

**CITY OF TRENTON
ORDINANCE #1769**

AN ORDINANCE REPEALING THE CITY'S ZONING MAP AND FORMER CHAPTER 40 OF THE CITY CODE AND REPLACING THEM WITH THE ATTACHED CHAPTER 48 ZONING REGULATIONS AND ZONING MAP THEREBY ADOPTING THEM AS THE OFFICIAL ZONING CODE OF THE CITY OF TRENTON, ILLINOIS. THE CORRESPONDING MAP AND REGULATIONS REPLACES AND SUPERCEDES THE PREVIOUS ZONING MAP AND REGULATIONS THROUGH ADOPTION OF THIS ORDINANCE.

WHEREAS, the City's Joint Planning and Zoning Commission reviewed the regulatory amendments to Chapter 48 Zoning Code and such recommendations and reports have been forwarded to the City Council, and the City has further held a public hearing before the Joint Planning and Zoning Commission and published notice as required for amending the city's regulations and zoning map pursuant to State Statutes 65 ILCS 5/11-13-1 from Ch. 24, par. 11-13-1; and

WHEREAS, the City desires to update Zoning Code to make them more user friendly, responsive to the latest planning and development trends, and be consistent with the City's Comprehensive Plan; and

WHEREAS, the Zoning Map and all the notations, references and other information shown thereon are made a part of Chapter 48 Zoning Code in conjunction with the passage of this ordinance and shall have the same force and effect as if such map and all the notations, references, and other information shown thereon were all fully set forth or described in the City's Zoning Regulations; former Chapter 40; and

WHEREAS, the City has the authority to adopt and amend zoning regulations and the City's official zoning map pursuant to State Statutes 65 ILCS 5/11-13-1 from Ch. 24, par. 11-13-1 and independently adopt such additional or other regulations pursuant to its police powers and statutory authority to regulate construction and otherwise protect the public health, safety and welfare; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRENTON, ILLINOIS, AS FOLLOWS:

Section One: Chapter 48 of the City's Municipal Code, Sections 40.1.1 – 40.11.8 is hereby amended by repealing and replacing them with the attached Zoning Regulations and Zoning Map thereby making the corresponding attachments the Official regulations for the City of Trenton via adoption of this ordinance.

Section Two: Except as specifically amended herein, all other provisions of the City Code and other ordinances of the City shall remain in full force and all ordinances or parts of ordinances in conflict herewith are repealed insofar as they conflict.

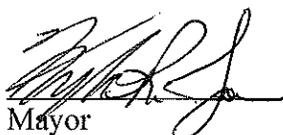
Section Three: This Ordinance and the corresponding regulations and zoning map shall take full force and effect from and after the date of its passage and approval.

This Bill was passed and approved this 21st day of September 2020 by the City Council of the City of Trenton, Illinois.

AYES: DEJEN, MOHME, KNIEMAN, SIMS, WEH

NOES: NONE

ABSTAIN: NONE



Mayor

ATTEST:



City Clerk

Chapter 48 Zoning Regulations



City of Trenton, IL

September 2020

Prepared by Streiler Planning

TABLE OF CONTENTS

| | |
|---|----|
| CHAPTER 48: ZONING CODE | 5 |
| ARTICLE I - GENERAL PROVISIONS | 5 |
| 48.1.1. TITLE | 5 |
| 48.1.2. PURPOSE | 5 |
| 48.1.3. SCOPE | 5 |
| 48.1.4. JURISDICTION | 6 |
| 48.1.5. INTERPRETATION | 6 |
| 48.1.6. DISCLAIMER OF LIABILITY | 6 |
| 48.1.7. SEVERABILITY | 6 |
| 48.1.8. REVIEW | 6 |
| ARTICLE II - DEFINITIONS | 7 |
| 48.2.1. CONSTRUCTION OF TERMS | 7 |
| 48.2.2. SELECTED DEFINITIONS | 7 |
| ARTICLE III - ZONING REGULATIONS | 34 |
| 48.3.1. ESTABLISHMENT OF DISTRICTS | 34 |
| 48.3.2. MAP - ANNUAL PUBLICATION | 34 |
| 48.3.3. DETERMINING TERRITORIAL LIMITS | 34 |
| 48.3.4. ANNEXED TERRITORY | 35 |
| 48.3.5. GENERAL PROHIBITION | 35 |
| 48.3.6. UNLISTED USES PROHIBITED | 35 |
| 48.3.7. TEMPORARY USES | 35 |
| 48.3.8. MEETING MINIMUM REQUIREMENTS | 35 |
| 48.3.9. ACCESS REQUIRED | 35 |
| 48.3.10. FRONT SETBACKS - CORNER/THROUGH LOTS | 35 |
| 48.3.11. FRONT SETBACKS IN CERTAIN BUILT-UP AREAS | 36 |
| 48.3.12. YARD INTRUSIONS | 36 |
| 48.3.13. HEIGHT - EXCEPTIONS | 36 |
| 48.3.14. SEWER AND SEPTIC TANKS | 36 |
| 48.3.15. ACCESSORY USES - PERMITTED | 37 |
| 48.3.16. ACCESSORY USE RESTRICTIONS | 37 |
| 48.3.17. RESERVED | 38 |
| ARTICLE IV - ZONING DISTRICTS | 39 |
| 48.4.1. "P-D" PLANNED DEVELOPMENT | 39 |
| 48.4.2. "A-1" - AGRICULTURAL DISTRICT | 43 |
| 48.4.3. "SR-1" - SINGLE-FAMILY RESIDENCE DISTRICT | 45 |
| 48.4.4. "SR-2" - SINGLE-FAMILY DISTRICT | 46 |
| 48.4.5. "MR-1" - MULTIPLE-FAMILY RESIDENCE DISTRICT | 47 |
| 48.4.6. "MR-2" - MULTIPLE-FAMILY RESIDENCE DISTRICT | 48 |
| 48.4.7. "MH-1" - MANUFACTURED HOUSING DISTRICT | 49 |
| 48.4.8. "B-2" CENTRAL BUSINESS DISTRICT | 50 |
| 48.4.9. "B-3" HIGHWAY BUSINESS DISTRICT | 52 |

| | | |
|---|--|----|
| 48.4.10. | "I-1" - INDUSTRIAL DISTRICT | 53 |
| 48.4.11. | RESERVED | 54 |
| ARTICLE V: SUPPLEMENTARY ZONING REGULATIONS | | 55 |
| 48.5.1. | APPLICABILITY OF ARTICLE | 55 |
| 48.5.2. | RECREATIONAL VEHICLES | 55 |
| 48.5.3. | BUFFER STRIPS, FENCES, WALLS AND HEDGES | 55 |
| 48.5.4. | SERVICE STATIONS / CONVENIENCE STORES | 56 |
| 48.5.5. | NURSING HOMES AND GROUP HOMES | 57 |
| 48.5.6. | JUNK YARDS | 57 |
| 48.5.7. | HOME OCCUPATIONS | 57 |
| 48.5.8. | SCHOOLS | 58 |
| 48.5.9. | SWIMMING POOLS | 59 |
| 48.5.10. | UTILITY SUBSTATIONS | 59 |
| 48.5.11. | KENNELS | 59 |
| 48.5.12. | AGRICULTURAL ACTIVITIES | 59 |
| 48.5.13. | LIGHTING CONTROLS | 60 |
| 48.5.14. | PUBLIC BUILDINGS | 60 |
| 48.5.15. | CHURCHES AND HOUSES OF FORMAL WORSHIP | 60 |
| 48.5.16. | CANNABIS (MARIJUANA) RELATED USES | 61 |
| 48.5.17. | INFILL DESIGN REGULATIONS | 62 |
| ARTICLE VI: SIGN REGULATIONS | | 63 |
| 48.6.1. | GENERAL PROHIBITION | 63 |
| 48.6.2. | COMPUTATION OF SIGN AREA ALLOWANCE | 63 |
| 48.6.3. | DEFINITION OF SIGN AREA | 63 |
| 48.6.4. | SPECIAL SITUATIONS | 63 |
| 48.6.5. | SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED | 63 |
| 48.6.6. | ILLUMINATION | 63 |
| 48.6.7. | NONCONFORMING SIGNS | 64 |
| 48.6.8. | RESTRICTIONS | 64 |
| 48.6.9. | STRICTLY PROHIBITED SIGNS | 64 |
| 48.6.10. | SIGNS PERMITTED IN ANY DISTRICT | 65 |
| 48.6.11. | AGRICULTURAL; RESIDENTIAL DISTRICTS | 66 |
| 48.6.12. | BUSINESS & INDUSTRIAL DISTRICTS | 66 |
| ARTICLE VII: OFF-STREET PARKING & LOADING REGULATIONS | | 69 |
| 48.7.1. | APPLICABILITY OF ARTICLE | 69 |
| 48.7.2. | EXISTING PARKING/LOADING FACILITIES | 69 |
| 48.7.3. | PARKING DESIGN AND MAINTENANCE STANDARDS | 69 |
| 48.7.4. | LANDSCAPING | 70 |
| 48.7.5. | LOCATION OF PARKING | 70 |
| 48.7.6. | DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES | 71 |
| 48.7.7. | COMPUTATION OF REQUIRED PARKING/LOADING SPACES | 72 |
| 48.7.8. | NUMBER OF PARKING AND LOADING SPACES REQUIRED | 73 |
| ARTICLE VIII: NONCONFORMITIES | | 78 |
| 48.8.1. | NATURE OF NONCOMFORMITIES | 78 |

| | | |
|---|---|----|
| 48.8.2. | NONCONFORMING LOTS. | 78 |
| 48.8.3. | NON-URBAN AND RESIDENTIAL DISTRICTS | 78 |
| 48.8.4. | BUSINESS AND INDUSTRIAL DISTRICTS | 78 |
| 48.8.5. | TWO OR MORE LOTS IN COMMON OWNERSHIP | 78 |
| 48.8.6. | NONCONFORMING STRUCTURES | 78 |
| 48.8.7. | NONCONFORMING USES OCCUPYING A STRUCTURE | 79 |
| 48.8.8. | NONCONFORMING USE OF LAND | 80 |
| 48.8.9. | NONCONFORMITIES UNDER PERMIT AUTHORITY | 80 |
| ARTICLE IX: ADMINISTRATION AND ENFORCEMENT | | 81 |
| 48.9.1. | ADMINISTRATOR’S DUTIES | 81 |
| 48.9.2. | INITIAL CERTIFICATES OF ZONING COMPLIANCE | 81 |
| 48.9.3. | ZONING APPLICATION | 82 |
| 48.9.4. | DURATION OF CERTIFICATE | 82 |
| 48.9.5. | RELATIONSHIP TO BUILDING PERMITS | 83 |
| 48.9.6. | FINAL CERTIFICATES OF ZONING COMPLIANCE | 83 |
| 48.9.7. | CORRECTIVE ACTION ORDERS | 83 |
| 48.9.8. | CORRECTIVE ACTION ORDER | 83 |
| 48.9.9. | SERVICE OF ORDER | 84 |
| 48.9.10. | STOP ORDERS | 84 |
| 48.9.11. | EMERGENCY MEASURES | 84 |
| 48.9.12. | COMPLAINTS | 84 |
| 48.9.13. | FEES | 84 |
| 48.9.14. | PENALTIES | 84 |
| ARTICLE X: ZONING PROCEDURES | | 85 |
| DIVISION I – JOINT PLANNING & ZONING COMMISSION | | 85 |
| 48.10.1. | ESTABLISHMENT OF THE JOINT PLANNING & ZONING COMMISSION | 85 |
| 48.10.2. | POWERS AND DUTIES | 85 |
| 48.10.3. | APPEALS | 86 |
| 48.10.4. | VARIANCES | 87 |
| 48.10.5. | PROCEDURES | 87 |
| 48.10.6. | CITY COUNCIL POWER OF ADMINISTRATIVE REVIEW | 88 |
| 48.10.7. | JUDICIAL REVIEW OF FINAL DECISION | 89 |
| DIVISION II - SPECIAL USES | | 89 |
| 48.10.8. | SPECIAL-USE PERMITS | 89 |
| 48.10.9. | APPLICATION | 89 |
| 48.10.10. | PUBLIC HEARING, NOTICE | 90 |
| 48.10.11. | ADVISORY REPORT, FACTORS CONSIDERED | 90 |
| 48.10.12. | ACTION BY CITY COUNCIL | 91 |
| 48.10.13. | TEMPORARY USE PERMIT PROCEDURES | 91 |
| DIVISION III - AMENDMENTS | | 91 |
| 48.10.14. | AMENDMENTS | 91 |
| 48.10.15. | FILING | 91 |
| 48.10.16. | PUBLIC HEARING - NOTICE | 91 |
| 48.10.17. | ADVISORY REPORT - FINDINGS OF FACT | 92 |

| | | |
|--------------------------------------|---|----|
| 48.10.18. | ACTION BY CITY COUNCIL | 92 |
| 48.10.19. | WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED | 92 |
| 48.10.20. | NOTICE TO APPLICANT OF WRITTEN PROTEST | 92 |
| ARTICLE XI: RENEWABLE ENERGY SYSTEMS | | 93 |
| 48.11.1. | PURPOSE AND INTENT | 93 |
| 48.11.2. | ACCESSORY USE | 93 |
| 48.11.3. | REQUIREMENTS | 93 |
| 48.11.4. | PROCEDURE FOR REVIEW | 95 |
| 48.11.5. | BUILDING PERMITS REQUIRED | 96 |
| 48.11.6. | ABANDONMENT | 96 |
| 48.11.7. | ALTERNATIVE COMPLIANCE | 96 |
| 48.11.8. | DEFINITIONS | 96 |
| 48.11.9. | MINIMUM OCCUPANT REQUIREMENTS | 96 |

CHAPTER 48: ZONING CODE
ARTICLE I - GENERAL PROVISIONS

48.1.1. TITLE

This Code shall be known as and cited as the Zoning Code of the City of Trenton, IL.

48.1.2. PURPOSE

In accordance with State Statutes (65 ILCS 5/11-13-1 from Ch. 24, par. 11-13-1), this Code regulates structures and land uses in order to preserve and protect public health, safety, comfort, morals, and welfare. The purpose of the Code is to assist in implementing the Comprehensive Plan. More specifically, this Code is intended to assist in achieving the following objectives:

- A. To regulate and limit the height and bulk of buildings hereafter to be erected;
- B. To establish, regulate and limit building or set-back lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin;
- C. To regulate and limit the intensity of the use of lot areas and regulate and determine the area of open spaces within and surrounding such buildings;
- D. To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses;
- E. To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification);
- F. To fix standards to which buildings or structure therein shall conform;
- G. To prohibit uses, buildings, or structures incompatible with the character of such districts;
- H. To prevent additions to and alteration or remodeling of existing buildings or structures that are not in conformance with this Chapter; and
- I. To require the creation and preservation of affordable housing, including the power to provide increased density or other zoning incentives to developers who are creating, establishing, or preserving affordable housing.

48.1.3. SCOPE

In order to achieve the objectives enumerated in Section 48.1.2, this Code:

- A. Divides this entire City into districts, and permits in each district only those structures and uses that are compatible with the character of such district;
- B. Regulates lot size, and the bulk, setbacks, lot coverage, and manner of use of structures;
- C. Imposes supplementary regulations to control certain potentially troublesome structures and uses;
- D. Sets forth standards for off-street parking areas;
- E. Restricts nonconforming lots, structures, and uses that adversely affect the type of development appropriate in each district; and
- F. Establishes zoning administrative and enforcement procedures.

48.1.4. JURISDICTION

This Code shall be applicable within the corporate limits of the city and on property owned by the City outside the corporate limits of the City. Nothing herein shall be construed to preclude the City from adopting and enforcing extraterritorial zoning, planning, subdivision and building regulations.

48.1.5. INTERPRETATION

Every provision of this Code shall be construed liberally in favor of this Municipality, and every requirement imposed in this Code shall be held to be the minimal requirements for the promotion of the public health, safety, convenience, morals and general welfare. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

48.1.6. DISCLAIMER OF LIABILITY

Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this Municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. Any suit brought against any officer, board member, agent, or employee of this Municipality, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings. (See "Local Governmental and Governmental Employees Tort Immunity Act", Ill. Comp. Stat., Ch. 745 Secs. 10/1-101)

48.1.7. SEVERABILITY

If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

48.1.8. REVIEW

This Code shall be reviewed every five (5) years after its effective date by the Joint Planning & Zoning Commission. After the review, they shall file their reports and recommendations with the City Council in accordance with the procedures and requirements of Article X, Division III Sections 48.10.14-20.

ARTICLE II - DEFINITIONS

48.2.1. CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

- A. Words and phrases shall have the meanings respectively ascribed to them in Section 48.2.2 unless the context clearly indicates otherwise; terms not defined in Section 48.2.2 shall have their standard English meanings.
- B. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- C. Words used in the present tense shall include the future tense.
- D. Words used in the singular number shall include the plural number, and the plural the singular.
- E. The term "shall" is mandatory.
- F. The term "may" is discretionary.
- G. The word "Governing Body" means the City Council
- H. The word "Commission" means the Joint Planning & Zoning Commission
- I. The words "lots," "parcel," "tract," and "site" shall be synonymous.
- J. The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" shall be synonymous.
- K. All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot.
- L. References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- M. A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
- N. Where this Chapter permits or requires an act on the part of an "owner" or "landowner," and a particular lot or tract of land is owned by several persons, whether in joint tenancy, tenancy in common, partnership, joint venture or other form of joint ownership, the act shall be taken on behalf of, and with the express written consent of, all such persons, which written consent shall be provided to the City.

48.2.2. SELECTED DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting: To physically touch or border upon; to share a common property or lot line.

Access: A way or means of approach to provide physical entrance to a property.

Accessory Structure: A subordinate building or structure, the use of which is incidental to the principal building or use and which is located on the same lot as the principal building or use.

Accessory structures shall include sheds, detached garages, decks, pools and covered patios. A structure housing an accessory use is considered an integral part of the principal building when it has any part of a wall in common with the main building, is under an extension of the main roof, or designed as an integral part of the main building.

Accessory Use: A subordinate use of a building or land which is incidental to the principal use, and customarily associated with the principal use which is located on the same lot as the main building or use.

Adult Entertainment Use: An establishment consisting of, including or having the characteristics of any or all of the following:

1. *Adult bookstore.* An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, videos or other media that are distinguished or characterized by the emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.
2. *Adult cabaret.* An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.
3. *Adult mini motion picture theater.* An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.
4. *Adult motion picture theater.* An enclosed building with a capacity for fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.
5. *Exotic dance facility.* Any building, structure or facility which contains, or is used for commercial entertainment, where the patron directly or indirectly is charged a fee to observe "specified anatomical areas", provided that the genitals and pubic areas of all persons and the areola and nipple of the breast of all female persons are opaquely covered. "Specified anatomical areas" shall include:
 - a. Less than completely or opaquely covered human genitals, pubic region, buttocks or female breast area below the point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Adjacent: Lying near, in the vicinity of, next to, adjoining.

Administrator: The official appointed by the Mayor with the advice and consent of the City Council to administer this Code, or his representative. (Synonymous with "City's designated official.")

Agricultural Use: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture use" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities and excludes stockyards, agricultural processing plants, commercial feed lots and slaughter houses. Agricultural use shall not include the removal of trees for the purpose of development or redevelopment or the removal of trees without replanting.

Aisle: A vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

All-Terrain Vehicle (ATV): Any motorized off-highway device designed to travel primarily off-highway, fifty (50) inches or less in width, having a manufacturer's dry weight of nine hundred (900) pounds or less, traveling on three (3) or more low-pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure or the moving from one location to another.

Amendment: A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Antenna, Accessory: An antenna and supporting structure attached to a building or freestanding and designed and used for an amateur radio or citizen band radio or a similar communication device.

Antenna, Communication: Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to, VHF and UHF television; FM or AM radio; two-way radio, cellular telephone, personal communications services (PCS) or other wireless telephony, fixed point microwave, low power television or other similar wireless communications and common carriers. This definition does not include satellite dish antennae less than one (1) meter in diameter that only receive a signal and other receive-only antennae including a satellite earth station, any receive-only home television antenna or any accessory antenna as herein defined which does not exceed thirty-five (35) feet in height.

Antenna, Concealed Communication: A communication antenna, as defined in this Section, which is completely contained within a church steeple, cupola or similar structure and not visible from outside such structure.

Antenna, Panel: A directional antenna that is a flat, rectangular device designed to concentrate a radio signal in a particular area.

Antenna, Satellite Dish: A device or structure used to transmit and/or receive radio, television or electromagnetic waves or signals between terrestrially and/or orbitally based uses through a reflective surface that is solid, open mesh or bar configured and generally in the shape of a shallow dish, cone or horn. This definition includes, but is not limited to, satellite earth stations, television-reception-only (TVROs) and satellite microwave antennae.

Antenna, Whip: An antenna that is cylindrical in shape, less than six (6) inches in diameter, up to eighteen (18) feet in height and transmits signals in a three hundred sixty degree (360°) direction. Commonly referred to as an omnidirectional, stick or pipe antennae.

Apartment: A room or suite of rooms in a building arranged, designed, and intended to be used as a housekeeping unit for a single family or a group of individuals living together as a family in separate dwelling units.

Assisted Living Facilities: Establishments primarily engaged in providing residential and personal care services without on-site nursing care for the elderly or other persons who are unable to fully care for themselves. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof. See also "Attached Single Family-Villa", "Duplex" and "Townhome".

Auditorium: A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingo, etc.

Automotive Repair Shop: An establishment or place of business primarily engaged in the repair or customization of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, transmissions, glass, and engines or engine parts, but excluding dismantling or salvage.

Automotive Sales & Rental: An establishment or place of business primarily engaged in the sale, leasing or rental of automobiles, vans and/or trucks less than two (2) tons, including incidental parking and servicing of vehicles available for sale, lease or rent. Uses may include U-Haul and other businesses that rent vehicles.

Automotive Service or Repair: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Automotive (Car) Wash: A building or portion thereof containing facilities for washing, waxing, drying, polishing or vacuuming private automobiles, light trucks and vans, but not commercial fleets. For purposes of this ordinance, coin operated devices operated on a self-serve basis shall be construed to be the same.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bar or Tavern: An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises with a city and state approved liquor license, including taverns, bars, and cocktail lounges where more than 50% of the total revenue is generated by liquor sales.

Basement: A story having one-half (1/2) or more of its height below the average level of the adjoining ground.

Bed and Breakfast: An operator-occupied residence with no more than five (5) guest rooms and in operation for more than ten (10) nights in a twelve (12) month providing accommodations to the abiding public who are lodged for compensation, with or without food service provided to guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, guest houses, short-term rentals (AirB&B/VRBO) or food service establishments.

Billboard: A sign advertising a commodity, business, service, or event which meets the requirements of Section 48.6.12 (I).

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Board of Zoning Appeals: The Joint Planning & Zoning Commission shall serve as the City's Board of Zoning Appeals.

Boarding House: A building or portion thereof, other than a hotel, motel, or apartment hotel, containing lodging rooms for three (3) or more persons who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods.

Buffer Strip: An area of land undeveloped except for landscaping fences, etc., used to protect a use situated on one (1) lot from the deleterious effects of the use on the adjacent lot.

Building: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, pets and personal property.

Building, Enclosed: A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Building Height: The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building, Principal: A non-accessory building in which the principal use of the premises is conducted.

Bulk: Any one or any combination of the following:

1. Size or height of structure;
2. Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
3. Floor/area ratio;
4. Yards or setbacks;
5. Lot coverage.

Camping Trailer: A trailer, not used commercially, designed to provide temporary 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.

Camping Trailer Park: A lot developed with facilities for accommodating camping trailers on a temporary basis. No camper, other than the Camping Trailer Host, may stay at a Camping Trailer Park for a duration of three (3) consecutive months or more.

Cannabis Cultivation Center, Licensed: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Dispensary, Medical: A facility operated by an organization or business that is licensed by the State of Illinois Department of Agriculture to acquire, store, and sell cannabis-infused products, and drug paraphernalia used to administer cannabis for medical purposes to a qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

Cannabis Dispensary, Recreational: A facility licensed by the State of Illinois to acquire, store, sell, transport, and deliver cannabis, cannabis-infused products, and drug paraphernalia used for recreational purposes to a qualifying adult over the age of 18.

Cannabis Infuser Organization or Infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Processing Facility: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Transporting Facility: A facility licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. No cannabis shall be cultivated, processed, or stored overnight at a cannabis transportation facility.

Centerline:

1. The centerline of any right-of-way having a uniform width;
2. The original centerline, where a right-of-way has been widened irregularly;
3. The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore may be occupied or used, unless a separate occupancy permit is required.

Certificate of Zoning Compliance, Final: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used, unless a separate occupancy permit is required.

Child Care Center: A facility which regularly provides day care for less than twenty-four (24) hours per day for four (4) or more children not related to the operator. A child care center shall include the terms "day care center", "part day child care facility" and "day care home" or as defined by Illinois State Statutes.

Church and Houses of Formal Worship: A building used by a religious institution that people regularly attend to participate in religious services, meetings and other customary, integrally related religious activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association or persons who are bonafide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein services are provided and/or goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Commercial Vehicle: Any motor vehicle which is designed or used principally for business, governmental or non-profit organizational purposes or for carrying passengers for hire and has a platform, cabinet, box, rack, compartment or other facility for transportation of materials, equipment and items other than the personal effects of private passengers.

Communication Tower (Freestanding): A freestanding structure designed for the support of one (1) or more communications antennae and including guyed towers, self-supporting (lattice) towers or monopoles. Freestanding communication towers shall require a Special Use Permit.

Communication Tower (Concealed): Any tower, column or similar structure concealed to look like a light or flag pole or similar or mounted on a building and exceeding fifteen (15) feet in height above the level of the roof at the point of attachment that is designed for support of one (1) or more communication antennae.

Communication Tower (Amateur Radio): An antenna structure of fifty (50) feet or less in height owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

Comprehensive Plan: The plan adopted by the City Council, after recommendation by the Joint Planning & Zoning Commission and public hearing that guides and coordinates the physical and economic development of Trenton. The Comprehensive Plan includes, but is not limited to, plans and programs regarding the locations and general character of residential, commercial or industrial land uses, streets, public facilities and parks.

Conforming: In compliance with the applicable provisions of this Code.

Convenience Store: An establishment or place of business primarily engaged in the retail sale of gasoline or diesel fuel at fuel pumps and a limited number of products related to automobile maintenance, along with, packaged food, cold drinks, limited tobacco products and household convenience goods. A convenience store may include facilities for washing vehicles, bays for making minor automotive repairs, or drive-through restaurants when a Special Use Permit is approved for such uses. This use shall not include "Liquor Stores", "Vap./E Cigarette Shops", "Tobacco Shops", "Automotive Service Stations or "Automobile Repair Shop" defined elsewhere in this Section.

Day Care Center: See "Nursery School."

Deck: An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

Decorative Fence: A non-obstructive fence, no greater than four (4) feet in height, of approved design and materials. Picket, split-rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable fence types include privacy, chain link, and welded wire.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

District Zoning: A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Drive Through Establishment: A place of business that through design, physical facilities, service or packaging procedures, encourages customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. This definition shall include all drive-through establishments, including but not limited to; drive-in restaurants & cafes, drive through banks and any retail or commercial service establishment that conducts business via a drive-up window.

Dry cleaning and laundry pick-up: An establishment or business maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dust-Free Drive surfaces: Drive or pedestrian use surfaces paved with one of the following methods: asphaltic concrete, cement concrete, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, or the equivalent as approved by the City Administrator. Chip and seal is not a permitted dust-free drive surface unless otherwise approved by the City Administrator.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families living independently of each other and doing their own cooking in the said building, but not including hotels, motels, and other accommodations for the transient public. Modular

dwellings on permanent foundations shall be treated in the same manner as conventionally constructed dwellings (see definition for modular and permanent foundation). A "dwelling unit" always includes a bathroom and a kitchen. The following words or terms associated with dwelling shall have the following meanings:

Dwelling, Multiple-Family: A building or portion thereof containing three (3) or more dwelling units.

Dwelling, Single-Family: A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

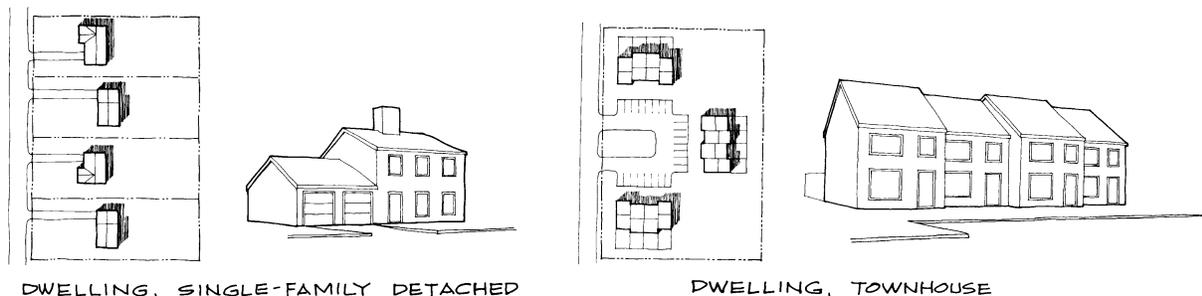
Dwelling, Single-Family Attached Duplex: Two (2) single family attached dwellings situated on one lot occupied exclusively by two families, respectively, in separate dwelling units living independently of each other.

Dwelling, Single-Family Attached (Villa): Two (2) single family attached dwellings situated on separate lots each with a private exterior entrance designed to be owned and occupied exclusively by separate families with no other dwelling unit located above or below another.

Dwelling, Townhouse: A dwelling containing three (3) or more attached single-family dwelling units on a single lot with private exterior entrance(s), and shared front, side and rear yards.

Dwelling Unit: One or more rooms designed or used as living quarters by one family.

Figure 1: Dwelling Examples: Single-Family Detached & Townhouse



Easement: A grant by a property owner allowing the use of a described area of land for specified purposes, where fee simple title to the land remains with the property owner.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build or construct.

Essential Governmental or Public Utility Services: The erection, replacement, construction, alteration, or maintenance by public utilities or governmental departments, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories.

Establishment: Either of the following:

1. An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or
2. An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
 - a) The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
 - b) The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Existing, constructed or in operation, on the effective date of this Code.

Extend: To increase the amount of floor area or land area devoted to an existing use.

Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than four (4) unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.

Farmers Market: The offering for sale of fresh agricultural products directly to the consumer at an open-air market designated and approved by the City as a Seasonal or Temporary Use.

Financial services: An establishment that performs central banking functions including accepting deposits and lending funds. Such establishment may include these services to patrons and customers through an accessory drive-through when permitted. Uses include banks; savings associations; savings and loan institutions; investment banking; brokerage for securities or commodities; credit reporting services; certified financial planning; accounting; auditing; bookkeeping; credit service offices, including credit unions; holding and investment services; savings and loans association offices; and consumer and mercantile credit reporting services. Financial Services does not include pawn shops, businesses primarily engaged in check cashing or issuing money orders or title loan establishments or other businesses offering short-term consumer loans secured by personal property, certificates of title to such property estimated tax refunds or other such collateral; all of which are prohibited money changing/money brokering uses. (*See also "Payday Loan" and "Title Loan" establishments*).

Floor Area, Gross: As used in determining floor/area ratios and parking requirements, the sum of the gross horizontal areas of all leasable floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

Floor Area Ratio: The numerical value obtained by dividing the gross floor area of all buildings on a lot by the area of that lot. The floor/area ratio, as designated for certain districts, multiplied by the lot area in square feet determines the maximum permissible floor area of the building(s) on the lot.

Food Truck: A mobile, fully self-contained vehicle with valid State of Illinois registration that sells only food and/or beverages (non-alcoholic) and that utilizes no outside cooking area. Mobile food vendors which stop for less than or equal to 30 minutes at a single location shall not be considered Food Trucks.

Freight Terminal: As applied to motor carriers subject to the Illinois Compiled Statutes, Chapter 625, Section 18c-1101 et seq., a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

Frontage: The lineal extent of the front (street-side) of a lot.

Garage, Private: A detached accessory building or portion of a principal dwelling designed or used exclusively for the storage for one (1) or more motor vehicles of the occupants of the premises. No private garage may be rented for commercial purposes.

Gasoline Service Station: Any structure or land used for retail sales and dispensing of motor vehicle fuels or oils, whether self-service or not. A service station may furnish supplies, equipment and minor repair services, including tires, to vehicles incidental to selling and dispensing of motor vehicle fuels and oils.

Government: The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

Guest house: An accessory use to a dwelling designed and intended for the temporary housing of visitors to a property at the invitation of the property residents for no fee or other consideration, and meeting or exceeding the standards for Single-Family Dwellings. Guest houses shall not be occupied for more than three (3) months within a twelve (12) month period without a Special Use Permit, occupancy permit and any fees as required by the Council. See also Bed and Breakfast and Short-Term Rentals (AirB&B/VRBO) definitions herein.

Health Club or Fitness Center: A business that provides facilities for aerobic exercises, such as running and jogging tracks, exercise equipment, game courts, gymnasium, or swimming facilities.

Hardship: A situation in which the strict application of the provisions of this Code will result in a condition which is difficult for the person(s) so affected by the provisions to endure, and is not caused by actions of such person(s).

Hazardous Substance: Any chemical that poses a threat to human health or the environment if released in significant amounts. Federal statutes and regulations include descriptions and lists of hazardous substances. Materials are regulated as hazardous under Section 311(b)(2)(A) or Section 307(a) of the Clean Water Act, Section 12 of the Clean Air Act, Section 3001 of the Resource Conservation and Recovery Act, Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act, or Section 7 of the Toxic Substances Control Act. Title 40, Section 302.4 of the Code of Federal Regulations provides a list of designated hazardous substances.

Home Occupation: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. (See Section 48.5.7.)

Hospital: An institution providing medical and surgical care for both inpatients requiring overnight stay and outpatients. Hospital shall include medical service, testing, training, and research facilities.

Hotel: An establishment containing lodging accommodations designed for use by travelers or temporary guests. Facilities provided may include a common kitchen and dining area for use by guests, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses. No cooking facilities shall be permitted in guest rooms.

Immobilized Mobile Home: As applied to a mobile home, "immobilize" means to remove the wheels, tongue and hitch and place on a permanent foundation.

Impervious Coverage: The total ground area covered by all buildings, roofed or covered spaces, paved surface areas (i.e. walkways and driveways), and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state.

Industrial Use, Heavy: A use engaged in the basic processing, manufacturing, and storage of materials or products predominantly from extracted or raw materials, or a use engaged in the manufacturing process using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Such uses include asphalt plants; oil and gas production; manufacture of cement, lime, gypsum and plaster of paris, chemicals and allied products, fabricated metal products, rubber and plastics products, stone, clay, glass and concrete products, and transportation equipment.

Industrial Use, Light: A use engaged in cutting edge and emerging technologies such as medical science and bio-medical engineering; microelectronics and electronic information technology; space science, aerospace and aeronautical technology; pharmaceutical, life science and biological engineering technology; energy science and new energy, high efficient energy conservation technology; ecology and environmental science; basic matter science and radiation science; data centers and server farms; uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, bottling, printing, fabrication, wood working, assembly, treatment, packaging, incidental indoor storage, sales and distribution of such products, but excluding basic industrial processing as described in the definition of "Heavy Industrial Use".

Intensify: To increase the level or degree of.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Invisible Pet Fence: An electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a visible barrier.

Joint Planning & Zoning Commission: The commission appointed by the Governing Body to administer the planning and zoning regulations and serve as the City's Zoning Board of Appeals as stipulated by the Governing Body and the Statutes of the State of Illinois.

Junk Yard: An open area of land and any accessory structures thereon that are used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition or parts

thereof, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three (3) or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

Kennel, Commercial: Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals over four (4) months of age, not including domesticated livestock. Commercial activities may include, but need not be limited to, public boarding, wholesaling of dogs or domesticated animals and the sale of items or products related to dogs or domesticated animal care.

Kennel, Private: Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals, not including domesticated livestock. All dogs or domesticated animals kept must be owned or co-owned or under contract to the owner or lessor of the site.

Liquor Store: An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Uses include establishments licensed to sell liquor, beer or wine for off-site consumption where over 50% of the total sales receipts or over 50% of the gross floor area is related to the storage, mixing, display and/or retail sale of liquor, beer, wine or related products.

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A tract of land used or developed as a unit, under single ownership or under single control. A "lot" may or may not coincide with a "lot of record." The word "lot" shall include the word "plot," "tract," "zoning lot" or "parcel". The derivations of lot shall maintain the following definitions:

1. ***Lot Area:*** The area of a horizontal plane bounded by the front, side, and rear lines of a lot.
2. ***Lot, Corner:*** A lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.
3. ***Lot Coverage:*** The portion of a lot that is occupied by buildings or structures, including accessory buildings. Lot coverage shall include all uses governed by a building permit, including but not limited to, above ground pools, in-ground pools, decks, covered patios, garages (detached and attached), sheds, car ports, porches and other similar items including covered patios, driveways, sidewalks, and parking areas. (See also "Impervious Surfaces")
4. ***Lot Depth:*** The average horizontal distance between the front lot line and the rear lot line of a lot.
5. ***Lot, Through:*** A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines. This definition shall include double frontage lots.
6. ***Lot Line, Front:*** The lot boundary abutting the street. In the case of a corner lot or double frontage lot, the front lot line shall be the lot line adjacent to the street that provides primary access to the lot or towards which the main building on the lot is oriented.
7. ***Lot Line, Rear:*** An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.

8. ***Lot Line, Side:*** Any boundary of a lot which is not a front lot line or a rear lot line.
9. ***Lot of Record:*** An area of land designated as a lot on a subdivision plat recorded or registered with the County Recorder of Deeds, in accordance with State law.
10. ***Lot Size Requirement:*** Refers to the lot area, width, and depth requirements of the applicable district.
11. ***Lot Size/Bulk Variance:*** A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot size/bulk variance goes with the property when sold.
12. ***Lot Width:*** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

Massage Parlor: An establishment that is not licensed by the State of Illinois as a Massage Therapy establishment and that provides baths and body massages or either of them. Nothing herein contained shall apply to a licensed Massage Therapist or an establishment where Massage Therapy is practiced and certified to operate in Illinois

Massage Therapy Establishment: An establishment licensed by the State of Illinois that employs certified massage therapists who provide therapeutic massage as defined in Illinois State Statutes. Any massage therapy business utilizing a massage therapist as defined in this Section shall be considered a medical use and permitted as such in the City's commercial districts. The definition does not include establishments that offer illicit sexual services under the guise of therapeutic massage, see also "Massage Parlor".

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

Manufactured Home: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. The term shall only include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974". Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 3/12 pitch roof with residential style siding and roofing, six (6) inch minimum eave overhang, and shall have a minimum living area of not less than nine hundred (900) square feet.

Manufactured Home Lot: A parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

Manufactured Home Pad: That part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

Manufactured Home Park: A tract of land under unified ownership which contain sites with the necessary utilities for two (2) or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park.

Manufactured Home Park License: A permit issued by the Administrator authorizing the operation of a manufactured home park in accordance with all applicable regulations.

Manufactured Home Sales Area: A parcel of land used for the display, sale, and repair of new or used manufactured homes.

Manufactured Home Space: A portion of a manufactured home park designed for the use or occupancy of one (1) manufactured home.

Mini-Warehouses (Self-Storage): A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Mobile Home: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. The term "mobile home" shall only include homes constructed prior to June 30, 1976 and not in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974".

Mobile Home, Double-Wide: Consists of two (2) mobile units joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

Mobile or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (IBC) and shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed in a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 3/12 pitch roof with residential style siding and roofing, six (6) inch minimum eave overhang, and shall have a minimum living area of not less than nine hundred (900) square feet. All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

Figure 5: Modular Home



Residential Character:
Pitched Roof
Enclosed Garage

Architectural Details:
Eave Projection
Ornamental Windows

Permanent Features:
Walkway and Stairs
Footings & Foundation

Motel: A building primarily offering transient lodging accommodations to the general public for compensation with access from each room to a readily accessible off-street parking area for use by the patrons of the building. This definition shall also include motor lodges and motor courts.

Noisome and Injurious Substances, Conditions and Operations:

1. Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.
2. Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply. Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any person(s).
3. Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.
4. Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.
5. Creation or causation of an unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.
6. Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused.
7. Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.
8. Any public nuisance.

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means: lawfully existing on the effective date of this Code, but not in compliance with the applicable provisions this Chapter.

Nuisance: Any condition, conduct, or thing that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery: A retail establishment that sells gardening supplies, landscaping tools, plants, shrubs, trees and associated products. Uses shall include green houses, garden centers and plant nurseries.

Nursery School: An establishment for the part-time care and/or instruction (at any time of day) of **four (4)** or more unrelated children of predominantly pre-elementary or elementary school age.

Nursing, Convalescent or Retirement Home: An intermediate care facility primarily engaged in providing inpatient nursing and rehabilitative services to residents who require watchful care and medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.

Office, Studio or Lab: Any building, or portion thereof, in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted. Uses shall include corporate offices, medical, pharmaceutical or biomedical labs, information technology (IT), public relations service, direct mail or advertising agency, employment or personnel agency, manufacturer's representative office, management services, insurance agents, brokers, carriers, and services, security service office, trade union office, travel agency, dance, art, or photography studio or other general business office with no retail activity.

Official Map- Future Land Use: The portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be one or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the City.

Off-Street Parking Area: Land that is improved and used primarily for the storage of passenger motor vehicles free of charge or for compensation. An "off-street parking area", depending on the circumstances of its use, may be a principal use or an accessory use.

Off-Street Parking Space: An area at least twenty (20) feet long and ten (10) feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

Overlay District: A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of revitalizing areas of disinvestment or controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

Outdoor Display Area: A portion of a property outside of any building where merchandise, goods or other items are placed in public view for the purpose of direct sale or lease to customers.

Outdoor Storage: The keeping in an unroofed area of any goods, material or merchandise in the same place for more than twenty-four (24) hours unless such goods, material or merchandise have been authorized through the issuance of a permit for a temporary outdoor display or temporary seasonal display and sales. The parking of motor vehicles which are used in the operation of a commercial establishment shall not be considered outside storage. See also "Automobile Sale & Rental".

Pawnbroker or Pawnshop: An establishment, individual or business entity which lends money on the deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to a legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property, or who deals in the purchase of such property on the condition of selling the property back again at a stipulated price. The business of a pawnbroker does not include the lending of money on deposit or pledge of title to property.

Payday loan establishment: An establishment that engages in transactions in which a short-term cash advance is made to a consumer in exchange for a customer's post-dated check in the amount of the advance plus a fee, or in exchange for a consumer's authorization to debit a transaction account in the amount of the advance plus a fee at a designated future date. Uses also include check cashing stores. The classification does not include a state or federally chartered bank, savings association, credit union, or industrial land company. Further, this classification does not include establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business.

Patio: An at-grade paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.

Permanent Foundation: A permanent support for buildings that are constructed of conventional foundation materials such as concrete or cement blocks. The foundation footing shall extend below the frost line.

Permanent Habitation: Occupying or habiting the same dwelling for a period of two (2) or more months.

Permitted Uses: Any use which is or may be lawfully established in a particular zoning district(s), provided it conforms with all the requirements applicable to said district(s).

Person: Any individual, firm, association, organization, or corporate body.

Plan: The geographical and topographical maps, engineering and architectural drawings and specifications, and other information indicating the location and nature of a development.

Planned Development Project: A development wherein, in accordance with an approved development plan, common open space is reserved, various housing types and other structures and uses may be mixed, and where the overall average density does not exceed the underlying conventional zoning district limit.

Planned Unit Development: A tract of land which is planned as a whole for development under single ownership or control in accordance with this Code, and which, by virtue of such unified planning and development, provides greater amenities, convenience, or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned unit development may be a planned unit commercial or planned unit residential development.

Pole barn: A typically metal clad structure most often utilizing wooden poles and trusses for support with unfinished, insulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and not intended for human habitation.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

Premises: A lot and all the structures and uses thereon.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Private Street: Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

Public Buildings: Any building or facility owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public. Wireless communication facilities as defined herein are not included in this definition.

Public Open Space: Any publicly-owned open area, including, but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public Utilities: Utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

Public Utility Services: Services used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water or light except when used solely for communications purposes. For the purposes of the Plan, facilities designed or intended to be used for the transmission of telephone messages or any other form of telecommunications are NOT Public Utility Services.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.

Recreational Vehicle: Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business. The definition includes, but is not limited to, motorcycles, mopeds, scooters, travel trailers, truck campers, camping trailers, boats, personal watercraft, snow mobiles, go-carts, tent trailers, fifth-wheel trailers, and self-propelled motor homes. Recreational vehicle does not include manufactured home or mobile home. (625 ILCS 5/1-169)

Recreational Vehicle (RV) Park: See Camping Trailer Park.

Refuse: Garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate: To move to another portion of a lot or to a different lot.

Renewable Energy Systems:

1. **Building-integrated Renewable Energy System:** A Renewable Energy System that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or

substituting for an architectural or structural component of the building which contributes to the design of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

2. *Ground mounted Solar Energy System:* A Solar Energy System that is not attached to another structure and is affixed to the ground.
3. *Ground mounted Wind Energy System:* A Wind Energy System that is not attached to another structure and is affixed to the ground with a monopole tower.
4. *Renewable Energy Systems:* Equipment and appurtenances used in the production of energy through the conversion of sun and wind energy which includes solar energy and wind energy systems.
5. *Roof mounted Solar Energy System:* A Solar Energy System affixed to either a principal or accessory structure on a lot.
6. *Roof mounted Wind Energy System:* A Wind Energy System affixed to the roof of a principal or accessory structure on a lot.
7. *Solar Energy Collector:* The component of a Solar Energy System containing the flat plate or tube or other devices that absorb energy from the sun when exposed to sunlight.
8. *Solar Energy Equipment:* The Solar Energy Collectors, electronics, disconnects, valves, and other appurtenances associated with a Solar Energy System.
9. *Solar Energy System:* A building or ground-mounted photovoltaic, hot air, or hot water collector device or other type of energy system which relies upon solar radiation as the source for the generation of electricity or transfer of stored heat.
10. *Wind Energy System:* A wind energy conversion system consisting of a wind turbine, freestanding or attached to a structure, and associated control or conversion electronics; provided, however, that Wind Energy Systems in the City shall be limited to those which have a rated capacity of ten (10) kilowatts or less and are used for on-site consumption.
11. *Wind Turbine:* The blades and associated components mounted on top of a tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Repair: To restore to sound condition, but not to reconstruct.

Residence: A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences shall be placed on a full perimeter foundation extending below the frost depth, have a minimum 3/12 pitch roof with a six (6) inch minimum eave overhang, clad with residential style siding and roofing, and a minimum living area of not less than nine hundred (900) square feet. All residences shall be built in conformity with latest version of the International Building Code adopted by the City.

Restaurant, general: An establishment or place of business primarily engaged in the preparation of full course meals served on premise, with complete kitchen facilities for preparation of the food sold, and where alcoholic beverages may be sold in conjunction with meals, or at a bar within the restaurant, provided that more than 50% of the revenue generated at the restaurant is related to food sales. Uses include buffets, cafeterias, cantinas, barbecues, hamburger shops, pizza bakeries, chili parlors, diners and steak houses where more than 50% of the revenue generated is from food sales.

Restaurant, limited: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages. Uses include soda fountains, cafes, diners, grills, ice cream parlors, pizza parlors, chili parlors, hamburger shops, sandwich (sub) shops, coffee shops or snack shops, take-out only establishments and that do not include restaurants that serve alcoholic beverages, include a drive-through. (*Fast food restaurants with a drive-through are classified under "Drive Through Establishments" in the Land Use Table.*)

Retail: Refers to the sale of goods and services directly to the consumer rather than to another business.

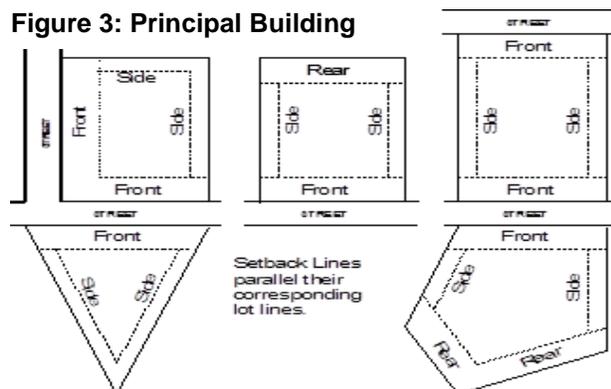
Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

Satellite Dish: Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of view and noise control.

Semi-Finished Materials: Materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry for assembly or manufacture into consumer goods.

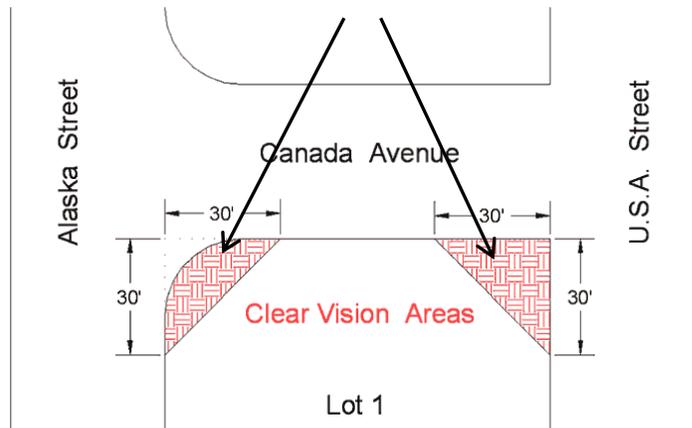
Setback: The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building including porches, carports and accessory uses subject to yard encroachment provisions of the City's Zoning Ordinance.



Short-Term Rental (AirB&B and VRBO): The ongoing use and occupancy of a legally existing, owner-occupied single-family residence in the City's SR-1 and SR-2 Zoning Districts for less than 30 days and shall require a business license, registry of renters, a special use permit regulating the frequency of use, occupancy, and any other requirements or fees as determined by the City Council.

Sight Distance Triangle: The triangular area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines in which no obstruction, whether natural or man-made, shall intrude into the air space that is between two (2) and ten (10) feet above the level of the adjacent street; this area is known as the clear vision area. See Figure 1.

Figure 4: Sight Distance Triangle
(Clear Vision Areas)



Sign: Any object, device, display or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term "sign" includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes features of a building which are an integral part of the building's design (e.g., the "castle-look" of a White Castle restaurant).

Sign, Canopy/Marquee: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee or similar overhang.

Sign, Flush-Mounted: Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than eighteen (18) inches. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

Sign, Freestanding: Any sign supported by one (1) or more uprights, poles, or braces placed in or upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the structure to which it is attached.

Sign, Projecting: Any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

Sign Area: The entire area within a single, continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Code.

Sign Area Allowance: The maximum total sign area of all signs that an establishment is permitted to display.

Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district when special conditions are applied on a case by case basis. Special uses must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by special use permit. A public hearing before the Joint Planning & Zoning Commission shall be conducted for each special use permit. Following the public hearing, the Commission shall issue an advisory report to the City Council including the Commission's recommendation and findings of fact for each application. After review of the Commission's advisory report, the City Council may approve, approve with conditions or deny the application.

Stable: A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stoop: A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

Stop Order: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

Stealth Communications Tower: A communication tower as defined in this Section which is designed to blend in with the surrounding environment and which conceals all communication antennae and other equipment from view. A stealth communication tower may be designed to resemble a flagpole or other object.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

Street Line: The street right-of-way line abutting a lot line.

Structure: Anything constructed or erected on the ground, or attached to something having fixed location on the ground. All buildings are structures, but not all structures are buildings.

Solar: See "Renewable energy systems"

Tattoo establishment: A place wherein tattooing, branding or body piercing on the body of another person is performed. For purposes of this definition:

1. *Tattoo:* shall mean one or more of the following:
 - a) An indelible mark made on the body of another person by the insertion of a pigment under the skin and shall include permanent make-up procedures; or
 - b) An indelible design made on the body of another person by production of scars other than by branding;
2. *Body piercing:* The perforation of human tissue other than an ear for a nonmedical purpose; and
3. *Branding:* Making a permanent mark on human tissue by burning with a hot iron or other

instrument.

Telecommuting: Working in the home by using a computer terminal or other terminal connected by a telephone line or by other means to a central office or central computer.

Temporary Use Permit: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Title Loan Establishment: Any person, entity or business that lends money to a borrower and in exchange retains physical possession of the state-issued certificate of title to the personal property of the borrower.

Tobacco Store: A business establishment for which more than 50% of the gross floor area is dedicated to the storage, display and/or retail sale of tobacco products such as cigars, pipe tobacco and cigarettes. This definition includes the sale of tobacco accessories such as lighters, matches, cigarette holders, and devices used to preserve tobacco, cigars or cigarettes, which are merely incidental to the sale of tobacco products. This business may also sell electronic cigarette devices, nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes provided said products or use is not more than 25% of the gross floor area used for retail display or merchandise or 25% of the total sales. No Tobacco Store shall be located within seven hundred fifty (750) feet of any property zoned and/or used for residential purposes, religious institutions, public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home.

Topography: The relief features or surface configuration of an area.

Toxic: Describing a material that can cause acute or chronic damage to biological tissue following physical contact or absorption.

Trailer: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Use Variance: A type of amendment that allows a use in a district where said use would not be allowed under existing provisions of this Code.

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Vacant Building: It is considered vacant if it changes ownership and no one resides at the residence. It is not vacant if there is intent to return.

Vacant Lot as applied to a lot, means that no structure is situated thereon.

Vaporizer (Vap) / Electronic (E-Cig) Cigarette: Any device that uses an atomizer or similar device that allows users to inhale vapor or other vapor without the use of fire, smoke, or ash. This definition shall include, but is not limited to, juul pods, electronic cigars, electronic cigarillos,

or electronic pipe, and any cartridge or other component of the device or related products including any liquid products that are manufactured for use with e-cigarettes.

Vaporizer (Vap) / Electronic (E)-Cigarette Store: A business establishment for which more than 50% of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of electronic cigarette devices, Juul pods and other similar vaporizers, nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes. No Vaporizer (Vap) / Electronic (E)-Cigarette Store shall be located within seven hundred fifty (750) feet of any property zoned and/or used for residential purposes, religious institutions, public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home.

Variance: A modification of the application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure by the Joint Planning & Zoning Commission in accordance with the procedures established by this Chapter and provided such action will not be contrary to the public interest and where, due to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the Code would result in unnecessary hardship.

Vehicle, inoperative: Any wrecked, disabled or damaged motor vehicle. Any one of the following conditions shall be deemed prima facie evidence that a vehicle is inoperable:

1. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports;
2. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways;
3. A vehicle that is not properly registered as required by law.

Vehicle, Motor: Any passenger vehicle, motorcycle, recreational vehicle, truck, trailer truck, or semi-trailer that is propelled or drawn by mechanical power.

Vessel or Watercraft: Every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water, inner tube, air mattress or similar device, and boats used for concession rides in artificial bodies of water designed and used exclusively for such concessions. (625 ILCS 45/1-2)

Vested Rights: The right to undertake and complete the development and use of property under the terms and conditions provided herein or as provided in the governing ordinance and/or other agreement authorizing the development and use of property.

1. For the purpose of single-family residential development in the City's Residential Districts, development rights for land shall vest upon recording of the final plat for such land. If construction has not begun within one (1) year of recording the plat, the development rights shall expire unless an extension is granted.
2. For all non-single-family development, development rights for land shall vest upon the approval of a site plan or subdivision plat (if required), improvement plans and building permit for such land. If permits required for such development have been issued and substantial amounts of work under the validly issued permits has not begun within one (1) year of approval of the site plan, the development rights shall expire unless an extension is granted.

3. The Planning Commission may for good cause as presented by the applicant grant a single extension of vested rights. Vested rights for single-family development shall not be extended for more than one year. For all non-single-family development, an extension of not more than 6 months may be granted. Applicants seeking an extension shall submit a statement in writing, justifying the extension.

Veterinary Clinic (Animal Hospital): An establishment where small animals, such as household pets, are given medial or surgical treatment and cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Video Gaming- Accessory Use: A bar, restaurant or private club (i.e. Elks Lodge, American Legion, Veterans of Foreign Wars, etc.) possessing a liquor license may offer video gaming as an accessory use provided that more than 50% of total revenues come from the sale of food and alcohol consumed on the premises. Additional requirements include;

1. A licensed video gaming establishment may operate up to five (5) video gaming machines/terminals.
2. The lot in which a licensed video gaming establishment is located shall be at least **100 feet** from a lot containing a school, places of worship or other licensed gaming operation measured from the edge of the lot line of said uses.
3. No patron under the age of 21 shall be permitted in an area dedicated for video gaming.
4. Payment of an annual permit fee of \$2,000 due upon application for issuance and renewal. Permit shall be for not longer than a one-year period and comply with **Ordinance No. 1514 dated 5/5/2012** and all applicable State laws. The \$2,000 special use video gaming permit fee is required to cover administrative costs with any surplus funds applied to future beautification improvements at the discretion of the City Council.
5. Any additional requirements and fees as determined by the City Council.

Video Gaming Parlors- Principal Use: An establishment or a business whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act. This shall include uses where more than 50% of the total revenue is generated by video gaming and/or uses where the percentage of gross finished floor area devoted to video gaming or related activities is over 50%. Video gaming parlors are prohibited unless otherwise permitted by law.

Walk-Up Establishment: A commercial establishment offering its customers to park and leave their vehicle briefly to purchase food, ice crème, coffee, and other non-alcoholic beverages with no space for customers within the establishment.

Warehouse-Mini (self-storage): A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Wholesale: An establishment primarily engaged in the storage or sale of materials, equipment, or products for sale to wholesalers or retailers. Typical uses include cold storage, warehousing, and general storage facilities, but exclude mini-warehouse-mini (self-storage) defined below and the sale of goods to the general public. See also "Industrial, Light".

Window Sign: Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the

purpose of informing passersby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building. The various definitions for “yard” shall include the following definitions:

1. ***Yard, Front:*** A yard which is bounded by the side lot lines, front lot line and the building line. On corner lots, all yards that abut a street are considered front yards.
2. ***Yard, Rear:*** A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.
3. ***Yard, Side:*** A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.
4. ***Yard Line:*** A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Board of Appeals (Joint Planning & Zoning Commission): The Commission appointed by the mayor with approval of the City Council authorized to conduct public hearings required to be held in connection with applications for special use, variation, amendment or other change to the City Zoning Code, to hear and decide appeals, and review any order, requirement, decision or determination made by an administration official charged with the enforcement of the City Zoning Code.

Zoning District Map: A graphic depiction showing the districts deemed by the City Council to be best suited to carry out the purposes of Illinois State Statutes (65 ILCS Sec. 5/11-13-1) and within such districts are regulations for the erection, construction, reconstruction, alteration or use of buildings, structures or land.

ARTICLE III - ZONING REGULATIONS

48.3.1. ESTABLISHMENT OF DISTRICTS

In order to implement this Code, and to achieve the objectives in Article I, the entire City is hereby divided into the following zoning districts:

| Use Class | Zoning District Classifications | *Minimum Area |
|---------------------|-----------------------------------|---------------|
| Planned | "PD" Planned District | N/A |
| Agricultural | "A-1" Agricultural District | 3 Acres |
| Residential | "SR-1" Residential District | 5 Acres |
| | "SR-2" Residential District | 5 Acres |
| | "MR-1" Multi-Family District | 5 Acres |
| | "MR-2" Multi-Family District | 3 Acres |
| | "MH-1" Manufactured Home District | 3 Acres |
| Commercial | "B-2" Central Business District | 2 Acres |
| | "B-3" Highway Commercial District | 3 Acres |
| Industrial | "I-1" Industrial District | 5 Acres |

* The "minimum area" requirement refers to the smallest total area of contiguous parcels that can properly be given the particular district classification.

48.3.2. MAP - ANNUAL PUBLICATION

The boundaries of the listed zoning districts are hereby established as shown on the zoning map of this City. The zoning map, including all notations and other information thereon, is hereby made a part of this Code by reference. Official copies of the zoning map shall be kept on file in the office of the City Clerk or other appropriate official.

In accordance with State Law, the Administrator shall publish the City's zoning map not later than March 31st of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

48.3.3. DETERMINING TERRITORIAL LIMITS

In determining with precision what territory is actually included within any zoning district, the following rules:

- A. Where a district boundary shown on the zoning map approximately follows a lot line or centerline of a street, ally, highway or railroad track, the official district boundary shall follow said feature.
- B. Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.
- C. All territory (including bodies of water) that lies within the zoning jurisdiction of this municipality, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the most restrictive adjoining district.

48.3.4. ANNEXED TERRITORY

Any territory hereafter annexed to the City shall automatically be classified "SR-1", Single-Family Residence District, and shall be re-classified only after a public hearing by the Joint Planning & Zoning Commission and approval by the City Council; except that the City Council, with the advice of the Joint Planning & Zoning Commission, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending the Zoning Map by the extension of the zoning district provisions are met.

48.3.5. GENERAL PROHIBITION

No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code. The density and yard requirements of this Chapter are the minimum required for all buildings or structures constructed or structurally altered after the effective date of this Chapter.

48.3.6. UNLISTED USES PROHIBITED

Whenever any use is not specifically listed as permitted or special on the Land Use Table for a particular zoning district, such use shall be deemed prohibited in that district. However, if the Joint Planning & Zoning Commission, following consultation with the Zoning Official finds that the unlisted use is similar to and compatible with the listed uses, they may make a written recommendation to the Council to that effect and classify the use as a use permitted by right or via special use with any recommended restrictions. The Council's decision shall become a permanent public record.

48.3.7. TEMPORARY USES

Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. Applications for temporary use permits shall be treated in the same way as applications for special use permits. A temporary use permit shall be valid for not more than one (1) year unless it is properly renewed.

48.3.8. MEETING MINIMUM REQUIREMENTS

Except as specifically provided otherwise:

- A. Only one principal building or structure shall be permitted on any residential lot; and
- B. No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use.

48.3.9. ACCESS REQUIRED

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street. Flag lots should be avoided.

48.3.10. FRONT SETBACKS - CORNER/THROUGH LOTS

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

48.3.11. FRONT SETBACKS IN CERTAIN BUILT-UP AREAS

Except as specifically provided otherwise, in the "B-2" Central Business District and in all residential zoning districts, where lots having fifty percent (50%) or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than ten (10) feet, the minimum required front setback on that block shall be the average of the existing front set-backs; provided however, that in any built-up area, no front setback shall be less than fifteen (15) feet, nor shall any front setback greater than fifty (50) feet be required.

48.3.12. YARD INTRUSIONS

To the extent indicated below, the following features of principal buildings may intrude into yards without thereby violating the minimum setback requirements:

| <u>FEATURES</u> | <u>MAXIMUM INTRUSIONS</u> |
|---|---------------------------|
| a) Cornices, chimneys, planters or similar architectural features | Two (2) feet. |
| b) Fire escapes | Four (4) feet. |
| c) Patios | Six (6) feet. |
| d) Porches and stoops; if unenclosed, unroofed, and no higher than two (2) steps (14") above ground level | Six (6) feet. |
| e) Balconies & decks | Four (4) feet. |
| f) Canopies, roof overhangs | Four (4) feet. |

48.3.13. HEIGHT - EXCEPTIONS

- A. *Necessary Appurtenances.* Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, water towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the City.
- B. *Intersections- Sight Distance Triangle.* On corner lots, in the triangular portion of land bounded by the street lines and a line joining these street lines at points thirty (30) feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two (2) and ten (10) feet above the level of the adjacent street. (See Sight Distance Triangle Definition in Section 48.2.2)
- C. Flag poles may be located in any yard as long as it is at least five (5) feet set back from all side yard lines.

48.3.14. SEWER AND SEPTIC TANKS

In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- A. Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed two hundred (200) feet), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.
- B. Whenever the public sewerage system is not reasonably accessible, a private sewerage system

shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

1. Illinois Private Sewage Disposal Licensing Act, (Ill. Comp. Stat., Ch. 225; Sec. 225/1 through 225/23) as amended from time to time; and
 2. Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time; and
 3. Pertinent, current regulation issued by the Illinois Environmental Protection Agency; and
 4. Applicable codes and regulations of the City, particularly the Subdivision Code and the Utilities Code.
- C. The Administrator shall not issue any Certificate of Zoning Compliance unless, following consultation with the City Engineer, it is determined these requirements will be met.

48.3.15. ACCESSORY USES - PERMITTED

- A. Any accessory use shall be deemed permitted in a particular zoning district if such use:
1. Meets the definitions of "accessory use" found in Section 48.2.2;
 2. Is accessory to a principal structure or use that is allowed in a particular zoning district as permitted (See the Land Use Matrix); and
 3. Is in compliance with the restrictions set forth in Section 48.3.16.
- B. If an accessory structure is attached to a principal structure, it shall be considered part of such structure. (See Definition of "Attached" in Section 48.2.2)

48.3.16. ACCESSORY USE RESTRICTIONS

- A. Use Limitations.
1. No accessory structure shall be built or used prior to the construction of the principal building, except as an otherwise allowable temporary construction facility used for the construction of the principal building or other special circumstances provided a site plan and elevations depicting the design, location, height and size of said accessory structure and justification for its construction in advance of the principal structure is reviewed and approved by the Joint Planning & Zoning Commission.
 2. No accessory structure shall be utilized unless the principal structure to which it is accessory is occupied.
 3. Use of any accessory structure as a dwelling is strictly prohibited in all districts.
 4. Residential accessory structures shall not be rented or occupied for financial consideration.
- B. Location.
1. No accessory building or structure shall be permitted in any required front yard.
 2. Accessory buildings and structures shall be set back at least five (5) feet from the rear lot line.
 3. Accessory buildings and structures shall maintain the same side yard as is required for the principal structure located on the lot, except that off-street parking, fences, walls and hedges may be located in the required side yard areas.

4. Accessory buildings on a corner lot shall not be located closer to the side street right-of-way line than the principal building.
5. No part of any accessory building or structure shall be located closer than ten (10) feet of another structure or building.
6. No part of any accessory building or structure shall be located within any utility or stormwater easement.
7. Accessory buildings or structures shall not exceed fourteen (14) feet in height in any residential district and twenty-five (25) feet in height in any non-residential district provided there shall be no height limit on accessory structures in the agricultural districts, unless otherwise prohibited by law.
8. Accessory uses, buildings or structures shall be subordinate in area and fair market value to its principal building or structure it serves and shall not cover more than thirty percent (30%) of the required rear yard.

48.3.17. RESERVED

ARTICLE IV - ZONING DISTRICTS

48.4.1. "P-D" PLANNED DEVELOPMENT

- A. *Planned Development Defined:* A development wherein, in accordance with an approved development plan, common open space is reserved, various housing types and other structures and uses may be mixed, and where the overall average density does not exceed the underlying conventional zoning district limit.
- B. *Objectives:* This Section authorizes development of Planned Developments (PDs) and establishes procedures in order to achieve the objectives enumerated in Section 48.1.2 and the following objectives:
 - 1. To provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
 - 2. To permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
 - 3. To preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
 - 4. To encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
 - 5. To ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
 - 6. To facilitate the economical installation of standard streets, sewers, utilities, and other improvements.
- C. *Compliance with Regulations Generally Required:* Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including this Code and the Subdivision Code.
- D. *Districts Where Allowed:* Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the City Council after a hearing before the Joint Planning & Zoning Commission.
- E. *Permissible Deviation from Code Requirements:* The Planned Development concept is intended to afford both the developer and the City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.
 - 1. **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the City Council, provided that in approving such mixed uses, the City Council may attach any conditions necessary to protect the public welfare.
 - 2. **Lot and Structure Requirements.** In Planned Developments, the City Council may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and

property abutting the PD is adequately protected from any potential adverse impacts of the development. The Section applies to the minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

3. **Accessory Uses.** In PDs the City Council may waive restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.
 4. **Location of Parking/Loading Spaces.** By permission of the City Council, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per Article V of this Code.
- F. *Procedures for Planning Developments:* Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:
1. Filing development plan with the City Clerk;
 2. Public hearing before the Joint Planning & Zoning Commission as per the requirements of Section 48.10.10.
 3. Review of plans by Joint Planning & Zoning Commission;
 4. Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
 5. Recommendation by Joint Planning & Zoning Commission;
 6. Review and final approval of City Council.
 7. Recording of development plan with the County Recorder of Deeds.
- G. *Application, Information Required:* Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the following information.
1. Legal description of the total site proposed for development;
 2. Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
 3. Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 4. Development schedule indicating the approximate date when construction of the PD or stages/phases of the PD can be expected to begin and to be completed;
 5. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
 6. Data indicating:
 - a) Total number and type of proposed dwelling units;
 - b) Gross and net acreage of parcel;
 - c) Acreage of gross and usable open space; and
 - d) Finished floor area of any commercial uses.
 7. Existing site conditions, including contours at ten (10) foot intervals and locations of

- watercourses, flood plains, unique natural features, and wooded areas;
8. Proposed lot lines and easements;
 9. Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
 10. Location and size in acres or square feet or all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
 11. Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
 12. Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
 13. Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
 14. General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
 15. Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
 16. Any additional information required by the City to evaluate the character and impact of the proposed PD.
 17. Appropriate seals of the licensed surveyor, engineer or architect.
- H. *Commission Review & Criteria to be Considered:* The Joint Planning & Zoning Commission shall compile a written report which either accepts, accepts with conditions, or rejects the Development Plan. In making its recommendation, the Joint Planning & Zoning Commission shall consider the following criteria:
1. The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;
 2. The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.
 3. Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
 4. The compatibility of the proposed PD with adjacent properties and surrounding area; and
 5. Any other reasonable criteria that the Joint Planning & Zoning Commission may devise.

The Joint Planning & Zoning Commission shall submit its recommendation to the City Council within sixty (60) days. The sixty (60) day period between Joint Planning & Zoning Commission's review and the Council's review may be extended by a majority vote of the Joint Planning & Zoning Commission

for due cause and for a period of time not exceeding sixty (60) days. The Joint Planning & Zoning Commission may authorize additional extensions up to sixty (60) days per extension, as needed.

I. *Decision by City Council:* Upon receipt of the recommendation from the Joint Planning & Zoning Commission, or after sixty (60) days after the Public Hearing if no recommendation has been forwarded to the City Council or an extension was not authorized, the Council shall review the application and approve it, approve it with conditions, deny it or send it back to the Joint Planning & Zoning Commission with instructions for further review.

1. If the application is denied, the Council shall provide reasons in writing for the denial.
2. The City Council shall not approval any PD until:
 - a) The City Engineer has approved the Improvement Plans (Construction Plans) or waived said approval to allow grading or limited construction activity.
 - b) The developer posts a performance bond or deposited funds in escrow in the amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements;
 - c) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
 - d) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. Deviations to the extent permitted under Section 48.4.1.E shall not be deemed as noncomplying.
 - e) An ordinance setting forth the conditions and any deviations from the underlying zoning district shall be prepared and adopted in conjunction with the PD Development Plan.

All plans shall be retained on file by the City Clerk. An approved PD Development Plan will constitute an approved preliminary plat for purposes of the Subdivision Regulations, provided it contains the required preliminary plat information. No building permits or authorization for improvement or development for any use authorized under provisions of the ordinance governing the PD shall be issued prior to approval of such plans.

J. *Changes in Approved Plans:* No changes shall be made to any approved PD Development Plan, except as follows:

1. Minor changes, if required by final design or improvement plan development or other circumstances not foreseen at the time the final development plan was approved that does not result in an increase in density or necessitate an increase in parking by 5% or more.
2. All other changes shall require a public hearing before the Joint Planning & Zoning Commission and approval by the City Council in accordance with this Section.
3. No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. (See Article X - Division V)

K. *Failure to Begin Development:* If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the City's authorized official and shall be of no further effect. However, in his discretion and for good cause, the City's designated official may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses

as per this Section, the following shall be applicable:

1. The special-use permit shall be automatically revoked; and
 2. Any zoning permits shall automatically become null and void; and
 3. All regulations applicable before the PD was approved shall automatically be in full effect.
- L. *Municipal Exemption:* The City shall be exempt from all of the provisions of this Section with regard to any existing or proposed development.

48.4.2. "A-1" – AGRICULTURAL DISTRICT

- M. *Purpose.* The purpose of the "A-1" Agricultural District is to provide areas for agricultural uses and related uses that require large tracts of land. The "A-1" District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems, or are simply so distant from existing developed areas that the provision and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.
- N. *Dimensional Requirements:* Every principal building erected in the "A-1" District shall conform to the following requirements:

| "A-1" Agricultural District Lot & Building Requirements | | |
|--|-------|--|
| Minimum District Size | | Three (3) acres |
| Density/Minimum Lot Size | | Three (3) acres |
| Minimum Lot Width | | Two hundred (200) feet. |
| Minimum Lot Depth | | Two hundred (200) feet. |
| Yard/Setback | Front | Fifty (50) feet. |
| | Side | Twenty-five (25) feet, fifty (50) feet when abutting a street. |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | | Thirty-five (35) feet |

- O. *Permitted Uses.* The "A-1" District is designed to allow considerable latitude in the range of agricultural uses allowed provided that the uses are legal and that certain agricultural activities maintain a reasonable setback from adjacent residentially zoned property. The Land Use Table included herein as "Appendix A" lists the uses permitted in the "A-1" District.
- P. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.

Q. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.

R. *Supplemental Regulations:*

1. *Farmhouse:* A farmhouse existing prior to July 1, 1995 may be sold off of an existing agricultural zoned plot, provided at least three (3) acres is deeded with the residence. These residences must meet exception 9 of the State Plat Act which states;

'the sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.'

2. *Lakes:* Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than five hundred (500) feet to any dwelling on another lot and must meet setbacks from the lot line, whichever is greater.

3. *Animal shelters:* No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than three hundred (300) feet to any existing dwelling, or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line or residential property, whichever distance is greater.

4. *Agriculture equipment:* No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least one hundred (100) feet from any lot line of residential property.

5. *Barbed Wire/Electrical Fences:* (See Section 48.5.3(C))

6. *Sign Requirement:* As required by Article VI, except no signs shall be permitted on a residential premise except building street numbers and name plate signs unless otherwise permitted by law.

7. *Parking Requirements:* As required by Article VII.

48.4.3. "SR-1" - SINGLE-FAMILY RESIDENCE DISTRICT

- A. *Purpose.* The purpose of the "SR-1" Single-Family Residence District is to provide land principally used for or best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new conventionally constructed single-family housing. Other types of residences (mobile homes, manufactured homes, apartments, etc.) are prohibited uses in this district.
- B. *Dimensional Requirements:* Every principal building erected in the "SR-1" District shall conform to the following requirements:

| "SR-1" Single-Family Residence District Lot & Building Requirements | | |
|--|-------|--|
| Minimum District Size | | Five (5) acres. |
| Density/Minimum Lot Size | | 10,000 square feet. |
| Minimum Lot Width | | Eighty (80) feet. |
| Minimum Lot Depth | | One hundred (100) feet. |
| Yard/Setback | Front | Twenty-five (25) feet. |
| | Side | Ten (10) feet, twenty-five (25) feet when abutting a street. |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | | Thirty-five (35) feet. |
| Minimum Dwelling Size | | Nine hundred (900) square feet. |
| Maximum Lot Coverage | | 30%. |

- C. *Permitted Uses.* The Land Use Table included herein as "Appendix A" lists the uses permitted in the "SR-1" District.
- D. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.
- E. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.
- F. *Sign Requirement:* As required by Article VI, except no signs shall be permitted on a residential premise except building street numbers and name plate signs unless otherwise permitted by law.
- G. *Parking Requirements:* As required by Article VII.

48.4.4. "SR-2" - SINGLE-FAMILY DISTRICT

- A. *Purpose.* The purpose of the "SR-2" Single-Family Residence District is to provide land suitable for single-family dwellings as well as related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing subdivisions offering a range of new single-family housing. Other types of residences (mobile homes, manufactured homes, etc.) are prohibited in this district.
- B. *Dimensional Requirements:* Every principal building erected in the "SR-1" District shall conform to the following requirements:

| "SR-2" Single-Family Residence District Lot & Building Requirements | | |
|--|-------|---|
| Minimum District Size | | Five (5) acres. |
| Density/Minimum Lot Size | | 7,500 square feet. |
| Minimum Lot Width | | Fifty (50) feet. |
| Minimum Lot Depth | | One hundred (100) feet. |
| Yard/Setback | Front | Twenty-five (25) feet. |
| | Side | Eight (8) feet, twenty-five (25) feet when abutting a street. |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | | Thirty-five (35) feet. |
| Minimum Dwelling Size | | Nine hundred (900) square feet. |
| Maximum Lot Coverage | | 35%. |

- C. *Permitted Uses.* The Land Use Table included herein as "Appendix A" lists the uses permitted in the "SR-2" District.
- D. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.
- E. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.
- F. *Sign Requirement:* As required by Article VI, except no signs shall be permitted on a residential premise except building street numbers and name plate signs unless otherwise permitted by law.
- G. *Parking Requirements:* As required by Article VII.

48.4.5. "MR-1" - MULTIPLE-FAMILY RESIDENCE DISTRICT

- A. *Purpose.* The purpose of the "MR-1" Multiple-Family Residence District is to stabilize and conserve existing neighborhoods that predominantly consist of single-family and multiple-family dwellings and promote the development of compatible new areas in order to accommodate a mix of well-planned single family and multiple-family development
- B. *Dimensional Requirements:* Every principal building erected in the "MR-1" District shall conform to the following requirements:

| "MR-1" Single-Family Residence District Lot & Building Requirements | | |
|--|---|--|
| Minimum District Size | Five (5) acres. | |
| Minimum Lot Size/Density | 10,000 sf or 4,500 sf per unit, whichever is greater. | |
| Minimum Lot Width | Single Family: Eighty (80) feet. Multifamily: Thirty-five (35) feet. | |
| Minimum Lot Depth | One hundred (100) feet. | |
| Yard/Setback | Front | Twenty-five (25) feet. |
| | Side | Ten (10) feet; zero (0) for multifamily; twenty-five (25) feet from abutting streets |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | Thirty-five (35) feet. | |
| Maximum Lot Coverage | 30%. | |

- C. *Permitted Uses.* The Land Use Table included in herein as "Appendix A" lists the uses permitted in the "MR-1" District.
- D. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.
- E. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.
- F. *Sign Requirement:* As required by Article VI, except no signs shall be permitted on a residential premise except building street numbers and name plate signs unless otherwise permitted by law.
- G. *Parking Requirements:* As required by Article VII.

48.4.6. "MR-2" - MULTIPLE-FAMILY RESIDENCE DISTRICT

- A. *Purpose.* The purpose of the "MR-2" Multiple-Family Residence District is to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to the development of comparable new areas in order to accommodate market supported multiple-family development.
- B. *Dimensional Requirements:* Every principal building erected in the "MR-2" District shall conform to the following requirements:

| "MR-2" Single-Family Residence District Lot & Building Requirements | | |
|--|-------|--|
| Minimum District Size | | Three (3) acres. |
| Minimum Lot Size/Density | | 10,000 sf lot or 2,500 sf per unit, whichever is greater. |
| Minimum Lot Width | | Eighty (80) feet. |
| Minimum Lot Depth | | One hundred (100) feet. |
| Yard/Setback | Front | Twenty-five (25) feet. |
| | Side | Ten (10) feet, twenty-five (25) feet from abutting streets |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | | Thirty-five (35) feet. |
| Maximum Lot Coverage | | 30%. |

- C. *Permitted Uses.* The Land Use Table included herein as "Appendix A" lists the uses permitted in the "MR-2" District.
- D. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.
- E. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.
- F. *Sign Requirement:* As required by Article VI, except no signs shall be permitted on a residential premise except building street numbers and name plate signs unless otherwise permitted by law.
- G. *Parking Requirements:* As required by Article VII.

48.4.7. "MH-1" - MANUFACTURED HOUSING DISTRICT

- A. *Purpose.* The purpose of the "MH-1" Manufactured Housing District is to provide areas suitable for the placement of manufactured homes on individual lots and the establishment of mobile home parks. This district is intended to preserve other residential districts for conventionally constructed single-family dwellings while dedicating areas for well planned, market supported manufactured homes.
- B. *Dimensional Requirements:* Every principal building erected in the "MH-1" District shall conform to the following requirements:

| "MH-1" Manufactured Housing District Lot & Building Requirements | | |
|---|-------|---|
| Minimum District Size | | Three (3) acres. |
| Minimum Lot Size | | 7,500 square feet |
| Minimum Lot Width | | Fifty (50) feet. |
| Minimum Lot Depth | | One hundred (100) feet. |
| Yard/Setback | Front | Twenty-five (25) feet. |
| | Side | Ten (10) feet. (current code: 7.5 feet) |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | | Twenty (20) feet. |
| Maximum Lot Coverage | | 25%. |

- C. *Permitted Uses.* The Land Use Table included herein as "Appendix A" lists the uses permitted in the "MH-1" District.
- D. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.
- E. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.
- F. *Supplemental Regulations:*
 1. All manufactured homes located outside an approved manufactured home park shall be located on property owned by the owner of the housing unit. All units shall meet the requirements of Chapter 23 of the City Code and of the Property Maintenance Code.
 2. No manufactured home park shall be developed on any tract that is less than 250 feet in both width and depth.

3. Manufactured homes or other structures within any manufactured home park shall be situated no closer than:
 - a) Ten feet of any street;
 - b) 25 feet of any boundary line of the manufactured home park; or
 - c) 20 feet of any other manufactured home or structure.

- G. *Sign Requirement:* As required by **Article VI**, except no signs shall be permitted on a residential premise except building street numbers and name plate signs unless otherwise permitted by law.

- H. *Parking Requirements:* As required by **Article VII**.

48.4.8. "B-2" CENTRAL BUSINESS DISTRICT

- A. *Purpose.* The purpose of the "B-2" Central Business District is to encourage pedestrian-oriented development in the City's historic downtown with street facing, architecturally compatible storefronts, on-street parking, and small-scale uses that provide a wide range of retail goods and services in a compact, human scaled environment.

- B. *Dimensional Requirements:* Every principal building erected in the "B-2" District shall conform to the following requirements:

| "B-2" Central Business District Lot & Building Requirements | | |
|--|-------|--|
| Minimum District Size | | Two (2) acre. |
| Minimum Lot Area | | None |
| Minimum Lot Width | | Thirty (30) feet. |
| Minimum Lot Depth | | None |
| Yard/Setback | Front | None, unless abutting a residential district, the residential setback regulations shall apply. |
| | Side | None, unless abutting a residential district, the residential setback regulations shall apply. |
| | Rear | None, unless abutting a residential district, the residential setback regulations shall apply. |
| Maximum Height | | Sixty (60) feet. |

- C. *Permitted Uses.* The Land Use Table included herein as "Appendix A" lists the uses permitted in the "B-2" District.

- D. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in **Article X, Division II** and all other applicable regulations.

- E. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use

may be allowed subject to Sections 48.3.15 and 48.3.16.

F. *Supplemental Regulations:*

1. All commercial or service establishments shall deal directly with consumers. Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises. Wholesale uses shall require a special use permit.
2. A special use permit is required to conduct any commercial service or storage activities outside a completely enclosed building, unless otherwise waived by the Zoning Administrator on a case by case basis when the following standards are met.
 - a) Is not adjacent to a Residential District or use;
 - b) Does not require any waivers (variances) from the zoning code;
 - c) Does not interfere with on-site or off-site pedestrian or vehicular circulation;
 - d) Does not create conditions that are unsafe, unattractive or disruptive; and
 - e) Complies with a duly authorized liquor license, if applicable.
3. A special use permit is required to offer commercial goods or services directly to customers waiting in parked motor vehicles or sell food or beverages for consumption on the premises in parked motor vehicles, unless otherwise waived by the Zoning Administrator on a case by case basis when the following standards are met.
 - a) Is not adjacent to a Residential District or use;
 - b) Does not require any waivers (variances) from the zoning code;
 - c) Does not interfere with on-site or off-site pedestrian or vehicular circulation; or
 - d) Does not create conditions that are unsafe, unattractive or disruptive.
4. All repair and maintenance services, including car washing, shall be conducted within enclosed structures.
5. All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in visually-screened areas.
6. Screening shall be provided and maintained along the side and rear lot lines of any lot abutting any park or residential district. Screening shall include a wall, solid fence, or closely-planted shrubbery at least six (6) feet high and of sufficient opacity to completely block the view and headlights from the adjacent residential property.
7. All porches that overhang onto city property shall require a special use permit when replaced or extended. Existing porches shall be maintained and not permitted to become a nuisance.

G. *Sign Requirement:* As required by **Article VI**.

H. *Parking Requirements:* As required by Article VII, except no parking is required for uses in the "B-2" District requiring less than five (5) stalls as per Section 48.7.8. Uses requiring more than five (5) stalls may seek a waiver from the Joint Planning & Zoning Commission authorizing a reduction in the required parking requirements provided an alternative parking solution is provided.

48.4.9. "B-3" HIGHWAY BUSINESS DISTRICT

- A. *Purpose.* The purpose of the "B-3" Highway Business District is to accommodate and regulate highway-oriented commercial developments and compatible uses. Since such businesses, both retail and wholesale, draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.
- B. *Dimensional Requirements:* Every principal building erected in the "B-3" District shall conform to the following requirements:

| "B-3" Highway Business District Lot & Building Requirements | | |
|--|-------|---|
| Minimum District Size | | 3 Acres |
| Minimum Lot Area | | 20,000 square feet. |
| Minimum Lot Width | | One Hundred (100) feet. |
| Minimum Lot Depth | | One Hundred Fifty (150) feet. |
| Yard/Setback | Front | Fifty (50) feet. |
| | Side | Twenty (20) feet, (current code: 50' combined) fifty (50) feet from abutting streets. |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | | Forty-five (45) feet. |
| Maximum Lot Coverage | | 50% |

- C. *Permitted Uses.* The Land Use Table included herein as "Appendix A" lists the uses permitted in the "B-3" District.
- D. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.
- E. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.
- F. *Supplemental Regulations:*
 - 1. A special use permit is required to conduct any commercial service or storage activities outside a completely enclosed building, unless otherwise waived by the Zoning Administrator on a case by case basis when the following standards are met.
 - a) Is not adjacent to a Residential District or use;
 - b) Does not require any waivers (variances) from the zoning code;
 - c) Does not interfere with on-site or off-site pedestrian or vehicular circulation;

- d) Does not create conditions that are unsafe, unattractive or disruptive; and
 - e) Complies with a duly authorized liquor license, if applicable.
2. A special use permit is required to offer commercial goods or services directly to customers waiting in parked motor vehicles or sell food or beverages for consumption on the premises in parked motor vehicles, unless otherwise waived by the Zoning Administrator on a case by case basis when the following standards are met.
- a) Is not Adjacent to a Residential District or use;
 - b) Does not require any waivers (variances) from the zoning code;
 - c) Does not interfere with on-site or off-site pedestrian or vehicular circulation; or
 - d) Does not create conditions that are unsafe, unattractive or disruptive.
3. *Repairs Indoors.* All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by walls or solid fences at least eight (8) feet high.
4. *Refuse Containers.* All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas.
5. *Screening.* Along the side and rear lot lines of any lot abutting any park or residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least six (6) feet high and of sufficient density to completely block the view from the adjacent residential property shall be installed and maintained.

G. *Sign Requirement:* As required by **Article VI**.

H. *Parking Requirements:* As required by **Article VII**.

48.4.10. "I-1" - INDUSTRIAL DISTRICT

- A. *Purpose.* The purpose of the "I-1", Industrial District is to provide areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved without compromising the health, safety and welfare of the community.
- B. *Permitted Uses.* The Land Use Table included herein as "Appendix A" lists the uses permitted in the "I-1" District.
- C. *Special Uses:* The City Council may authorize special use permits for uses designated as "special uses" on the Land Use Table (Appendix A) subject to the procedures established in Article X, Division II and all other applicable regulations.
- D. *Accessory Uses and Structures.* Uses and structures customarily accessory to a permitted use may be allowed subject to Sections 48.3.15 and 48.3.16.
- E. *Dimensional Requirements:* Every principal building erected in the "I-1" District shall conform to the following requirements:

| "I-1" Industrial District Lot & Building Requirements | | |
|--|-------|---|
| Minimum District Size | | 5 Acres |
| Minimum Lot Area | | 20,000 square feet. |
| Minimum Lot Width | | One Hundred Twenty-Five (125) feet. |
| Minimum Lot Depth | | One Hundred Fifty (150) feet. |
| Yard/Setback | Front | Fifty (50) feet. |
| | Side | Twenty-five (25) feet, Fifty (50) feet from abutting streets. |
| | Rear | Twenty-five (25) feet. |
| Maximum Height | | Sixty (60) feet. |
| Maximum Lot Coverage | | 48% |

F. *Supplemental Regulations:*

1. *Nuisances Prohibited.* No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
2. *Activities Enclosed.* All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least eight (8) feet high.
3. *Buffer Strips.* Wherever any industrial use located in this district abuts any other district, a twenty (20) foot wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least five (5) feet high when planted and that can be expected to reach a height of ten (10) feet when full grown.

G. *Sign Requirement:* As required by **Article VI**.

H. *Parking Requirements:* As required by **Article VII**.

48.4.11. RESERVED

ARTICLE V: SUPPLEMENTARY ZONING REGULATIONS

48.5.1. APPLICABILITY OF ARTICLE

This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. If more stringent regulations are applicable in any particular district, such regulations shall prevail.

48.5.2. RECREATIONAL VEHICLES

The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel-trailer park that conforms to the requirements of this Code and the City Code. The requirements of paragraphs (A), (C), and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

- A. Not more than two (2) trailers, or other type of recreational vehicle per dwelling shall be parked outside of an enclosed garage on any lot. All trailers or other type of recreational vehicle shall be placed on a parking surface as defined in Section 48.7.3(D) of this Code and in conformity with Section 48.7.5 of this Code.
- B. No travel trailer, enclosed utility trailer, or other recreational vehicle shall be used as a dwelling or permanent storage.
- C. No trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.
- D. Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.
- E. No travel trailer, including flat bed or enclosed utility trailers, or other recreational vehicle shall be parked in any required front yard.
- F. No unlicensed mobile home may be located in a travel trailer or recreational vehicle park.
- G. No trailer, including flat bed or enclosed utility trailers, or other recreational vehicle shall be parked on a public street or alley for more than a seventy-two (72) hour period.

48.5.3. BUFFER STRIPS, FENCES, WALLS AND HEDGES

Buffer strips, fences, walls or hedges used for any purpose shall, in all districts, conform to the following:

- A. Whenever a commercial, multi-family or industrial district abuts a residential district or is across a street, alley or similar obstacle from a residential district, a buffer strip of landscaping and/or other treatment shall be required. If a proposed buffer strip is natural landscaping, a temporary artificial screening shall be provided until such time as landscape screening reaches maturity. Width shall be twenty (20) feet, except that between areas zoned "I" and the designated zones, the width shall be thirty (30) feet.

- B. Where an existing "SR-1" District abuts a district requiring a buffer, the minimum building setback from the required buffer shall be ten (10) feet, or as required in the underlying zoning district, whichever is greater.
- C. No new permanent barbed wire or electrically charged fence less than eight (8) feet in height shall be erected or maintained anywhere except in connection with agricultural uses; when the agricultural use abuts a property line or a public right-of-way, the use of such fencing shall require the issuance of a Special Use Permit.
- D. No fence, wall, or other obstruction shall be erected on or within three (3) feet of any alley or public right-of-way; temporary barricades shall require the written permission of the City's designated official.
- E. No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code. (See 70 ILCS Sec. 2-1 through 2-13 as amended from time to time)
- F. No fence, wall or other obstruction shall exceed eight (8) feet in height in any district except the Industrial District (I) where the maximum height shall not exceed ten (10) feet. In areas near street intersections, special height restrictions within the sight distance triangle shall be applicable to planting screens, hedges, trees, and other landscaping, fences, walls, or other obstructions. (See Section 48.3.13(B))
- G. No fence, wall or other obstruction shall be erected in any front yard setback area, with the exception of landscape fences specifically approved. (See Definition of Decorative Fence, Section 48.2.2)
- H. No fence, wall or other obstruction shall be erected on or within two (2) feet of a property line without the written consent of the abutting property owners; in such instances, an applicant for an Initial Certificate of Zoning Compliance shall include on the application the abutting property owners, consents of the type and proposed location of the fence, wall or other obstruction to be erected.
- I. No fence, wall or other obstruction which completely encloses a lot shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.
- J. An invisible pet fence shall be permitted provided the following:
 - a. All invisible pet fences shall be set back a minimum of six feet from any property line abutting any public right-of-way or street line.
 - b. Any invisible pet fence may be located on or adjacent to any rear lot line not abutting a public alleyway, or any side lot line not abutting a street line, without any required setback.

48.5.4. SERVICE STATIONS / CONVENIENCE STORES

- A. All gasoline pumps and other service facilities shall be located at least twenty-five (25) feet from any street right-of-way line, side lot line, or rear lot line.
- B. Every access way shall be located at least two hundred (200) feet from the principal

building of any fire station, school, public library, church, park, or playground, and at least thirty (30) feet from any intersection of public streets.

- C. Every device for dispensing or selling (vending) milk, ice, soft drinks, snacks, movies, bait and similar products shall be located within or adjacent to the principal building.
- D. All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
- E. Whenever the use of an automotive service station or convenience store has been discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Illinois Environmental Protection Agency.
- F. A permanent curb of at least four (4) inches in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

48.5.5. NURSING HOMES AND GROUP HOMES

- A. The lot on which any group home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of two (2) acres.
- B. The lot on which any nursing home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of one and one-half (1.5) acres.

48.5.6. JUNK YARDS

- A. No part of any junk yard--which includes any lot on which any three (3) or more inoperable vehicles are stored--shall be located closer than five hundred (500) feet to the boundary of any residential district.
- B. All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least eight (8) feet high and of sufficient density to block the view from adjacent property.

48.5.7. HOME OCCUPATIONS

- A. *Activities Not Covered.* A home occupation permit shall not be required for activities such as telecommuting or occupations involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, "telecommuting" means working in the home by using a smart device or computer terminal connected to a central office or central computer.
- B. *Limitations on Use.* All other home occupations shall require a special use permit in any residence district, provided the home occupation is subject to the following limitations.
 - 1. *Employees.* The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there. No more than one (1) other individual may be employed who does not reside on the premises. If there are no

employees other than the owner, then no special-use permit is required.

2. *Dwelling Alterations.* In any residential district, a principal residential building shall not be altered—to accommodate a home occupation—in such a way as to materially change the residential character of the building.
3. *Floor Space.* The total area used for the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
4. *Sign Restrictions.* There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed three (3) square feet in area and shall not be illuminated.
5. *Exterior Storage.* There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
6. *Nuisances.* There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. All nuisances are prohibited.
7. *Unlawful Storage.* There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
8. *Parking Requirements.* A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation as prescribed in Section 48.7.8.
9. *Covenants.* The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
10. *Permit Required.* A home occupation which includes more than one employee shall not be permitted without a special use permit being recommended by the Joint Planning & Zoning Commission and approved by the City Council, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

48.5.8. SCHOOLS

A. The lot on which any school is situated shall have the minimum area indicated below:

| <u>Type of School</u> | <u>Minimum Lot Area</u> |
|--------------------------------------|---|
| Nursery, Day Care Center | Seventy-five (75) square feet of fenced outdoor play area per child and must accommodate twenty-five percent (25%) of the licensed capacity of the center. |
| Elementary, Junior High, Senior High | As required by State law (Ill. Comp. Stat., Chap. 105, Sec. 5/35-8) --normally four (4) acres, plus one (1) additional acre for everyone hundred fifty (150) students in excess of two hundred (200). |

B. The principal building of any school shall be located at least twenty-five (25) feet from all lot lines.

48.5.9. SWIMMING POOLS

- A. All swimming pools as defined in the IRC shall comply with the requirements therein as well as all applicable requirements included in the City's Maintenance Code.
- B. Every in-ground swimming pool, whether public or private, shall be enclosed by a wall or fence at least four (4) feet in height and shall have a gate that shall be locked when the pool is not in use. Any aboveground pool that has the capacity of two (2) feet of water or greater shall be enclosed by a fence.
- C. Swimming pool shall not be located in any front yard or side yards.
- D. All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.

48.5.10. UTILITY SUBSTATIONS

Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

- A. Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least twenty-five (25) feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- B. In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.
- C. Every such facility shall be screened by close-planted shrubbery at least ten (10) feet in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least eight (8) feet in height be installed behind the planting screen.

48.5.11. KENNELS

- A. Commercial kennels shall be permitted as a special use in the A-1, B-3 and I-1 Districts.
- B. Every commercial kennel shall be located at least two hundred (200) feet from the nearest dwelling, and at least one hundred (100) feet from any lot line.
- C. The lot on which any kennel is situated shall have a minimum area of three (3) acres.

48.5.12. AGRICULTURAL ACTIVITIES

- A. *Farm Animals.* No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than three hundred (300) feet to any existing dwelling, or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than three hundred (300) feet to any existing dwelling or closer than two

hundred (200) feet to any lot line or residential property, whichever distance is greater.

- B. *Farm Equipment/Commodities.* No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least one hundred (100) feet from any lot line of residential property.
- C. *Barbed Wire/Electrical Fences.* (See Section 48-5-3(C))

48.5.13. LIGHTING CONTROLS

Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.

48.5.14. PUBLIC BUILDINGS

In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

- A. In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least twenty-five (25) feet from all property lines.
- B. In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least six (6) feet in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least twenty-five (25) feet from any front or side property line.

48.5.15. CHURCHES AND HOUSES OF FORMAL WORSHIP

The following restrictions shall apply to churches no matter if they are permitted uses or special-uses:

- A. *Lot Size.* The minimum size of the lot or tract shall not be less than two (2) acres and have a minimum frontage on a public street and at the building line of one hundred fifty (150) feet.
- B. *Commercial and Residential Uses.* No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that one (1) parsonage may be permitted on the same lot or tract provided the parsonage is located no more than seventy-five (75) feet from the principal building for religious worship.
- C. *Property Lines.* Each principal building shall be located at least twenty-five (25) feet from all property lines, and shall meet all other applicable requirements of this Code.
- D. *Accessory Buildings.* Accessory buildings shall meet all applicable requirements of the applicable Zone District.
- E. *Accessory Uses.* Permitted accessory uses and functions shall be directly related to and an

integral part of the customary religious worship activities except as otherwise provided by applicable provisions. (See 805 ILCS Sec. 110/0.01 et seq.)

48.5.16. CANNABIS (MARIJUANA) RELATED USES

The following restrictions govern the time, place, manner and number of cannabis business establishments with the City of Trenton;

- A. *Special Use:* All cannabis related uses, as defined in Section 48.2.02, shall require approval of a special use permit in the respective districts in which they are permitted as shown in the Land Use Matrix located in the appendix and in accordance with Article X Division II and all other application requirements provided herein.
- B. *Separation (Minimum Distance Limitations):* No new medical cannabis cultivation facility, medical cannabis testing facility, medical cannabis dispensary facility, or medical cannabis-infused products manufacturing facility shall be within 1,000 feet of the following:
 - 1. The property line of property used for residential purposes or zoned, at the time of the application, for residential purposes.
 - 2. The property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home, churches or houses of formal worship. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- C. *Conditions to be Considered:* In determining compliance with Article X Division II (Special Use Procedures and Requirements), the following components of the cannabis use shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
 - 1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
 - 3. Hours of operation and anticipated number of customers/employees.
 - 4. Anticipated parking demand based on Article VIII and available private parking supply.
 - 5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 6. Site design, including access points and internal site circulation.
 - 7. Proposed signage plan.
 - 8. *Sales:* Other than licensed dispensaries, no facility or use may conduct direct sales or distribution of cannabis; unless otherwise authorized by the Cannabis Regulation and Tax Act.
 - 9. *Site Enhancements:* Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the cannabis business establishments, as well as its environs.

Said improvements shall be determined based on the specific characteristics of the floor plan for a cannabis business establishment and the site on which it is located, consistent with the requirements of the Act.

10. Other criteria determined to be necessary to assess compliance with Section 48.10.13 Special Use Permit-Findings of Fact.

- D. *Co-Location of Cannabis Business Establishments.* The City may approve the co-location of an Cannabis Dispensing Facility with Cannabis Cultivator or Cannabis Infuser Facility, or both, subject to the provisions of the Act and the Special Use criteria provided herein. A medical physician or medical practice shall not take place within or immediately adjacent to a cannabis distribution facility within the City of Trenton.
- E. The petitioner shall file an affidavit with the City Clerk affirming compliance with Section 48.5.16 as provided herein and all other application City and State requirements.

48.5.17. INFILL DESIGN REGULATIONS

Prior to issuance of a building permit, any new single family dwelling proposed on a vacant lot within a developed area (infill) or redevelopment or restoration of more than 50% of a structure within a developed area shall be subject the following guidelines: For purposes of this Section, “developed area” shall consist of a residential lot with at least two (2) existing homes adjacent to said lot.

- A. *Parking/Garage Location:* When front entry garages are used special consideration shall be given to the design continuity between the garage and residential structure and to ensure that all building entries (pedestrian oriented) are prominent and visible.
- B. *Heating, Ventilation, and Air Conditioning (HVAC) Equipment:* HVAC equipment shall be located at the rear of buildings, and screened from adjacent properties.
- C. *Scale and Proportion:* New and redeveloped dwellings shall use appropriately scaled building mass, height and entry size, and incorporate architectural features such as gables, porches and windows to complement the surrounding buildings while breaking up the structure’s street façade.
- D. *Landscaping:* Front facades (both yards in the case of corner lots) shall be landscaped in a manner consistent with surrounding buildings. In addition, new and redeveloped dwellings shall maintain the established streetscape by preserving existing or establishing new street trees and providing landscaping that is consistent with the pattern established by surrounding buildings.
- E. *Rooflines and Pitch:* Rooflines and pitch similar to surrounding structures are encouraged, as the similarity establishes a pleasing pattern and rhythm for the streetscape, allowing new construction to blend with the established neighborhood.
- F. *Appeals and Grievances:* In the case an applicant should disagree or have other grievances with staff in the application of the above standards, the applicant shall be directed to formally appear before the planning commission for review of such disagreement or other grievance.

ARTICLE VI: SIGN REGULATIONS

48.6.1. GENERAL PROHIBITION

Any sign not expressly permitted in this Article shall be deemed prohibited.

48.6.2. COMPUTATION OF SIGN AREA ALLOWANCE

Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the building occupied by said business, provided, however, that no establishment in any district shall display more than three hundred (300) square feet of sign on any street front.

48.6.3. DEFINITION OF SIGN AREA

As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign.

48.6.4. SPECIAL SITUATIONS

- A. Except as specifically provided otherwise in this Article, if an establishment has frontage on two (2) or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any one (1) frontage a greater area of signs than would be permitted by application of the formula set forth in Section 48.6.2.
- B. The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

48.6.5. SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED

- A. No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.
- B. No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.
- C. Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code, if any.
- D. Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

48.6.6. ILLUMINATION

Illumination of signs is permitted, subject to the following requirements:

- A. No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.
- B. No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically-operated, changeable sign.
- C. The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.
- D. Electronic displays may be used as portions of allowed wall or monument signs. Electronic displays shall be essentially static and not flash, simulate motion or create a strobe light effect. Examples include time/temperature information, gas prices, or other information.

48.6.7. NONCONFORMING SIGNS

A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

48.6.8. RESTRICTIONS

Any nonconforming sign as defined in Section 48.6.7 that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in Article VIII of this Code; provided as follows:

- A. Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;
- B. Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

48.6.9. STRICTLY PROHIBITED SIGNS

Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the City:

- A. Signs in the public right of way.
- B. Mobile/Portable Marquees; except that they may be permitted as a temporary sign.
- C. Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.
- D. Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

- E. Roof-mounted signs, that project or protrude above the highest point of the roof. (See Section. 48.6.12)

48.6.10. SIGNS PERMITTED IN ANY DISTRICT

Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the City. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. (See Section. 48.6.2)

- A. Construction Signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed twenty-four (24) square feet in area, shall be confined to the site of the construction, and shall be removed within fourteen (14) days after the intended use of the project has begun.
- B. Real Estate Signs, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed six (6) square feet; on other property, such signs shall not exceed sixteen (16) square feet. Not more than one (1) real estate sign per street front shall be erected on any lot. Such signs shall be removed within seven (7) days of the sale, rental or lease.
- C. Political Signs, announcing candidates seeking public/political office and/or political issues and other pertinent information: In any Agricultural or Residential District, political signs shall not exceed eight (8) square feet; in other districts, such signs shall not exceed thirty-two (32) square feet. Political signs shall be removed within seven (7) days after the election to which they pertain, by the party responsible for their erection.
- D. Garage Sale Signs, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed four (4) square feet, and shall not be posted for longer than five (5) days.
- E. Public Interest Signs and Street Banners, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed thirty-two (32) square feet. Public interest signs and street banners shall be permitted only for sixty (60) days before and seven (7) days after the event.
- F. Governmental, Public, and Directional Signs: Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.
- G. Institutional Signs identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed twenty-four (24) square feet.
- H. Integral Signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.
- I. Subdivision Entrance Signs, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed twenty (20) square feet.

- J. Permanent House Numbers and/or Permanent Name of Occupant Signs located on the lot to which the sign applies: such signs shall not exceed two (2) square feet for single-family dwelling, nor six (6) square feet for multiple-family dwellings.
- K. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

48.6.11. AGRICULTURAL; RESIDENTIAL DISTRICTS

No sign other than those listed in Section 48.6.10 shall be erected in the Agricultural District or in any Residential District.

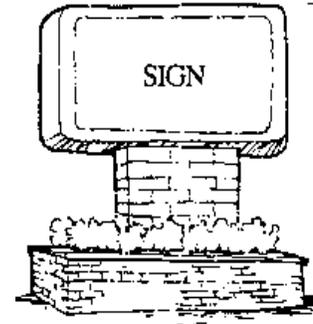
48.6.12. BUSINESS & INDUSTRIAL DISTRICTS

No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in Section 48.6.2 and 48.6.10.

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

- A. *Flush-Mounted Signs.* No flush-mounted (wall) sign shall:
 - 1. Project more than eighteen (18) inches from the wall or surface to which it is attached; or
 - 2. Extend above the roof line of the building to which it is attached.
- B. *Window Signs.* Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.
- C. *Projecting Signs.* No establishment shall display more than one (1) projecting sign on any street front. No projecting sign shall:
 - 1. Project above the roof line of the building to which it is attached; or
 - 2. Extend below a point eight (8) feet above the ground or pavement; or
 - 3. Project over a driveway or beyond the curb line of any public street; or
 - 4. Project more than four (4) feet from the building to which it is attached; or
 - 5. Extend to a point above twelve (12) feet.
- D. *Canopy or Marquee Signs.* Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of Section 48.6.12(A). Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of Section 48.6.12(C).

E. *Freestanding Signs.* No establishment shall display more than one (1) freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:



Freestanding Sign

1. No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point ten (10) feet above the ground or pavement shall be located closer than ten (10) feet from the public right-of-way line.
2. The area of any freestanding sign, calculated in accordance with Section 48.6.2, shall not exceed one hundred (100) square feet.
3. When attached to its structural supports, no part of any freestanding sign shall extend more than twenty (20) feet above the ground or pavement.
4. The length or width of any freestanding sign shall not exceed twelve (12) feet.



Portable Sign

F. *Illuminated sign.* Any sign designed to internally give forth artificial light or designed to reflect light from one (1) or more exterior sources of artificial light erected for the sole purpose of illuminating the sign.

G. *Portable Display Sign:* Any movable display structure, capable of relocation, under its own power, or towed by a motor vehicle. The display message of the sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.

H. *Shopping center identification signs:* Shopping centers identification signs (for commercial and industrial subdivisions with at least three (3) lots, and for multi-tenant centers) shall be monument signs and limited to one (1) sign per multi-tenant center. This does not preclude the use of individual signs for each business within the shopping center. A shopping center, as an entity, may erect an identification sign in accordance with the provisions of this Article if the total gross floor area of all the establishments located in the center provided the shopping center identification sign shall not exceed 200 square feet in area. One sign shall be allowed per 75 linear feet of frontage, not to exceed two (2) freestanding signs per shopping center. Shopping center identification signs shall display the range of addresses (numbers only) located within the shopping center, the square footage of such address portion of sign to be exempted from the 200 square feet of total sign area, with a minimum height of five inches, unless a finished base is provided, then the numbers may appear on the finished base (sign face sides), with a minimum height of five inches. Such range of addresses shall be of a reflective material if not illuminated.

I. *Billboards.* Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

1. Be stacked on top of another billboard; or
2. Be located closer than twenty-five (25) feet to any lot line or any public right-of-way; or
3. Be located closer than five hundred (500) feet from any other billboard on the same side of

- the roadway; or
4. Extend more than twenty (20) feet above the ground or pavement;
 5. Exceed three hundred (300) square feet in area.
 6. Shall be within 500' of US Highway 50 or as determined by IDOT.
- J. *Temporary Signs:* Temporary signs shall not remain in place for a period of more than thirty (30) days except when the City extends the time period for an additional thirty (30) days. Any further time extension shall thereafter be applied for through the City Council. The City Council may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. (See Sections 48.3.7 and Division II "Special Uses")

ARTICLE VII: OFF-STREET PARKING & LOADING REGULATIONS

48.7.1. APPLICABILITY OF ARTICLE

Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

48.7.2. EXISTING PARKING/LOADING FACILITIES

- A. Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.
- B. When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, additional off-street parking and loading facilities need not be provided, but parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.
- C. Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such increase in use-intensity shall be provided.
- D. Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

48.7.3. PARKING DESIGN AND MAINTENANCE STANDARDS

A. *Spaces.*

- 1. Each required parking space shall be at least **nine (9) feet** wide and **nineteen (19) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.
- 2. All pavement markings, when required, shall be laid and restored as often as necessary to clearly delineate each parking space.

B. *Interior Aisles.* Aisles within parking lots in Business and Industrial Districts shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least twenty-two (22) feet wide. One-way aisles designed for sixty (60) degree parking shall be at least eighteen (18) feet wide.

C. *Access ways.*

- 1. Parking areas in the Business and Industrial Districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- 2. No access way to any parking area shall be located within thirty (30) feet of any corner formed by the intersection of the rights-of-way of two (2) or more streets. At

- intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.
3. Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.
 4. The access way to every parking lot located in any business and industrial zoning district shall be at least twenty-four (24) feet wide unless two one-way drives, each twelve (12) feet wide, are provided.
 5. The access way to every parking area located in any residential zoning district shall be at least ten (10) feet wide; but if the parking area contains more than eight (8) parking spaces or if the access way is longer than one hundred (100) feet, access shall be provided either by one 2-way drive at least twenty (20) feet wide or by two 1-way drives, each at least ten (10) feet wide.
- D. *Surfacing.* Parking lots shall be graded and improved with a compacted stone base at least seven (7) inches thick, surfaced with at least two (2) inches of asphaltic concrete or approved comparable material. Parking lots used exclusively for agricultural purposes are hereby exempt from these requirements. (Note: "Oil and chip" is not an approved material.)
- E. *Lighting.* Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences.

48.7.4. LANDSCAPING

In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface.

- A. A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Certificate of Zoning Compliance to develop any parking lot that will contain twenty (20) or more parking spaces.
- B. The landscaping plan shall include the following information:
 1. Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;
 2. Proposed size, construction materials, and drainage of landscaped islands; and
 3. Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

48.7.5. LOCATION OF PARKING

All off-street parking shall be located in conformity with the following requirements:

- A. For Dwellings.
 1. Parking spaces accessory to dwellings located in any residential zoning district shall be

located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.

2. All parking spaces accessory to permitted non-dwelling uses located in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within two hundred (200) feet of the use served. No commercial vehicle exceeding one ton cargo capacity shall be parked anywhere in a residential district (except for normal loading, unloading, and service call), unless a special use permit has been obtained. No vehicle repair work shall be permitted on any parking lot located in any residential district.
3. No commercial vehicle exceeding one (1) ton cargo capacity shall be parked in a residential district (except for normal loading, unloading and service call), unless a special use permit has been obtained. No more than one (1) commercial vehicle shall be parked, stored, or housed within the boundaries of or adjacent to a residential property. The commercial vehicle parked, stored, or housed within a residential district shall be owned or assigned to the occupant of the premises where the vehicle is situated and shall be parked on or immediately alongside the operator's lot in such a manner that it does not create a safety hazard or inconvenience any member of the neighborhood. The vehicle shall not exceed seven (7) feet in height and shall not be a school bus, tractor, trailer, dump truck, front loader, crane, tow truck or similar vehicle. The commercial vehicle shall be parked to the side or rear of a building so as to be screened from view from the public right-of-way as much as possible. For the purposes of this Section, a commercial vehicle is a vehicle having been issued a "B" or a "D" license plate by the Secretary of State. All other commercial vehicles having greater than a "D" license plate shall not be parked, stored, or housed within a residential district.

B. Business and Industrial Districts.

1. No parking is required for uses in the "B-2" District requiring less than five (5) stalls as per Section 48.7.8. Uses in the "B-2" District requiring more than five (5) stalls may seek a waiver from the Joint Planning & Zoning Commission authorizing a reduction in the required parking requirements provided an alternative parking solutions is provided.
2. Parking spaces accessory to any dwelling located in any business district shall be located within two hundred (200) feet of the dwelling. Parking spaces accessory to any other conforming use located in any business or industrial district shall be located within five hundred (500) feet of the use served.
3. No parking space accessory to any use located in business or industrial district shall be located in any residential district except by special use permit; and in no case shall any such parking areas extend more than five hundred (500) feet into a residential district.
4. In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

48.7.6. DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES

All off-street loading facilities shall conform to the minimum standards indicated below:

- A. *Size of Loading Space.* Every required off-street loading space shall be at least ten (10) feet wide and forty (40) feet long exclusive of aisle and maneuver space, and shall have vertical clearance of at least fourteen (14) feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.
- B. *Access Way.* Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve (12) feet wide.
- C. *Surfacing.* Every off-street loading area shall be improved with a compacted stone base at least seven (7) inches thick, surfaced with at least two (2) inches of asphaltic concrete or approved comparable material. (No "oil and chip")
- D. *Buffer Strips.* No loading space or area for vehicles over two (2) ton cargo capacity shall be developed closer than fifty (50) feet to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least ten (10) feet in height and of sufficient density to block the view from residential property.
- E. *Location.* Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than fifty (50) feet to the intersection of the rights-of-way of two (2) or more streets, and not on any required front yard.

48.7.7. COMPUTATION OF REQUIRED PARKING/LOADING SPACES

In computing the number of parking spaces required by this Code, the following rules shall apply:

- A. In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means one (1) parking space shall be required per one and one-half (1.5) employees", unless otherwise stated.
- B. In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.
- C. Whenever it is necessary to translate gross parking lot area into number of parking spaces, three hundred fifty (350) square feet of gross area shall be deemed one (1) parking space.
- D. If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of one-half (.5) or more shall be counted as one (1) space.
- E. No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.
- F. When a structure or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of the individual parking requirements.

48.7.8. NUMBER OF PARKING AND LOADING SPACES REQUIRED

Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The City’s designated official shall make the determination of similarity:

| <u>Use</u> | <u>Parking Spaces Required</u> | <u>Loading Spaces Required (if any)</u> |
|--|--|--|
| A. <u>Dwellings, Lodgings:</u> | | |
| Motels, Boarding Houses | 1 space per lodging unit, plus 1 space per employee | 1 space if the use has 20,000 sq. ft. or more floor area |
| Manufactured homes & Immobilized homes | 2 spaces per unit | Not Applicable |
| Multi-family dwellings | 2 spaces per dwelling unit | Not Applicable |
| Single-family & two-family dwellings | 2 spaces per dwelling unit | Not Applicable |
| Manufactured Home | 2 spaces per dwelling unit | Not Applicable |
| B. <u>Educational, Institutional, Recreational:</u> | | |
| Churches, assembly halls | 1 space per 4 seats in the largest seating area | Not Applicable |
| Libraries, museums | 1 space per 500 sq. ft. of | As determined by the Administrator |
| Nursing Homes | 1 space per 3 residents or beds floor area | 1 space per 50,000 sq. ft. of floor area |
| Schools | | |
| Elementary and Junior High | 1 space for every 20 students that the building is designed to accommodate, plus employee parking. | As determined by the Administrator |
| Senior High | a space for every 4 students that the building is designed to accommodate, plus employee parking. | As determined by the Administrator |

| <u>Use</u> | <u>Parking Spaces Required</u> | <u>Loading Spaces Required (if any)</u> |
|---|---|--|
| C. <u>Commercial, Office, Service:</u> | | |
| Note: All commercial and service uses, unless specifically indicated otherwise below. | 1 space per 300 sq. ft. of floor area | To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft. |
| Financial Institutions Walk-in | 1 space per 300 sq. ft. of floor area, plus employee parking | (Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space |
| Drive-in service lane | 5 queue spaces per teller/service lane | |
| Beauty and Barber shops | 2 spaces per chair, plus employee parking | Not Applicable |
| Bowling Alleys | 4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns | Not Applicable, except as required for affiliated uses |
| Car Wash | 3 spaces per wash lane | Not Applicable |
| Furniture and appliance stores | 1 space per 600 sq. ft. of floor area | To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft. |
| Home occupations | 1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling | Not Applicable |

| <u>Use</u> | <u>Parking Spaces Required</u> | <u>Loading Spaces Required (if any)</u> |
|---|---|--|
| Offices generally, but not medical/dental offices | 1 space per 300 sq. ft. of floor area | To 30,000 sq. ft. of floor area...none required. 30,001-100,000 sq. ft...1 space |
| Offices, medical/dental | 1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater. | Not Applicable |
| Mortuaries | 1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room | 1 space per 10,000 sq. ft. or more of floor area |
| Restaurants; refreshment stands | | (Both sit-down and drive-in): |
| Sit-down | 1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater | 1 space per structure having 10,000 sq. ft. or more floor area |
| Drive-in | 1 space per 25 sq. ft. of floor area | |
| Service stations | 2 spaces per service stall, plus employee parking | Not Applicable |
| Taverns | 1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater | 1 space per structure having 10,000 sq. ft. or more of floor area |
| Theaters | | Not Applicable |
| Indoor | 1 space per 4 seats | |
| Drive-In | As required by the Administrator | |
| Vehicle sales (autos, boats, trailers, etc.) | 1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. f 4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft. | To 25,000 sq. ft. of floor area and open lot area...2 More than 25,000 sq. ft. of floor area and open lot area...2 space, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft. |

| <u>Use</u> | <u>Parking Spaces Required</u> | <u>Loading Spaces Required (if any)</u> |
|--|---|---|
| D. <u>Industrial:</u> | | |
| INDUSTRIAL USES of all types, Except Warehousing and Transportation Terminals, | | |
| Employee parking | One (1) space per 1 1/2 employees on maximum shift or not less than one (1) parking space for each 500 square feet of gross floor area; when more than one shift is employed, parking for both shifts shall be provided, unless sufficient time is allowed between shifts to provide for the maximum use of the required parking. | To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft....2 spaces; 50,001-90,000 sq. ft....3 spaces; above 90,000 sq. ft....3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft. |
| Visitor parking | One (1) parking space for each 25 employees on main shift, with a minimum of 2 parking spaces and a maximum of 20 required visitor spaces. | |
| Company vehicles | One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Administrative Official. | |
| WAREHOUSING | | |
| Employee parking | One (1) space for each 1,000 square feet of gross floor area or one (1) parking space for 1 1/2 employees, whichever is greater; whenever all or any portion of a warehouse area, facility | To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft....2 spaces; 50,001-90,000 sq. ft....3 spaces; above 90,000 sq. ft....3 spaces plus 1 additional space per |

or building is proposed to be converted, remodeled, or changed to a non-warehouse use, the number of parking spaces required by this Section for the intended use shall be secured and provided for prior to conversion of use or remodeling of the warehouse facility or building.

50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

Company vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Administrative Official.

**TRANSPORTATION OR TRUCKING
YARD TERMINALS**

Employee parking

One (1) parking space for Each 1,000 square feet of Warehousing, shop area, or Loading area and one (1) Parking space for each Driver of a company vehicle Which is dispatched from Said terminal.

To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft....2 spaces; 50,001-90,000 sq. ft....3 spaces; above 90,000 sq. ft....3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

Company vehicles

One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Administrative Official.

ARTICLE VIII: NONCONFORMITIES

48.8.1. NATURE OF NONCOMFORMITIES

The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land that do not conform to the requirements of this Chapter tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities

48.8.2. NONCONFORMING LOTS.

Any vacant lot that does not conform to **one (1)** or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district, as approved by the Joint Planning & Zoning Commission, provided such vacant lot:

- A. Was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto);
- B. Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
- C. Is at least fifty (50) feet wide.

48.8.3. NON-URBAN AND RESIDENTIAL DISTRICTS

In the Agricultural District and in any residential district, one single-family dwelling and related accessory structure, but no other use, may be erected on any vacant nonconforming lot of the type described above provided all the bulk regulations of the particular district are observed.

48.8.4. BUSINESS AND INDUSTRIAL DISTRICTS

In the Industrial District and in any business district, any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described above if the bulk requirements of that district are met.

48.8.5. TWO OR MORE LOTS IN COMMON OWNERSHIP

If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

48.8.6. NONCONFORMING STRUCTURES

Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size,

height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

- A. *Maintenance.* A nonconforming structure may be maintained by ordinary repairs.
- B. *Enlargement, Alterations.* A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.
- C. *Relocation.* A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it is situated.
- D. *Reconstruction.* No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds fifty percent (50%) of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than fifty percent (50%) of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator. As an alternative, the market value may be determined by the Administrator by using the "state equalized assessed value" multiplied by the number three (3).

The provisions of paragraph (D) shall not apply to single-family dwellings.

48.8.7. NONCONFORMING USES OCCUPYING A STRUCTURE

If any lawful use occupying a structure exists on the effective date of this Code, such use may lawfully continue, subject to the following provisions:

- A. *Maintenance.* Any structure housing a nonconforming use may be maintained through ordinary repairs.
- B. *Enlargement, Alteration, Reconstruction, Relocation.* No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.
- C. *Extension of Use.* No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.
- D. *Abandonment.* A legally non-conforming use loses its legally non-conforming status if it is not used or abandoned for a period of 6 months or more. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

- E. *Discontinuance of Use.* When a nonconforming use of a structure or of a structure and premises in combination is discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

48.8.8. NONCONFORMING USE OF LAND

Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

- A. *Intensification or Extension of Use.* A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.
- B. *Relocation.* No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- C. *Change of Use.* Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
- D. *Discontinuance.* When a nonconforming use of land is discontinued for a period of twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

48.8.9. NONCONFORMITIES UNDER PERMIT AUTHORITY

The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE IX: ADMINISTRATION AND ENFORCEMENT

48.9.1. ADMINISTRATOR’S DUTIES

The Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following duties:

- A. To review applications pertaining to land, structures and the uses of land and/or structures;
- B. To issue or deny initial and final certificates of zoning compliance;
- C. To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;
- D. Receive, file, and forward to the Joint Planning & Zoning Commission, all applications for amendments and special use permits, and other matters upon which the Joint Planning & Zoning Commission is required to act under the Zoning Code.
- E. Receive, file, and forward to the Joint Planning & Zoning Commission all applications for variance, appeals, and other matters upon which the Joint Planning & Zoning Commission is required to act under the Zoning Code. Each application for variance, appeal, and other matter submitted to the Joint Planning & Zoning Commission shall be accompanied by a report containing the applicable code provision(s) and findings of fact.
- F. Attend all public hearings conducted by the Joint Planning & Zoning Commission and provide the Commission with the factual background of the application, the request sought by the applicant, and the relevant sections of the Zoning Code.
- G. To maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Joint Planning & Zoning Commission, amendments and all applications related to any of these matters;
- H. To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the City Council at least once each year;
- I. To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and
- J. To provide information to the general public on topics related to this Code; and
- K. To republish the zoning district map not later than March 31st if any rezonings or annexations have been approved during the preceding calendar year. **(See Sec. 48.3.2)**

48.9.2. INITIAL CERTIFICATES OF ZONING COMPLIANCE

Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The

Administrator shall not issue an initial certificate of zoning compliance unless he determines that when the proposed work is completed, the use and/or structure will conform to the applicable provisions of this Code.

48.9.3. ZONING APPLICATION

Every applicant for an Initial Certificate of Zoning Compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. (NOTE: Filing fee required is found in Section 48.9.13.)

ITEMS OF INFORMATION:

- A. Name and address of the applicant;
- B. Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);
- C. Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
- D. Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;
- E. Area and dimensions of the site for the proposed structure or use;
- F. Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- G. Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- H. Height, setbacks, and lot coverage of the proposed structures;
- I. Number and size of proposed dwelling units, if any;
- J. Location and number of proposed parking/loading spaces and access ways;
- K. Identification and location of all existing and proposed utilities, whether public or private; and/or
- L. Location and square footage of existing and proposed signs by type and class.

[NOTE: As used above, the term "proposed" refers to "altered", "enlarged", or "extended" as well as "completely new".

48.9.4. DURATION OF CERTIFICATE

Initial Certificates of Zoning Compliance shall be valid for one (1) year, or until revoked for failure to abide by a corrective action order. The Administrator may renew Initial Certificates of Zoning

Compliance for successive one (1) year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

48.9.5. RELATIONSHIP TO BUILDING PERMITS

Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The City, in compliance with the Illinois Architecture Practice Act of 1989 and effective January 1, 1992 (See 225 ILCS Sec. 305/1 et seq.), requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a licensed professional architect.

48.9.6. FINAL CERTIFICATES OF ZONING COMPLIANCE

No lot or structure or part thereof that has been created, developed, erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used or occupied until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance unless he determines, by inspection, that:

- A. The development or construction of such lot or structure has been completed in accordance with plans approved at the time the initial certificate of zoning compliance was issued; and
- B. The lot or structure as completed, and the proposed use thereof, conforms to all applicable provisions of this Code.
- C. Final certificates of zoning compliance shall be issued free of charge. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code. (See definitions: "final certificate of zoning compliance".)

48.9.7. CORRECTIVE ACTION ORDERS

Whenever the City's designated official finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party, and shall institute appropriate measures to secure compliance.

48.9.8. CORRECTIVE ACTION ORDER

The order to take corrective action shall be in writing and shall include:

- A. A description of the premises sufficient for identification;
- B. A statement indicating the nature of the violation;
- C. A statement of the remedial action necessary to effect compliance;
- D. The date by which the violation must be corrected;
- E. A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- F. The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and

- G. A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

48.9.9. SERVICE OF ORDER

A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- A. Served upon him personally;
- B. Sent by certified mail to his last known address; or
- C. Posted in a conspicuous place on or about the affected premises.

48.9.10. STOP ORDERS

Whenever any work being done in violation of an Initial Certificate of Zoning Compliance, the Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. (See Section 48.9.8)

48.9.11. EMERGENCY MEASURES

Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. The Administrator shall take no such action until he has consulted with the City Attorney.

48.9.12. COMPLAINTS

Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

48.9.13. FEES

The City Council may establish fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the City Clerk or the Administrator according to the Fee Schedule approved by the Council and on file in the Clerk's Office.

48.9.14. PENALTIES

- A. Any person who is convicted of a violation of this Code shall be fined not less than Seventy-Five Dollars (\$75.00), nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day on which a violation continues shall be considered a separate offense.
- B. Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE X: ZONING PROCEDURES

DIVISION I – JOINT PLANNING & ZONING COMMISSION

48.10.1. ESTABLISHMENT OF THE JOINT PLANNING & ZONING COMMISSION

The Joint Planning & Zoning Commission of the City of Trenton is hereby created to carry out the duties of a Plan Commission and Zoning Board of Appeals in accordance with state statutes and other applicable authority. Any ordinance, code or regulation of the City or state statutes that reference the Plan Commission and/or Zoning Board of Appeals shall mean the Joint Planning and Zoning Commission. The Commission Members shall be appointed by the Mayor with the approval of the City Council. Commission Members shall be appointed on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with 65 ILCS 5/11-13-14.1.

48.10.2. POWERS AND DUTIES

The Joint Planning & Zoning Commission shall have the following powers and duties:

- A. To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than one and one-half (1 1/2) miles beyond the corporate limits of the City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts each of which, when adopted, shall be the official comprehensive plan or part thereof of the City. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.
- B. All requirements for public hearing, filing of notice of Plan adoption with the County Recorder of Deeds and filing of said plan and ordinances with the City Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort and convenience of the inhabitants of the City and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions or unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.
- C. To recommend to the City Council from time to time, such change in the comprehensive plan or any part thereof as may be deemed necessary.
- D. To prepare and recommend to the City Council from time to time, plans and/or recommendations for specific improvements pursuant to the official comprehensive plan.
- E. To give aid to the Mayor or designated officials charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements and generally, to promote the realization of the official comprehensive plan.
- F. To designate land suitable for annexation to the municipality and the recommended zoning

classification, if applicable, for such land upon annexation.

- G. To arrange and conduct any form of publicity relative to its activities for the general purposes of public understanding.
- H. To cooperate with municipal or regional Planning Commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.
- I. To conduct all public hearings concerning special use permits and amendments to this Code and shall issue an advisory report to the City Council concerning each application. See also Section 48.10.10.
- J. To decide any question involving the interpretation of any provision or term of the City of Trenton Zoning Code ("Code") upon official submission of an appeal from a decision by any administrative official, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto, or other claimed error in the decision or determination made by an administrative official in the enforcement of the Code; provided that such decision shall be bound by and consistent with the language of the ordinance or regulation at issue. See also Section 48.10.3.
- K. To authorize variances to the requirements of the Code. The Corporate Authorities may reserve, by ordinance, any class of variance for approval only by the Corporate Authorities. In such cases where the City Council has reserved decision making authority, the Joint Planning & Zoning Commission shall still conduct a hearing and provide notice in compliance with 65 ILCS 5/11-13-6. Any variance granted by the Joint Planning & Zoning Commission, not exercised within 12 months from the date of approval, shall be deemed expired and may be revoked by the Joint Planning & Zoning Commission. See also Section 48.10.4.
- L. To hear and decide all other matters referred to it by the City Council or upon which it is required to pass under applicable ordinance.
- M. To exercise other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, entitled "Illinois Municipal Code", approved May 29, 1961 and effective July 1, 1961, as amended as may be conferred by the City Council."

48.10.3. APPEALS

An appeal may be taken to the Joint Planning & Zoning Commission by any person, firm or corporation aggrieved by a determination or decision of any administrative official charged with the enforcement of any provision of or regulation adopted pursuant to the Code, or by any officer, department, board, or bureau of the City relating to such decision. The appeal shall be taken within 45 days of the action complained of by filing, with the City Clerk, a notice of appeal, specifying the grounds thereof. The City Clerk shall thereupon transmit to the Joint Planning & Zoning Commission and the official from whom the appeal is taken all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the official appealed from certifies to the Joint Planning & Zoning Commission after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed except by a restraining order, which may be granted by the Joint Planning & Zoning Commission or by a Court of Record on application, or notice to the official appealed from and on due cause shown. The Joint Planning & Zoning Commission 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 Joint Planning & Zoning Commission may decide to be fitting and proper to the premises. No challenge to any decision subject to this Section shall be filed in any court until or unless a timely appeal has been filed and prosecuted to completion by the applicant as provided for in this Article so as to establish a final appealable decision.

48.10.4. VARIANCES

A variance may be sought by filing a written application and payment of applicable fee to the City Clerk specifying the specific provision to be varied, the extent of the variation, and the basis therefore and including such requirements as are set forth in the Code. The Joint Planning & Zoning Commission may grant a variance only if it is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties or hardship to the applicant. No variance may be granted to any condition or term of a special use permit or planned zoning procedure. The Joint Planning & Zoning Commission may impose such conditions, safeguards and restrictions upon the premises, benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. A request for a variance, other than a use variance, may be granted, upon a finding and determination on the record of the Joint Planning & Zoning Commission that the requirements of this Section are met and that all three of the following conditions are satisfied or upon such conditions the Planning & Zoning Commission may establish to meet the following conditions:

- A. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations;
- B. The plight of the owner is due to unique circumstances; and
- C. The variance, if granted, will not alter the essential character of the locality.

48.10.5. PROCEDURES

- A. *General.* The Joint Planning & Zoning Commission shall act in accordance with the procedure specified by law and by the Code. All appeals and applications to the Joint Planning & Zoning Commission shall be in writing. Every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, the use for which the variance or special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The City may appear by any designated official of the City Council and be heard as a party in interest in any hearing before the Joint Planning & Zoning Commission, and the City may appeal any decision of the Joint Planning & Zoning Commission to a court of competent jurisdiction.
- B. *Notice of hearing.* No action of the Joint Planning & Zoning Commission shall be taken on any petition for variance until after notice has been given of the hearing. The Joint Planning & Zoning Commission shall hold the public hearing within sixty (60) days after the application is submitted, unless good cause exists for a delay. Notice of the time, date, and location of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing at least **one (1) notice** thereof in a newspaper of general circulation in the City, such publication to be made **at least fifteen (15) days before** the public hearings **but not more than thirty (30) days before** the hearing. Notice of the hearing concerning the variance shall also be sent by first class mail, by the applicant, to property owners or persons residing on land adjacent to the property in question, and the owners of the property in question at the time the public notice is published. The Joint Planning & Zoning Commission shall fix a reasonable time for the hearing

of the appeal or application and shall give due notice thereof to the parties and decide the matter within a reasonable time.

- C. *Hearings Procedure.* All hearings conducted by the Joint Planning & Zoning Commission shall be open to the public, held at the call of the Joint Planning & Zoning Commission and at such times as he or she may determine. At hearings conducted by the Joint Planning & Zoning Commission, the Zoning Administrator, shall provide the Joint Planning & Zoning Commission with the factual background of the application, the request sought by the applicant, and the relevant sections of the Code. At hearings conducted by the Joint Planning & Zoning Commission, any interested person may appear in person or by duly authorized agent or attorney. All testimony before the Joint Planning & Zoning Commission shall be given under oath. The Joint Planning & Zoning Commission shall administer oaths and may compel attendance of witnesses. The Joint Planning & Zoning Commission shall keep minutes of all proceedings and other official actions and adopt rules and procedure's not in conflict with this Ordinance or applicable Illinois statutes.
- D. *Decision and Findings of Fact.* Every variance decision shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain a part of the permanent records of the Joint Planning & Zoning Commission. The findings of facts shall specify the reason or reasons for making the variance. The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. Property for which relief has been granted shall not be used in violation of the specific terms of the findings of fact, as the case may be, unless its authorized use is changed by subsequent variance or ordinance. Every rule, regulation, decision or determination of the Joint Planning & Zoning Commission shall immediately be filed with the City Clerk and shall be public record.
- E. *Expiration of variance approval.* Any construction or use authorized by a variance approval shall substantially commence not later than six (6) months after the date of the decision granting the variance, or such other time as may be specified in the variance approval.
- F. *Cost.* For any application to the Planning & Zoning Commission, a fee shall be charged by the City for processing, plus the cost of advertising of public notice in an amount as established by the City Council.

48.10.6. CITY COUNCIL POWER OF ADMINISTRATIVE REVIEW

Immediately following the filing of the written decision of the Joint Planning & Zoning Commission on any appeal or variance request under this Section, the City Clerk shall file a report with the City Council ("Council") concerning such action. Within 21 days after the Joint Planning & Zoning Commission's decision, the Council, upon majority vote, may exercise the power of administrative review of any Planning & Zoning Commission decision on an application for an appeal or variance.

Upon adoption of the motion to exercise the power of review, the Council may act on the matter directly or first refer the matter to committee. Before acting on the variance or appeal, the Council may set the matter for hearing before the committee or the City Council. The Council will give written notice of any such hearing to the applicant and all other persons who appeared and spoke at the public hearing before the Joint Planning & Zoning Commission. In addition, the Council may, in its discretion, notify and allow to be heard at the hearing any other person who the Council believes may be aggrieved by any decision or action concerning the application.

Following its review, the Council may affirm, reverse, or modify, in whole or in part, any determination of the Joint Planning & Zoning Commission. An affirmative majority vote of the

Council shall be required to overturn or modify a decision by the Planning & Zoning Commission. The decision of the Council shall be made within 45 days of the Council's vote to review the decision of the Joint Planning & Zoning Commission, unless extended for specified cause by a majority vote of the Council, or the Joint Planning & Zoning Commission decision shall become final. In making any decision, the Council may adopt and rely on the record of the Joint Planning & Zoning Commission or may hold a new hearing to establish a record for final decision.

Unless the Council exercises its power of review of administrative review, the decision of the Joint Planning & Zoning Commission shall become effective after 21 days following its decision.

48.10.7. JUDICIAL REVIEW OF FINAL DECISION

Any officer, department, board or bureau of the City or any person whose legal rights, duties, or privileges have been affected by any final decision of the Planning & Zoning Commission, or any party affected by the decision of the Council where such decision has been reserved or appealed to the Council, may present to the Circuit Court having jurisdiction in the county, a complaint, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and otherwise proceeding pursuant to the Administrative Review Law, Section 735 ILCS 5/3-10 I, et seq. which shall govern such appeals including as authorized in 65 ILCS 5/11-13-14.1. Such complaint shall be presented to the court within 35 days after the filing of the final decision. The costs of preparing and certifying the record of proceedings for filing with the Circuit Court in an administrative review proceeding shall be paid to the Council by the appellant prior to the filing of such records with the Court. To the full extent permitted by law, unless review is sought of an administrative decision within the time and in the manner herein provided, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of such administrative decision."

DIVISION II - SPECIAL USES

48.10.8. SPECIAL-USE PERMITS

This Code divides the City into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and a recommendation by the Joint Planning & Zoning Commission to the City Council for approval. (See 65 ILCS Sec. 5/11-13-1.1 and 5/11-13-11)

48.10.9. APPLICATION

Every applicant for a special-use permit shall submit to the City's designated official in narrative and/or graphic form, the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Joint Planning & Zoning Commission for further consideration. (NOTE: Filing fee required in Section 48.9.13)

ITEMS OF INFORMATION:

- A. Name and address of the applicant;

- B. Name and address of the owner or operator of the proposed structure or use, if different from (A);
- C. Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- D. Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
- E. Area and dimensions of the site for the proposed structure or use;
- F. Existing topography of the site and proposed finished grade;
- G. Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- H. Height and setbacks of the proposed structure;
- I. Number and size of the proposed dwelling units, if any;
- J. Number and location of proposed parking/loading spaces and access ways;
- K. Identification and location of all existing or proposed utilities, whether public or private; and/or
- L. Any other pertinent information that the Administrator may require;
- M. Location of any signs.

48.10.10. PUBLIC HEARING, NOTICE

The Joint Planning & Zoning Commission shall hold a public hearing on every special-use permit application within **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- A. By certified mail to the applicant; and,
- B. By publication in a newspaper of general circulation within this municipality.
- C. By first-class mail to all owners of property contiguous to the property affected by the proposed special-use request. (See 65 ILCS Sec. 5/11-13-7)

48.10.11. ADVISORY REPORT, FACTORS CONSIDERED

Within **thirty (30) days** after the public hearing, the Joint Planning & Zoning Commission shall prepare an advisory report. In deciding the recommendation, the Joint Planning & Zoning Commission shall consider the following factors:

- A. Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- B. Whether the proposed special-use is consistent with this municipality's comprehensive plan, if any;
- C. The effect the proposed special-use would have on the value of neighboring property and on this municipality's overall tax base;

- D. The effect the proposed special-use would have on the public utilities and on the traffic circulation on nearby streets; and
- E. Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection. (See 65 ILCS Sec. 5/11-13-7)

48.10.12. ACTION BY CITY COUNCIL

The City Council shall act on every request for a special-use permit at their next regularly scheduled meeting following submission of the advisory report by the Joint Planning & Zoning Commission. Without further public hearing, the City Council may approve or disapprove the special-use permit by an ordinance passed by simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the City Council shall state their findings of fact, and indicate their reasons for a special-use permit. (See 65 ILCS Sec. 5/11-13-11)

48.10.13. TEMPORARY USE PERMIT PROCEDURES

As set forth at Section 48.3.7, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Joint Planning & Zoning Commission shall issue no temporary use permit for a period longer than one (1) year but may renew any such permit as they see fit.

DIVISION III - AMENDMENTS

48.10.14. AMENDMENTS

The City Council may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the City Council, the Joint Planning & Zoning Commission, the City's designated official or any party in interest. (See 65 ILCS Sec. 5/11-13-14)

48.10.15. FILING

Every proposal to amend this Code shall be filed with the City's designated official on a prescribed form. Every amendment proposal shall also be filed with the Soil and Water Conservation District pursuant to State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations to the Joint Planning & Zoning Commission for a public hearing. (NOTE: Filing fee required.)

48.10.16. PUBLIC HEARING - NOTICE

The Joint Planning & Zoning Commission shall hold a public hearing on every amendment proposal within sixty (60) days after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- A. By certified mail to the applicant; and,
- B. By publication in a newspaper of general circulation within the municipality.
- C. By first-class mail to all owners of property contiguous to the property affected by the

proposed amendment. (See 65 ILCS Sec. 5/11-13-14)

48.10.17. ADVISORY REPORT - FINDINGS OF FACT

Within **thirty (30) days** after the public hearing, the Joint Planning & Zoning Commission shall submit their advisory report to the City Council. The report shall state the recommendations of the Joint Planning & Zoning Commission regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Joint Planning & Zoning Commission shall include in their advisory report findings of fact concerning each of the following matters:

- A. Existing use and zoning of the property in question;
- B. Existing uses and zoning of other lots in the vicinity of the property in question;
- C. Suitability of the property in question for uses already permitted under existing regulations;
- D. Suitability of the property in question for the proposed use;
- E. The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.

48.10.18. ACTION BY CITY COUNCIL

The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Joint Planning & Zoning Commission. Without further public hearing, the City Council may approve or disapprove any proposed amendment or may refer it back to the Joint Planning & Zoning Commission for further consideration by simple majority vote of all the members then holding office.

48.10.19. WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED

The favorable vote of at least **two-thirds (2/3)** of the members of the City Council is required to pass an amendment to this Code in each of the following instances:

- A. When passage would be contrary to the recommendation of the Joint Planning & Zoning Commission.
- B. When the amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

48.10.20. NOTICE TO APPLICANT OF WRITTEN PROTEST

In cases of written opposition to an amendment of this Code, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. (See 65 ILCS Sec. 5/11-13-14)

ARTICLE IV: RENEWABLE ENERGY SYSTEMS

48.11.1. PURPOSE AND INTENT

The purpose of this Section is to provide standards for the installation and use of Renewable Energy Systems as accessory uses within the City of Trenton. These regulations seeks to protect properties from incompatible uses in the interest of property values, public health and the welfare of the community while promoting the use of alternative energy sources, where appropriate. This Article provides a process to facilitate the use of these systems in a manner that minimizes adverse impacts and promotes the health, safety and welfare of the community.

48.11.2. ACCESSORY USE

Renewable energy systems shall be considered as an accessory use subject to the provisions of this Section.

- A. *Roof Mounted- Solar:* Roof mounted solar energy systems shall be considered a permitted accessory use in all districts subject to the regulations contained herein and all other building, electrical and any other applicable permits or authorizations. Roof mounted solar energy systems shall be approved administratively. Petitions that do not meet the requirements set forth herein, may be considered in accordance with the City’s Special Use procedures (See Article X, Division II).
- B. *Ground Mounted-Solar:* Ground mounted solar energy systems shall be considered an accessory use in all zoning districts and shall require a Special Use Permit pursuant to Article X, Division II and Section 48.11.3 herein.
- C. *Wind:* Wind energy systems shall be considered an accessory use in the A1, B1, B2, B3, and I-1 zoning districts and shall only be allowed in these districts via Special Use Permit pursuant to the procedures and requirements in Article X, Division II and Section 48.11.3 herein.

48.11.3. REQUIREMENTS

The requirements set forth in this Section shall govern the construction and/or installation of all Renewable Energy Systems:

- A. *Solar Energy Systems, General:* Solar Energy Collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than 30 percent or shall be placed such that concentrated sunlight or glare shall not be directed onto nearby properties or streets. Documentation showing an architectural rendering of the proposed installation with an analysis of potential glare and reflection potential, and including all appropriate wind and snow load calculations, sealed by a professional engineer, must be submitted with the application.
- B. *Roof Mounted Solar Energy Systems, Residential Zoning Districts*
 - 1. Solar Energy Collectors installed in residential zoning districts shall be: (a) installed parallel to the plane of the roof (flush mounted); or (b) made part of the roof design (capping or framing compatible with the color of the roof or structure); or (c) designed consistent with the definition of “building- integrated renewable energy system”.
 - 2. When located on a sloped roof, Solar Energy Collectors shall be located on a rear or side facing roof, as viewed from a fronting street. In cases of corner lots or lots with more than one (1) street frontage, the side roof fronting a street may be considered a front facing roof.

3. Roof-mounted solar energy systems shall be placed no more than eight (8) inches higher than the roof surface and shall not project vertically above the peak of a sloped roof to which it is attached.
4. When located on a sloped roof, Solar Energy Collectors should be positioned in a symmetrical fashion and centered on the plane of the roof on which they are located.
5. When located on a sloped roof, Solar Energy Collectors shall be setback at least the distance of the roof overhang.
6. All exterior electrical or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the materials adjacent to the lines when visible from all directions.
7. Where applicable, a letter from the trustees of the subdivision where the solar energy system is proposed shall be submitted with any renewable energy system application located in a residential area demonstrating the trustees have reviewed the request.

C. Roof Mounted Solar Energy Systems- Non-Residential Zoning Districts

1. Building (roof) mounted Solar Energy Systems installed in non-residential zoning districts should be installed (a) parallel to the plane of the roof (flush mounted); or (b) made part of the roof design (capping or framing compatible with the color of the roof or structure) or (c) designed consistent with the definition of "building integrated system".
2. When located on a sloped roof, Solar Energy Collectors shall be located on a rear or side facing roof, as viewed from a fronting street. In cases of corner lots or lots with more than one (1) street frontage, the side roof fronting a street shall be considered a front facing roof.
3. Building (roof) mounted solar energy systems should be placed no more than eight (8) inches higher than the roof surface and shall not project vertically above the peak of a sloped roof to which it is attached.
4. When located on a sloped roof, Solar Energy Collectors shall be setback at least the distance of the roof overhang
5. All exterior electrical or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the materials adjacent to the lines when visible in all directions.

D. Ground Mounted Solar Energy Systems – All Zoning Districts

1. Ground mounted Solar Energy Systems shall only be located in the side or rear yard of a property.
2. Ground mounted Solar Energy Systems and supporting structures shall not exceed the accessory structure height limitations in the zoning district in which the property is located. In commercial districts with no such requirement, a maximum height of 20-feet is hereby established. Height shall be measured from average grade at the base of the supporting structure to the highest edge of the system.
3. Ground mounted Solar Energy Systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings or other architectural feature or any combination thereof; provided, however, that screening shall not be required to be so dense, so tall or so located as to render the equipment essentially non-functional.

4. Where applicable, a letter from the trustees of the subdivision where the solar energy system is proposed shall be submitted with any renewable energy system application located in a residential area demonstrating the trustees have reviewed the request.

E. *Wind Energy System, General*

1. Wind Energy Systems are permitted only in the AG, B1, B2, B3 and, LI zoning districts, or for schools, universities, parks and other institutional uses located on a lot containing at least five (5) acres and subject to the requirements of this Section.
2. Ground mounted Wind Energy Systems affixed to a monopole tower are permitted only in the AG, B1, B2, B3 and, LI Zoning Districts subject to the approval of a Special Use Permit pursuant to the procedures and requirements of Article X, Division II of the City's Zoning Regulations.
3. Noise shall not exceed Clinton County noise ordinance standards as applicable. The applicant shall provide noise rating information at time of application.
4. Wind Energy System shall not be located in the front yard of property in any zoning district or affixed to the side of a structure facing the frontage.
5. No more than one (1) Ground-mounted Wind Energy Systems may be installed on any commercially-zoned property. Building-integrated or Roof-mounted Wind Energy Systems shall not be subject to these limitations.
6. Wind Energy Systems shall be painted or manufactured of a material of a neutral color so as to blend into the surroundings and shall not be reflective or metallic in color. Illumination of Wind Energy Systems shall be prohibited, except as may be required by any state or Federal agency of competent jurisdiction. No commercial signage or attention-getting device shall be permitted, except regulatory signage required by any local, State or Federal agency of competent jurisdiction.
7. Applicants will provide, as part of their application, such renderings and drawings bearing a professional engineer's seal along with data and calculations as needed to show that wind and snow loads, etc. appropriate to the installation.
8. Ground-mounted Wind Energy Systems and their supporting structures are limited to a combined maximum height of 100-feet (tower mounted). Roof mounted Wind Energy Systems shall not exceed a height of ten (10) feet above the peak roof height, except as modified through the City's Special Use Permit procedures.
9. Wind Energy Systems must meet the principal use and accessory structure setback requirements of the district in which they are located if mounted directly on a roof or other elevated surface of a structure. If the Wind Energy System is attached to a free-standing tower the setback from all property lines shall be a minimum distance equal to the height of the tower or fifteen (15) feet, whichever is more restrictive. The setback shall be measured from the furthest outward extension of all moving parts.

48.11.4. PROCEDURE FOR REVIEW

Roof mounted solar energy systems may be approved administratively in accordance with Section 48.11.3 B & C unless otherwise forwarded to the Joint Planning & Zoning Commission for review and approval by the City Council pursuant to Section 48.11.7. All other renewable energy system applications shall require review by the Joint Planning & Zoning Commission and approval by the

City Council pursuant to the City's Special Use Permit procedures set forth in the City's Zoning Regulations Article X, Division II.

48.11.5. BUILDING PERMITS REQUIRED

A land use permit issued by the City of Trenton along with such other permits as required under the applicable Clinton County building codes are required prior to the installation of any renewable energy system. The owner of a Renewable Energy System shall ensure that it is installed and maintained in compliance with applicable building, fire and safety codes adopted by the City and any other State or Federal agency of competent jurisdiction. All wiring associated with a Renewable Energy System shall be underground or contained within a conduit or raceway that complements the building materials of the principal structure.

48.11.6. ABANDONMENT

Any Renewable Energy Systems that are noticeably in disrepair for a period exceeding six (6) months without repair or restoration procedures substantially underway shall be removed from the property and the structure and/or site restored at the owner's expense.

48.11.7. ALTERNATIVE COMPLIANCE

In unusual circumstances arising from the unique location or character of the proposed site and/or surrounding land uses or structures, if site-specific alternative standards would provide results that are equal to or superior to those included in Section 48.11.3, the Joint Planning & Zoning Commission may, upon review of the plans, recommend to the City Council, approval of an applicant's request for alternative standards, provided the purpose of these regulations will be satisfied and the alternative standards will have no adverse impact on any other property or unreasonably disturb the peaceful occupancy of adjoining or nearby property.

- A. *Procedure.* An application for alternative compliance shall be prepared and submitted in accordance with the submittal requirements and procedures as set forth in Section 48.11.3 herein and Article X, Division II "Special Uses". The Special Use Permit application shall clearly identify the modifications and alternatives proposed and ways in which the plan will better accomplish the intent of these design standards than would an approach which complies with these design standards. The Joint Planning & Zoning Commission shall review all such applications and provide their recommendation to the City Council. The City Council may approve, approve with conditions or deny the application.
- B. *Application:* All applications for an Alternate Energy Use shall include the appropriate documentation necessary for city staff to review and make a recommendation to the Joint Planning & Zoning Commission.
- C. *Review criteria.* To approve an alternative approach, the city must find that the proposed alternative approach accomplishes the intent of these standards as well as or better than would an approach which complies with these standards and the alternative standards will have no adverse impact on any other property or unreasonably disturb the peaceful occupancy of adjoining or nearby property.

48.11.8. DEFINITIONS

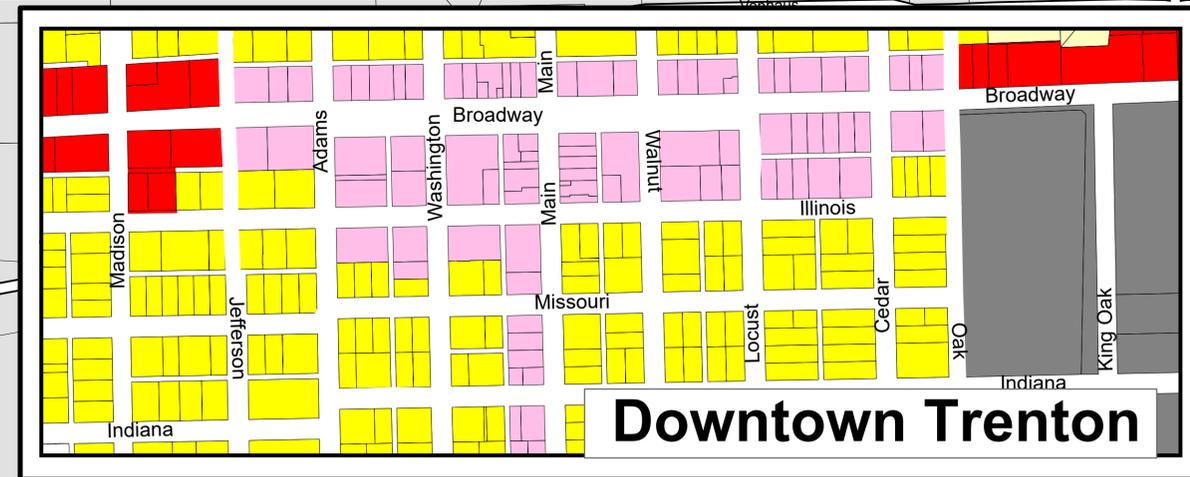
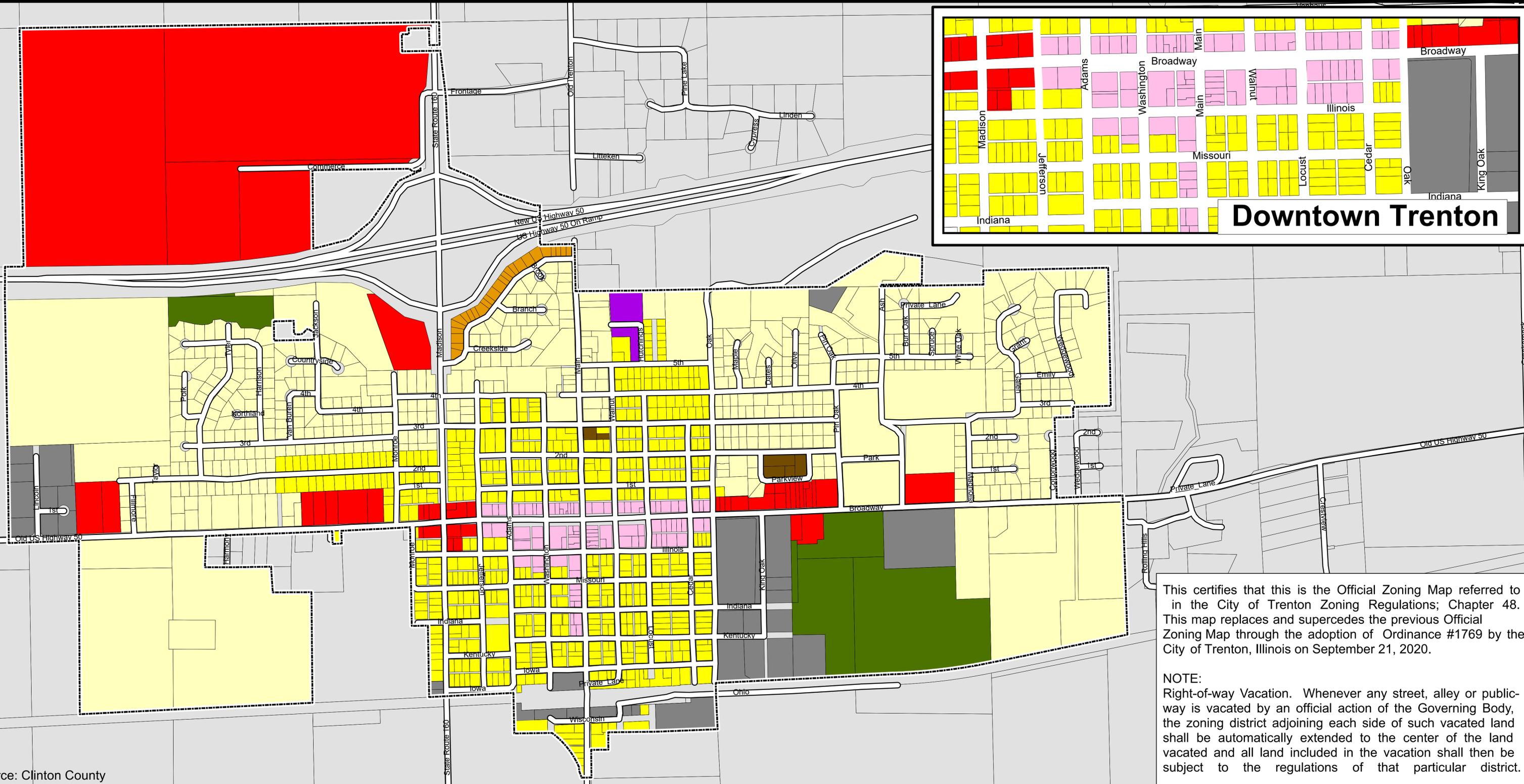
See "Renewable Energy Systems" in Article 2, Section 48.2.2, Definitions.

48.11.9. MINIMUM OCCUPANT REQUIREMENTS

Refer to the City's Building Code & Occupancy Requirements.

City of Trenton, Illinois Official Zoning District Map

September 10, 2020



This certifies that this is the Official Zoning Map referred to in the City of Trenton Zoning Regulations; Chapter 48. This map replaces and supercedes the previous Official Zoning Map through the adoption of Ordinance #1769 by the City of Trenton, Illinois on September 21, 2020.

NOTE:
Right-of-way Vacation. Whenever any street, alley or public-way is vacated by an official action of the Governing Body, the zoning district adjoining each side of such vacated land shall be automatically extended to the center of the land vacated and all land included in the vacation shall then be subject to the regulations of that particular district.

Source: Clinton County

Legend

- City Limits
- Railroad

Zoning Districts

- | | | |
|------------------------------|-----------------------------|----------------------|
| A-1 Agricultural | MH-1 Mobile Homes | B-2 Central Business |
| SR-1 Single Family Residence | MR-1 Multi-Family Residence | B-3 Highway Business |
| SR-2 Single Family Residence | MR-2 Multi-Family Residence | I-1 Industrial |
| Planned District (Overlay) | | |

