. One shrub, a minimum of three feet in height at maturity, is required every three linear feet on the inside of the fence or wall toward the interior of the lot.
  - b. When abutting a nonresidential district: Along the interior side and/or rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.
6. Storage of any kind is prohibited outside a required fence or wall. No items stored within 25 feet of a required fence or wall may exceed the height of the fence or wall.
7. Outdoor storage is prohibited as the principal use of the lot. Outdoor storage must be accessory to a principal use on the lot.

**J. Semi-Trailer Storage**

1. The storage of semi-trailers is permitted in the I1 District only. The storage of semi-trailers is prohibited in all other districts at all times.
2. No semi-trailer may be used as an accessory structure in any zoning district.
3. Requirements for modified shipping containers as an accessory structure for a food or beverage service station are found in item M below.
4. Storage of semi-trailers is prohibited as the principal use of the lot. Storage of semi-trailers must be accessory to a principal use on the lot.

**K. Solar Panels**

1. **General Requirements**
  - a. A solar panel may be building-mounted or freestanding.
  - b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
2. **Building-Mounted Systems**
  - a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.

- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
- d. Wall-mounted solar panels may project up to 2.5 feet from a building façade and must be integrated into the structure as an architectural feature.

### 3. Freestanding Systems

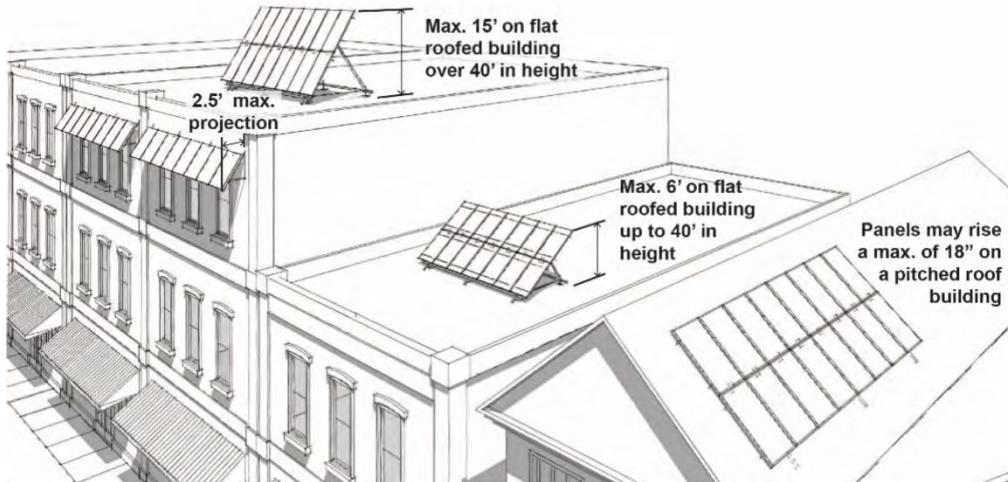
- a. A freestanding system is not permitted in any required setback with the exception of the rear setback. A freestanding system is allowed in the rear yard but must be ten feet from any lot line.

- b. The maximum height of a freestanding system is six feet.

### 4. Co-Location

Solar panels may be co-located on structures such as light poles.

## SOLAR PANELS



**L. Shipping Container, Modified**

1. Modified shipping containers are permitted in the C1, C2, C3, C4, CBC, and CBOC Districts as an accessory structure for an eating and drinking establishment and on the same zoning lot as such use.
2. Modified shipping containers are not permitted for storage at any time unless such storage is related to furnishing and items associated with the operation of the eating and drinking establishment.
3. A modified shipping container must be removed from the property if not being actively used between April 15 to November 15 for a period of more than 30 consecutive days.
4. A building permit and inspection are required. Submittal information must include manufacture's details and any available information about the potential storage of harmful materials prior to modification. If the structure has been modified significantly, a structural engineer must provide specifications to the building inspector. If plumbing and electric are proposed, all applicable Building Code requirements must be met.
5. A modified shipping container must be placed on a hard surface, if additional impervious surface is being added all stormwater requirements must be met.
6. A modified shipping container must be located in rear yard.
7. A modified shipping container must be setback five feet from all lot lines.
8. A modified shipping container is limited to a maximum square footage of 170 square feet.
9. Only one modified shipping container is permitted per lot.
10. A modified shipping container cannot install any signs or be used to display any advertising, excluding menus and other operational messages.

**M. Shipping Container, Unmodified**

1. Unmodified shipping containers are permitted only in the I1 and I2 Districts.
2. An unmodified shipping container must be located entirely in rear yard.
3. An unmodified shipping container must be setback ten feet from all lot lines.
4. Only one unmodified shipping container is permitted per lot.

**N. Temporary Membrane Structures and Canopies**

1. Temporary membrane structures and canopies are permitted on properties improved with a single-family or townhouse dwelling. All temporary membrane structures and canopies are limited to a maximum of 400 square feet.
2. Membrane structures between 121 square feet and up to 400 square feet are permitted provided:
  - a. Structures meet the following:
    - i. A building permit is submitted and the structure is built to the requirements of the City of Elmhurst specifications for membrane structures.
    - ii. The addition of the structure does not exceed the required lot coverage.
    - iii. All City stormwater requirements are met.
  - iv. The structure is maintained to prevent noise, nuisance, and property maintenance violations.

## O. Watchmen's Quarters

1. Watchmen's quarters are permitted only in the following districts: C3, C4, I1, and I2 Districts.
2. Watchmen's quarters must be accessory to a commercial or industrial use and must be located on the same premises where such watchman is employed. Such living quarters are limited to individuals responsible for watching over a particular property, such as guards, security personnel, or night watchmen.
3. Watchmen's quarters may include the family of such employee.

## P. Wind Turbines

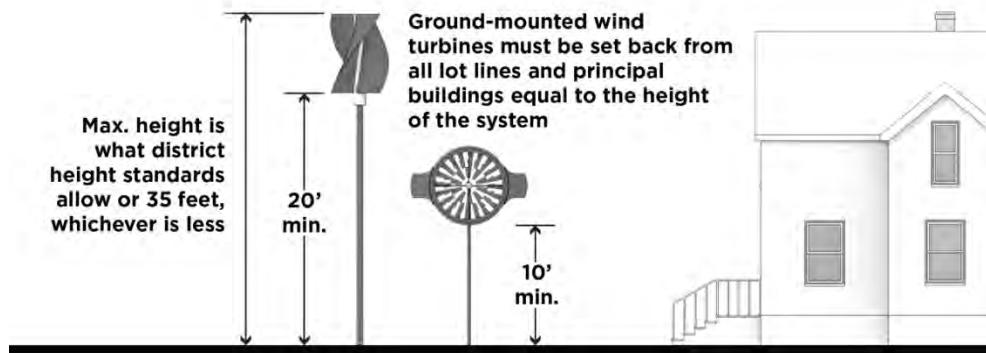
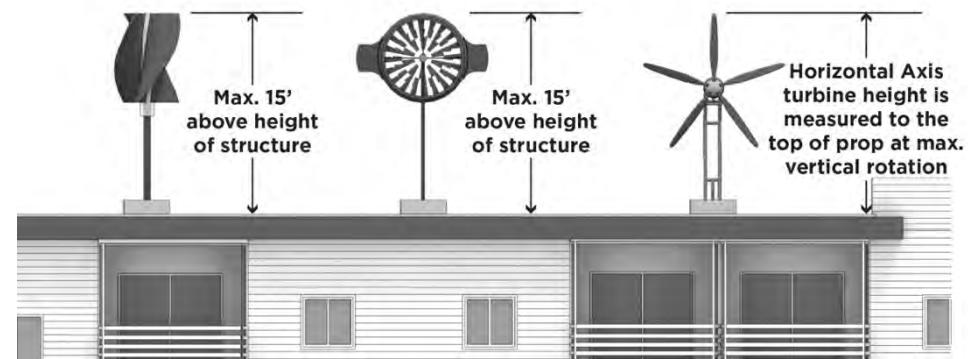
1. Wind turbines may be designed as either vertical or horizontal axis turbines, or designs that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
  - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district or 35 feet, whichever is less.
  - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
  - c. Maximum height is the total height of the turbine system as measured from the base of the tower to the top. For horizontal axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.

d. No portion of the exposed turbine blades of a horizontal axis wind turbine may be within 20 feet of the ground. The unexposed turbine blades of a vertical access wind turbine may be within ten feet of the ground.

3. Ground-mounted wind turbines are permitted only in the rear yard. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.

4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

#### WIND TURBINES





## Article 12. Off-Street Vehicle & Bicycle Parking, & Loading

- 12.1 GENERAL REQUIREMENTS
- 12.2 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES
- 12.3 PARKING FLEXIBILITIES, EXEMPTIONS, AND REDUCTIONS
- 12.4 LOCATION OF OFF-STREET PARKING SPACES
- 12.5 OFF-STREET PARKING FACILITY DESIGN
- 12.6 ELECTRONIC VEHICLE PARKING REQUIREMENTS
- 12.7 BICYCLE PARKING SPACE DESIGN
- 12.8 OFF-STREET LOADING BERTHS
- 12.9 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE

### 12.1 GENERAL REQUIREMENTS

#### A. Existing Facilities

1. The existing number of off-street parking and loading spaces may not be reduced below the requirements of this Ordinance. If the number of such existing spaces is already less than required, it may not be further reduced.
2. Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element.
3. If a building permit for a structure was issued prior to the effective date of this Ordinance, the number of off-street parking and loading spaces must be provided in the amount required at the issuance of the building permit unless the amount required by this Ordinance is less, in which case only the number required by this Ordinance needs to be installed.

#### B. Completion of Off-Street Facilities

All off-street vehicle and bicycle parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.

#### C. Use of Parking Facilities

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited.
2. The property owner is responsible for ensuring that parking and loading facilities are only used by residents, tenants, employees, visitors, and/or other authorized persons.
3. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

### 12.2 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES

#### A. General Applicability

1. Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements states the minimum number of off-street parking spaces to be provided for the designated uses. Table 12-1 lists parking requirements for the uses listed within the districts. Certain uses listed within the districts do not have parking requirements; these types of uses are not listed within Table 12-1.
2. The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless such use is a multi-tenant retail center, which has a separate requirement per item B below. The following standards for computation apply:

- a. When calculating the number of required off-street spaces results in a fractional requirement of 0.5 spaces or more, said fraction is rounded up.
- b. In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every six square feet in the prayer hall if prayer mat spaces are not marked.

#### **B. Multi-Tenant Center Parking Standard**

Parking for multi-tenant centers is calculated as one space required per 250 square feet of gross floor area, rather than by the individual uses in Table 12-1. A multi-tenant center is defined as a group of three or more nonresidential establishments that is planned, owned, and/or managed as a single property. Examples of multi-tenant centers are large shopping centers and strip retail centers. Multi-tenant centers over 20,000 square feet in gross floor area require one bicycle space per 2,500 square feet of gross floor area.

#### **C. Vehicle Parking Space Maximums**

Within the, CBC, CBOC, and CBOCR Districts, no more than three spaces per 1,000 square feet of gross floor area or a total of 20 spaces, whichever is less, are permitted for nonresidential uses. This parking maximum may be exceeded through a conditional use permit in the CBC and CBOC Districts only.

#### **D. Accessible Spaces Required**

Accessible spaces for persons with disabilities are required and must be in compliance with the standards required by the State of Illinois Capital Development Board, as contained within the Illinois Accessibility Code, and the ADA Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board.

#### **E. Bicycle Parking Spaces**

Certain uses listed within Table 12-1 are required to provide bicycle parking spaces. Bicycle parking spaces are required only for new construction as of the effective date of this Ordinance.

1. In all cases where bicycle parking is required, a minimum of two bicycle spaces and no more than a total of 25 required bicycle parking spaces are required.
2. When a use is exempt from providing vehicle parking it is also exempt from providing required bicycle spaces.

Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements

USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES
Adult Use	1 per 500sf GFA	
Amusement Facility - Indoor	1 per 500sf GFA	1 per 2,000sf GFA
Amusement Facility - Outdoor	1 per 1,000sf GFA	1 per 2,000sf GFA
Animal Care Facility	1 per 300sf GFA	
Art Gallery	1 per 500sf GFA	1 per 2,000sf GFA
Arts and Fitness Studio	1 per 300sf GFA	1 per 2,000sf GFA
Bar	1 per 150sf GFA	1 per 2,000sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom	
Body Modification Establishment	1 per 500sf GFA	1 per 2,000sf GFA
Car Wash	1 per car wash bay + 3 stacking spaces per bay	
Cartage/Truck Dispatch Facility	1 per 300sf of office area + 1 per 2,500sf GFA excluding both office and outdoor storage	
Cemetery	1 per 300sf of GFA of office and/or chapel/parlor	
Commercial Kitchen (Standalone)	1 per 500sf GFA	1 per 2,000sf GFA
Community Center	1 per 500sf GFA	1 per 2,000sf GFA
Cultural Facility	1 per 500sf GFA	1 per 2,000sf GFA
Data Center	1 per 1,000sf GFA	1 per 2,000sf GFA
Day Care Center	1 per 500sf GFA	1 per 2,000sf GFA

Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements

USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES
Dwelling – Single-Family	2 per du	
Dwelling – Two-Family	2 per du	
Dwelling – Townhouse	2 per du	
Dwelling – Multi-Family	2 per du	1 per 4 du
Dwelling – Above the Ground Floor	2 per du	1 per 4 du
Educational Facility – Pre-School	1/1,000sf GFA	
Educational Facility – Primary or Secondary		
<i>Educational Facility – Elementary and/or Junior High</i>	<i>2 per each classroom + 3 per office</i>	<i>1 per 10 classrooms</i>
<i>Educational Facility – High School</i>	<i>4 per classroom + 4 per office</i>	<i>1 per 10 classrooms</i>
Educational Facility – University or College	4 per classroom + 2 per office	1 per 5 classrooms
Educational Facility – Vocational	4 per classroom + 2 per office	1 per 5 classrooms
Financial Institution	1 per 500sf GFA	1 per 2,000sf GFA
Financial Institution, Alternative (AFS)	1 per 500sf GFA	1 per 2,000sf GFA
Firearm Range	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space	
Firearm Sales	1 per 500sf GFA	
Food Bank	1 per 500sf GFA of office space	
Food Pantry	1 per 500sf GFA	1 per 2,000sf GFA
Funeral Home	1 per 200sf GFA	
Gas Station	2 per pump island + 1 per 500sf GFA of structure + 3 stacking spaces per car wash bay	
Government Office/Facility	1 per 500sf GFA	1 per 2,000sf GFA
Group Home	1 per 2 rooms	
Heavy Retail, Rental, and Service	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space	
Hospital	1 per 3 beds	1 per 100 beds
Hotel	1.5 per room	
Industrial Design	1 per 500sf GFA	1 per 2,000sf GFA
Industrial, Artisan	1 per 1,000sf GFA	1 per 2,000sf GFA
Industrial, Light	1 per 300sf of office area + 1 per 2,500sf GFA excluding both office and outdoor storage	1 per 5,000sf GFA
Industrial, General	1 per 300sf of office area + 1 per 2,500sf GFA excluding both office and outdoor storage	1 per 5,000sf GFA
Landscape Business with Outdoor Storage	1 per 500sf of office area	
Live Performance Venue	1 per 5 persons based on maximum capacity	1 per 2,000sf GFA
Lodge/Social Club	1 per 500sf GFA	1 per 2,000sf GFA
Massage Parlor	1 per 500sf GFA	1 per 2,000sf GFA
Medical/Dental Office	1 per 300sf GFA	1 per 2,000sf GFA
Medical Cannabis: Cultivation Center	1 per 500sf GFA	1 per 2,000sf GFA
Medical Cannabis: Dispensing Facility	1 per 300sf GFA	1 per 2,000sf GFA
Micro-Production of Alcohol	1 per 1,000sf GFA of production facility + 1 per 500sf GFA of public space	1 per 2,000sf GFA
Office	1 per 300sf GFA	1 per 2,000sf GFA
Personal Service Establishment	1 per 500sf GFA	1 per 2,000sf GFA
<i>Health Club</i>	<i>1 per 200sf GFA</i>	<i>1 per 2,000sf GFA</i>
Place of Worship	1 per 6 seats	1 per 25 seats
Public Safety Facility	1 per 500sf GFA	

Table 12-1: Off-Street Vehicle and Bicycle Parking Requirements		
USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES
Reception Facility	1 per 300sf GFA	1 per 2,000sf GFA
Research and Development	1 per 500sf GFA	1 per 2,000sf GFA
Residential Addiction Treatment Facility	1 per patient room	1 per 2,000sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below:</i>	1 per 2,000sf GFA
Independent Living Facility	1 per dwelling unit	
Assisted Living Facility	0.75 per dwelling unit or room	
Nursing Home or Hospice	0.5 per patient room	
Restaurant	1 per 150sf GFA	1 per 2,000sf GFA
Retail Goods Establishment	1 per 500sf GFA	1 per 2,000sf GFA
Self-Service Storage Facility (All Types)	1 per 25 storage units	
Social Service Center	1 per 500sf GFA	1 per 2,000sf GFA
Specialty Food Service	1 per 500sf GFA	1 per 2,000sf GFA
Vehicle Dealership	1 per 500sf of indoor sales and display area (excluding indoor storage) + 4 per service bay	
Vehicle Operation Facility	1 per 2,500sf of lot area	
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)	
Vehicle Repair/Service - Major	3 per service bay	
Vehicle Repair/Service - Minor	3 per service bay	
Warehouse and Distribution	1 per 300sf of office area + 1 per 2,500sf GFA excluding both office and outdoor storage	1 per 5,000sf GFA
Wholesale Goods Establishment	1 per 300sf of office area + 1 per 2,500sf GFA excluding both office and outdoor storage	

### 12.3 PARKING FLEXIBILITIES, EXEMPTIONS, AND REDUCTIONS

- A. When the parking requirement in Table 21-1 results in a requirement of three or fewer parking spaces for a nonresidential use, such parking spaces do not have to be provided. However, where two or more uses are located on a lot, only one of those uses is eligible for the above exemption.
- B. The C1, CBC, CBOC, and CBOCR Districts are exempt from parking requirements for nonresidential uses.
- C. Residential uses located in the areas identified in the Residential Parking Zones Map have the following minimum parking requirements:
  1. Tier 1:1 parking spaces per dwelling unit.
  2. Tier 2:1.25 parking spaces per dwelling unit.
  3. Tier 3:1.5 parking spaces per dwelling unit.
  4. RNT District: Two parking spaces per dwelling unit.

RESIDENTIAL PARKING ZONES MAP



**Legend**

- Tier 1-1.00 parkings spaces / dwelling unit
- Tier 2-1.25 parking spaces / dwelling units
- Tier 3-1.50 parking spaces / dwelling units



**D.** Landbanked parking is allowed as a conditional permit to reduce the total number of off-street parking spaces required to be paved.

1. Every application for a conditional use to allow landbanking of required parking spaces must be accompanied by alternate detailed parking plans. One plan must show the total number of spaces required by Table 12-1. The other plan must show the proposed number of spaces to be provided pursuant to the conditional use and must also show the landscaping treatment of areas proposed to be reserved for future parking requirements. The design plans for such parking areas are subject to the approval of the City Council.
2. Both plans must show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for:
  - a. Wheel stops
  - b. Markings
  - c. Curbing
  - d. Surfacing
  - e. Screening and landscaping
  - f. Lighting
  - g. Signs
  - h. Access

3. As a condition of granting the conditional use, the applicant must file with the City Manager an unconditional agreement and covenant in form and substance satisfactory to the City Attorney that areas reserved for future parking will be maintained as landscaped open space until required to be used for off-street parking. The ordinance granting such permit, together with such agreement and covenant, must be recorded with the Recorder of Deeds of DuPage County, Illinois.

#### **12.4 LOCATION OF OFF-STREET PARKING SPACES**

##### **A. Residential Uses**

1. All required parking spaces for residential uses must be located on the same lot as the residential use.

##### **B. Nonresidential Uses**

1. All required parking spaces for nonresidential uses must be located on the same zoning lot as the building or use served. However, required parking spaces for nonresidential uses may be located within 300 feet of the use if the spaces are located in a nonresidential district or are located in a residential district on a lot that abuts such nonresidential district. Any surface parking lots established on a residential district lot require conditional use approval.
2. Where parking facilities are permitted on a lot other than the lot where the use is located, such facilities must be in the same possession as the lot occupied by the use the parking facilities are accessory to. Possession may be either by deed or long-term lease. Such deed or lease must be filed with the Zoning Administrator. The deed or lease requires such owner, or their heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever terminates sooner.
3. Surface parking lots for nonresidential uses may be located in any yard subject to the following:
  - a. Surface parking lots located within a front or corner side yard are restricted to passenger-sized motor vehicles only.

b. Any surface parking lots within the front or corner side yard in a commercial district that has a required front or corner side setback must be set back at least 25 feet from the front or corner side lot line. If there is no required front or corner side setback, no parking setback is required unless required by landscape standards.

## 12.5 OFF-STREET PARKING FACILITY DESIGN

### A. Dimensions

1. Off-street parking spaces and drive aisles within a parking facility must be designed in accordance with the minimum dimensions in Table 12-3: Off-Street Parking Space Minimum Dimensions. Other parking angles other than those described in Table 12-3 are permitted but must be approved by the Zoning Administrator and provide evidence of safe and efficient parking configuration and traffic circulation.

Figure 12-3: Off-Street Parking Space Minimum Dimensions					
Parking Angle	Stall Width (A)	Stall Depth (B)	Aisle Width (C)	Module Width 2 Rows of Parking (D)	Vertical Clearance
45°	8' 6"	17' 6"	14'	49'	7' 6"
60°	8' 6"	19'	16'	54'	7' 6"
75°	8' 6"	19' 6"	18' 6"	57' 6"	7' 6"
90°	8' 6"	18' 6"	23'	60'	7' 6"
Parallel	8' 6"	20'	13'	28'	7' 6"

2. Up to 10% of the parking spaces in a parking facility for a nonresidential use may be designed as compact spaces. Compact parking space for compact cars must be a minimum of eight feet in width and 16 feet in length.

### B. Access

1. All required off-street parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.
2. All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.
3. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out; this does not apply to single-family and two-family dwellings. In addition, this standard does not apply when access is taken from an alley.
4. All curb cuts must comply with the regulations of the City Code. One curb cut is allowed for ingress/egress unless specific documentation is provided that demonstrates the need for additional curb cuts. Curb cuts designed for properties adjacent to arterial roadways must be in conformance with Arterial Highway Development Policies and Standards for DuPage County, as adopted September 11, 1984, where applicable, and the Comprehensive Plan of the City.
5. All driveways must conform to all applicable driveway specifications adopted by the City.
6. Dead end surface parking lots without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating "No Parking" and painted to indicate parking is prohibited.

### C. Surfacing

All driveways and parking areas must be surfaced and constructed in accordance with the City Building Code.

### D. Striping

Off-street surface parking lots must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition.

#### **E. Curbing and Wheel Stops**

1. Curbing and wheel stops are required when a parking space abuts required landscape areas, pedestrian walkways, structures, fences, or the edge of the surface parking lot along a lot line. Such curbing must be constructed of permanent materials, such as concrete or masonry, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.
2. Wheel stops within the interior of the surface parking lot are prohibited.

#### **F. Lighting**

Surface parking lot and structure lighting must be in accordance with Section 10.2.

#### **G. Landscape**

All surface parking lots must be landscaped in accordance with Article 13.

#### **H. Cleaning and Maintenance**

Except in the industrial districts, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30PM and 6:00AM each day, except for the removal of snow.

#### **I. Shelter/Kiosk Building**

No surface parking lot for accessory off-street parking may have more than one attendant shelter/kiosk building, which must conform to all setback requirements of the district.

### **12.6 ELECTRONIC VEHICLE PARKING REQUIREMENTS**

**A.** Electronic vehicle parking spaces are required in all surface parking lots and parking structures with more than 35 spaces.

**B.** There are three types of electric vehicle (EV) charging stations:

1. EV-Capable: Installation of electrical panel capacity with a dedicated branch circuit, and continuous raceway from the panel to the future EV parking space.
2. EV-Ready: Installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt outlet accessible to parking space
3. EVSE-Installed: Installation of a level 2 charging stations or level 3 fast charging stations, or the equivalent if standard industry categorizations change.

**C.** Only EV-Capable spaces are required to be installed. A minimum of 10% of total spaces must be EV-Capable spaces. However, no more than ten spaces are required in a parking facility.

1. Where an EVSE-Ready space is built, it will count toward 1.25 EV-capable spaces.

2. Where an EVSE-Installed space is built, it will count toward 2 EV-capable spaces.

### **12.7 BICYCLE PARKING SPACE DESIGN**

#### **A. Required Bicycle Spaces**

Where off-street parking facilities are provided, bicycle parking spaces must be provided as indicated in Table 12-1.

#### **B. Location**

1. Bicycle racks must be located on the same zoning lot as the use.
2. Bicycle racks must be located such that they are highly visible from the street and/or building entrance with adequate lighting. Bicycle parking must be located in designated areas that minimize pedestrian and vehicular conflicts. Bicycle parking located within an automobile parking area must be clearly designated and located as close to a building entrance as possible.

3. Bicycle parking cannot encroach into any pedestrian walkway.
4. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

**C. Design**

1. Bicyclists must be able to lock their bicycles to the rack with the rack supporting the bicycle in an upright position.
2. Bicycle parking must be provided on an improved hard surface and securely anchored to a supporting surface. Installation of bicycle racks must also conform to the requirements set forth by the bicycle rack manufacturer.
3. Bicycle racks must be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate their locking mechanism.
4. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All racks must be securely anchored to the ground, a building, or other structure.

**D. Shared Bicycle Parking Facilities**

1. Bicycle rack facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing the number of spaces required in relation to the use served.
2. Such facilities must be located on one of the lots on which a use served is located; provided, that such facilities are also located not more than 300 feet walking distance from all uses that such bicycle facilities are intended to serve.

**12.8 OFF-STREET LOADING BERTHS**

**A. Design**

1. All required loading berths must be located on the same lot as the use. All circulation and maneuvering, including loading, unloading, and turnaround areas, must occur on-site.
2. No loading berth may be located within 30 feet of the nearest point of intersection of any two streets.
3. No loading berth may be located in a front or corner side yard or in front of a front building line.
4. Unless otherwise specified by this Ordinance, a required loading berth must be at least 12 feet in width and 30 feet in length, exclusive of aisle and maneuvering space, and must have a vertical clearance of at least 15 feet.
5. Each off-street loading berth must be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and is subject to approval by the Zoning Administrator.
6. All open off-street loading berths must be surfaced with a dustless all-weather material capable of bearing a live load of 200 pounds per square foot.
7. All off-street loading spaces must meet the lighting requirements of Section 10.2.
8. All loading berths which abut a residential district or where an alley is located between the loading berths and a residential district must be screened along such lot lines with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height. Loading berths should be located opposite any abutting residential district lot line where practicable.
9. Loading berths must be screened along any interior side and/or rear lot line that abuts any non-industrial district with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height.

**10.** Central loading facilities may be substituted for loading berths on the individual lots provided the following conditions are fulfilled:

- a.** Each lot served must have direct access to the central loading area without crossing streets or alleys at-grade.
- b.** Total off-street loading berths provided must meet the minimum requirements of this section, based on the sum of the several types of uses served.
- c.** No lot served may be more than 500 feet from the central loading area.
- d.** The tunnel or ramp connecting the central loading area with the zoning lot served cannot be less than seven feet in width and have a clearance of no less than seven feet.

**11.** Cross-dock loading design is prohibited.

**B. Required Number of Off-Street Loading Spaces**

- 1.** Off-street loading spaces must be provided in accordance with Table 12-4: Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (*for example, if only one nonresidential use tenant of a multi-tenant building is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required*).
- 2.** Uses that are located in buildings of less floor area than the minimum threshold for required loading berths must be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same lot.
- 3.** Loading spaces are not required in the CBC, CBOC, and CBOCR Districts.

TABLE 12-4: OFF-STREET LOADING REQUIREMENTS

Use Type	Minimum Number of Spaces Required
<b>Multi-Family Dwelling</b>	
50 dwelling units or more	1 loading space or a site plan that illustrates sufficient area for ingress/egress for moving trucks
<b>Commercial &amp; Institutional Use</b>	
10,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
200,001sf and above GFA	3 loading spaces
<b>Industrial Use</b>	
10,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

## 12.9 COMMERCIAL AND RECREATIONAL VEHICLE STORAGE

### A. Commercial Vehicles

#### 1. Residential Lots

- a. No commercial vehicle may be parked outdoors on a residential lot, with the following exceptions:
  - i. Vehicles engaged in loading or unloading or current work being done to the adjacent premises.
  - ii. Commercial vehicles that are standard size passenger motor vehicles including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, may be parked outdoors overnight on lots in residential districts in permitted parking areas.
  - iii. Permitted commercial vehicles per item ii above may include the logo of the commercial business painted on or applied to the vehicle.
- b. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be parked outdoors overnight on a residential lot.

#### 2. Nonresidential Lots

On nonresidential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

### B. Recreational Vehicles

1. No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard, including on a residential driveway, for more than 72 hours.
2. Recreational vehicles six feet or less in height, height as measured to the highest point of the vehicle, may be stored within the interior side yard behind the front building line or in the rear yard. Recreational vehicles more than six feet in height, as measured to the highest point of the vehicle, must be stored in the rear yard and must be located at least ten feet from any lot line.
3. The area devoted to recreational vehicle storage must be on a hard surfaced, all-weather dustless material. Gravel is prohibited.
4. There is no limit on the storage of recreational vehicle within fully enclosed permanent structures.
5. No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities.
6. All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered a dangerous and unsafe condition.

## Article 13. Landscape

- 13.1 APPLICABILITY, SELECTION, INSTALLATION, AND MAINTENANCE**
- 13.2 ALTERNATIVE LANDSCAPE PLAN**
- 13.3 SURFACE PARKING LOT LANDSCAPE**
- 13.4 BUFFER YARD LANDSCAPE**

### **13.1 APPLICABILITY, SELECTION, INSTALLATION, AND MAINTENANCE**

#### **A. Applicability of Landscape Standards**

The requirements of this Article do not apply to single-family and two-family dwellings.

#### **B. Selection**

1. All plants must meet minimum quality requirements and be free of defects, of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Horticulture Industry Association (AmericanHort).
2. All plant materials must be capable to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimate.
3. The use of native or naturalized vegetation is required. Invasive species are prohibited.

#### **C. Installation**

1. All landscaping must be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth, and per the ANSI A 300 Standard Practice for Tree, Shrub, and other Woody Plant Maintenance, most current edition and parts.
2. Placement of plant material is encouraged to leverage passive heating and cooling strategies, to reduce the energy consumption needs of the development.

#### **D. Existing Trees and Shrubs**

All existing trees and shrubs that are maintained on a site and in good health may be counted toward any required on-site landscape of this Article.

#### **E. Recommended Minimum Planting Sizes**

1. Shade trees should have a minimum trunk caliper of 2 inches at planting.
2. Evergreen trees should have a minimum height of six feet at planting.
3. Single stem ornamental trees should have a minimum trunk size of two inches in caliper at planting. Multiple stem ornamental trees should have a minimum height of seven feet at planting.
4. Shrubs should have minimum height of 18 inches at planting.

#### **F. Maintenance**

1. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a development in the same manner as parking, building materials, and other site details. The applicant, developer, landowner, or successors in interest are jointly and severally responsible for the regular maintenance of all landscaping elements in good condition.
2. All landscaping must be maintained free from disease, pests, weeds, and litter. All landscape structures such as fences and walls must be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition.
3. Any landscape element that dies, or is otherwise removed or seriously damaged, must be removed and replaced within 30 days of the beginning of the growing season.
4. Proper mulching is required to maintain required trees.

#### **G. General Landscape Requirement**

All portions of a lot not covered by structures or paved surfaces must be landscaped with trees, shrubs, live groundcover, and other plantings. Rain gardens, bioswales, and similar stormwater management landscape elements also meet this requirement.

#### **13.2 ALTERNATIVE LANDSCAPE PLAN**

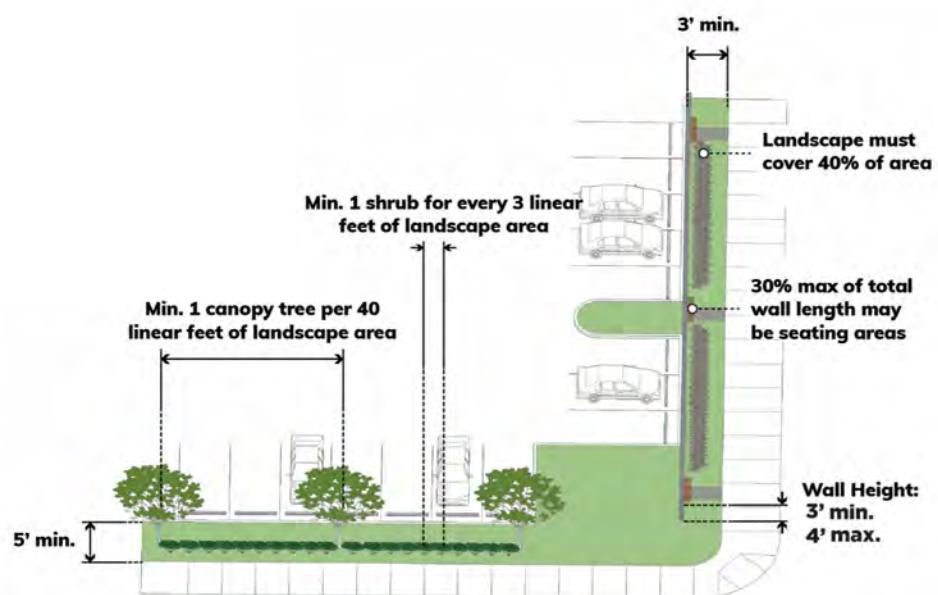
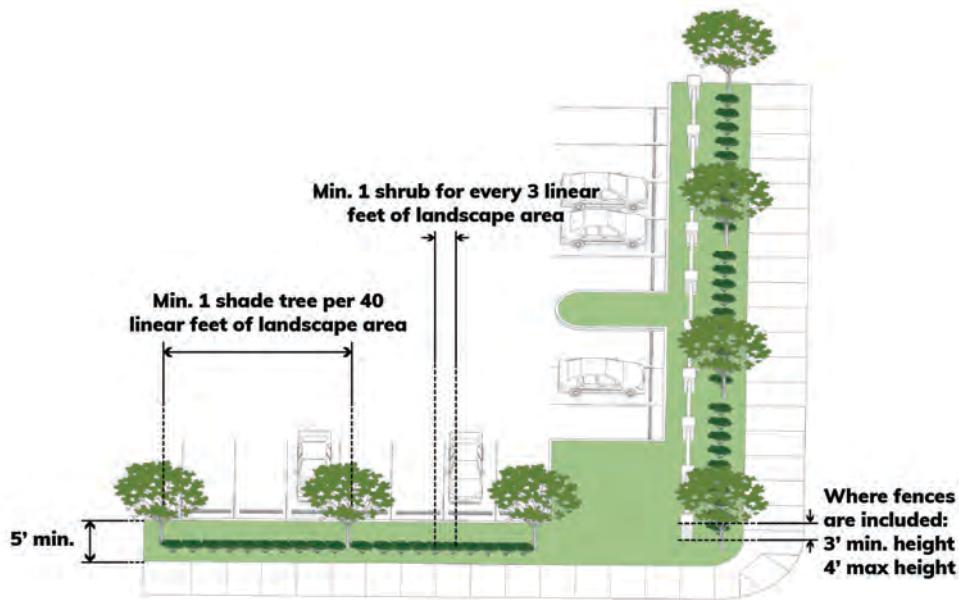
An applicant may submit an alternative landscape plan that includes an alternate method of meeting the requirements of this Article. Such alternative landscape plan must be prepared by a licensed professional and requires site plan review.

#### **13.3 SURFACE PARKING LOT LANDSCAPE**

##### **A. Perimeter Surface Parking Lot Landscape**

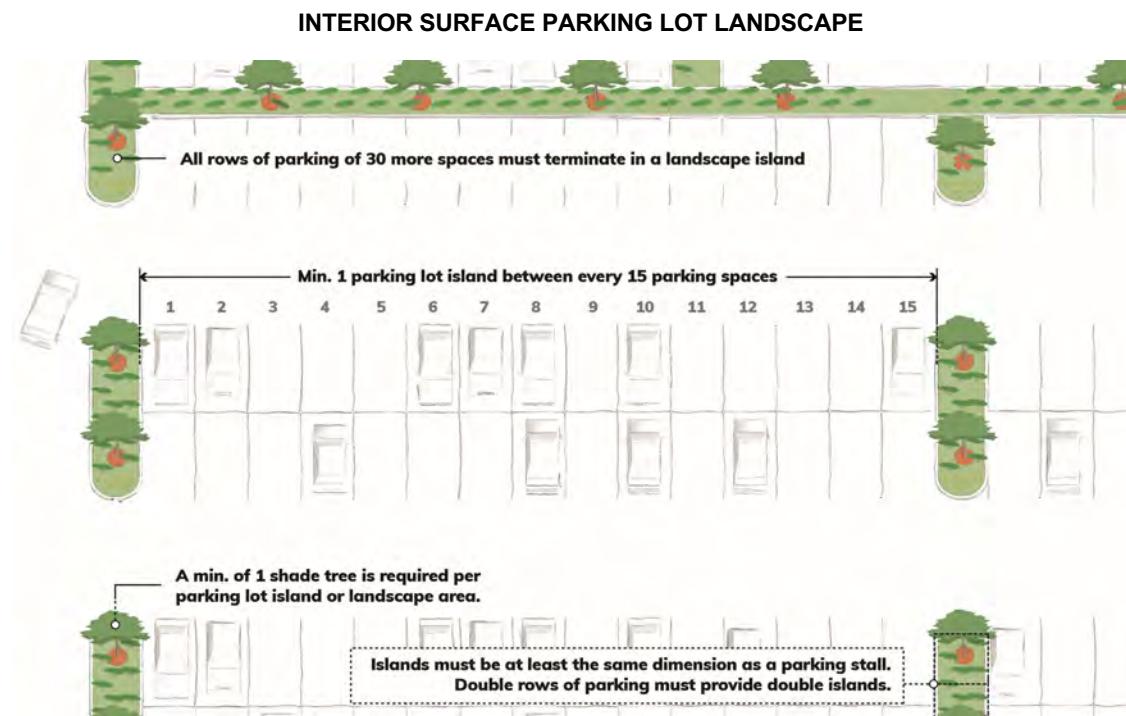
1. Perimeter landscape is required along all edges of any surface parking lot of five or more spaces that abuts a street (this does not include alleys). The landscape treatment must run the full length of that edge, except for points of ingress or egress.
2. The perimeter landscape area must be a minimum of five feet in width. In addition, there must be a minimum linear clear distance of 18 inches between the perimeter landscape area and any wheel stops or curbs to accommodate vehicle bumper overhang.
3. The perimeter landscape area must be planted as follows:
  - a. A minimum of one shade tree must be planted for every 40 linear feet of landscape area, spaced linearly on-center. Trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 40 linear feet of landscape area.
    - i. Alternatively, two ornamental trees may be planted for each shade tree. Ornamental trees may be spaced at various intervals based on specific site requirements.
    - ii. The City Forester may grant an exception to this tree planting requirement where it is determined that there is a conflict with existing parkway trees.
  - b. A minimum of one shrub must be planted for every three linear feet of landscape area, spaced linearly on-center.
  - c. Fences or walls are permitted within this area. Such fences or walls must be constructed of high quality, durable materials such as masonry, stone, brick, iron, vinyl, or any combination thereof. Fences must be a minimum of three feet in height to a maximum of four feet in height and are subject to the site visibility standards of Section 10.1.D. In the CBC and CBOC Districts, all fences must be open fences, and solid fences and walls are prohibited.
  - d. Landscape areas outside of shrub masses must be planted in live groundcover, perennials, and/or grass. Rain gardens, bioswales, and similar stormwater management landscape elements also meet this requirement.
4. The following is an accepted alternative to the planting requirements of item 3 above. This alternative is not permitted in the CBC and CBOC Districts.
  - a. A low pedestrian wall of a minimum of three feet in height to a maximum of four feet in height constructed of masonry, concrete, or similar permanent material may be installed. In this alternative, the surface parking lot screening area of item 2 above may be reduced to from five feet to three feet in width.
  - b. Shrubs, groundcover, perennials, ornamental grasses, and other native planting types must be planted in front of such wall, facing toward the street, covering a minimum of 40% of the total screening area.
  - c. Up to 30% of the total length of such wall (item a above) may be designed as a seating wall. Where seating areas are included, the minimum wall height does not apply and plantings are not required in front of that portion of the seating wall.

PERIMETER SURFACE PARKING LOT LANDSCAPE



## B. Interior Surface Parking Lot Landscape

1. Any surface parking lot of more than 15 spaces is required to install interior surface parking lot landscape.
2. One surface parking lot island must be provided at a minimum between every 15 parking spaces. As part of the landscape plan approval, surface parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces. In addition, all rows of parking spaces of 30 or more spaces must terminate in a landscape island.
3. Surface parking lot islands must be, at minimum, the same dimension as a parking stall. Double rows of parking must provide surface parking lot islands that are, at minimum, the same dimension as the double row.
4. A minimum of one shade tree must be provided for every surface parking lot island or landscape area. The remaining area of a surface parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, and/or grass except for any areas accommodating pedestrian access and circulation.
5. The use of stormwater management elements, such as sunken islands, perforated curbs, rain gardens and bioswales, is encouraged in landscape areas. When a surface parking lot island is designed for stormwater management, the tree requirement may be exempted as part of landscape plan approval with approval of the City Engineer.
6. Interior surface parking lot landscape is encouraged to coordinate with the design of surface parking lot lighting, to avoid conflicts between lighting and plant material that may result in the need for pruning or topping of required plant material.



## 13.4 BUFFER YARD LANDSCAPE

### A. General Requirement

1. Buffer yards are located within rear and interior side setbacks, and must be reserved for planting material and screening as required by this section. No parking spaces or accessory structures are permitted within the required buffer yard.
2. Where the use standards of Article 9 require specific buffer yards and/or screening, such standards control over the standards of this Article.

### B. Required Buffer Yards

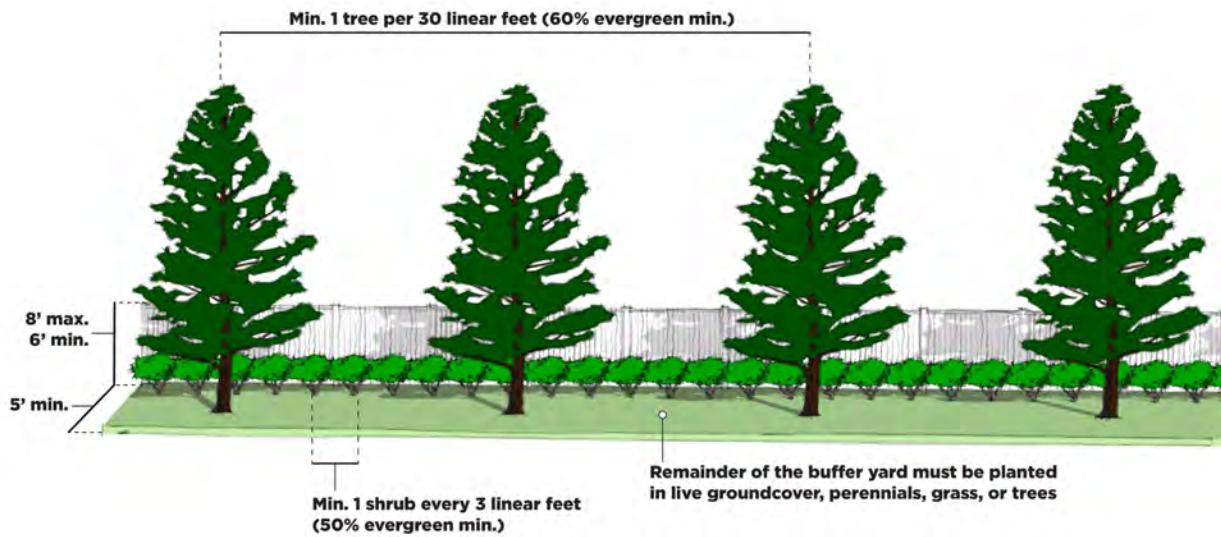
A rear or Interior side setback buffer yard is required in the following situations. Buffer yards apply when uses or districts share a lot line. When such uses are separated by a street or alley, buffer yards do not apply.

1. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling. The multi-family dwelling is responsible for the installation and maintenance of the buffer yard.
2. Where a nonresidential use abuts a single-family, two-family, or townhouse dwelling. Nonresidential use does not include a park or community garden. The nonresidential use is responsible for the installation and maintenance of the buffer yard.
3. Where a nonresidential district abuts a residential district. This does not include a park or community garden. The nonresidential district is responsible for the installation and maintenance of the buffer yard.
4. Where an industrial district abuts any non-industrial district. The industrial district is responsible for the installation and maintenance of the buffer yard.

### C. Buffer Yard Design

1. The buffer yard must be a minimum of five feet in width with the exception of the industrial districts, where the buffer yard must be a minimum of eight feet in width.
2. A solid fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the yard length at the lot line.
3. One tree must be planted for every 30 linear feet. 60% of such trees must be evergreen. Trees must be planted toward the interior of the lot. Trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
4. One shrub must be planted for every three linear feet of landscape area, spaced linearly. A minimum of 50% of required shrubs must be evergreen. Shrubs must be planted toward the interior of the lot. Shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
5. The remainder of the buffer yard must be planted in live groundcover, perennials, grass, or trees. Limited amenities, such as seating areas, walking paths, and picnic tables for the use of the on-site users are permitted within the buffer yard.

### BUFFER YARD: STANDARD

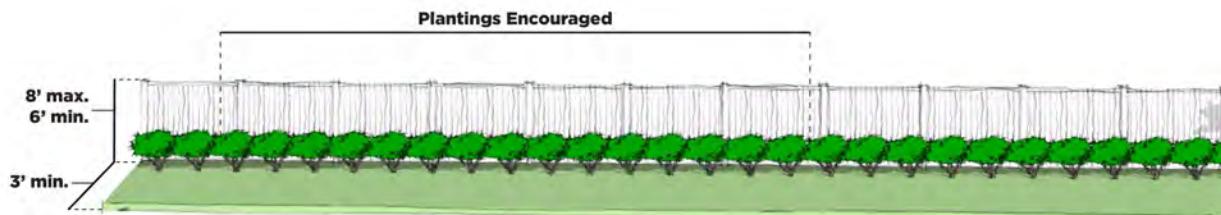


#### D. Shallow Rear Buffer Yard Alternative

For lots of 90 feet or less of lot depth, the following rear buffer yard alternative applies:

1. The rear buffer yard must be three feet in depth.
2. A fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the rear setback buffer yard length and located at the rear lot line.
3. Plantings are encouraged to soften the effect of the fence or wall, but are not required.

### BUFFER YARD: SHALLOW





## Article 14. Signs

- 14.1 PURPOSE
- 14.2 GENERAL STANDARDS
- 14.3 ILLUMINATION
- 14.4 PROHIBITED SIGNS
- 14.5 EXEMPT SIGNS
- 14.6 SIGNS - SIGN PERMIT REQUIRED
- 14.7 SUMMARY OF SIGN PERMISSIONS

### 14.1 PURPOSE

The purpose of this section is to provide standards for the regulation of the height, size, location, and appearance of signs, to:

- A. Protect the public health, safety, and general welfare.
- B. Prevent excessive sign clutter.
- C. Reduce hazards to motorists, bicyclists, and pedestrians.
- D. Protect and enhance neighborhood character.
- E. Encourage sound sign practices to aid businesses and provide information to the public.

### 14.2 GENERAL STANDARDS

All signs constructed, erected, modified, or altered must comply with the following standards.

#### A. Exceptions

All signs constructed, erected, modified, or altered must comply with the standards of this Article, whether such signs do or do not require a sign permit, with the exceptions listed in this section. The following signs are not regulated by this Ordinance:

- 1. Signs within a building or enclosed space within a development that are not visible from a public right-of-way.
- 2. Signs installed by federal, state, or local governments.
- 3. Logos and labels on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed.
- 4. Flags of nations, states, and cities, or fraternal, religious, and civic organizations.

#### B. Location Restrictions

- 1. No sign may be erected in a location that violates the building code, fire code, and other applicable City codes or ordinances.
- 2. Only signs that have been placed by or authorized by federal, state, or the City may be installed on public property. Any sign installed on public property, including rights-of-way, without prior authorization, will be removed by the City without notice and disposed of.
- 3. No permanent sign may be erected on private property without the consent of the property owner or their authorized agent. Any sign installed on private property without authorization may be removed by the property owner without notice and disposed of.
- 4. No sign may be erected in a manner that obstructs access to any ingress or egress, fire escapes, fire hydrants, fire department connections, standpipes, and similar fire safety connections.

5. No sign can be placed on a building in such a manner as to obstruct windows, doors, or cover architectural details. This does not include permitted window signs placed on windows and doors.
6. No sign can be placed in such a manner as to violate the site visibility standards of Section 10.1.D.

#### **C. Audio Components**

Audio components are prohibited as part of any sign, except for the following:

1. Drive-through sign: For drive-through signs, the audio component is limited to communication between the customer and service window.
2. Signs owned and/or operated by a government agency.
3. Gas station pump video screens.

#### **D. Construction Standards**

1. Supports and braces must either be designed as an integral part of the overall sign or obscured from public view to the extent practicable.
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.
3. All signs must be designed and constructed in compliance with the building code, electrical code, and all other applicable codes and ordinances.
4. Glass comprising any part of a sign must be safety glass.
5. All electrical fixtures, devices, circuits, conduits, raceways, or similar features must be installed and maintained in compliance with the current electrical code.
6. Conduits, raceways, and other components of a sign illumination system must be designed as an integral part of the overall sign structure and obscured from public view to the extent technically practicable.

#### **E. Permitted Materials for Signs**

1. Permanent sign structures must be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction.
2. Solid awnings and structural canopies must be constructed of permanent building materials.
3. Awning, canopy, projecting, light pole banner, banners, and wall signs may also be constructed of durable weather resistant material such as canvas, nylon, or vinyl-coated fabric.

#### **F. Required Maintenance**

1. All signs must be kept in a safe and well-maintained condition and appearance, and must be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.
2. All signs must be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.
3. All unused sign hardware or wiring must be removed.
4. No sign frame may remain unfilled or allow any internal part or element of the sign structure to be visible.
5. If a sign is maintained in an unsafe or unsecured condition, it must be removed or the condition corrected. If the sign is not removed or the condition is not corrected within the required time period, the City may enforce this order through permitted enforcement procedures.

6. The City may remove any sign that is an immediate public peril to persons or property summarily and without notice. The owner of such sign is responsible for all costs of removal.
7. Painting, cleaning, or other normal maintenance and repair of a sign are exempt from requiring a sign permit. This does not include any structural changes or any changes in the electrical components of the sign, including the removal or replacement of electrical components. Any activity that increases the sign area, sign height, or any sign dimension, or moves the location of a sign, requires a sign permit.
8. The changing of a sign face requires a sign permit.

#### **14.3 ILLUMINATION**

- A. Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, must be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.
- B. All external illumination of a sign must concentrate the illumination upon the sign face.
- C. The use of bare bulbs as external illumination is prohibited.
- D. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.
- E. The maximum allowable footcandle at the lot line is one footcandle unless such signs are allowed to extend over the lot line, where the maximum of one footcandle is measured at the back of curb or edge of pavement.
- F. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between dusk and dawn. The sign must have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.
- G. Any illuminated sign, including electronic message signs, located on a lot abutting or across a street from, and visible from, any residential district cannot be illuminated between the hours of 8:00 p.m. and 6:00 a.m. However, such sign may remain illuminated during this time period when the business or activity is open for business, so long as such sign is not a public or private nuisance.

#### **14.4 PROHIBITED SIGNS**

The following sign types are specifically prohibited.

- A. Attention-getting devices. These include, but are not limited to
  1. Balloon signs. Inflatable advertising displays designed to inflate or move by use of a fan or blower are considered a balloon sign.
  2. Feather flags/sails.
  3. Pennants, ribbons, streamers, sheets, spinners, or other moving devices
  4. Strobe lights, moving or fixed spotlights, floodlights/searchlights.
- B. Banners wrapped around a permanent sign structure, such as a monument sign or blade sign.
- C. Cabinet box wall signs.
- D. Flashing signs.
- E. Moving signs, including any sign that rotates, revolves, or has any visible moving part, or any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements. However, analog clocks and barber poles are permitted.

- F. Marquees, with the exception of the York Theater Marquee.
- G. Off-premise signs, both permanent and temporary.
- H. Painted signs.
- I. Roof signs.
- J. Signs that constitute a traffic hazard, including signs that:
  - 1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color.
  - 2. May be confused with any public safety lighting.
  - 3. Mislead, interfere with, or confuse traffic.
- K. Vehicle signs with the exception of those signs painted on or applied to vehicles, trucks, or buses that are operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, and rental trucks, and such vehicles are properly parked or stored in areas related to their use and all such vehicles are in operable condition.
- L. Video display screens, except when permitted as part of a window sign or athletic field sign below.

#### **14.5 EXEMPT SIGNS**

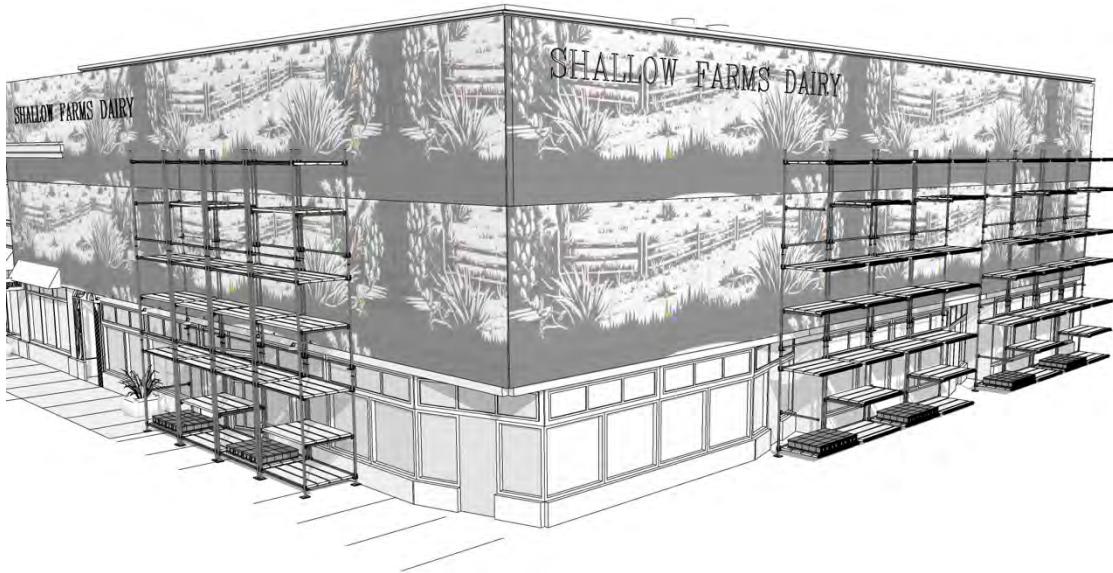
The following signs are permitted without a sign permit but are subject to the standards of this section.

##### **A. Construction Activity**

On a lot where active construction is taking place to improve the structure or site, a temporary sign is permitted subject to the following.

- 1. Such signs are permitted in all districts on all sites with such activity.
- 2. One sign is permitted per street frontage. Signs must be oriented to face the street.
- 3. Signs may be constructed as either freestanding signs, wall signs, or a sign mounted on a fence. Freestanding signs must be located five feet from any lot line.
- 4. Signs are limited as follows:
  - a. Residential Districts: 16 square feet in area and four feet in height.
  - b. All Other Districts: 32 square feet in area and six feet in height.
- 5. Signs may not be illuminated.
- 6. In the commercial and central business districts, in lieu of a freestanding, wall, or fence-mounted sign, a building wrap sign may be used to wrap the fence or the structure under construction. A wrap sign requires review and approval by the Zoning Administrator. Such wrap sign must be made of mesh or similar material. There is no maximum square footage limitation.
- 7. Such signs may be installed only after approval of a building permit for such activity. Signs must be removed once construction is complete or the building permit expires, whichever occurs first.
- 8. Any signs required by the City on an active construction site are exempt from these regulations and are not included in the maximum number of signs allowed on the site.

## CONSTRUCTION WRAP SIGN



### B. Culturally or Historically Significant Sites

1. A site or building with cultural or historical significance is permitted a permanent sign. Such signs are permitted in any district.
2. Signs on culturally or historically significant sites or buildings may be constructed as either freestanding or wall signs, subject to the following:
  - a. Signs are limited to three square feet in area.
  - b. Freestanding signs are limited to four feet in height and must be located six feet from any lot line.
  - c. Wall mounted signs must be placed so as to be an integral part of the structure, cut into stone or masonry, or be a permanently affixed plaque of metal or other durable material.
  - d. Freestanding signs must be made of durable materials, such as bronze, stone, or concrete.
  - e. Signs may be externally illuminated.
3. Signs on culturally or historically significant sites or buildings are limited to one per street frontage.

### C. Holiday Decorations

Such signs may be displayed for a period of not more than 30 days in connection with the holiday with which they are displayed, provided they create no safety hazard, nuisance, or adverse impact on adjacent properties.

### D. Multiple Tenant Building Entryway

Nonresidential and mixed-use developments with multiple tenants, are permitted a permanent sign at the entryway subject to the following:

1. Signs may be constructed as either freestanding, wall, or window signs.
2. Signs are limited to three square feet in area.
3. Freestanding signs are limited to five feet in height and must be located within six feet of the building entry.
4. Wall-mounted signs must be installed at the building entryway.

5. Freestanding signs must be installed so that they are only viewable at the building entryway.
6. Window signs are included in the maximum window sign limitation.
7. Signs are limited to one per building entry.

#### **E. Nameplates**

1. Nameplates are limited to one wall or freestanding sign per site.
2. Signs are limited to one square foot in area.
3. Freestanding signs are limited to four feet in height and must be located six feet from any lot line.
4. Signs may not be illuminated.

#### **F. Noncommercial Message**

Noncommercial messages are permitted in all districts. Examples include, but are not limited to, signs advocating a public issue, recommending a candidate for public office, alerts, or warnings.

1. Noncommercial messages are permitted in all districts.
2. Noncommercial messages may be installed as freestanding, wall-mounted, or window-mounted. There is no limit on the number of signs permitted.
  - a. Window signs are limited to a maximum coverage of 50% of the surface of each window area.
  - b. Freestanding and wall signs are limited to a maximum area of six square feet.
  - c. Freestanding signs must be located a minimum of six feet from any lot line.
3. No sign may be illuminated.
4. Signs cannot be used for any on-premises or off-premises advertising.
5. Federal and/or state regulations may contain additional permissions or restrictions on noncommercial messages, which control over these standards.

#### **G. Parking Lot, Surface and Parking Structure Circulation Points**

1. Surface parking lots and parking structures in all districts are permitted permanent signs at surface parking lot and/or structure circulation points in accordance with this section.
2. Circulation points include, but are not limited to, entrances/exits, driveway intersections, drive-through lanes, fire zones, pedestrian aisles, and parking lot drive aisles.
3. Signs at surface parking lot and structure circulation points may be internally or externally illuminated.
4. Signs are limited to a maximum of four square feet in area and four feet in height.
5. A freestanding sign may be two feet from the lot line when three feet or less in height and six feet from any lot line when over three feet in height.
6. Signs cannot be used for off-premises advertising.

#### **H. Real Estate Activity**

When a structure or lot is offered for sale, lease, or rent, such lot is permitted a temporary sign as follows:

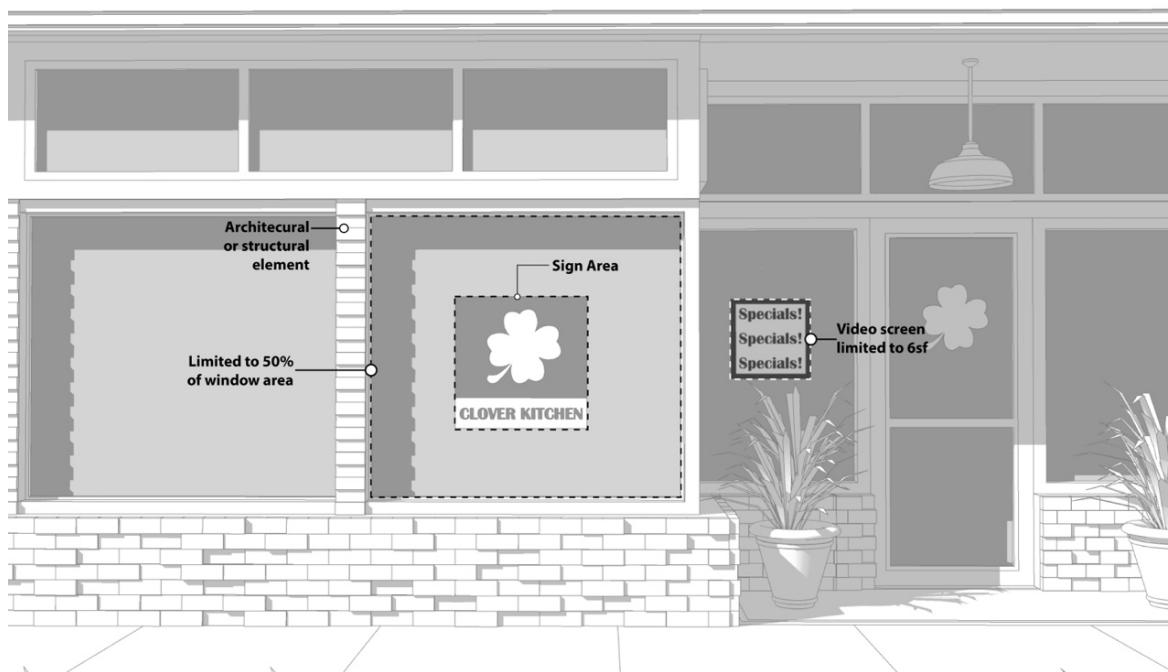
1. Such signs are permitted in all districts. Signs must be located on the site of the property for sale, lease, or rent.
2. Signs are limited to one per street frontage.

3. Signs may be constructed as either freestanding, wall, or window signs.
4. Signs are limited as follows:
  - a. Residential districts: Six square feet in area.
  - b. All other districts except C3, C4, C5, I1 and I2 Districts: 16 square feet in area.
  - c. C3, C4, C5, I1 and I2 Districts: 32 square feet in area.
5. Freestanding signs are limited to six feet in height and must be located within six feet from any lot line.
6. Such signs may not be illuminated.
7. Signs must be removed within 72 hours of final closing, lease, or rental.
8. If such signs are used in conjunction with a promotional activity related to the sale, lease or rent, such signs may be installed 48 hours prior to event and must be removed within 24 hours of the end of the event. Sign related to a promotional activity are limited to six square feet, regardless of the permissions of item 4 above.

#### I. Window Sign

1. Window signs are permitted for all nonresidential uses in all districts.
2. All window signs, whether temporary or permanent, are limited to no more than 50% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.
3. Window displays of items sold in the store are not considered window signs.
4. Video display screens are permitted as part of a window sign for a nonresidential use within a nonresidential district. Video display screens are limited to one per establishment and cannot exceed six square feet in area.

#### WINDOW SIGN



#### J. York Theater Marquee

The York Theater Marquee is deemed to be of special architectural and/or historical significance and therefore is exempt from the requirements of this Ordinance as of the effective date of this Ordinance. The marquee may be maintained and repaired but may not be expanded in area.

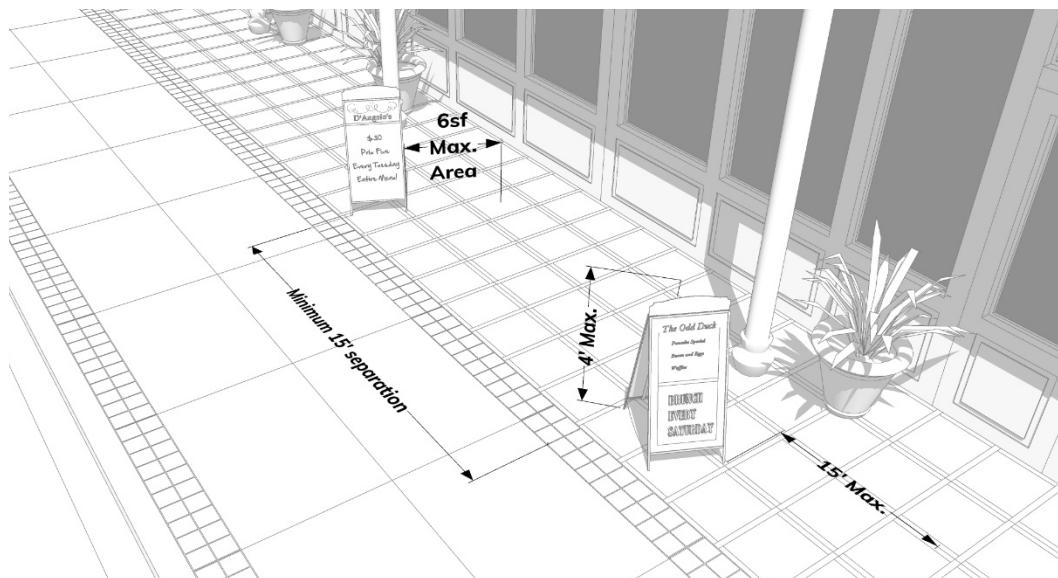
#### 14.6 SIGNS – SIGN PERMIT REQUIRED

This section describes the types of signs allowed with a sign permit or other approval. Specific regulations on each sign type may include further restrictions on which districts and/or uses within a district may utilize these sign types.

##### A. A-Frame Sign

1. A-frame signs are permitted for nonresidential uses in the commercial and central business districts. A-frame signs require a sign permit but are not subject to the sign permit fee.
2. One A-frame sign is permitted per each ground floor nonresidential establishment, including one for each ground floor nonresidential tenant in a multi-tenant development.
  - a. However, nonresidential establishments with frontages on Schiller Court or City Centre Way will be allowed one additional sidewalk sign per building on Addison Avenue or York Street, provided that such sign is located in front of the building in which the tenant has the business location.
3. A minimum 15 foot separation is required between all A-frame signs.
4. An A-frame sign must be placed within 15 feet of the primary entrance of the business and located within the ground-floor façade of the building. A-frame signs must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
5. A-frame signs are limited to six square feet in area per side and four feet in height.
6. The placement of A-frame signs outdoors is limited to business hours only. A-frame signs must be stored indoors at all other times.
7. A-frame signs must not be used outdoors when high winds, heavy rain, snow, or other weather conditions exist.
8. Illumination of A-frame signs is prohibited.
9. No A-frame sign may have any type of electronic component.

##### A-FRAME SIGN



## B. Athletic Field Sign

1. All athletic field signs require a conditional use permit.
2. A digital sign is permitted for an athletic field.
3. An athletic field sign may only be used when an athletic event is occurring on the athletic field premises and not more than six additional community events occurring on the athletic field premises in a calendar year.
4. An athletic field sign must be oriented toward the field. The back panel of the sign must primarily face the right-of-way.
5. The maximum size of an athletic field sign will be determined as part of the conditional use permit. Conditions may include standards to minimize nuisance, such as glare and noise.
6. An athletic field sign may include a video display screen.

## C. Awning Sign

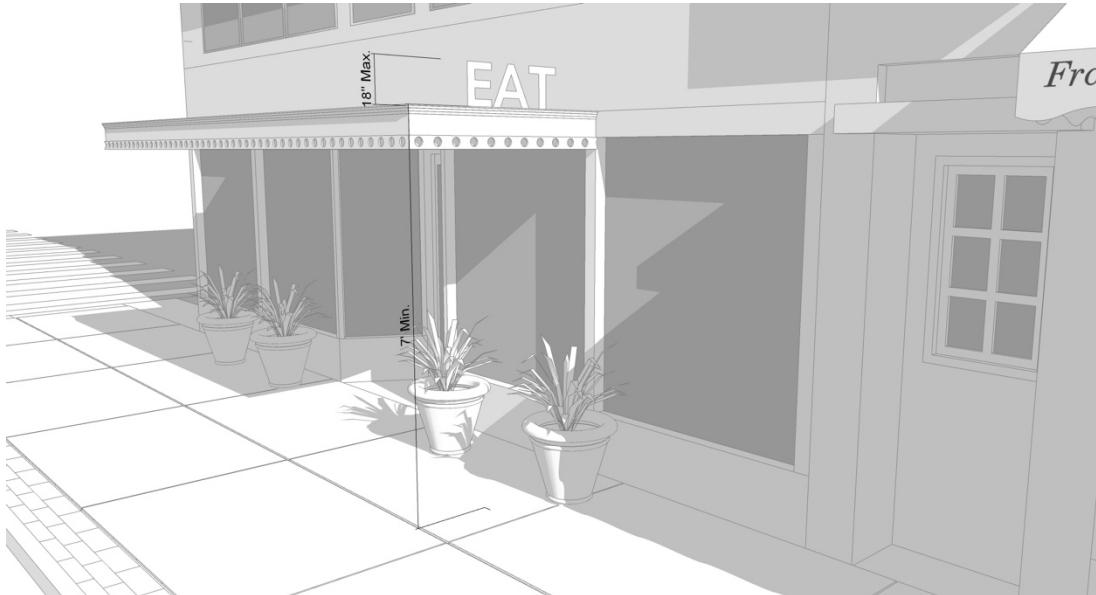
1. Awning signs are permitted for multi-family dwellings and nonresidential uses in any district.
2. Awning signs must maintain a minimum vertical clearance of seven feet.
3. Awning signs may encroach into the public right-of-way but must be located at least 18 inches from the curb line.
4. Sign copy on any awning sign surface is limited to 30% of each surface area. A valance is considered a separate surface area.
5. Solid awnings are permitted lettering attached to and located either above or below the awning to a maximum height of 18 inches.
6. Awning signs may be externally illuminated. All lighting must be focused on the printed area.
7. Back-lit awnings are prohibited.

### AWNING SIGNS



#### D. Banner

1. A banner is permitted for nonresidential uses in the nonresidential districts and for institutional uses in all districts. No banner may be exhibited until the Zoning Administrator approves a written request for such banner. The letter of request must include banner location and size.
2. Banners are limited to the following display periods:
  - a. When a banner is related to an event that has a specific start and end time: A total display period of 30 days prior to the start of the event, the time period of the event, and three days following the end of the event.
  - b. All other banners (non-time specific): 21 days.
  - c. A maximum of four display periods per year per establishment is permitted with a minimum of 30 days between displays.
3. One banner is permitted per establishment with frontage on the ground floor.
4. Banners are limited to a maximum area of 32 square feet.



5. Banners must be securely attached to a building wall. No banner may extend above the first floor of a building. However, institutional uses may install a banner as a freestanding sign. Freestanding banners are subject to the standards of this section and must be a minimum of six feet from a lot line.

#### E. Canopy Sign

Canopy signs are divided into two types: non-structural and structural.

##### 1. Non-Structural Canopy Signs

- a. Non-structural canopy signs are permitted for multi-family dwellings and nonresidential uses in all districts.
- b. Non-structural canopy signs must maintain a minimum vertical clearance of seven feet.
- c. Non-structural canopy signs may encroach into the public right-of-way but must be located at least 18 inches from the curb line. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.

- e. Sign copy on any canopy sign surface is limited to 30% of each surface area.
- f. Non-structural canopy signs may be externally illuminated and lighting must be focused on the printed area.
- g. Back-lit canopies are prohibited.

## 2. Structural Canopy Signs

### a. Permissions for Structural Canopy Signs

Structural canopy signs are permitted as follows:

- i. Structural canopy signs attached to the principal structure are permitted for multi-family dwellings and nonresidential uses in all districts.
- ii. Freestanding structural canopy signs are permitted for gas station and drive-through facilities in any district.

### b. Structural Canopy Signs Attached to Principal Structure

Structural canopy signs attached to the principal structure are subject to the following:

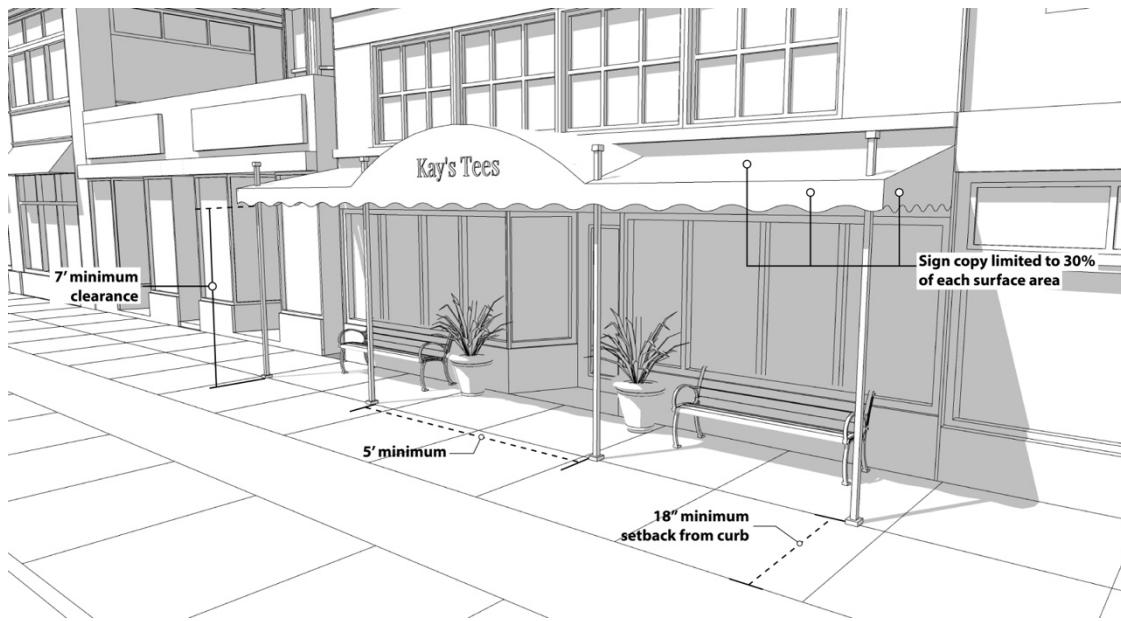
- i. Canopy signs attached to the principal structure may encroach into the public right-of-way but must be located at least 18 inches from the curb line.
- ii. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.
- iii. Canopy signs attached to a building must maintain a minimum vertical clearance of seven feet.
- iv. For structural canopies attached to a principal building, sign copy is limited to 30% of each surface area. Such signs are permitted lettering attached to and located either above or below the canopy to a maximum height of 18 inches. If attached below the canopy, the minimum vertical clearance of seven feet must be maintained from the bottom of such lettering.
- v. Structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign.

### c. Freestanding Structural Canopy Signs

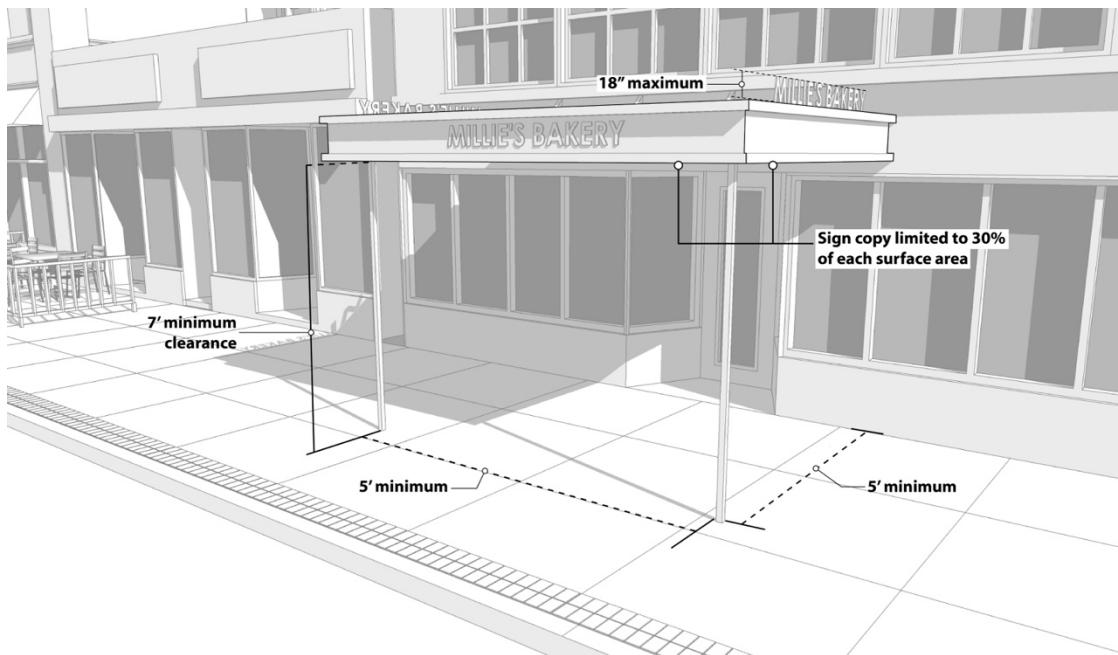
Freestanding structural canopy signs are subject to the following:

- i. Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet from a lot line, whichever is greater.
- ii. Freestanding structural canopy signs are limited to a maximum height of 25 feet. Height is measured to the highest point of the canopy.
- iii. For freestanding structural canopies, sign copy is limited to a maximum of 30% of the area of each façade. No sign may be mounted above the top of the roof of the structural canopy, but a sign mounted on the structural canopy façade may extend a maximum of six inches above the roofline.
- iv. Freestanding structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign. Freestanding structural canopies are permitted an illuminated band along each facade of the canopy, which is limited to 10% of the overall height of the facade of the canopy.

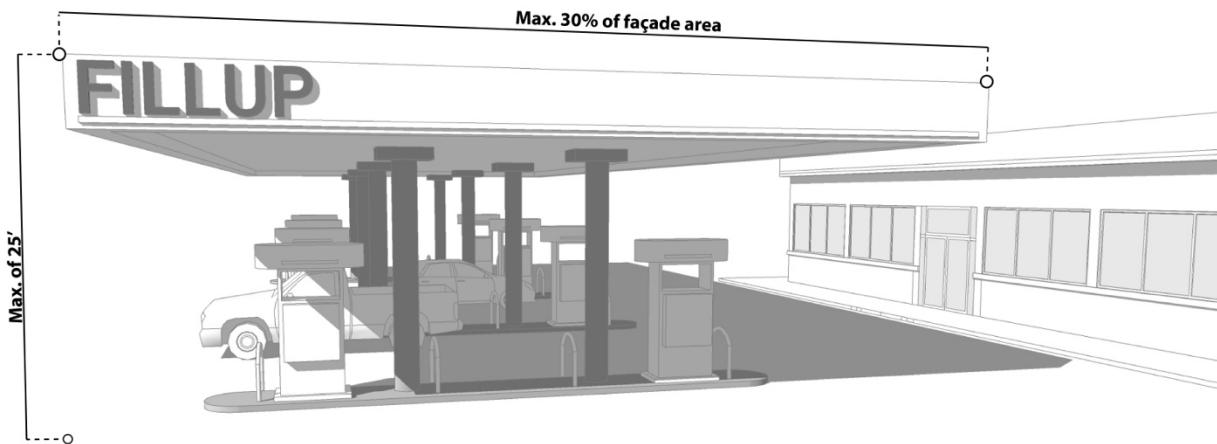
#### CANOPY SIGN – NON-STRUCTURAL



#### CANOPY SIGN – STRUCTURAL



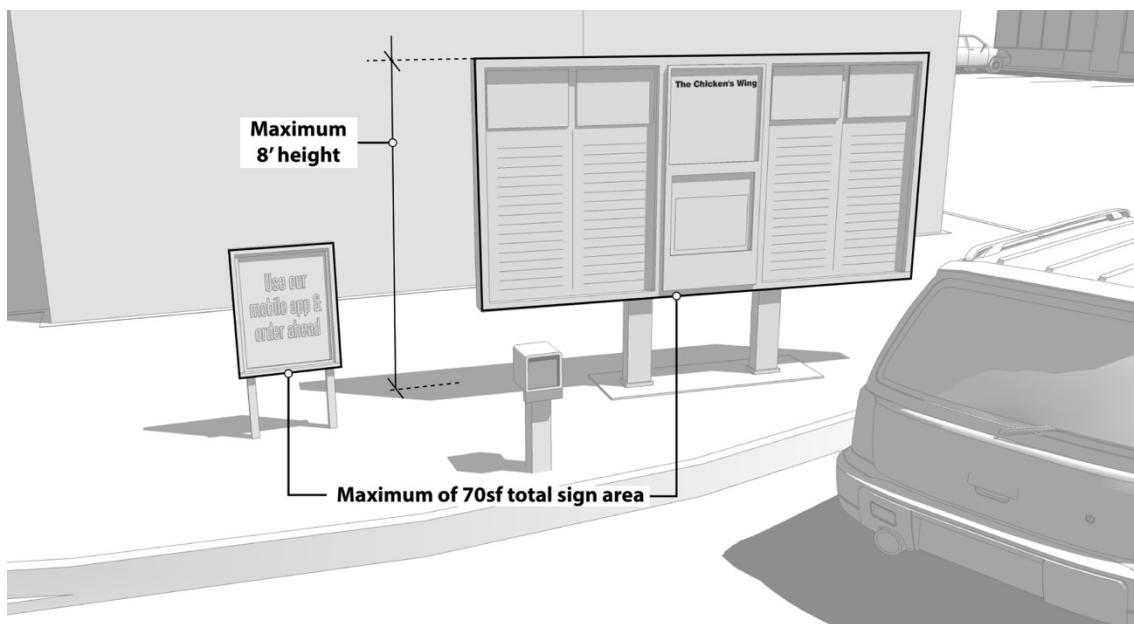
#### CANOPY SIGN – FREESTANDING STRUCTURAL



#### F. Drive-Through Sign

1. Drive-through signs are permitted for all drive-through facilities.
2. Drive-through signs are limited to a maximum of two per drive-through lane.
3. Drive-through signs are limited to 70 square feet in sign area and eight feet in height. The drive-through sign may be designed as separate freestanding signs grouped together and may include the use of preview boards designed as separate freestanding signs installed a distance earlier in the drive-through lane, however the total area of all signs must not exceed 70 square feet.
4. Drive-through signs are permitted an additional ten square feet of sign area for temporary signs attached to the top or sides of the drive-through sign.
5. Drive-through signs must be located a minimum of 15 feet from any residential district lot line. This is measured from sign face to lot line, including any public right-of-way.
6. Drive-through signs may be internally illuminated. Drive-through signs may also contain an electronic screen for interaction with each customer.

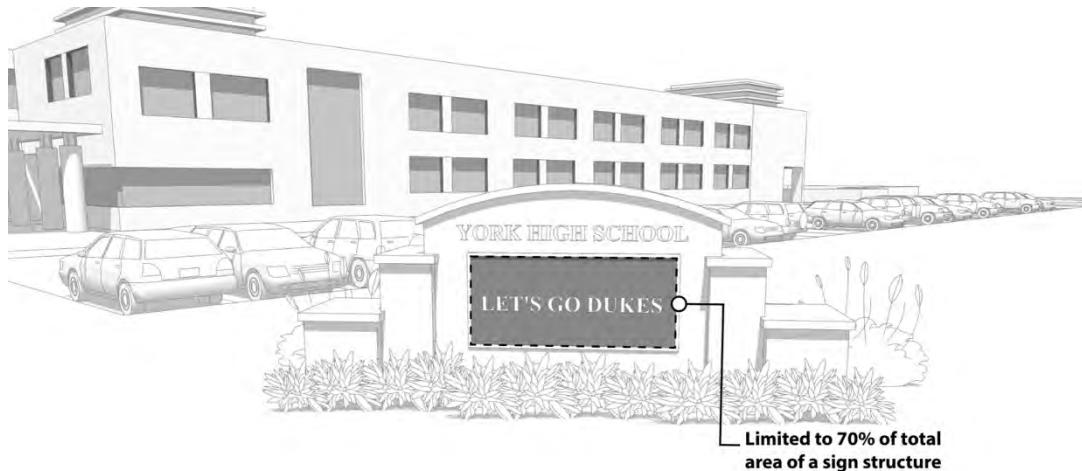
### DRIVE-THROUGH SIGN



#### G. Electronic Message Signs

1. Electronic message signs are permitted as follows:
  - a. Nonresidential uses within the commercial, central business, and industrial districts are permitted an electronic message sign.
  - b. Institutional uses such as, but not limited to, educational facilities, places of worship, and parks, are allowed an electronic message sign as a conditional use on properties that front on a street that is classified as a Minor Arterial, Principal Arterial, or Expressway, as defined in the 2009 Elmhurst Comprehensive Plan as amended from time to time
  - c. Gas stations in any district are permitted an electronic message sign to display information required to be displayed by law.
2. Electronic message signs are permitted as part of a freestanding or wall sign and are subject to the requirements for that sign type within the district.
3. Electronic message signs must be integrated into a larger sign structure. The electronic component is limited to a maximum of 70% of the total area of a sign structure. The larger sign structure must contain additional permanent copy; it cannot be a blank sign structure once the electronic message sign component is discounted.
4. Each message or image displayed on an electronic message sign must be static for a minimum of eight seconds. Electronic message signs must display static text messages only, with no animation or effects simulating animation or video. Any scrolling, flashing, spinning, revolving, or shaking animation, or movement of the message or any component of the sign is prohibited. Any message change sequence must be accomplished immediately by changing from one screen to another without transition by means of, for example, fade or dissolve mode. Video display screens are prohibited as part of an electronic message signs.
5. Electronic message signs cannot operate as an off-premise sign. This does not include noncommercial messages.

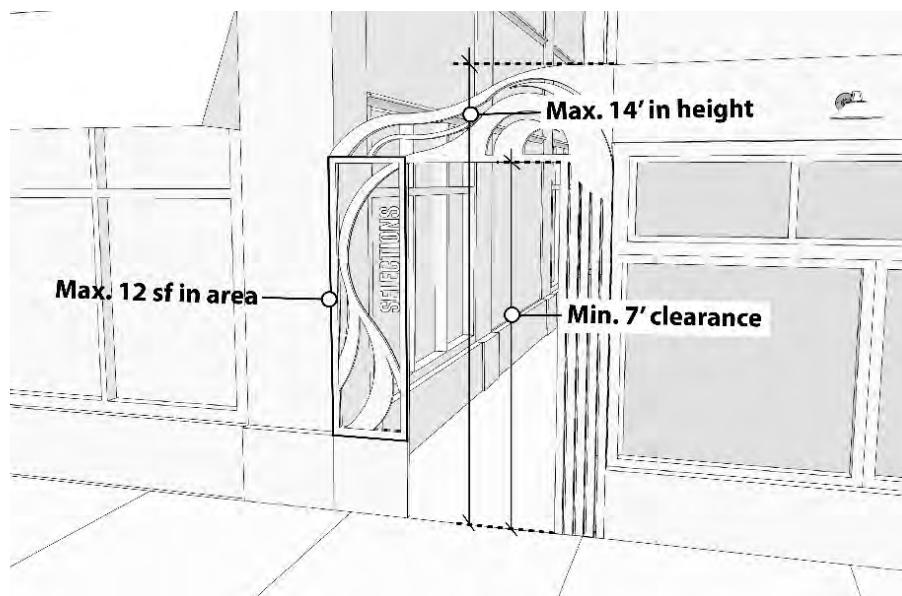
### ELECTRONIC MESSAGE SIGNS



#### H. Gateway Signs

1. Gateway signs are permitted in the CBC and CBOC Districts.
2. One gateway sign is permitted per lot. Gateway signs must be located over a main pedestrian entryway and located entirely on private property.
3. Gateway signs cannot encroach into the right-of-way or extend beyond the lot lines. Gateway signs are prohibited above driveways or any vehicle drive aisles.
4. Gateway signs are limited to a maximum of 12 square feet in area. The entire gateway structure is limited to 14 feet in height. A seven foot vertical clearance is required.
5. Gateway signs must be constructed of permanent building materials.
6. Gateway signs may be externally illuminated.

### GATEWAY SIGN



## I. Freestanding Signs

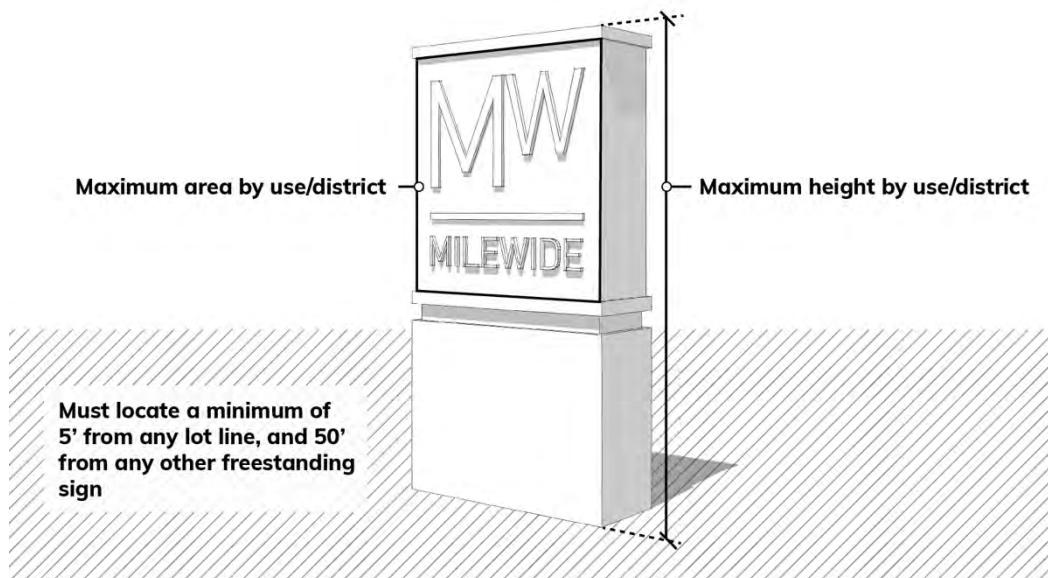
1. Freestanding signs are permitted as indicated in Table 14-1: Freestanding Sign Regulations. Table 14-1 indicates permissions for sign structure type (monument and/or pylon), as well as maximum areas and heights. Freestanding pylon signs require a conditional use permit.

Table 14-1: Freestanding Sign Regulations

		Monument		Pylon (Conditional Use Permit Required)	
District	Additional Restrictions	Maximum Sign Area	Maximum Sign Height	Maximum Sign Area	Maximum Sign Height
<b>Residential Districts</b>					
RE	Institutional Uses Only	32sf	6'	Not Permitted	
R1	Institutional Uses Only	32sf	6'	Not Permitted	
R1A	Institutional Uses Only	32sf	6'	Not Permitted	
R2	Institutional Uses Only	32sf	6'	Not Permitted	
R2A	Institutional Uses Only	32sf	6'	Not Permitted	
R3	Institutional Uses Only	32sf	6'	Not Permitted	
R4	Institutional & Multi- Family Uses Only	32sf	6'	Not Permitted	
R5	Institutional & Multi- Family Uses Only	32sf	6'	Not Permitted	
RNT	Institutional Uses Only	32sf	6'	Not Permitted	
<b>Commercial Districts</b>					
O1		8sf	6'	Not Permitted	
C1		16sf	6'	16sf	20'
C2		32sf	6'	32sf	20'
C3		48sf	6'	64sf	35'
C4		48sf	6'	64sf	35'
C5		32sf	6'	Not Permitted	
<b>Central Business Districts</b>					
CBC		50sf	6'	Not Permitted	
CBOC		50sf	6'	Not Permitted	
CBOCR	Institutional Uses	50sf	6'	Not Permitted	
<b>Industrial Districts</b>					
I1		48sf	6'	64sf	35'
I2		48sf	6'	64sf	35'
<b>Special Purpose Districts</b>					
CR		32sf	6'	Not Permitted	
CI		32sf	6'	Not Permitted	
HCC		64sf	8'	64sf	35'

2. One freestanding sign is permitted per lot.
3. An additional freestanding signs is permitted on a street frontage if the frontage is a minimum of 300 feet or more in length as follows. A minimum separation of 50 feet between signs is required.
4. A freestanding sign must be located six feet from a lot line and cannot encroach into the right-of-way or extend beyond the lot lines. Freestanding signs cannot encroach into any internal pedestrian walkway or driveway.
5. Freestanding signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.

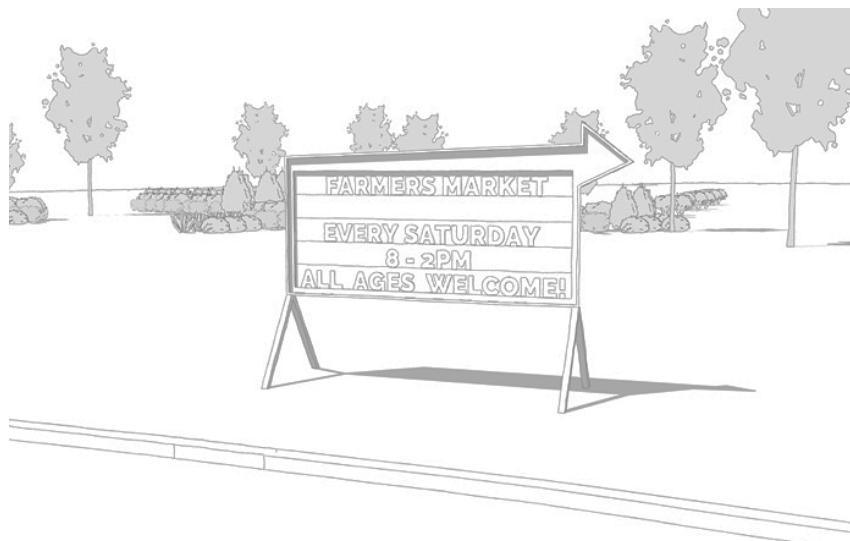
### FREESTANDING SIGN



#### J. Portable Readerboard Signs

1. A portable readerboard sign is permitted for nonresidential uses in the C3, C4, C5, I1, and I2 Districts.
2. A portable readerboard sign is limited to the following display periods:
  - a. When related to an event that has a specific start and end time: A total display period of 30 days prior to the start of the event, the time period of the event, and three days following the end of the event.
  - b. All others (non-time specific): 15 days.
  - c. A maximum of four display periods per year per establishment is permitted with a minimum of 30 days between displays.
3. A portable readerboard sign must be located six feet from any lot line. It cannot be located in any required parking or loading space.
4. A portable readerboard sign is limited to a maximum area of 24 square feet.
5. An institutional use may only have either a freestanding banner or a portable readerboard sign at any one time. This does not apply to building-mounted banners.

### PORTABLE READERBOARD SIGN



#### K. Projecting Signs

1. Projecting signs are permitted only in the CBC and CBOC Districts for nonresidential uses. Projecting signs are only permitted within the following area:
  - a. Schiller Court between York Street and Addison Avenue.
  - b. City Centre Way between York Street and Robert Palmer Drive.
2. Projecting signs may not be installed lower than 8.5 feet above grade or 20 feet higher than grade.
3. There may be no more than three projecting signs per building.
4. Projecting signs are limited to a maximum of 20 square feet.
5. Projecting signs may not project more than five feet from the building (including mounting mechanism).
6. No sign may be closer than ten feet from the property line on York Street or Addison Avenue.
7. Projecting signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the face from above.
8. Projecting signs may not be closer than 15 feet to another projecting sign.

#### L. Wall Sign

1. Wall signs are permitted for all nonresidential uses in any district.
2. Wall signs are permitted on each facade of a structure that faces a street. Wall signs are also permitted on facades that face a parking facility and facades that include a public entrance.
3. For a single tenant structure, the maximum total wall sign area is one square feet per one linear foot of building wall where the wall sign(s) will be mounted or 24 square feet, whichever is greater, up to a maximum total wall sign square footage of 100 square feet per facade. The square footage from different facades cannot be combined to create a larger sign on any one facade.

4. For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of one square feet per one linear foot of business frontage or 24 square feet, whichever is greater, along their individual frontage(s), up to a maximum total wall sign square footage of 100 square feet per frontage/facade. Exterior business façade area includes tenants with only windows on a façade where an entry is internal to the structure or located along a non-street facing façade.
5. For a site of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage from different structures cannot be combined to create a larger sign on any one structure.
6. The number of individual wall signs on a façade is not limited, however the cumulative sign area of all signs on a facade cannot exceed the maximum allowable total wall sign area per facade.
7. No sign may be painted on a wall or any other structure. As of the effective date of this Ordinance, existing painted on wall signs that are 50 years of age or older, called ghost signs, are exempt from this prohibition. Such signs may only be restored to the original graphic. No new information may be added to ghost signs. Existing ghost signs are not counted toward maximum wall sign area.
8. Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
9. Wall signs must be safely and securely attached to the building wall. Wall signs may also be mounted beneath a principal building overhang, such as an architectural projection or structural canopy. Wall signs that are suspended from a building overhang may be placed in front of building windows.
10. For wall signs mounted on a building wall, wall signs are limited to a maximum projection of 18 inches from the building wall.
11. For multi-story buildings, wall signs are permitted only within a sign frieze or sign band of the building immediately above the first floor window and below the second floor window sills. No wall sign is permitted above the second story sill line.
  - a. However, this does not apply within the industrial districts where wall signs may also be mounted within the top 20% of the height of the structure.
12. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.

### WALL SIGN - GENERAL



### WALL SIGN – INDUSTRIAL DISTRICTS

Wall Signs May Be Mounted Within Top 20% Of Structure



#### 14.7 SUMMARY OF SIGN PERMISSIONS

Table 14-2: Summary of Sign Permissions catalogs the types of permitted signs, both permanent and temporary, the districts and/or uses allowed such signs, and indicates whether such sign requires a sign permit. This table is provided for reference purposes. In the case of any conflict with the regulations of this Table and this Article and/or Ordinance, the specific sign regulations control over this Table.

Table 14-2: Summary of Sign Permissions

Sign Type	Exempt from Permit	Sign Permit Required	Districts/Uses
<b>A-Frame Sign</b>		✓	Nonresidential uses in the commercial and central business districts
<b>Athletic Field Sign</b>		✓	Athletic fields (conditional use permit required)
<b>Awning Sign</b>		✓	Multi-family dwellings and nonresidential uses in any district
<b>Banner</b>		✓	Nonresidential uses in the nonresidential districts and for institutional uses in all districts
<b>Canopy Sign</b>			
<i>Non-Structural Canopy Signs</i>		✓	Multi-family dwellings and nonresidential uses in all districts
<i>Structural Canopy Signs</i>			
<i>Structural canopy signs attached to principal structure</i>		✓	Multi-family dwellings and nonresidential uses in all districts
<i>Freestanding structural canopy signs</i>		✓	Gas stations and drive-through facilities in any district
<b>Construction Activity</b>	✓		On a lot where active construction is taking place to improve the structure or site
<b>Culturally or Historically Significant Sites</b>	✓		Sites or buildings with cultural or historical significance
<b>Drive-Through Sign</b>		✓	Drive-through facilities
<b>Electronic Message Signs</b>		✓	Nonresidential uses within the commercial, central business, and industrial districts; Institutional uses in any district as a conditional use on properties that front on a street that is classified as a Minor Arterial, Principal Arterial, or Expressway; Gas stations in any district to display information required to be displayed by law
<b>Freestanding Signs</b>			
<i>Monument Sign</i>		✓	Nonresidential uses in all districts <u>except</u> for residential districts and the CBOCR District – institutional uses only allowed a monument sign
<i>Pylon Sign</i>		✓	Nonresidential uses in C1, C2, C3, C4, I1, I2, HCC Districts (requires conditional use permit)
<b>Gateway Sign</b>		✓	CBC and CBOC Districts
<b>Holiday Decorations</b>	✓		All districts
<b>Multiple Tenant Building Entryway</b>	✓		Nonresidential and mixed-use developments with multiple tenants
<b>Nameplates</b>	✓		All districts
<b>Noncommercial Message</b>	✓		All districts
<b>Parking Lot, Surface and Parking Structure Circulation Points</b>	✓		Surface parking lots and parking structures in all districts
<b>Portable Readerboard Signs</b>		✓	Nonresidential uses in the C3, C4, C5, I1, and I2 Districts and for institutional uses in all districts
<b>Projecting Signs</b>		✓	CBC and CBOC Districts for nonresidential uses only within the following area: a. Schiller Court between York Street and Addison Avenue b. City Centre Way between York Street and Robert Palmer Drive
<b>Real Estate Activity</b>	✓		Where a structure or lot is offered for sale, lease, or rent

Table 14-2: Summary of Sign Permissions

Sign Type	Exempt from Permit	Sign Permit Required	Districts/Uses
Wall Sign		✓	Nonresidential uses in all districts
Window Sign	✓		Nonresidential uses in all districts

## Article 15. Zoning Administrators

- 15.1 ORGANIZATION
- 15.2 ZONING ADMINISTRATOR
- 15.3 ZONING BOARD OF APPEALS
- 15.4 ZONING AND PLANNING COMMISSION
- 15.5 CITY COUNCIL

### 15.1 ORGANIZATION

A. The primary administration of this Ordinance is hereby vested in four offices of the government of the City as follows:

1. Zoning Administrator
2. Zoning Board of Appeals
3. Zoning and Planning Commission
4. City Council

B. The Zoning Board of Appeals and the Zoning and Planning Commission are the same body acting in two capacities.

### 15.2 ZONING ADMINISTRATOR

The Zoning Administrator may designate one or more City staff persons as their designee to act as the Zoning Administrator; however, a zoning decision may only be rendered once. For the purposes of this Ordinance, the Zoning Administrator's responsibilities include the following.

- A. Issue all zoning certificates and maintain such records.
- B. Issue all occupancy certificates and maintain such records.
- C. Render zoning interpretations and maintain such records.
- D. Review and make decisions on administrative modifications and maintain such records.
- E. Review and make decisions on site plan reviews and maintain such records.
- F. Review and make decisions on sign permits and maintain such records.
- G. Review and make decisions on temporary use permits and maintain such records.
- H. Be responsible for conducting all necessary pre-application conferences and completeness reviews of applications, including inspections of buildings, structures, and land.
- I. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.
- J. Issue violation notices requiring compliance within a reasonable period of time, not to exceed 45 days, and advising suspected violators of right of appeal to the Zoning Board of Appeals.
- K. Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance, and revoke any certificate which was unlawfully issued.
- L. Have possession of permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variations, appeals, and applications.

- M. Assist in providing public information relative to this Ordinance.
- N. Forward applications that are initially filed with the office of the Zoning Administrator to the appropriate body.
- O. Enforce all orders of the Zoning Board of Appeals.
- P. Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance, and make a report of their recommendations to the Zoning and Planning Commission not less frequently than once a year. Once every three years the Zoning Administrator is required to make a study of both this Ordinance and the Comprehensive Plan, and submit a report to the Zoning and Planning Commission.
- Q. Request and receive the assistance and cooperation of the Police Department, Fire Department, City Attorney, and other City officials.
- R. Adopt rules and procedures consistent with this Ordinance.
- S. Other duties as assigned.

### **15.3 ZONING BOARD OF APPEALS**

#### **A. Creation and Membership**

- 1. A Zoning Board of Appeals also known as the Zoning and Planning Commission is hereby established. The word Board when used in this Ordinance is construed to mean the Zoning Board of Appeals. The Board shall consist of nine members appointed by the Mayor of the City, by and with the consent of the City Council. The nine members of the Zoning Board of Appeals first appointed shall serve respectively for the following terms: one for one-year, two for two years, two for three years, two for four years, and two for five years.
- 2. The successor of each member so appointed will serve for a term of five years. One of the members of the Board shall be designated by the Mayor of the City, with the consent of the City Council as Chair of the Board and shall hold office as Chair until a successor is appointed. The Mayor of the City, with the consent of the City Council, shall also appoint a Vice-Chair.
- 3. The Chair, or in their absence, the Acting Chair, may administer oaths and compel the attendance of witnesses.
- 4. The Mayor of the City will have the power to remove any member of said Board for cause and after public hearing.
- 5. Vacancies upon the Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner provided in this Ordinance.

#### **B. Meetings**

- 1. All meetings of the Zoning Board of Appeals shall be held at the call of the Chair, or upon the call of any three members, and at such times as such Board may determine.
- 2. All meetings of the Board shall be open to the public, except executive sessions in accordance with the Open Meetings Act.
- 3. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- 4. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board, when final, shall be filed in the office of the Board and shall be a public record.
- 5. The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the Illinois statutes in such case made and provided, and may select or appoint such officers as it deems necessary.

### C. Jurisdiction

1. For the purposes of this Ordinance, the Zoning Board of Appeals has the following duties:
  - a. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance.
  - b. To hear and pass upon applications for minor variations from the terms of this Ordinance, in the manner prescribed by and subject to the standards established in this Ordinance.
  - c. To hear and decide all matters referred to it upon which it is required to pass under this Ordinance.
  - d. To hear and refer to the City Council, with recommendations, requested major variations specifically.
2. All final administrative decisions of the Zoning Board of Appeals shall be subject to judicial review pursuant to the provisions of the Administrative Review Act of the State of Illinois approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

## 15.4 ZONING AND PLANNING COMMISSION

### A. Creation and Rules

The Zoning and Planning Commission of the City, as created in accordance with Illinois Statutes and as described and empowered in Section 4.07, is the Zoning and Planning Commission referred to in this Ordinance. The word Commission when used in this Ordinance is construed to mean the Zoning and Planning Commission.

### B. Jurisdiction

The Zoning and Planning Commission has the following duties under this Ordinance:

1. Review all applications for text and map amendments to this Ordinance, and report findings and recommendations to the City Council.
2. Review all applications for conditional uses, and report findings and recommendations to the City Council.
3. Review and make decisions on minor variances.
4. Review and make decisions on administrative modifications that have been denied or administrative modifications approved with conditions by the Zoning Administrator (at the applicant's option).
5. Receive from the Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report its conclusions and recommendations to the City Council not less frequently than once a year.
6. Review and advise upon all other matters referred to it by this Ordinance.

## 15.5 CITY COUNCIL

### A. Creation

The City Council of the City of Elmhurst, hereinafter referred to as the City Council or Council, as established in accordance with the revised statutes of the State of Illinois, the Elmhurst Municipal Code, and this Ordinance, is the City Council referred to in this Ordinance.

### B. Jurisdiction

The City Council has the following duties under this Ordinance:

1. Approve or deny proposed amendments and conditional uses.
2. Approve or deny major variations.
4. Review and make decisions on minor variations that have been denied by the Zoning Board of Appeals.
5. Act upon the annual report from the Zoning and Planning Commission concerning the status of zoning.



## Article 16. General Procedures

- 16.1 APPLICATIONS
- 16.2 NOTICE
- 16.3 PUBLIC HEARING

### 16.1 APPLICATIONS

#### A. Filing and Optional Pre-Application Conference

1. All zoning applications must be filed with the Zoning Administrator. The application must be on forms provided by the City and filed in such quantity as required by the instructions.
2. Prior to formal submittal of an application, a pre-application conference with the Zoning Administrator is available at the applicant's option. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application.

#### B. Application Completeness

1. The application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Zoning Administrator will examine all applications to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator will reject the application and provide the applicant with the reasons for the rejection. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees. However, once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a change to the application.

#### C. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

#### D. Consideration of Successive Applications

1. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless the applicant can show there is substantial new evidence available or that changed circumstances exist.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, they will summarily, and without hearing, deny the request.

#### E. Fees

Payment of filing fees are required in accordance with the Fee Schedule adopted by the City.

## 16.2 NOTICE

### A. Required Notice

Table 16-1: Required Notice indicates the types of notice required for zoning applications.

Zoning Application	Notice Type		
	Published	Mailed	Posted
Zoning Text Amendment Notice for Public Hearing	X		
Zoning Map Amendment Notice for Public Hearing	X	X	X
Conditional Use Notice for Public Hearing	X	X	X
Variance - Administrative Modification Notice for Public Decision		X	
Variance - Major or Minor Notice for Public Hearing	X	X	X
Zoning Appeals Notice for Public Meeting	X		
Planned Development Notice for Public Hearing (Preliminary Plan)	X	X	X

### B. Published Notice

When published notice is required in Table 16-1, the City will publish notice in one or more newspapers published in the City or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. The notice must include the date, time, place, and purpose of such hearing, as well as the common address and Parcel Identification Number (PIN) of the subject property if applicable. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date.

### C. Mailed Notice

When mailed notice is required in Table 16-1, the City is responsible for the mailing.

1. Written notice must be sent by first class mail, postage prepaid, to all owners, as determined from current real estate tax records, of property located within 500 feet of any lot line of the property. However, for administrative modifications, mailed notice is required to be sent to properties abutting the subject property as well as the property located directly across the street and the properties across the street that are diagonally opposite subject property.
2. Notice must be mailed no less than 15 and no more than 30 days in advance of the scheduled hearing date.
3. Distance is measured from the property line in each direction from the subject property. All roads, streets, and other public ways are included in the distance requirements.
4. The notice must include the date, time, place, and purpose of such hearing, as well as the common address and Parcel Identification Number (PIN) of the subject property if applicable.
5. Nothing in this section is intended to prevent the applicant or the City from giving additional notice as they deem appropriate.
6. If the taxpayer of record of any property on which notice is to be sent cannot be found at their last known address, the notice requirements are deemed satisfied.

### D. Posted Notice

When posted notice is required in Table 16-1, it must be located on the subject property in accordance with the following provisions:

1. The applicant is required to post one sign on the property for 15 consecutive days prior to the public hearing.
2. The sign must be posted by 9:00AM of the first day required.

3. The sign must have a white background with black lettering in bold print, the lettering to be no less than one inch in height.
4. The sign must be a freestanding sign, not to exceed five feet in height. The sign face must not be larger than eight square feet in area, with no dimension to be smaller than two feet in length. The sign must be set back no less than 12 feet from all right-of-way lines and set no closer than ten feet from any structure on the lot.
5. The sign must contain the following information:
  - a. Present zoning classification and requested zoning approval under consideration.
  - b. Date, time, and place of public hearing.
  - c. A copy of the legal notice by the City, in an 8.5" x 11" size, be affixed to the sign in a clear plastic cover.
  - d. A statement that questions regarding the proposed zoning amendment should be directed to the Zoning Administrator's office and listing the address and telephone number of that office.
6. The sign must remain posted until final action.
7. The applicant must remove all signs within ten days of such final action.
8. The Zoning Administrator may vary the provisions of this section when they find those provisions inappropriate under the circumstances to provide the intended sign display and require an alternative method of sign display that will provide adequate notice to the public.

### 16.3 PUBLIC HEARING

#### A. Examination of Documents

Upon receipt by the Zoning Administrator of an application that requires a public hearing, the Zoning Administrator will assign a case and/or docket number to the application and maintain a file for such. The file will be open to the public for inspection during regular business hours. All documents pertinent to the case (application, legal notice, evidence, exhibits, transcript, or record of proceedings, etc.) will be placed in said file by the Zoning Administrator. Such file may be maintained online and/or electronically.

#### B. Conduct of the Public Hearing

1. The public hearing must be conducted in accordance with all applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing.
2. Any party in interest may appear and be heard at a public hearing held for an application, and such appearance may be made in person, by agent (if a corporation), or by attorney.

#### C. Continuances

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that would have been required for the initial public hearing.

#### D. Record of Proceedings

1. Proceedings of the Zoning Board of Appeals regarding appeals and variations, and proceedings of the Zoning and Planning Commission concerning amendments and conditional uses must be recorded and transcribed by a certified shorthand reporter or court reporter unless the Zoning Administrator, with the advice and consent of the Chair of the Zoning Board of Appeals or the Chair of the Zoning and Planning Commission, determines that such recording and transcription is not necessary due to the nature of the application. The reporter will be selected or approved by the Zoning Administrator.

2. The entire expense for the services of a certified shorthand reporter or court reporter is borne by the petitioner. Such expense is in addition to the filing fee required. A minimum amount as established in the Fee Schedule of the City must be deposited by the petitioner at the time the filing fee is paid. Such amount will be used to defray the expense of the services of the certified shorthand reporter or court reporter. In the event the expense for such services is less than the amount deposited, the unused balance will be returned to the petitioner. In the event the expense for such services exceeds the amount deposited, the City will bill the petitioner for such excess amount and such amount will be paid by the City on the matter which is the subject of the public hearing.
3. The State of Illinois, school districts, and units of local government are not required to deposit the amount as required herein provided that such governmental entities are required to reimburse the City for the City's actual expenses for the services of a certified shorthand reporter or court reporter.

## Article 17. Zoning Approvals & Permits

- 17.1 TEXT AND MAP AMENDMENTS
- 17.2 CONDITIONAL USE
- 17.3 VARIATION
- 17.4 SITE PLAN REVIEW
- 17.5 ZONING APPEALS
- 17.6 ZONING INTERPRETATION
- 17.7 ZONING CERTIFICATE
- 17.8 SIGN PERMIT
- 17.9 TEMPORARY USE PERMIT
- 17.10 OCCUPANCY CERTIFICATE
- 17.11 REASONABLE ACCOMMODATION

### 17.1 TEXT AND MAP AMENDMENTS

#### A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Official Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

#### B. Initiation

1. Text amendments may be proposed by the City Council, the Zoning Board of Appeals, the Zoning and Planning Commission, or any person or entity having a proprietary interest in property located within the City.
2. Map amendments may be proposed by the owner of the property involved or the City Council, Board of Appeals, or Zoning and Planning Commission.

#### C. Authority

The City Council, after receiving a recommendation from the Zoning and Planning Commission will take formal action on requests for zoning text and map amendments.

#### D. Procedure

1. An application for an amendment to this Ordinance must be filed with the Zoning Administrator in accordance with Article 16. The Zoning Administrator, upon receipt of a complete application, will transmit the application along with all pertinent data to the Zoning and Planning Commission for review and recommendation, with a copy to the City Council.
2. The Zoning and Planning Commission, upon receipt of any application for amendment, will hold a public hearing in accordance with procedures in Article 16, including notice, and in accordance with the revised statutes of the State of Illinois. The hearing must be attended by the applicant or their authorized representative.
3. The Zoning and Planning Commission will submit recommendations to the City Council following the close of the public hearing
  - a. When a map amendment is proposed, the Commission must make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:
    - i. Existing uses of property within the general area of the property in question.
    - ii. The zoning classification of property within the general area of the property in question.
    - iii. The suitability of the property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification.
    - iv. The consistency of the proposed amendment with the Comprehensive Plan.

**b.** When a text amendment is proposed, the Commission must make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

- i.** The consistency of the proposed amendment with the Comprehensive Plan.
- ii.** The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
- iii.** Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- iv.** The extent to which the proposed amendment creates nonconformities.

**4.** The Zoning and Planning Commission will not recommend the adoption of a proposed amendment unless they find that the adoption of such amendment is not detrimental to the public interest. The Commission may recommend the adoption of a map amendment changing the zoning classification of the property to another zoning district than that requested by the applicant.

**5.** Upon receipt of the Zoning and Planning Commission recommendation, the City Council will act on the application. The City Council must take action in the form of approval, approval with modifications, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments.

**6.** In the case of a written protest against any proposed map amendment, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or district, filed with the City Clerk with a copy forwarded to the Zoning Administrator, such map amendment cannot be passed except by the favorable vote of two-thirds of all members of the City Council.

#### **E. Repeal of Map Amendment**

In the case of a map amendment not initiated by the City and where no development has taken place within one year, the Zoning Administrator may recommend review by the Zoning and Planning Commission in a public hearing, after notice of public hearing has been given, and recommend to the City Council that such zoning be affirmed or repealed and rezoned to its most appropriate district classification.

#### **F. Permits Pending Decision on Amendment**

When a proposal to amend this Ordinance is initiated by the City, no permit, for the erection or alteration of any building or structure or license or permit for the conduct of any use that would be in violation of the proposed amendment, will be issued during the period of 90 days after the proposed amendment has been referred to the Zoning and Planning Commission for public hearing; provided, however, that if within the 90 day period the City Council amends this Ordinance so as to prohibit such building structure or use, such license or permit will be denied. If within the 90 day period action has been taken by the City Council to reject such contemplated amendment, such license or permit, if otherwise lawful, will be issued immediately. This section applies only to those licenses or permits for which application is made subsequent to such referral.

## **17.2 CONDITIONAL USE**

#### **A. Purpose**

This Ordinance is based upon the division of the City into districts within which the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location.

#### **B. Initiation**

Any person having an interest in fee simple in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses allowed within the zoning district where the land is located. Any lessee must have written consent from the owner of the property.

**C. Authority**

The City Council, after receiving a recommendation from the Zoning and Planning Commission will take formal action on requests for conditional uses.

**D. Procedure**

1. An application for a conditional use must be filed with the Zoning Administrator in accordance with Article 16. The application must be accompanied by any additional plans and/or data prescribed by the Zoning and Planning Commission and include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in this section.
2. The Zoning Administrator, upon receipt of a complete application, will transmit the application along with all pertinent data to the Zoning and Planning Commission for review and recommendation, with a copy to the City Council.
3. The Zoning and Planning Commission, upon receipt of any application for a conditional use, will hold a public hearing in accordance with procedures in Article 16, including notice, and in accordance with the revised statutes of the State of Illinois. The hearing must be attended by the applicant or their authorized representative.
4. The Zoning and Planning Commission will submit recommendations to the City Council following the close of the public hearing.
5. The Zoning and Planning Commission, following the close of the public hearing, will report its findings and recommendations to the City Council, including the stipulations of additional conditions and guarantees that such conditions will be complied with when deemed necessary for the protection of the public interest. Standards. No conditional use will be recommended by the Zoning and Planning Commission, unless they find:
  - a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or welfare.
  - b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  - c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - d. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
  - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - f. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the City.
  - g. That the conditional use will, in all other respects, conform to the applicable regulations of the district in which it is located, except for any regulations that may be modified pursuant to the recommendations of the Commission.
6. Upon receipt of the Zoning and Planning Commission recommendation, the City Council will act on the application. The City Council may grant, by ordinance or resolution, any application for conditional use, and may establish such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use, as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section. Where the City Council permits the establishment of a conditional use, the terms of the relief granted will be specifically set forth in the ordinance or resolution, separate from any findings of fact in the case. Where the City Council permits the establishment of a conditional use, the terms of the relief granted must be deemed to relate to the particular zoning lot or lots, and not to individual owners of said lot or lots.

#### **E. Conditions and Guarantees**

Prior to the granting of a conditional use, the Zoning and Planning Commission may recommend and the City Council may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public interest and to secure compliance with the standards and requirements specified in this section. In all cases where conditional uses are granted, the City Council may require such evidence and guarantees as they may deem necessary as proof that the required conditions will be complied with.

#### **F. Transferability**

The ownership of a conditional use may be changed if the use remains unchanged. However, a change in ownership must be recorded with the Zoning Administrator and the new owner, through duly notarized documentation, agrees to the terms and conditions set forth in the resolution or ordinance granting the conditional use.

#### **G. Expiration**

1. If the conditional use permit zoning entitlement ("conditional use") granted by ordinance has not been developed within nine months from the date of approval in accordance with the plans submitted or has not been maintained in accordance with the plans submitted, the Zoning Administrator will provide written notice to the applicant of non-compliance with the conditional use. The applicant is entitled to a hearing, if requested, and within a time period allowed by the Zoning Administrator, and entitled to submit evidence to establish that material action has been taken to establish or maintain the conditional use. If the Zoning Administrator finds that material action has been undertaken in good faith, a written decision will be issued in confirming that the conditional use remains valid. If the Zoning Administrator finds that no material action has been taken by the applicant, the City Council will review the conditional use and determine whether to extend or terminate the conditional use.
2. A conditional use approval is deemed to authorize only one particular conditional use, and expires if the conditional use ceases for more than nine months for any reason, unless extended by City Council.

### **17.3 VARIATION**

#### **A. Purpose**

Variations to the regulations of this Ordinance may be granted in harmony with their general purpose and intent, when the approval authority makes findings of fact in accordance with the standards hereinafter prescribed, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

#### **B. Initiation**

Any person having an interest in fee simple in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application for a variation.

#### **C. Authority and Approval Standards**

1. This Ordinance provides for three levels of variation approval as follows:
  - a. Administrative modification by the Zoning Administrator.
  - b. Minor variations by the Zoning and Planning Commission.
  - c. Major variations by the City Council.
2. The approval authority must first determine that there is a practical difficulty or particular hardship, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the City. In consideration of the standards of practical difficulties or particular hardship, the approval authority must also find:

- a. The plight of the owner is due to unique circumstances.
- b. The variation, if granted, will not alter the essential character of the neighborhood.
- c. Property in question cannot yield a reasonable return or provide the owner or tenants a reasonable enjoyment of the property if permitted to be used only under the conditions allowed by the regulations in its district.

#### **D. Administrative Modification Procedure**

1. The Zoning Administrator may approve the following administrative modifications. Any changes considered a minor or major variation, as defined in this section, cannot be approved as an administrative modification.
  - a. A modification to any dimensional standard in this Ordinance of no more than 10% with the exception of maximum building height and maximum building coverage (requires City Council approval of a variation).
  - b. Modifications to the design standards of this Ordinance that contain a dimensional standard (linear feet, percentages, etc.) of no more than 10%.
  - c. A reduction in required bicycle parking of no more than 20%.
  - d. Minor modifications to the required landscape that do not result in a reduction in required plant materials.
  - e. A modification that allows additional materials for sign construction that are not listed as permitted.
2. An application for an administrative modification must be filed with the Zoning Administrator in accordance with Article 16. Once it is determined that the application is complete, the Zoning Administrator will consider an application for an administrative modification. Notice per Article 16 is required for an administrative modification. The Zoning Administrator may decide that an application for an administrative modification, even if it meets the thresholds established in this section, is a minor variation that must be decided by the Zoning Board of Appeals. In such case, the Zoning Administrator will resubmit the application to the Zoning Board of Appeals as a minor variation. No additional fees are required.
3. The Zoning Administrator must review and evaluate the complete administrative modification, pursuant to the standards of Section C.2.
4. The Zoning Administrator must render a decision within 15 days of the date listed on the required notice as the date a decision can be rendered, and either approve, approve with conditions, or deny the application.
5. If the Zoning Administrator fails to act within 15 days of the date listed on the required notice, the administrative modification will be resubmitted to the Zoning Board of Appeals as a minor variation. No additional fees are required.
6. If an objection is lodged against the administrative modification in writing, prior to the date indicated on the notice that the Zoning Administrator may render a decision, the application must be resubmitted as a minor variation. No additional fees are required.
7. The Zoning Administrator may impose conditions and restrictions directly related to the action and/or land use upon the administrative modification as may be deemed necessary for the protection of the public health, safety, and welfare. The Zoning Administrator may grant an administrative modification that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.
8. At the applicant's option, an administrative modification that is either denied or approved with conditions may be resubmitted to the Zoning Board of Appeals as a minor variation. No additional fees are required.

#### **E. Minor Variation Procedure**

1. The Zoning and Planning Commission may approve the following minor variations. Any changes considered a major variation, as defined in this section, cannot be approved as a minor variation. The Zoning and Planning Commission may decide that an application for a minor variation, even if it meets the thresholds established in this

section, is a major variation that must be decided by the City Council. In such case, the Zoning and Planning Commission will resubmit the application to the City Council as a major variation. No additional fees are required.

- a. A modification to any dimensional standard in this Ordinance of more than 10% but not to exceed 20%.
- b. Modifications to the design standards of this Ordinance that contain a dimensional standard (linear feet, percentages, etc.) of more than 10% but not to exceed 20% with the exception of maximum building height and maximum building coverage (requires City Council approval of a variation).
- c. A reduction in the required off-street parking or loading spaces required by no more than 10% of that required.
- d. An increase up to 50% in the maximum distance that required parking spaces are permitted to be located from the use served.
- e. To increase by no more than one the maximum number of signs allowed on a lot.

2. An application for a minor variation must be filed with the Zoning Administrator in accordance with Article 16. The Zoning Administrator, upon receipt of a complete application, will transmit the application to the Zoning and Planning Commission for review.
3. The Zoning and Planning Commission, upon receipt of any application for variation, will hold a public hearing in accordance with procedures in Article 16, including notice, and in accordance with the revised statutes of the State of Illinois. The hearing must be attended by the applicant or their authorized representative.
4. The Zoning and Planning Commission must review and evaluate the minor variation pursuant to the standards of Section C.2. The Zoning and Planning Commission will approve or deny the minor variation following the close of the public hearing.
5. The Zoning and Planning Commission may impose conditions and restrictions directly related to the action and/or land use upon the minor variation as may be deemed necessary for the protection of the public health, safety, and welfare. The Zoning and Planning Commission may grant a minor variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.
6. A minor variation that has been denied by the Zoning and Planning Commission will be automatically resubmitted to the City Council as a major variation. No additional fees are required.

#### **F. Major Variation Procedure**

1. The City Council, upon review and recommendation by the Zoning and Planning Commission, may approve a major variation. A major variation is any variation that does not qualify as an administrative modification or minor variation. In addition, a major variation includes a variation to a standard that prohibits residential development on the ground floor.
2. An application for a major variation must be filed with the Zoning Administrator in accordance with Article 16. The Zoning Administrator, upon receipt of a complete application, will transmit the application to the Zoning and Planning Commission for review.
3. The Zoning and Planning Commission, upon receipt of any application for a major variation, will hold a public hearing in accordance with procedures in Article 16, including notice, and in accordance with the revised statutes of the State of Illinois. The hearing must be attended by the applicant or their authorized representative.
4. The Zoning and Planning Commission must review and evaluate the major variation pursuant to the standards of Section C.2. The Zoning and Planning Commission will make a recommendation of approval or denial of the major variation following the close of the public hearing. The Zoning and Planning Commission will report its findings and recommendation to the City Council following the close of the public hearing.
5. Upon receipt of the Zoning and Planning Commission recommendation, the City Council will act on the application. The power of the City Council to approve variations are exercised only by the adoption of ordinances. An ordinance granting a variation recommended by the Zoning Board of Appeals may be passed by

a majority vote of the Council. An ordinance granting a variation contrary to the recommendations of the Zoning Board of Appeals requires a two-thirds majority vote of the Council then holding office for passage.

6. The City Council may impose conditions and restrictions directly related to the action and/or land use upon the major variation as may be deemed necessary for the protection of the public health, safety, and welfare. The City Council may grant a major variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.

#### **G. Variations Submitted with Other Zoning Approval Applications**

Whenever any other application is filed as a companion to an application for an administrative modification or minor variation, and such companion application requires approval by the City Council, the variation must follow the process of a major variation with City Council approval.

#### **H. Expiration**

If the variation granted has not been developed within nine months from the date of approval in accordance with the plans submitted or has not been maintained in accordance with the plans submitted, the Zoning Administrator will provide written notice to the applicant of non-compliance with the variation. The applicant is entitled to a hearing, if requested, and within a time period allowed by the Zoning Administrator, and entitled to submit evidence to establish that material action has been taken to establish or maintain the variation. If the Zoning Administrator finds that material action has been undertaken in good faith, a written decision will be issued in confirming that the variation remains valid. If the Zoning Administrator finds that no material action has been taken by the applicant, the City Council will review the variation and determine whether to extend or terminate the variation.

### **17.4 SITE PLAN REVIEW**

#### **A. Purpose**

The site plan review process is intended to promote orderly development and redevelopment in the City, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with City's adopted land use policies, and promotes the public health, safety, and welfare of the City. This section provides standards by which to determine and control the physical layout and design to achieve compatibility of uses and structures, efficient use of land, minimization of traffic and safety hazards, and adequate public facilities.

#### **B. Authority**

The Zoning Administrator reviews and issues final approval of site plans. The Zoning Administrator may convene a technical review committee, comprised of City staff, as they deem appropriate.

#### **C. Required Site Plan Review**

Site plan review and approval is required for the following developments. Site plan review and approval is not required for single-family dwellings, two-family dwellings, and planned developments.

1. New townhouse, multi-family, nonresidential, and mixed-use development, including construction of additional principal buildings on a developed site.
2. Additions to townhouse, multi-family, nonresidential, and mixed-use development that increase the gross floor area by 3,000 square feet or more.
3. Surface parking lots of more than 15 spaces.
4. Conditional uses.

#### **D. Procedure**

1. Applications for site plan review must be submitted to the Zoning Administrator. The Zoning Administrator may convene a technical review group comprised of City staff to review the application. Site plan review will not be conducted when any of the property subject to site plan review maintains outstanding fines, citations, penalties, fees, etc.
2. The Zoning Administrator must begin the review of the site plan once the application is deemed complete. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the site plan.
3. Site plan approvals are applicable as follows:

- a. When no other approvals are required, the site plan approval must occur before a building permit is issued. If the Zoning Administrator approves the site plan subject to certain conditions, all plans and drawings to be submitted as part of the application for a building permit or zoning approval must be revised to include those conditions.
- b. When a conditional use approval is required, the site plan will be reviewed by Zoning Administrator prior to the hearing on the conditional use approval. The site plan and the staff recommendation would be forwarded with the application. The approving body can impose additional conditions on the site plan. If the Zoning Administrator recommends the site plan be approved subject to certain conditions, the site plan forwarded with the approval application must be revised to include those conditions. The final site plan will be approved as part of the conditional use approval.
- c. When a variation is required, the variation must be approved prior to final approval of the site plan. Once the variation is approved, the site plan may be submitted for review and approval. If the approving body imposed additional conditions as part of the variation approval, the site plan must include such conditions. If the Zoning Administrator approves the site plan subject to certain conditions, the site plan forwarded with the approval application must be revised to include those conditions and any conditions of the variation.

## **E. Site Plan Review Standards**

Approval of site plans is based upon conformity to zoning regulations as well as general conformance to overall site design criteria. A development should seek to integrate the following design characteristics into those plans submitted for site plan approval.

### **1. Integration and Compatibility**

The overall design integrates neighborhood and site characteristics into a compatible expression of building mass, scale, color, and circulation.

### **2. Minimalization of Impacts**

Spatial designs should minimize the impacts of traffic, noise, reflected light, debris, and other undesirable effects of development upon abutting properties and the area as a whole.

### **3. Architectural Innovation**

Applicants should seek to provide innovative design of structures by varying vertical planes of building facades and/or by varying the elevation of rooflines.

### **4. Loading/Refuse Area**

Design of loading and refuse areas should be sensitive to aesthetic concerns and provide for screening compatible with abutting properties. When possible, such loading and refuse areas should be located so as not to be visible from public roads.

### **5. Surface Parking Lots**

Surface parking lots and driveways must be designed to safely and effectively circulate vehicles throughout the site. When appropriate, cross-easements should be provided between adjoining properties to allow for circulation of vehicles.

### **6. Curb Cuts**

Curb cuts must be located to safely and efficiently allow vehicles ingress and egress to the site. The use of shared curb cuts and cross-easements should be provided when appropriate.

### **7. Pedestrian Circulation**

Site and building design must accommodate pedestrian circulation on-site from parking areas, plazas, open space, and public rights-of-ways. Pedestrian and vehicular circulation must be separated to the greatest extent possible.

### **8. Uniform Signage**

Signage should be designed to provide compatibility with building form, shape, and color. Signage should be uniform or complimentary in color and overall design.

### **9. Open Space**

Design of any development must provide for a maximum use of open space, particularly along the perimeter of the site, in surface parking lots and near the building foundation. Larger developments should include designs

which allow for centralized open space containing detention/retention ponds, passive recreation areas, bike/pedestrian paths, and other amenities which will serve the development.

#### **10. Detention/Retention Ponds**

When appropriate, detention and retention ponds should be designed to provide for shared storage between properties. Ideally, such shared storage should include the greatest land area possible.

#### **11. Lighting**

On-site lighting standards must be compatible with architectural and spatial designs, and provide for safe illumination of the site for vehicles and pedestrians.

#### **12. Other Applicable Standards**

Other standards as may be applicable under the City compendium of standards and specifications on file for inspection in the office of the Zoning Administrator must be complied with.

### **17.5 ZONING APPEALS**

#### **A. Purpose**

Zoning appeals provide a process to appeal a decision or ruling of an officer charged with the enforcement of this Ordinance made in interpreting, applying, and/or enforcing the regulations contained in this Ordinance.

#### **B. Initiation and Authority**

An appeal may be taken from the officer charged with the enforcement of this Ordinance by any person, firm or corporation aggrieved, or by an officer, department, board, or bureau of the City affected by a decision of the enforcement officer. Such appeal will be taken within such time as prescribed by the Zoning Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken must transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

#### **C. Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case the proceedings will not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

#### **D. Procedure**

1. A public meeting will be conducted by the Zoning Board of Appeals on an appeal.
2. The Zoning Board of Appeals may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Zoning Board of Appeals may decide to be fitting and proper in the premises, and to that end the Zoning Board of Appeals also has the powers of the officer from whom the appeal is taken.
3. All decisions will be final administrative determinations and subject to judicial review only in accordance with applicable statutes of the State of Illinois.
4. The Zoning Board of Appeals will decide an appeal following the close of the meeting.

### **17.6 ZONING INTERPRETATION**

#### **A. Initiation**

The Zoning and Planning Commission, City Council, or a property owner in the City, or their designee, may request a zoning interpretation. All interpretation requests must be for the purpose of furthering some actual development.

#### **B. Authority**

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

### C. Procedure

The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator may request additional information prior to rendering a decision.

## 17.7 ZONING CERTIFICATE

**A.** No permit pertaining to the use of land or buildings will be issued by an officer, department, or employee unless the application for such permit has been examined by the Zoning Administrator or their duly appointed representative, and has affixed to it the certificate, indicating that the land and the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of this Ordinance is null and void.

**B.** If the zoning certificate granted has not been developed within nine months from the date of approval in accordance with the plans submitted or has not been maintained in accordance with the plans submitted, the zoning certificate will expire and the applicant must apply for a new zoning certificate. The applicant is entitled to hearing, if requested, and within a time period allowed by the Zoning Administrator, and entitled to submit evidence to establish that material action has been taken to establish or maintain the zoning certificate. If the Zoning Administrator finds that material action has been undertaken in good faith, a written decision will be issued in confirming that the zoning certificate remains valid. If the Zoning Administrator finds that no material action has been taken by the applicant, the City Council will review the zoning certificate and determine whether to extend or terminate the zoning certificate.

**C.** If the request for a zoning certificate is determined to be unduly burdensome, the Zoning Administrator may deny the request for a zoning certificate.

## 17.8 SIGN PERMIT

### A. Purpose

No sign, unless specifically identified as exempt by this Ordinance, may be erected, constructed, altered, or relocated without first obtaining approval of a sign permit in accordance with the following. A sign permit is intended to ensure that all signs are installed in compliance with this Ordinance.

### B. Authority

The Zoning Administrator issues sign permits.

### C. Application

A complete application for a sign permit is required and accompanied by all required submittals, unless waived by the Zoning Administrator. When a sign permit applicant proposes to install a sign on property not owned by the applicant, written permission from the property owner or their authorized agent must be submitted as part of the sign permit application.

### D. Process

Upon the filing of a complete application for a sign permit, the Zoning Administrator will examine the plans and specifications for the proposed sign and will issue a sign permit if the plans comply with the requirements of this Ordinance and other applicable codes and ordinances.

### E. Expiration

If the work authorized under a sign permit is not completed within one year of issuance of the permit, unless the Zoning Administrator has allowed a longer time period of validity at the issuance of the sign permit, the sign permit expires and becomes null and void unless the applicant provides evidence to the Zoning Administrator that material action has been taken. If the Zoning Administrator finds that material action has been undertaken in good faith, the sign permit remains valid. If the Zoning Administrator finds no material action has been taken, the Zoning Administrator will terminate the authorization with written notice.

## 17.9 TEMPORARY USE PERMIT

See Section 9.4.A.

## 17.10 OCCUPANCY CERTIFICATE

- A.** No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building may be occupied, and no land, vacant on the effective date of this Ordinance may be used for any purpose until an occupancy certificate of has been issued by the Zoning Administrator.
- B.** Every occupancy certificate must state that the use or occupancy complies with the provisions of this Ordinance.
- C.** Every application for a building permit or zoning certificate is deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required will be made directly to the Zoning Administrator.
- D.** No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, will be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based.
- E.** No occupancy certificate for a building, or addition thereto, constructed after the effective date of this Ordinance will be issued and no addition to a previously existing building may be occupied until the premises have been inspected and certified by the Zoning Administrator to be in compliance with all applicable standards.
- F.** Pending the issuance of a regular occupancy certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises.

## 17.11 REASONABLE ACCOMMODATION

### A. Construction, Application, and Enforcement Consistent with State and Federal Law

The provisions of this section are, in every instance, to be construed, applied, and enforced in a manner consistent with applicable State and Federal law including, but not limited to, the Illinois Human Rights Act (775 ILCS 5/); Illinois Municipal Code (65 ILCS 5/); the Fair Housing Act, 42 U.S.C. § 3601 et seq.; and the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12132 et seq. (collectively, the "Acts"). The Zoning Administrator must make reasonable accommodations in the provisions of this Ordinance and the rules, policies, and practices of their office so that persons with disabilities, or providers of housing for persons with disabilities, are not discriminated against and are afforded an equal opportunity to use and enjoy dwellings. For purposes of this section, "person" means an individual, entity, group, or institution.

### B. Procedure for Requesting a Reasonable Accommodation

#### 1. Request in Writing

Any person who has a disability recognized by the Acts or who provides housing for a person with a disability, may request a reasonable accommodation as contemplated in this section. For purposes of this section, this person is referred to as the "applicant."

#### 2. Assistance

If the applicant needs assistance in making a request for a reasonable accommodation or meeting the requirement that the request be made in writing, the City will provide reasonable assistance to ensure that the process is accessible and that the applicant's request is documented on a form provided by the City.

#### 3. Fee

There is no fee imposed for requesting a reasonable accommodation under this section.

### C. Determinations Regarding Requests for Reasonable Accommodations

#### 1. Coordination with City Departments

Before making a determination regarding a request for a reasonable accommodation, the Zoning Administrator must consult with the City Law Department and the City's ADA Coordinator, and consider advice offered by any other City department or official having relevant jurisdiction or duties under the City Charter or Code of Ordinances.

#### 2. Determination by Zoning Administrator

Upon receipt of a completed request for a reasonable accommodation, the Zoning Administrator must make a written determination regarding the request within a reasonable timeframe.

### **3. Findings and Factors for Determination**

The Zoning Administrator's determination as to whether to grant or deny the requested accommodation, must contain specific findings of fact in support of the determination, be consistent with the Acts, and consider the following factors:

- a.** Whether the requested accommodation is reasonable.
- b.** Whether there is a causal nexus between the need for the requested accommodation and the disability, either of the applicant or of the people using the housing or housing-related facilities.
- c.** Whether the housing or housing-related facilities, which are the subject of the request, will be used by a person with a disability under the Acts.
- d.** Whether the requested accommodation is necessary to make specific housing available to a person with a disability under the Acts.
- e.** Whether the requested accommodation would impose an undue financial or administrative burden on the City.
- f.** Whether the requested accommodation would require a fundamental alteration to a City law, policy, or program, including, but not limited to, land use or zoning.
- g.** Whether the requested accommodation would directly threaten the health or safety of others, or would result in substantial physical damage to the property of others.
- h.** If applicable, whether alternative reasonable accommodations could provide an equivalent level of benefit.
- i.** Any other reasonable factor.

### **4. Additional Information**

If reasonably necessary to reach a determination on the request for an accommodation, the Zoning Administrator may request additional information from the applicant, specifying in sufficient detail what information is required. If the applicant fails to provide the requested additional information, the Zoning Administrator must issue a written notice advising that the applicant failed to timely submit the additional information and therefore the applicant's request for the reasonable accommodation is deemed withdrawn. No further action by the City with regard to said reasonable accommodation request is required.

### **5. Notice of Determination**

The written determination of the Zoning Administrator must be mailed by certified first-class mail to the applicant. All written determinations must give notice that the applicant has the right to appeal the determination of the Zoning Administrator.

### **6. No Waiver**

If the property which is the subject of the requested accommodation is not in compliance with the then-existing applicable laws and regulations, but the City grants the request for a reasonable accommodation, the City thereby does not waive the requirement that the existing violations be corrected in accordance with the City Code of Ordinances.

### **7. Restrictive Covenant**

When applicable, the City and the property owner must enter into a restrictive covenant which provides that, prior to any sale, transfer, lease, or other conveyance of the property in whole or in part, or at the time the relief granted as a reasonable accommodation from the Zoning Ordinance is no longer necessary, the property owner must bring the property into compliance with the Zoning Ordinance. The restrictive covenant must be recorded against the property and provide that the relief granted under this section does not run with the land and terminates upon any sale, transfer, lease, or other conveyance of the property. Upon submittal of a new application for a successor-in-interest to the property, the Zoning Administrator may allow the reasonable accommodation to continue if it is consistent with and does not expand on the original approval.

**D. Appeals and Standing**

The determination of the Zoning Administrator constitutes the final determination of the City, unless appealed. Only the applicant has the right to appeal the determination. The applicant may appeal the determination per Section 17.5 (Zoning Appeals).

**E. Terms of Accommodation and Duty to Notify the City After Approval**

A reasonable accommodation granted under this section does not run with the land, is not transferable to another person or entity, and does not grant or create vested rights. The reasonable accommodation terminates upon any sale, transfer, lease, or other conveyance of the property, and the applicant must notify the Zoning Administrator before such an event. Additionally, the applicant must notify the Zoning Administrator when the reasonable accommodation is no longer necessary.



## Article 18. Planned Development

- 18.1 INTENT AND PURPOSE**
- 18.2 GENERAL PROVISIONS**
- 18.3 FINDINGS AND STANDARDS FOR REVIEW**
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- 18.9 AMENDMENTS AND ALTERATION TO APPROVED PLANNED DEVELOPMENT PERMITS**

### **18.1 INTENT AND PURPOSE**

The purpose of the regulations, standards, and criteria for planned development is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this section. The objective of the planned development is to encourage a higher level of design, amenity, and public benefit than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of city plans, including, but not limited to, the Comprehensive Plan and all other relevant plans, and planning policies of the City while departing from the strict application of the zoning district regulations. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- A.** To stimulate creative approaches to the commercial, residential, industrial, and mixed-use development of land.
- B.** To streamline the approval process.
- C.** To provide more efficient use of land.
- D.** To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
- E.** To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- F.** To unify buildings and structures through design.
- G.** Promotion of long-term planning pursuant to the Comprehensive Plan and other relevant plans and policies of the City, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.
- H.** To find creative solutions to stormwater and sustainability related issues.

### **18.2 GENERAL PROVISIONS**

#### **A. Type of Planned Development**

For the purpose of this article, the term "development" means the division of land into two or more parcels, or the construction, reconstruction, conversion, structured alteration, relocation or enlargement of any structure or land disturbance, and any use or the extension of use of the land.

##### **1. Mandatory Planned Development**

In certain circumstances, development must be approved as a planned development. These are as follows:

- a.** Within the zoning districts, a development that meets or exceeds a development threshold, must be developed as a planned development. These are as show in Table 18-1: Required Planned Development Thresholds.

Table 18-1: Required Planned Development Thresholds	
District	Development Site Size
CR Conservation/Recreation	2 acres
CI Civic Institutional	2 acres
HCC Health Care Campus	2 acres
Residential (RE, R1, R1A, R2, R2A, R3, R4, R5, RNT); Excludes development of a single-family or a two-family dwelling	2 acres
O1 Office	5 acres
Downtown (CBC, CBOC, CBOCR)	2 acres
Commercial (C1, C2, C3, C4, C5)	5 acres
Industrial (I1, I2)	5 acres

- b. New development on lots of 75 feet or more in width in the CBC, CBOC, and CBOCR Districts.
- c. Any single-family detached residential development in any district of ten acres or greater.
- d. In all districts, with the exception of a single-family or two-family dwelling, additions that increase the building footprint by 50% or more. However, if such addition is less than 25,000 square feet in area (building footprint), a planned development is not required.
- e. A development that includes multiple principal buildings on a lot in any district.

## 2. Optional Planned Development

Developments below the thresholds of item A above may pursue approval as a planned development at the applicant's option.

## B. Process Generally

The procedures for approval of a planned development include mandatory and alternative processes. The concept/pre-filing phase is mandatory prior to the filing of any planned development application. The applicant then has the option to apply for a combined preliminary and final application to be filed concurrently or to file separate preliminary and final applications. An applicant that chooses to file solely for a preliminary application must within one year of preliminary planned development approval submit an application for final planned development.

## 18.3 FINDINGS AND STANDARDS FOR REVIEW

In reviewing an application for a planned development, the Zoning and Planning Commission, the Development, Planning, and Zoning Committee, and/or the City Council, as the case may be, is required to make certain findings. No application for a planned development may be recommended and approved unless all the following findings are made about the proposal.

### A. Conditional Use

Conditional use standards pursuant to Section 17.2.

### B. City Plans

The planned development conforms with the general planning policies of the City's official plans, including, but not limited to, the Comprehensive Plan, and other relevant plans and planning policies of the City.

### C. Impact on Public Facilities and Resources

The planned development includes impact contributions to the School District, Park District, and/or the City as may be reasonably determined by the City Council. These required impact contributions will be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.

### D. Archaeological, Historical, or Cultural Impact

The planned development must adequately consider any substantially adverse impact of a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.

### E. Parking and Traffic

The planned development must have or make adequate provision to provide access to and circulation through the proposed use by motorized and non-motorized modes of transportation in a manner that considers walking, biking, and public transportation and provides adequate access for emergency vehicles.

#### **F. Adequate Buffering**

The planned development has adequate landscape, public open space, and other buffering features to protect uses within the development and surrounding properties.

#### **G. Performance**

The applicant must demonstrate to the City reasonable assurance that, if authorized, the planned development can be completed according to schedule as designed.

#### **H. Appearance**

The design of all buildings, structures, and facilities on the site of the planned development meet the design related recommendations of the relevant City plans, including, but not limited to, the Comprehensive Plan and other relevant plans and policies of the City.

#### **I. Signs**

Any proposed sign package must be consistent with the character of the development and incorporate signs into the development in a way that avoids visual clutter or sign proliferation.

### **18.4 SITE DEVELOPMENT ALLOWANCES**

Notwithstanding any limitations on variations which can be approved as contained elsewhere in this Ordinance, site development allowances, i.e., deviations or relief from the underlying standards of the zoning district provisions may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this section and is necessary for proper development of the site. This includes deviations from the uses allowed in the district.

### **18.5 MODIFICATION STANDARDS**

Modification of zoning and subdivision regulations are privileges and will be considered by the City only in direct response to the accrual of tangible benefits from the planned development to the City or the neighborhood in which it would be located. These benefits must be in the form of exceptional amenities, outstanding environmental features, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In addition to the required findings, the following standards will be utilized in considering applications for modifications of the zoning and subdivision regulations for a planned development. These standards will not be regarded as inflexible but used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.

#### **A. Integrated Design**

A planned development must be laid out and developed as a unit in accordance with an integrated overall design. This design must provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features, utilizing quality building materials and a design consistent with guidelines, policies, and recommendations of relevant City Plans.

#### **B. Beneficial Common Open Space**

Common open space in the planned development is encouraged and must be integrated into the overall design. Such spaces must have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following are not considered usable common open space:

1. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
2. Dedicated streets, alleys, and other public rights-of-way.
3. Vehicular drives, parking, loading, and storage area.
4. Irregular or unusable narrow strips of land less than 15 feet wide.

#### **C. Location of Higher Buildings**

Higher buildings must be located within the planned development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and cannot unreasonably invade the privacy of occupants of such lower buildings.

#### **D. Functional and Mechanical Features**

Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures must be accounted for in the design of the planned development and made as unobtrusive as possible. They are subject to such setbacks, special planting, or other screening methods as are reasonable to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

#### **E. Visual and Acoustical Privacy**

The planned development must provide reasonable visual and acoustical privacy for each dwelling unit and tenant space. Fences, insulations, walks, barriers, and landscape must be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.

#### **F. Sustainable Best Practices**

A planned development must be designed with consideration given to various methods of site design and building location, architectural design of individual structures, landscape design, and infrastructure reflective of sustainable best practices.

#### **G. Landscape Conservation and Visual Enhancement**

The existing landscape and trees in a planned development must be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and land forms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities are encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.

#### **H. Drives, Parking and Circulation**

Principal vehicular access must be from dedicated public streets and access points designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention must be given to minimizing the number of vehicular access points to public streets, the location of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and, insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.

#### **I. Stormwater**

Special attention must be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas must be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

#### **J. Enhanced Design and Public Amenities**

Enhanced design and public amenities must be provided as part of a planned development. These elements ensure that the development not only meets functional needs but also contributes to a high-quality and attractive environment. Enhanced design and amenities improve the overall character and usability of the development for residents, visitors, and the surrounding community. These may include, but are not limited to, the following examples:

1. Public gathering spaces and amenities such plazas and outdoor seating areas, public art, and formal gardens.
2. Preservation of historic features and adaptive reuse of existing buildings.
3. Use of sustainable design, energy efficient design concepts, and new building technologies is encouraged.
4. Recreational amenities such as picnic areas, parks, fitness tracks, and water features/splash pads.
5. An indoor or outdoor community space available for the use of the public without charge, such as public meeting rooms, performance spaces, and galleries.
6. Improvements or creation of new pedestrian, bicycle, and transit facilities.
7. Improvement of existing on-site and off-site infrastructure.

## 18.6 PROCEDURE

The following steps are provided to assure the orderly review of every planned development application in a timely and equitable manner.

### A. Pre-Filing Review of Concept Plan and Transmittal of Application

#### 1. Concept Plan Conference

- a. A prospective applicant, prior to submitting a formal application for a planned development, must meet for a pre-filing conference(s) with Zoning Administrator and any other City officials or employees designated by the Zoning Administrator. The purpose of the conference(s) is to help the applicant understand the City plans, including, but not limited to, the Comprehensive Plan and other relevant plans and policies, the Zoning Ordinance, the site development allowances, the standards by which the application will be evaluated, and the application requirements.
- b. The applicant, prior to submitting a formal application for a planned development, will be required to schedule and conduct a public meeting to discuss the proposed planned development and its impact on area residents. The applicant must send a written notice of the meeting via first class mail to all owners, as determined from current real estate tax records, of property located within 500 feet of any lot line of the subject property included in the proposed planned development. Such notice must be mailed not less than 15 days prior to the date of the meeting. A copy of the notice and mailing list must be provided to the Zoning Administrator. A written summary of comments made at the meeting must be maintained and submitted by the applicant with the application.
- c. After the initial prefiling conference, the prospective applicant must introduce their project to the Development, Planning, and Zoning Committee. The Development, Planning, and Zoning Committee may provide feedback to the applicant based on materials presented. This feedback from the Development, Planning, and Zoning Committee is intended to provide the applicant with an initial impression relative to the character, appropriateness, and intensity of the proposed development, prior to the applicant officially filing for a planned development. Any comments and feedback from the Development, Planning, and Zoning Committee at this meeting are non-binding. The applicant is expected to provide a brief narrative and development concept plan sufficient to communicate the character of the proposed development and identify any site development allowances that may be requested.
- d. After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request must be made in writing to the Zoning Administrator prior to the submission of the formal application documents.
- e. All requests for waiver will be reviewed within 30 working days by the Zoning Administrator. A final determination regarding the waiver will be given to the prospective applicant following the decision.

#### 2. Filing of Preliminary or Combined Preliminary and Final Application

Following the completion of the prefiling conferences, the applicant must file a preliminary or combined preliminary and final application for a planned development. The preliminary and final plan may be filed simultaneously only if all requirements are met. The Zoning Administrator will deliver copies of the application to other appropriate City departments for review and comment.

#### 3. Deficiencies

The Zoning Administrator will determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, the applicant will be notified in writing of any deficiencies and take no further steps to process the application until the deficiencies are remedied.

#### 4. Report on Compliance

A copy of the complete application and a written report incorporating the comments of City staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this Section will be delivered to the Zoning and Planning Commission prior to the public hearing.

#### 5. Determination Not Binding

Neither the Zoning Administrator's determination that an application is complete, nor any waiver of an application requirement, nor any comment made by the Zoning Administrator or City staff at a pre-filing conference or as

part of the review process is intended or will be construed as a formal or informal recommendation for the approval of a planned development permit for the proposed planned development, or component part thereof, nor is it intended or construed as a binding decision of the City, the Zoning and Planning Commission, or any staff member.

**B. Review and Action by the Zoning and Planning Commission of Preliminary or Combined Preliminary and Final Planned Development**

1. Upon receiving the report from the Zoning Administrator, the Zoning and Planning Commission will hold at least one public hearing on the proposed planned development. Notice of the public hearing must be provided and the public hearing must be conducted in accordance with the provisions of this Section, state law, and the rules of procedure adopted by the Zoning and Planning Commission.
2. Notice of all public hearings conducted by the Zoning and Planning Commission wherein a preliminary or combined preliminary and final application for a planned development is to be considered must be published by the City at least once not more than 30 nor less than 15 days before said hearing in one or more newspapers with a general circulation within the City, and contain the following information:
  - a. The case number of the application.
  - b. The date and time of the public hearing.
  - c. The location of the public hearing.
  - d. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed planned development and purpose of the public hearing.
3. The applicant is required to post one sign on the property for 15 consecutive days prior to the public hearing. Such sign must be posted by 9:00 a.m. of the first day required. The sign must have a white background with black lettering in bold print, the lettering to be no less than one inch in height. The applicant must provide to the Zoning Administrator an affidavit verifying compliance with this section. The sign must be a freestanding ground sign, not to exceed five feet in height. The sign face must not be larger than eight square feet in area, with no dimension smaller than two feet in length. The sign must be set back a minimum of 12 feet from all right-of-way lines and no closer than ten feet from any structure on the lot. The sign must contain the following information:
  - a. The case number of the application.
  - b. The date and time of the public hearing.
  - c. The location of the public hearing.
  - d. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed planned development and purpose of the public hearing. The sign must remain posted until final action by the City Council. The applicant must remove all signs within ten days of such final action. The Zoning Administrator may modify the provisions of this section when they find those provisions inappropriate under the circumstances to provide the intended sign display and require an alternative method of sign display that provides adequate notice to the public.
4. Notice is required per Section 16.2.
5. The Zoning and Planning Commission will review the application, the standards and requirements established by this Section, the report of the Zoning Administrator, and any oral and written comments received by the Zoning and Planning Commission before or at the public hearing. Following the close of the public hearing and at a regular meeting, the Zoning and Planning Commission will make specific written findings addressing each of the standards set forth in this section and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the City Council.

**C. Review and Action by the City Council of Preliminary or Combined Preliminary and Final Planned Development**

1. Upon receipt of the recommendation of the Development, Planning, and Zoning Committee, and without further public hearing, the City Council will do one of the following:

- a. Deny the application.
- b. Refer the application back to the Zoning and Planning Commission for further review.
- c. Postpone further consideration pending the submittal of additional information, including any application requirement previously waived.
- d. Adopt an ordinance approving the planned development permit.

2. In approving a planned development permit, the City Council may attach conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this section and to prevent or minimize adverse impacts on other property in the immediate vicinity. Such conditions may include, but are not limited to, limitations on size, bulk, and location, requirements for landscape, signs, outdoor lighting, and provisions for adequate ingress and egress, hours of operation, and such other conditions as the City Council may deem to be in furtherance of the objectives of this section.

3. If a final or combined preliminary and final planned development application is approved, a copy will be recorded with the County Recorder of Deeds by the developer. Proof of such recording is required prior to the issuance of building permits.

4. If a preliminary planned development is approved by the City Council it will be null and void if the applicant does not file for a final planned development within one year of City Council approval of the preliminary planned development or receive an extension.

**D. Review and Action by the Zoning and Planning Commission and City Council of Final Planned Development with a Previously Approved Preliminary Planned Development**

- 1. Within one year of receipt of preliminary plan approval, the applicant must file for a final planned development permit.
- 2. The final planned development plan must conform substantially to the preliminary plan as approved.
- 3. The final plan and supporting data must be filed with the Zoning Administrator and forwarded to the Commission for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
  - a. If the final plan is in substantial compliance with the approved preliminary plan, the Zoning Administrator will recommend approval of the final plan to the Commission. The Zoning Administrator will certify to the Commission that the final plan is in substantial conformance with the previously filed preliminary plan.
  - b. If the final plan is not in substantial compliance with the approved preliminary plan, the Zoning Administrator must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Zoning Administrator with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Zoning Administrator render a decision to be forwarded to the Commission. In such case, the Zoning Administrator will recommend to the Commission that the final plan be denied.
- 4. All final plans must be accompanied by a written construction schedule for the development.
- 5. After review of the final plan and supporting data, the Commission must send their findings and recommendations to the City Council which will approve or disapprove the plan upon receipt of such findings and recommendations. Disapproval of the final plan must include a clear statement of the reason why.
- 6. A copy of the approved final plan must be recorded with the County Recorder of Deeds by the developer. Proof of such recording is required prior to the issuance of building permits.

## 18.7 APPLICATION REQUIREMENTS

### A. General

1. A preliminary or final plan for a planned development may only be filed by one who has an ownership or leasehold interest, or the agents thereof, or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
2. A preliminary and/or final plan for a planned development must be filed with the Zoning Administrator in such form and accompanied by such information, with sufficient copies, as established from time to time by the City.

### B. Combined Preliminary and Final Plan

The preliminary and final plan may be filed and simultaneously approved if all requirements are met.

### C. Preliminary Plan

A drawing of the planned development must be prepared at a size appropriate for recording purposes and show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and must include:

1. Boundary lines: Bearings and distances.
2. Easements: Location, width, and purpose (including fire lanes).
3. Utility study prepared by a qualified professional indicating the adequacy of the utility system serving the proposed planned development, including water distribution, sanitary sewers, and stormwater drainage.
4. Floodplains, wetlands, and any naturally forested or wooded areas.
5. Surface and subsurface conditions of the tract: Location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to groundwater unless test pits are dry at a depth of five feet.
6. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract. (Information to be supplied by City staff.)
7. Zoning on and within 500 feet adjacent to the tract.
8. Uses of each building or structure, as well as the specific overall land use of the premises.
9. Open space: All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
10. General location, purpose, and height of each building, other than single-family residences on individual lots.
11. A written summary of resident's comments, pertaining to the proposed application, from neighborhood meetings held.
12. Map data: Name of development, north point, scale, and date of preparation.
13. Narrative identifying conformity with zoning standards, any site development allowances being requested, and the rationale for why each requested site development allowance is necessary and desirable.
14. Statement of present and proposed ownership of all land within the project.
15. Development schedule indicating:
  - a. Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage must be shown on the plan and through supporting graphic material.
  - b. Approximate dates for beginning and completion of each stage.

16. Provide information on the density of residential uses, including dwelling units per acre/size of units as applicable, the number of dwelling units by type, and the number of buildings by type.
17. Provide information on the type and amount of ancillary and nonresidential uses in a residential development, including the amount and location of common open space.
18. Provide information on all service facilities and off-street parking facilities.
19. Preliminary architectural plans for all primary buildings must be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building, and building materials for all elevations, and the number, size, and type of dwelling units.
20. Preliminary sign plan.
21. Traffic impact analysis showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned development, including the location and description of public improvements to be installed, any streets and access easements, and any impact on current conditions.
22. Preliminary facilities plans (including street profile plans). Preliminary plans for:
  - a. Roads, including classification, width of pavement.
  - b. Sidewalks.
  - c. Sanitary sewers.
  - d. Storm drainage.
  - e. Water supply system.
  - f. Underground lighting program. (if proposed)
  - g. A general landscape planting plan.
23. Special studies and analyses as necessary, including, but not limited to:
  - a. Fiscal impact analysis.
  - b. Market feasibility analysis.
  - c. Topographical survey.

#### **D. Final Plan**

A final plan, suitable for recording with the County Recorder of Deeds must be prepared. The purpose of the final planned development plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general. The final plan of the planned development must include, but is not limited to:

1. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space. Such instruments of agreement include, where applicable, a surety bond favoring the City, in the amount of the estimated cost of such proposed site improvements as pools, fountains, landscape, and other features.
2. An accurate legal description of the entire area under immediate development within the planned development.
3. An accurate legal description of each separate unsubdivided use area, including common open space.
4. If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.

5. Designation of the exact location of all buildings to be constructed and a designation of the specific uses to which each building will be put.
6. Certificates, seals, and signatures required for the dedication of land and recording of the document.
7. Existing and proposed grading plans.
8. Final landscape plan.
9. Final engineering plans and drawings.
10. Final utilities and drainage plan.
11. Final development and construction schedule.
12. Final architectural plans.
13. Final sign plan.
14. Tabulations on each separate unsubdivided use area, including land area, number of buildings, number of dwelling units per acre/size of units as applicable.
15. Common open space documents.
16. All public facilities and improvements made necessary as a result of the planned development must be either constructed in advance of the approval of the final plan, or, at the election of the City, escrow deposits, irrevocable letters of credit in a form approved by the City, or performance bonds delivered to guarantee construction of the required improvements.

**E. Fees**

Every application must be accompanied by a fee in such amount as established from time to time by the City Council to defray the costs of providing notice and contracting with independent professionals to review applications as required. Such professional costs may include but are not limited to engineering, legal fees, traffic analyses, environmental impact studies, land use design or other similarly related professional studies. Additional materials may be required during the review of a proposed planned development if determined necessary by the Zoning and Planning Commission or the City Council.

**18.8 EFFECT OF APPROVAL OR DENIAL**

- A.** Approval of the conditional use permit for final planned development permit, including all required submittals by the City Council authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the City may require for the proposed planned development. The Zoning Administrator will review applications for these permits for compliance with the terms of the planned development permit granted by the City Council. No permit will be issued for development which does not comply with the terms of the planned development permit.
- B.** The City Council will direct the Zoning Administrator to revise the Official Zoning Map to reflect the existence and boundaries of each planned development.
- C.** An approval of a preliminary planned development permit by the City Council will be null and void if the applicant does not file for a final planned development within one year of City Council approval of the preliminary planned development. A final planned development will be null and void if the recipient does not file a complete application with all submittals for a building permit relative to the proposed planned development within nine months after the date of adoption of the ordinance approving the planned development permit.
- D.** An approval of a final planned development permit by the City Council will be null and void if construction has not commenced within 15 months after the date of adoption of the ordinance approving the planned development permit unless an extension is granted.
- E.** An approval of a final planned development permit with a phasing plan will be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.

**F.** An approval of a planned development permit with a master development plan will be null and void if construction has not commenced within 15 months or is not completed in accordance with the terms and conditions contained in the development master plan.

**G.** An extension of the time requirements above for a final planned development may be granted by the City Council for good cause shown by the applicant, provided a written request is filed with the City at least four weeks prior to the respective deadline.

**H.** An extension of six months for a preliminary planned development time requirements stated in item C of this section may be granted by the City Council for good cause shown by the applicant, provided a written request is filed with the City at least four weeks prior to the respective deadline.

**I.** The Zoning Administrator will provide written notice to the applicant of non-compliance with the planned development. The applicant is entitled to a hearing, if requested, and within a time period allowed by the Zoning Administrator, and entitled to submit evidence to establish that material action has been taken to establish or maintain the planned development. If the Zoning Administrator finds that material action has been undertaken in good faith, a written decision will be issued in confirming that the planned development remains valid. If the Zoning Administrator finds that no material action has been taken by the applicant, the City Council will review the planned development and determine whether to extend or terminate the planned development.

**J.** No application for a planned development which was previously denied by the City Council will be considered by the Zoning and Planning Commission or the City Council if it is resubmitted in substantially the same form and/or content within one year of the date of such prior denial. In this regard:

1. The Zoning Administrator will review the application for a planned development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the City Council to appeal the determination of the Zoning Administrator that the application is substantially the same, provided a petition for appeal is filed in writing with the Zoning Administrator within ten days of the determination.
2. The City Council will affirm or reverse the determination of the Zoning Administrator, regarding whether the new application is in substantially the same form, within 30 days of receipt of a petition for appeal.
3. If it is determined that the new application is not substantially in the same form, then the applicant is entitled to continue with the application process and have it reviewed in accordance with the provisions of the Zoning Ordinance.

## **18.9 AMENDMENTS AND ALTERATION TO APPROVED PLANNED DEVELOPMENT PERMITS**

### **A. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Zoning Administrator, at their sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Planning Commission. No notice is required for an administrative modification.

1. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
2. Changes in building location of no more than ten feet that continue to meet the requirements of the Ordinance and any conditions of the final plan approval or an approved site development allowance.
3. Changes in building design that continue to meet the requirements of the Ordinance and any conditions of the final plan approval or an approved site development allowance.
4. An increase or decrease in building height of up to 5% that continue to meet the requirements of the Ordinance and any conditions of the final plan approval.
5. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of the Ordinance and any conditions of the final plan approval.

6. Interior modifications to any structure that continue to meet any conditions of the final plan approval.
7. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of the Ordinance and any conditions of the final plan approval.
8. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of the Ordinance and any conditions of the final plan approval.
9. Modification of existing signs or the addition of new signs when in conformance with sign regulations and any conditions of the final plan approval.

**B. Minor Modifications**

The Zoning and Planning Commission may approve the following minor modifications to an approved final plan when it is determined by the Zoning and Planning Commission that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Zoning and Planning Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the City Council. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

1. An increase or decrease in building height of over 5% up to a maximum of 10%.
2. An increase or decrease in building coverage that continue to meet the requirements of the Ordinance and any conditions of the final plan approval
3. A change of in the location of walkways, vehicle circulation ways, and parking areas over ten feet up to a maximum of 20 feet.
4. An increase or decrease in the number of parking spaces.
5. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of the Ordinance and any conditions of the final plan approval.
6. Altering any final grade by no more than 20% of the originally planned grade.

**C. Major Modifications**

1. The City Council may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
  - a. Changes to any conditions imposed as part of the approved final plan.
  - b. Reductions or alterations in the approved public benefit and amenities to be provided.
  - c. Any development action that does not comply with zoning district regulations.
2. All major modifications to the final plan must be approved by the City Council in a public hearing. The City Council may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted land use policies.
3. Upon review of the proposed major modifications, the City Council may determine that the proposed modifications constitute a new planned development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this section. The applicant may submit the final plan as a new preliminary plan at the preliminary plan stage.

## Article 19. Nonconformities

- 19.1 GENERAL APPLICABILITY
- 19.2 NONCONFORMING USE
- 19.3 NONCONFORMING STRUCTURE
- 19.4 NONCONFORMING LOT OF RECORD
- 19.5 NONCONFORMING SIGNS

### 19.1 GENERAL APPLICABILITY

#### A. Authority to Continue

Any use, structure, lot, site element, or sign that legally existed as a nonconformity as of the effective date of this Ordinance, or has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal.

#### B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner or the operator of the nonconforming use, structure, lot, site element, or sign.

#### C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

### 19.2 NONCONFORMING USE

#### A. Defined

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but is no longer allowed in the district.

#### B. Expansion

A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.

#### C. Relocation

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other structure or location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

#### D. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

#### E. Discontinuation or Abandonment

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of one year, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God are not included in calculating the length of discontinuance for this section.

#### F. Damage or Destruction

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased.

2. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 19.3.
3. However, in either case, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished unless it conforms to all regulations of the zoning district in which it is located, including use.

#### **G. Nonconforming Residential Uses Deemed Conforming**

1. Residential dwelling types not allowed within the residential districts as of December 7, 1992 are deemed conforming uses when evidence is provided that they were legally permitted prior to such date.
2. The provisions of this section regarding discontinuance or abandonment do not apply to such dwellings.
3. Once such structure is purposefully demolished by the owner or is converted to a dwelling type allowed in the district, this deemed conforming provision is no longer valid.
4. If such structure is damaged or destroyed through no fault of the property owner or tenant to the extent of 50% or more of its replacement value at the time, then this deemed conforming provision is no longer valid.
5. If such structure is damaged or destroyed through no fault of the property owner or tenant to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed to its original condition provided that no additional nonconformities are created. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then this deemed conforming provision is no longer valid.

### **19.3 NONCONFORMING STRUCTURE**

#### **A. Defined**

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but no longer conforms to applicable dimensional regulations.

#### **B. Maintenance**

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

#### **C. Structural Alterations**

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. *For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if it meets all other bulk and setback requirements of the district.*

#### **D. Relocation**

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

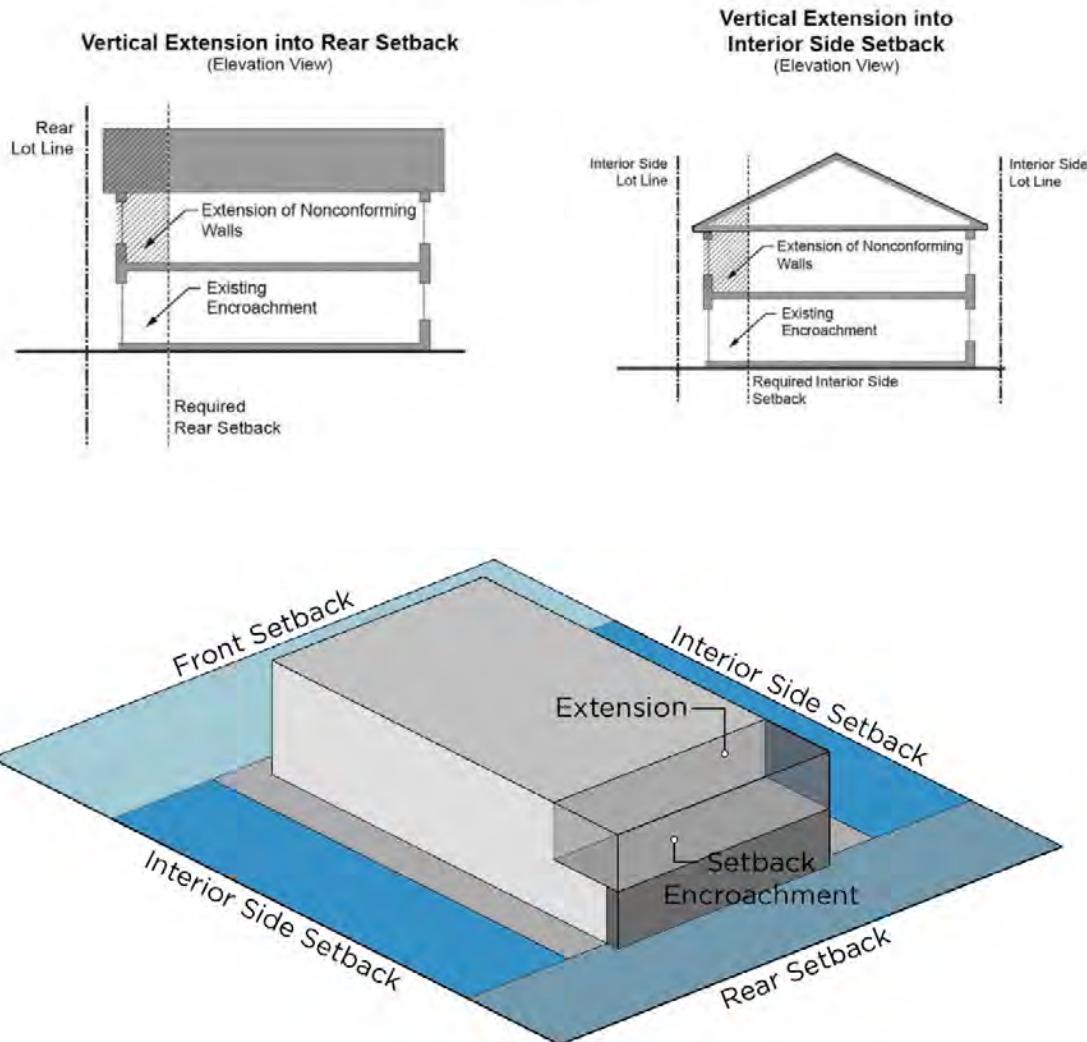
## **E. Damage or Destruction**

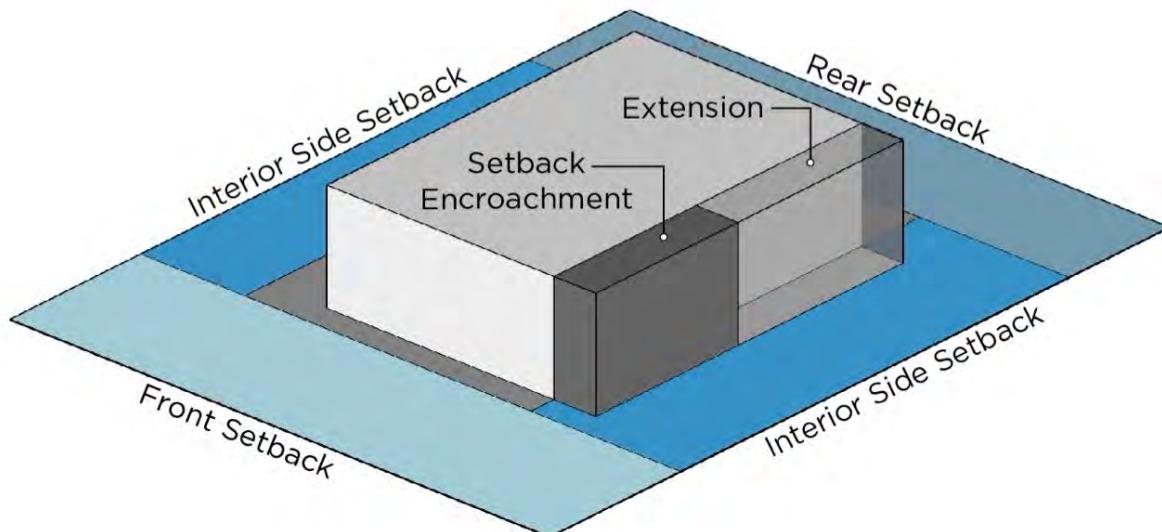
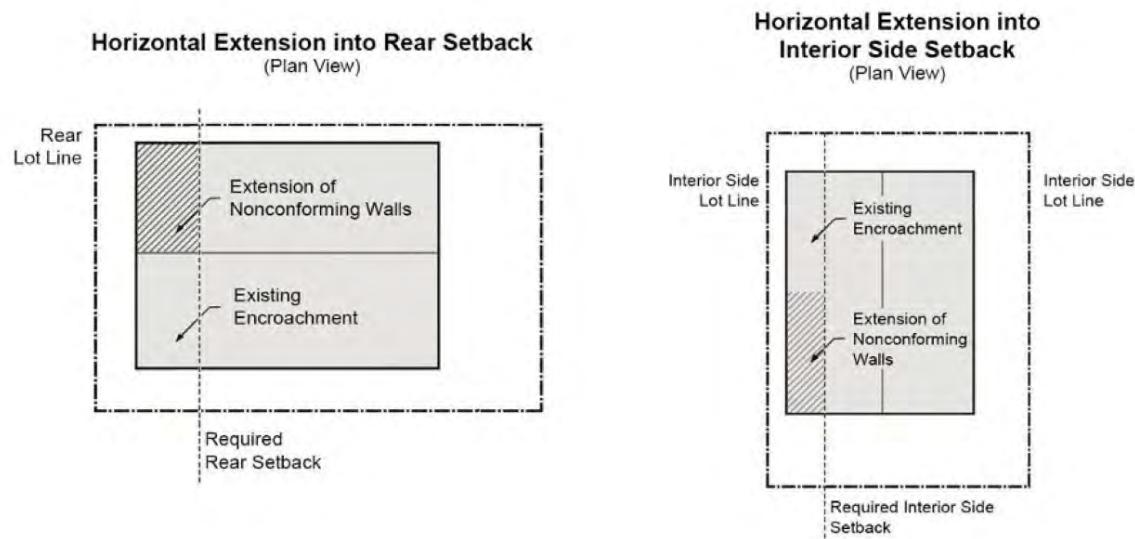
- 1.** Nonresidential nonconforming structures are subject to the following:
  - a.** In the event that any nonresidential nonconforming structure is damaged or destroyed through no fault of the property owner or tenant to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
  - b.** When a nonresidential nonconforming structure is damaged or destroyed through no fault of the property owner or tenant to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
- 2.** Residential nonconforming structures are subject to the following:
  - a.** If a nonconforming single-family or two-family structure that is a permitted use within the district is destroyed or damaged through no fault of the property owner or tenant, regardless of the percent of damage, it may be rebuilt to its original condition before such casualty or loss. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located. This provision also applies to any nonconforming single-family and two-family dwelling use in a nonresidential district.
  - b.** If a nonconforming residential structure is damaged or destroyed through no fault of the property owner or tenant to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
  - c.** If a nonconforming residential structure is damaged or destroyed through no fault of the property owner or tenant to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
- 3.** The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the City.

## **F. Extension of Walls for Nonconforming Single-Family and Two-Family Dwellings**

- 1.** Where a single-family or two-family dwelling permitted within the district is nonconforming because of a principal structure building wall encroachment into a required setback, the structure may be enlarged or extended horizontally or vertically along the same existing plane as the existing perimeter walls, so long as the resulting structure does not violate any other district regulation or increase the extent of the encroachment.
- 2.** When such extension of a principal structure building wall is within the required interior side setback, and includes eaves that are encroaching into such required setback, the continued encroachment of eaves into the required interior side setback is permitted but cannot exceed the existing eave encroachment prior to the expansion.

### EXTENSION OF NONCONFORMING WALLS







## 19.4 NONCONFORMING LOT OF RECORD

### A. Defined

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but no longer conforms to the applicable lot dimensions.

### B. Use

A nonconforming lot of record may be used for a permitted or conditional use allowed within the zoning district.

### C. Development

Development of a nonconforming lot of record must meet all applicable dimensional regulations of the district in which it is located with the exception of that lot dimension requirement that renders the lot nonconforming.

### D. Lot Division

No division of a nonconforming lot is permitted that creates a nonconforming lot and/or renders a lot or lots remaining nonconforming.

### E. Building Permits

No building permit will be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Article.

## 19.5 NONCONFORMING SIGNS

**A.** A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of less than 50% of its value prior to the damage. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of 50% or more of its value prior to the damage, or if it the sign and/or sign structure has been removed, it cannot be restored or repaired unless it conforms to all applicable regulations for the district. Sign owners must supply the Zoning Administrator with a repair cost estimate of the damaged sign and an estimate of the cost of a new identical sign.

**B.** All temporary nonconforming signs must be removed or brought into conformance within 30 days of the effective date of this Ordinance.

**C.** The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change. A change of a sign face requires a sign permit.

**D.** No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is relocated.

**E.** No nonconforming sign can be altered or enlarged in a way that increases the nonconformity of the sign or sign structure. This does not include normal maintenance and cleaning or changing of the sign face.