

AN ORDINANCE AMENDING THE VILLAGE OF BARTONVILLE CODE OF ORDINANCES TO REGULATE SCREENING AND LANDSCAPING OF COMMERCIAL BUILDINGS

WHEREAS, the Village of Bartonville (the “**Village**”) is an Illinois municipality and a home rule municipality in accordance with the Constitution of the State of Illinois of 1970 and as such, has the authority to create this Ordinance concerning its local government and affairs; and

WHEREAS, the Board of Trustees of the Village have determined that it is necessary and in the best interests of the health, safety, and welfare of the citizens of the Village to establish regulations pertaining to screening and landscaping for commercial and non-residential buildings located within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. The Village of Bartonville hereby finds as fact the recitals set forth above and such recitals are incorporated herein as though fully set forth.

SECTION 2. Chapter 18, Buildings and Building Regulations, Article XII to be titled “Screening and Landscaping for Commercial Buildings” is hereby added to the Code of Ordinances to state as follows:

“ARTICLE XII – SCREENING AND LANDSCAPING FOR COMMERCIAL BUILDINGS

Sec. 18-376. – Applicability. All requirements set forth in this Article shall only apply to new construction of commercial or non-residential buildings constructed on or after the effective date of the enacting ordinance of this Article. In the event of a mixed use building, in the event any portion of the building is commercial or non-residential, then the requirements of

this Article shall apply to said buildings constructed on or after the effective date of the enacting Ordinance of this Article. The commercial or non-residential buildings shall be referred to in this Article as a “Commercial Building” or “Commercial Buildings.”

Sec. 18-377. – Screening.

(a) Every owner, occupant, or lessee using or occupying a Commercial Building within the corporate limits of the village must have all commercial solid waste, landscape materials, and oil/grease containers or dumpsters maintained in a manner meeting the requirements of this section.

(1) *Surface.* All commercial solid waste, landscape materials, and oil/grease containers or dumpsters shall be located on a permanently paved surface constructed of bituminous concrete, Portland cement concrete, or other hard, solid surface of comparable strength and durability.

(2) *Screening required.* All commercial solid waste, landscape materials, and oil/grease containers or dumpsters must be screened/enclosed.

(2) *Minimum height of screening.* The screening must be at a minimum height of six (6) feet, but must also be a minimum of one (1) foot higher than the container or dumpster being screened.

(3) *Screening materials.* Any screening must be decorative solid screening, such as masonry, brick, stone, reinforced concrete, treated wood fence panels, or chain link with slats. Screening may also be achieved by evergreen species landscaping. Such material/landscaping must provide one hundred percent (100%) opacity on all sides.

- (4) *Gates.*** Gates must screen the commercial solid waste, landscape materials, and oil/grease containers or dumpsters from view when closed. All access gates to any such containers or dumpsters described herein, must be closed and latched at all times unless the container/dumpster or enclosure is in the actual process of being emptied, filled, painted, cleaned, constructed, installed, repaired, or otherwise maintained.
- (5) *Location.*** All commercial solid waste, landscape materials, and oil/grease containers or dumpsters enclosures must be placed at least fifty (50) feet from an adjacent residential lot.
- (6) *Aesthetic.*** As feasible, commercial solid waste, landscape materials, and oil/grease containers or dumpsters enclosures shall match the architectural theme, color, and material of the primary structure or building serviced.
- (7) *Servicing Containers/Dumpsters.*** All commercial solid waste, landscape materials, and oil/grease containers or dumpsters lids must remain closed and within the screening enclosure, at all times, except when in use or being serviced. Any service or waste vehicle which is emptying, removing, or moving a container/dumpster shall not block an ingress or egress, right of way, public street, or other public avenue.
- (8) *Miscellaneous.*** Upon application, review, and approval by the Village of Bartonville Building Department, three (3) sided open-container/dumpster enclosures may be allowed, only if the containers or dumpsters are not visible from a right of way or are directly adjacent to a property line.

(b) Every owner, occupant, or lessee using or occupying a Commercial Building within the corporate limits of the village must have all visible, outdoor mechanical units, electrical equipment, or other utility structures maintained in a manner meeting the requirements of this section.

(1) *Screening required.* Mechanical units, electrical equipment, or other utility structures must be screened, unless they are roof mounted. Such screening must abide by the requirements set forth in Sec. 18-377(a), as applicable.

(2) *Location.* Mechanical units, electrical equipment, or other utility structures cannot be visible from a right of way or directly adjacent to a property line.

Sec. 18-378. – Landscaping.

(a) Every owner, occupant, or lessee using or occupying a Commercial Building within the corporate limits of the village must have front yard and parking lot landscaping. The amount of landscaping required shall be calculated by utilizing the point system hereinafter described.

(b) The following point allocations shall apply for all required landscaping:

Classification	Points Allocated
Shade Trees (Must have a three (3)-inch caliper size measured twenty-four (24) inches above the ground level)	20 points
Evergreen and Intermediate Trees (Must be ten (10) feet tall)	15 points
Deciduous and Evergreen Shrubs (Must be twenty-four (24) inches tall and wide)	3 points

(c) Front yard landscaping. All new construction of a Commercial Building shall provide front yard landscaping as provided for in this subsection.

- (1) The number of points required for landscaping of front yards shall be based on the overall length of the lot frontage along a public street and/or right of way as measured in feet along the property line divided by two (2). For example, if the front yard lot frontage of a lot is two hundred twenty (220) feet in length, then the landscaping must generate one hundred and ten (110) points.**
- (2) One half of the points required for landscaping of front yards shall be achieved by utilizing shade, evergreen, or intermediate trees and the other half shall utilize deciduous or evergreen shrubs.**
- (d) Parking lot landscaping. All new construction of a Commercial Building shall provide parking lot landscaping as provided for in this subsection.**
- (1) The number of points required for landscaping of a parking lot shall equal the required total number of parking spaces in that lot. The points may be generated through the use of any combination of trees and/or shrubs. The requirements for parking lot landscaping are in addition to any requirements for landscaping in front yards.**
- (e) Miscellaneous. As applicable and relevant, the Village of Bartonville promotes the saving of existing, valuable landscaping elements. The appropriate designee or agent of the Village of Bartonville Building Department has the discretion to allow an owner, occupant, or lessee using or occupying a Commercial Building within the corporate limits of the village to keep certain, existing landscape elements upon request.**

Sec. 18-379. – Obstruction of Traffic or Views. No screening or landscaping constructed pursuant to this Article shall obstruct traffic or views on any public right-of-way in a manner that may cause a danger to the public. The Village of Bartonville Building Department has the discretion to deny any application that fails to comply with this Section, subject to appeal as set forth in Section 18-380 of this Article.

Sec. 18-380. – Application. All screening and landscaping for Commercial Buildings, as described in this Article, requires a “Commercial Screening and Landscaping Permit” prior to implementation and construction thereof. The application for such permit is available through the Village of Bartonville Building Department. The fee to apply for a “Commercial Screening and Landscaping Permit” is two hundred dollars (\$200.00), which is due when the application is submitted. Screening/landscaping plans evidencing compliance with this Article must also be submitted with the application and application fee. The appropriate designee or agent of the Village of Bartonville Building Department must review the application and screening/landscaping plans for compliance and shall issue a “Commercial Screening and Landscaping Permit” within fourteen (14) days upon a finding of compliance with this Article. If the application and/or plans fail to conform with this Article in any respect, then the application shall be denied. The applicant may appeal the decision of the application denial by submitting a request for review to the President of the Village of Bartonville within seven (7) days of the denial. The President may reverse the decision or send the decision to the Board of Trustees for their review, in which the applicant may be afforded the right to present their reasons why the denial should be reversed. Denial of a “Commercial Screening and Landscaping Permit” will require submission of additional plans that comply with this Article prior to subsequent approval.

Sec. 18-381. Violations. Any person or entity owning, occupying, or using a Commercial Building constructed after the effective date of the enacting Ordinance of this Article that is not in compliance with this Article may be subject to a fine up to \$750.00. Each date that the Commercial Building is non-compliant may be deemed a separate offense.

Sec. 18-382 - 18-395. – Reserved.”

SECTION 3. That all ordinances or parts thereof in conflict with this Ordinance are hereby expressly repealed.

SECTION 4. If any part or parts of this Ordinance shall be held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, publication, and approval as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, PEORIA COUNTY, ILLINOIS, THIS 8th DAY OF AUGUST, 2022.

AYES: 5

NAYS: 0

ABSENT: 1

APPROVED this 8th day of August , 2022.

By: Leon Ricca
Leon Ricca, President

ATTEST: Michelle Carr-Bruce
Michelle Carr-Bruce, Village Clerk

