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ENACTMENT

§ 156.001 TITLE AND JURISDICTION.

This chapter shall be known, referred to, and cited as "The Zoning Ordinance of the City of Lockport" and shall apply to structures and uses of land in the city. The zoning ordinance shall be effective as of its adoption date of August 18, 2021.

(Ord. 21-016, passed 8-18-21)

§ 156.002 PURPOSE AND INTENT.

This chapter is adopted for the following purposes.

- (A) To promote the public health, safety, morals, comfort and general welfare of the people.
- (B) To identify zones or districts in the city regulating the location and use of buildings, structures and land for residential, business, manufacturing and other specified purposes, and to allow for orderly and logical mixing of uses where appropriate.
- (C) To protect the character and stability of the residential, business and manufacturing areas within the city, and to promote the orderly and beneficial development of these areas.
- (D) To provide adequate light, air, privacy and convenience of access to property.
- (E) To provide for the environmental, economic and cultural sustainability of the city.
- (F) To support the city's resilience to hazards, climate change, economic upheaval and other unexpected occurrences.
- (G) To promote equitable distribution of public benefits, facilities and capacities
- (H) To influence the city's character and sense of place in a manner to attract investment and support the value of property.
- (I) To enhance the attractiveness of the city through landscaping requirements, buffers and parking lot improvements.
- (J) To mitigate impacts of development through requirements for stormwater management and other sustainability measures.
- (K) To manage the intensity and use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, and to protect the public health.
- (L) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within the areas for attractive and healthy environments that enhance quality of life.
- (M) To set reasonable standards to which buildings, structures and the use of property shall conform.
- (N) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts.
- (O) To limit congestion and promote safety by providing for the appropriate amount of off-street parking of motor vehicles and the loading of commercial vehicles.
- (P) To provide for safe and efficient travel for pedestrians and those on bicycles.
- (Q) To protect against fire, explosion, noxious fumes, the spread of disease, and other hazards in the interest of public health, safety, comfort and the general welfare.
- (R) To prevent overdevelopment of property that causes overcrowding of land uses and people, density that is inappropriate for the site, or potential adverse impacts on adjacent sites.
- (S) To conserve the taxable value of land and buildings throughout the city.
- (T) To provide for the phasing out of nonconforming uses of land, buildings and structures adversely affecting the character and value of desirable development in each district.
- (U) To prevent additions, alterations or remodeling of existing buildings or structures that adversely impact adjacent properties and/or circumvent existing restrictions or limitations.
- (V) To preserve sites, areas and structures of historical, architectural and aesthetic importance.
- (W) To define the powers and duties of administrative officers and bodies.
- (X) To prescribe penalties for the violation of, and methods for the enforcement of, the provisions of this chapter or any amendment thereto.

(Ord. 21-016, passed 8-18-21)

§ 156.003 DEFINITIONS.

(A) *Use of definitions.* In the construction of this code, the definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise.

(B) *Definitions.* The following words and terms, when used in the interpretation and administration of this chapter, shall have the meaning set forth except where otherwise specifically indicated. Words and terms not defined here shall be defined as specified in Webster's New Collegiate Dictionary.

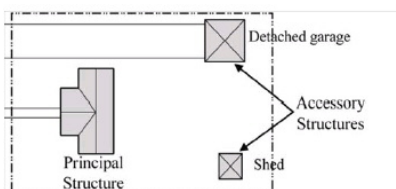
ABANDONMENT. An action to give up one's rights or interests in property. A use that has not conducted regular, lawful business operations for a period that is the greater amount of time as specified in this chapter or six consecutive months, whichever is shorter.

ABUTTING. See **ADJACENT**.

ACCESSIBLE PARKING. Parking provided in compliance with the State of Illinois Accessibility Code and the Americans with Disabilities Act of 1990 (ADA), as so amended.

ACCESSORY STRUCTURE. A structure, detached or attached, that is located on the same lot as the principal structure, and is subordinate and customarily incidental to the use of the principal structure. The structure is smaller in size than the principal building and contributes to the comfort, convenience or necessity of the occupants of the principal structure.

ACCESSORY USE. A use that is subordinate in area, extent and purpose to the principal use; contributes to the comfort, convenience or operation of the principal use; and is located on the same lot as the principal use.



ACRE. A measure of land containing 43,560 square feet.

ADJACENT. The condition of sharing a common property line, being located in the immediate vicinity, or being located directly across a street.

ADJOINING. The condition of being contiguous or sharing a common property line.

ADULT BOOKSTORE. An establishment having as more than 25% of its stock and trade in books, films, video cassettes (whether for viewing off premises or on premises), or magazines and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

ADULT CABARET. A cabaret that features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

ADULT ENTERTAINMENT. Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has, as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal service offered customers.

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

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

AGRICULTURE. Land, including necessary buildings and structures, for the raising of soil crops or the raising of domestic animals as the principal occupation of the resident or user. It shall include truck farming, bee-keeping, the raising of fruit and berries, and selling the products thereof, farming, horticulture, viticulture, forestry, crop and tree farming, gardening, and the operation of any machinery or vehicles incidental to such activities; but shall not include the keeping, raising or feeding of pigs, hogs or swine, or poultry.

AIR TRANSPORTATION. Any area of land used or intended for use for the landing and takeoff of aircraft, helicopters and similar transportation devices, together with all attendant structures.

ALLEY. A public or private way primarily designed to serve as a secondary means of access to those parcels whose principal frontage is on a public street.

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure, including, among others, any change in the bearing walls, columns, beams or girders, and floor joist, or rafters, or change in roof or external line.

ANIMAL HOSPITAL. A place where animals are given medical or surgical treatment, and the boarding of animals is limited to short-term care incidental to the hospital use.

ANTENNA. An arrangement of wires, metal rods, or similar materials used for the transmission and/or reception of electromagnetic waves.

ANTENNA TOWER. Any structure designed for the purpose of mounting an antenna.

ANTIQUE SHOP. A retail store used for the sale or trading of articles of which 80% or more of the products are antiques. An **ANTIQUE** is a product sold or exchanged because of value derived because of oldness as respect to present age, and not simply because the same is not a new product. For the purposes of this definition, an **ANTIQUE** is typically over 50 years old or has collectable value. Based on this definition, an **ANTIQUE SHOP** is not considered a "secondhand retail store".

APPURTENANCE. The visible, functional or ornamental objects accessory to and part of a building, structure or vehicle.

ARBOR. An accessory structure with sides and a roof formed by trees or climbing plants trained over a wooden framework.

ARTS AND CRAFTS STUDIO AND GALLERY. A building or structure designed for instruction in the arts (i.e., music instruction, art school and other similar uses), art galleries, and other similar uses.

ARTS OR SUPPORTING ESTABLISHMENTS, INCLUDING PERFORMING ARTS. Establishments that produce or organize, promote, facilitate, and include presentations of the arts. Nightclubs are excluded from this category.

ATHLETIC INSTRUCTION FACILITIES, SMALL. Facilities for the instruction and practice of athletic activities that are of a limited intensity and have minimal impact, if any, on adjacent properties. Typical uses include, but are not limited to, tumbling, martial arts, yoga and similar activities. Such facilities are limited to a maximum of 3,000 square feet of floor area. Facilities having over 3,000 square feet of floor area shall be defined as **COMMERCIAL RECREATION, INDOOR**.

AUDITORIUM/STADIUM. A building or structure used, or intended to be used, primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include, but are not limited to, sports arena, convention and exhibition halls, stadiums and amphitheaters.

AUTOMATED TELLER MACHINE. A pedestrian-oriented automated device that performs banking or financial functions, which may be located at a location remote from the controlling financial institution. It is part of or attached to the principal structure and is not the primary use of an establishment.

AUTOMATED TELLER MACHINE, REMOTELY LOCATED AND FREESTANDING. A pedestrian- or vehicle-oriented automated device that performs banking or financial functions. It is freestanding or standalone, is typically located remotely from the controlling financial institution, and may be used as the principal use on a lot. A freestanding automated teller machine might be located on the same lot as the financial institution it serves as a drive-through facility.

AUTOMOBILE ACCESSORY STORE, RETAIL. A retail establishment selling new parts and accessories for motor vehicles, including but not limited to, tires, batteries, oil filters, floor mats and other similar items.

AUTOMOBILE BODY SHOP. Any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame, welding and/or painting of motor vehicles. Maintenance, service and the repair or replacement of engines, transmissions, differentials and drive trains may be performed as an ancillary function to the body work. Any maintenance or service to vehicles in excess of 8,000 pounds is included in this definition.

AUTOMOBILE AND/OR TRUCK OR RV SALES, NEW AND USED. Any establishment involved in the display, sale, rental or lease of new automobiles, light trucks or motorcycles, RVs and any financial service areas, warranty repair work and other repair service conducted as an accessory use. Used automobiles, light trucks and motorcycles may be sold at the location. However, at least 51 % of the vehicles displayed, sold, rented or leased must be new vehicles.

AUTOMOBILE DEALERSHIP, USED HIGH-END VEHICLES. The use of any building, land area or other premises, or portion thereof, that meets all of the following:

- (1) An established place of business being used or will be used primarily for the purpose of selling, displaying, repairing and servicing used automobiles, light trucks or motorcycles;
- (2) Operated by a vehicle dealer who holds a valid vehicle dealer license issued by the Illinois Secretary of State to sell used vehicles; and
- (3) Where any used motor vehicle for sale displayed in striped parking spaces adjacent to the public street shall have an advertised price that is equal to or greater than the "Baseline Price" and all other vehicles for sale shall have an advertised price no less than \$5,000. The baseline price for calendar year 2018 is established as \$10,000. The baseline price may be adjusted January 1 of each calendar year thereafter by the city, with advance notice to the property owner to ensure that the property is being primarily used for selling, displaying, repairing and servicing high-end used vehicles.

AUTOMOBILE RENTAL AND LEASING. An establishment that primarily engages in the rental or leasing of automobiles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease.

AUTOMOBILE OR TRUCK REPAIR SHOP. Any building, or portion thereof, used for the repair or replacement of engines, transmissions, differentials, drive trains, or any part thereof, and/or the replacement of parts, service and incidental repairs to motor vehicles, but excluding operations specified under **AUTOMOBILE BODY SHOP**. This use includes passenger automobiles and trucks less than 8,000 pounds.

AUTOMOBILE SALVAGE. Any place where three or more motor vehicles or trailers, not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, buildings or structures used for the wrecking, sale or storage of these motor vehicles, trailers, or the parts thereof.

BAKERY. A retail establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on- or off-site.

BALCONY. An open, habitable portion of an upper floor extending beyond the building's exterior wall, which is not supported from below by vertical columns or piers, but is instead supported by either a cantilever or brackets. There are no stairs or direct access to the balcony from the exterior of the building; instead, access is from within the home or building.

BANK. See **FINANCIAL INSTITUTION**.

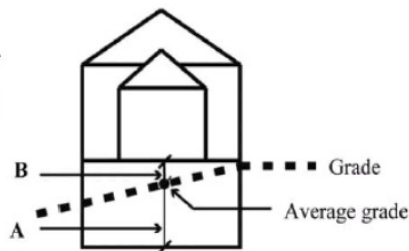
BANQUET HALL. A facility or hall available for lease by private parties.

BAR or **DRINKING PLACE.** An establishment whose primary activity is the retail sale of beer, wine or distilled liquors and other intoxicating beverages, for use or consumption upon the premises, and licensed as such. These establishments may also provide limited food service, dancing and entertainment (primarily music) services. Entertainment, including but not limited to, dancing, bands and comedians, is permitted.

BASEMENT. That portion of a building that is partly or wholly below grade, such that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story.

If "A" (vertical distance from average grade to floor) is greater than "B" (vertical distance from average grade to ceiling) it shall be considered a basement.

If "A" is less than or equal to "B" it shall be counted as a story.



BED AND BREAKFAST. An operator-occupied residence providing accommodations for a charge to the public. Bed and breakfast establishments do not include motels, hotels, boarding houses, or food service establishments.

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal, township and county boundary lines.

BODY ART STUDIO.

- (1) An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:
 - (a) Placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or
 - (b) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- (2) This definition does not include ear piercing.

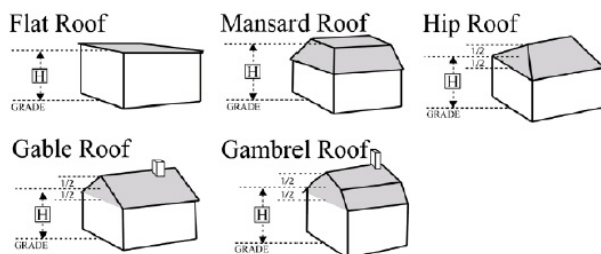
BUILDABLE AREA. The area of a lot or parcel remaining after yard, parking or any other requirements of this chapter have been satisfied.

BUILDING. A permanently located, roofed structure, designed or intended for the enclosure, shelter or protection of persons, animals or other property. All forms of vehicles, even if immobilized, are excluded from this definition.

BUILDING HEIGHT. The overall height of a building as measured from grade plane to:

- (1) The highest roof surface for flat roofs;
- (2) The highest point on the deck line for mansard roofs; and
- (3) One-half the distance from the eaves to the highest point of the roof ridge surface for pitched or hip, gable and gambrel roofs.

Chimneys, antennas, spires and the like integral to a building's design, and not used for living purposes, shall not be considered part of its height.



BUILDING LINE. A line parallel to adjacent property lines at a distance from the property lines, establishing the minimum open space to be provided between the building and an adjacent lot line. No portion of any building or structure shall be permitted within the building line, except as permitted in §§ 156.022 through 156.024.

BUILDING, PRINCIPAL. A building or structure in which the primary or principal use of the lot in which the building is located is conducted. In a residential district, the dwelling shall be considered the **PRINCIPAL BUILDING** of the lot on which it is situated.

BUILDING, PRINCIPAL. A building in which the principal use of the lot in which the building is located is conducted. In a residential district, the dwelling shall be considered the **PRINCIPAL BUILDING** of the lot on which it is situated.

BUILDING SEPARATION. The yard or open space between adjacent buildings on the same lot or on adjoining lots.

BULK REGULATION. Standards and controls that establish the maximum size of a building or structure on a lot, and the buildable area within which a structure may be placed, including lot area, lot coverage, height, lot width, impervious surface coverage, required yards, floor area ratio, landscape surface ratio, and minimum building separation.

BURIAL MONUMENT SALES. An establishment involved, in part or in whole, in the retail sale of tombstones, gravestones, burial monuments, and other similar items.

BUSINESS. An occupation, employment or enterprise that occupies time, attention, labor and materials, or wherein merchandise is exhibited, bought or sold, or where services are offered for compensation.

CAR WASH. A structure, or portion thereof, containing facilities for washing automobiles, and which may utilize production-line methods using a conveyor, blower, steam-cleaning device or other mechanical devices, or provide for the washing or detailing of vehicles by hand.

CARGO CONTAINER. An enclosed, reusable vessel (with doors for loading and unloading), designed without an axle or wheels, which was originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or designed for or capable of being mounted or moved by trains, trucks, ships and other modes of transportation. This definition shall not include sheds.



Cargo Container

CARGO CONTAINER MAINTENANCE FACILITY. Any business that engages in the maintenance and repair of cargo containers, not located within a storage facility, that removes the containers from the chassis. This may include facilities or operations engaged in the conversion of cargo containers for secondary use or sale. This definition shall not include an approved, mixed-use commercial property owned by the city for the purpose of facilitating innovative uses of cargo containers for hydroponic farming and/or retail start-up businesses.

CARGO CONTAINER STORAGE FACILITIES. Any site in which the principal use is the movement, storage on a non-permanent basis, staging or redistribution of cargo containers.

CARPET AND RUG CLEANING ESTABLISHMENT (ON PREMISE). An establishment that provides rug and carpet cleaning services at the same location where the carpet or rug is dropped off by the customer. This definition does not include drop-off services where the carpet or rug is moved to another location for cleaning.

CARPORT. A permanent, roofed structure, open on at least two sides, designed or used for the storage and shelter of motor vehicles.



Carport

CARPORT, PORTABLE. See **PORTABLE GARAGE OR CARPORT.**

CASH FOR VEHICLE LOAN BUSINESS. An establishment that makes small, short-term consumer loans that leverage the equity value of a car or other vehicle as collateral, where the title to such vehicle is owned free and clear by the loan applicant, and any existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This excludes state or federally chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer-term loans, and which make loans that leverage the total equity value of a car or vehicle as collateral.

CATERING ESTABLISHMENT. An establishment in which the principal use is the preparation of food and meals on the premises, and where food and meals are delivered to another location for consumption.

CEMETERY, BURIAL BUILDING. A cemetery or building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or crematoriums.

CINEMA. See **MOVIE THEATRE.**

CLUB or LODGE. A group of people organized for a common purpose to pursue common goals, interests or activities, and usually characterized by certain membership qualifications, payment of dues, regular meetings, a constitution and by-laws.

COLLEGE or UNIVERSITY. An institution other than a trade school that provides full-time or part-time education beyond high school.

COMMERCIAL RECREATION, INDOOR. A commercial enterprise that receives a fee in return for the provision of a recreational activity. Activities are predominantly participant uses and are conducted wholly within an enclosed building. Typical uses include, but are not limited to, gymnastics facilities, amusement arcades, basketball, tennis, and racquetball courts, and may include larger field uses such as baseball, football or hockey (ice or field).

COMMERCIAL RECREATION, OUTDOOR. A commercial enterprise that receives a fee in return for the provision of a recreational activity. Activities are predominantly participant uses and are conducted in the open or in a partially enclosed structure. Typical uses include, but are not limited to, miniature golf, swimming pools, skating rinks, athletic fields, and tennis, basketball or racquetball courts.

COMMERCIAL OR TRADE SCHOOL. A specialized instructional establishment that provides on-site training of business, commercial, personal and/or trade skills such as accounting, data processing, driver's education or computer repair.

COMMERCIAL USE. An activity carried out for financial gain.

COMMUNITY RESIDENCE. A state-licensed group home or specialized residential care home serving unrelated persons with disabilities, which is licensed, certified or accredited by appropriate local, state or national bodies. **COMMUNITY RESIDENCE** does not include a residence that serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or for treatment of a communicable disease.

COMMUNITY RESIDENCE, LARGE. A community residence serving six to ten persons with disabilities.

COMMUNITY RESIDENCE, SMALL. A community residence serving fewer than six persons with disabilities in a family-like atmosphere.

CONSIGNMENT SHOP. A retail establishment where previously-owned merchandise, such as clothing, jewelry or furniture, is consigned to a dealer who collects a fee and pays the seller after the merchandise is sold. This definition shall not include stores selling consigned vehicles, auto parts, scrap or waste.

CONSUMER AND BUSINESS REPAIR SERVICES. Establishments primarily engaged in the provision of repair services of household and business equipment (excludes any automotive and equipment repair). Typical uses include appliance repair shops, electronic repair, shoe repair, watch or jewelry repair shops, furniture repair, or repair of musical instruments.

CONTIGUOUS. The condition of properties that are adjacent or adjoining for the purpose of defining a zoning lot or lands required to meet minimum area standards for establishing a zoning district.

CONTRACTOR'S SHOP. An establishment used for the indoor storage, repair or maintenance of a contractor's vehicles, equipment or materials commonly used in the individual contractor's type of business, and may include the contractor's business office.

CONTRACTOR'S YARD. An establishment used for the outdoor storage, repair or maintenance of a contractor's vehicles, equipment or materials commonly used in the

individual contractor's type of business, and may include the contractor's business office.

CONVALESCENT HOME. See **SKILLED CARE FACILITY**.

CONVENIENCE STORE. An accessory function at an automobile service station that offers or includes the retail sale of merchandise or services not related to the maintenance, service or repair of motor vehicles.

CULTIVATION CENTER FOR MEDICAL CANNABIS. A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered, medical cannabis-dispensing organizations with usable medical cannabis.

CURRENCY EXCHANGE. An establishment that for compensation engages in the business of cashing checks, sells money orders or cashier's checks, and cashes checks as its principal business activity. This use is also commonly referred to as "payday loan stores" or "check-cashing facilities." This use does not include those services defined in **FINANCIAL INSTITUTIONS**.

DAY CARE CENTER. A childcare facility receiving nine or more children for care during all or part of the day.

DAY CARE HOME. A residence licensed by the Illinois Department of Children and Family Services, receiving at least four, but not more than eight children for care during all or part of the day. The maximum of eight children shall include the natural or adopted children under 16 years of age of the occupants of the premises.

DECK. An unroofed platform located above grade, which is usually directly adjoining or attached to a building.



DEPARTMENT STORE. A business conducted under a single owner's name, where a variety of unrelated merchandise and services are housed and sold directly to the customer for whom the goods or services are furnished.

DISTRICT, ZONING. A section of the corporate areas of the city within which the regulations governing the use of land are uniform.

DOG RUN. An enclosed outdoor area intended for the exercising and containment of dogs or other animals.

DOGGIE DAY CARE. A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming or behavioral counseling, provided that overnight boarding is not permitted.

DONATION DROP BOX FACILITIES. A receptacle designed with a door, slot or other opening that is intended to accept and store donated items.

DRIVE-THROUGH FACILITY. A facility or establishment designed, intended or used for transaction of business with customers in automobiles. **ADRIIVE-THROUGH FACILITY** may be the principal or an ancillary function of the business. **ADRIIVE-THROUGH FACILITY** does not include mail or parcel collection boxes.

DRIVEWAY. A private roadway providing vehicular access from a street to adjacent property.

DRIVING RANGE. An area on which golf players hit golf balls from a central driving tee. Such area includes the driving tee and other incidental activities pertaining to this activity.

DWELLING. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels, motels or lodging houses.

DWELLING, MULTIPLE-FAMILY. A room or suite of rooms in a multiple-dwelling structure, which is arranged, designed, used or intended to be used individually as a single residence.

DWELLING, ATTACHED SINGLE -FAMILY. Two or more dwelling units, side-by-side, sharing one roof, each of which is totally separated from the other by a wall extending from ground to roof, with separate exterior access to each unit.

DWELLING, DETACHED SINGLE-FAMILY. A detached building designed or used exclusively for a single residence purposes, and which is not attached to any other dwelling unit by any means.

DWELLING UNIT. One or more rooms that are arranged, designed or used as single living quarters, and having its own permanently installed cooking and sanitary facilities.

EASEMENT, UTILITY. A grant by a property owner for the use of a strip or parcel of land by a public agency or utility company for operation and maintenance of utilities, which may include, but are not limited to, natural gas lines, power lines, telephone lines, cable television lines, and other communication lines. The easement may also allow for location of utilities, including water lines, sanitary sewer lines, storm sewer lines, and their appurtenances.

ELECTRIC AND/OR PLUMBING SUPPLY STORE. A retail establishment whose primary business is the sale of plumbing and/or electrical supplies.

ELECTRONIC SMOKING DEVICE. An electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. **ELECTRONIC SMOKING DEVICE** includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaporizer or any other product name or descriptor.

EMERGENCY SHELTER. A building or portion thereof in which shelter, food, lodging and counseling is provided on an emergency basis for persons who are victims of crime or abusive treatment.

ENCROACHMENT. A structure or object placed, located or maintained in any portion of a required yard as permitted by this chapter.

EQUIPMENT SALE OR RENTAL STORE. An establishment providing the retail sale or temporary leasing of tools, lawn and garden equipment, party supplies, and similar goods and equipment, including storage and incidental maintenance. Outdoor display of such items may be provided only as permitted by the district in which it is located. This definition excludes items included in the definitions of **EQUIPMENT SALE OR RENTAL STORE, HEAVY** and **AUTOMOBILE RENTAL AND LEASING**.

EQUIPMENT SALE OR RENTAL STORE, HEAVY. The use of any building, land area, or portion thereof, for the display, sale, rental or lease of heavy construction or farm equipment, including cranes, earthmoving and grading equipment, heavy trucks, tractors, and any warranty or repair work and other repair services conducted as an accessory use. Outdoor display of such items may be provided only as permitted by the district in which it is located.

EXTERMINATING SHOP. An establishment that specializes in the extermination of vermin. Such establishments may offer their professional services and/or sell exterminating supplies.

EXTRACTION USES. Mining, concrete-batching plants, ready-mix production facilities (including without limitation storage, loading, selling and transporting related thereto), asphalt plants, (including without limitation storage, loading, selling and transporting related thereto) and concrete pipe-manufacturing facilities (including without limitation storage, loading, selling and transporting related thereto).

FARM HOMESTEAD. A residence that lies upon land used for a family's farming business.

FARM SUPPLY STORE. An establishment involved, in whole or in part, in the retail sale of agricultural or farming supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations pertaining to farming and ranching. The sale and rental of large farming machinery and equipment is subject to the regulations of **EQUIPMENT SALE OR RENTAL, HEAVY**.

FENCE. A freestanding structure of masonry, metal, composition, wood, or any combination thereof, and used for confinement, screening or partition purposes.

FINANCIAL INSTITUTIONS. Establishments providing financial or banking services to clients, where the principal business is the receipt, disbursement or exchange of funds and currencies. Examples include, but are not limited to, banks, savings and loans, loan companies, or credit unions.

FIREARM. Any device by whatever name known, designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding, however:

- (1) Any pneumatic gun, spring or B-B gun that expels a single globular projectile not exceeding eighteen one-hundredths of an inch in diameter;
- (2) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition in the building and/or construction process;
- (4) Model rockets designed to propel a model vehicle in a vertical direction.

FIREARMS DEALER. Any person engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail **FIREARMS DEALER** shall not include any person engaged only in the business of repairing firearms.

FIREARMS and/or **FIREARMS AMMUNITION SALES STORE.** A facility where those devices herein defined under firearm are sold or the ammunition therefor is sold.

FIREPLACE, PERMANENT. A fireplace designed, constructed and intended for more than short-term use, and which is not readily moveable.

FLEET VEHICLE DISPATCH, HEAVY. A facility that serves as the storage, origin and destination point for semis, trucks, buses, or similarly large vehicles. The use may include the office activity associated with managing and routing the vehicles, as well as minor maintenance on the vehicles.

FLEET VEHICLE DISPATCH, LIGHT. A facility that serves as the storage, origin and destination point for taxis, contractor vans or other similarly small vehicles. The use may include the office activity associated with managing and routing the vehicles, as well as minor maintenance on the vehicles.

FOOD PRODUCTION (WHOLESALE). A manufacturing establishment producing or processing foods for human consumption and related products that are sold (wholesale) to others that package or produce them for final sale to the public.

FOOD STORE or **GROCERY.** An establishment where food, including meats, produce bakery and dry goods are sold for retail sale. It should include ready-to-consume food items whose preparation does not require cooking.

FORTUNE-TELLING BUSINESS. A use involving the foretelling of the future in exchange for financial or other valuable consideration **FORTUNE TELLING** shall be limited to uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediums hip, necromancy, palmistry, psychometry, phenology, prophecy, spiritual reading, charka reading or any other similar means.

FUEL OIL DEALER. A facility for the storage and/or wholesale transaction of fuels to be distributed to retail sales facilities or other bulk purchasers. Retail sales to the general public are not part of this use.

FUNERAL PARLOR. A building used for the preparation of the deceased for burial, and for the display of the deceased for rituals connected to and conducted before burial or cremation.

FURNACE SUPPLY AND SERVICE. Any building or portion thereof dedicated to the sale or repair of furnaces.

GARAGE, PRIVATE. An accessory building, or an accessory portion of a building, designed or used for the storage and shelter of motor vehicles.

GARAGE, PORTABLE. See **PORTABLE GARAGE OR CARPORT.**

GARAGE, PUBLIC. A building, or portion thereof, other than a private garage, designed or used for the care, storage, repair and equipping of motor vehicles, or where such vehicles are kept for remuneration, hire or sale.

GAS STATION. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of motor vehicle fuel, and may include as an accessory use the retail sale of merchandise, such as prepackaged food items, fountain beverages, and tangible consumer goods, primarily for self-service by the customer.

GENERATOR. A device that uses fuel to produce electric energy. The device is used either as a freestanding source of power or as a standby backup in cases of power outages.

GOLD AND SILVER DEALER. A business that buys and sells directly to the public a range of precision metals, collectibles, jewelry and related items.

GOLF COURSE. A facility providing a private or public golf recreation area along with accessory golf support facilities, but excluding standalone miniature golf.

GOVERNMENT OFFICE. A building or structure used by a government agency to provide governmental services to the public. This definition does not include police and fire stations.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of a building or accessory structure.

GREENHOUSE. See **NURSERY.**

GUN CLUB. A facility used for target shooting, trap or skeet, including rifle and pistol clubs.

HEALTH CLUB. A facility designed for the major purpose of physical conditioning and fitness or weight reduction that includes, but is not limited to, such equipment as weight-resistance machines, whirlpools, saunas, showers, lockers or basketball and racquet courts. Massage services accessory to the health club are permitted when licensed by the state. This shall not include municipally-owned recreation buildings.

HISTORIC DISTRICT. That portion of the city so designated as the Historic District.

HOME IMPROVEMENT CENTER. An establishment where home improvement materials, including but not limited to, kitchen and bathroom accessories and fixtures, wall coverings, window coverings, heating and air conditioning, plumbing and electrical supplies, painting and decorating materials, tools and residential construction and remodeling materials and supplies, are sold for retail. May also include plants, nursery products, fertilizers, potting soil, garden tools and utensils. Outdoor storage of building materials may be provided, but is accessory to the principal use and structure, and only as permitted by the district in which it is located.

HOME OCCUPATION. A business, profession, occupation or trade conducted for pecuniary gain entirely within a residential building, or, when permitted, within a structure that is accessory to a residential building.

HOSPITAL. An institution providing primary health services and medical or surgical care to in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

HOT TUB. A small recreational pool container of water with a mechanical air injection system and/or a recirculating system that energizes water for purposes of relaxation or well-being.

HOTEL, SHORT STAY. A building designed for transient occupancy, containing lodging rooms or suites accessible from a common interior hall or entrance, providing living, sleeping and sanitary facilities. A central kitchen, meeting rooms, dining room and recreation room are generally provided.

HOTEL, EXTENDED STAY. A building designed for extended occupancy for up to one year, containing lodging rooms or suites accessible from a common interior hall or entrance, providing living, sleeping, kitchenette and sanitary facilities. A central kitchen, meeting rooms, dining room and recreation room are generally provided.

IMPERVIOUS SURFACE. Any material or surface that prevents or impedes the absorption of water into the soil, including but not limited to: asphalt, paving, concrete, buildings, rooftops excluding eaves, sheds, swimming pools and water features.

IMPERVIOUS SURFACE COVERAGE. The total area of impervious surfaces of a site divided by the gross area of the site. If alternative materials are provided that allow percolation of water, such as the use of grass pavers and similar materials or surfaces, then only 50% of the area is counted towards the impervious surface coverage calculations. For the purposes of calculating residential impervious surface coverage, sidewalks (up to five feet wide) leading from the public sidewalk or garage to the residences front entry are not included in the calculation. To encourage off-street parking, a driveway leading to a garage (provided the driveway does not extend more than two feet beyond the garage door) is not included in the calculation, nor is a driveway used for parking on a lot without a garage, provided the depth is not more than the required front yard, and the width is not more than 24 feet.

KENNEL. Any lot or premises, or portion thereof, where household pets are bred, trained outdoors, boarded or groomed, but are not owned by the owner or occupant of the premises, and/or used for commercial gain.

LABORATORY. A building, or portion thereof, in which scientific research, investigation, testing, analysis or experimentation is conducted on a regular basis; but which is not devoted to the manufacturing of product or products.

LANDSCAPED COVERAGE. The area of a yard or lot devoted to pervious landscaping divided by the area of the yard or lot, and expressed as a percentage. For the purposes of calculating landscape surface ratio, detention may be included with the intent that, by doing so, it will promote natural water features rather than engineered facilities.

LAUNDRY DRYING EQUIPMENT (RESIDENTIAL). Equipment used outdoors on a residential lot to dry the laundry of individuals occupying the home. Equipment is not to be used for commercial purposes. A clothes line is a typical piece of **LAUNDRY DRYING EQUIPMENT**.

LIGHTED SPORTS FIELD. An outdoor athletic area illuminated so as to project light and allow athletic competition in the evening.

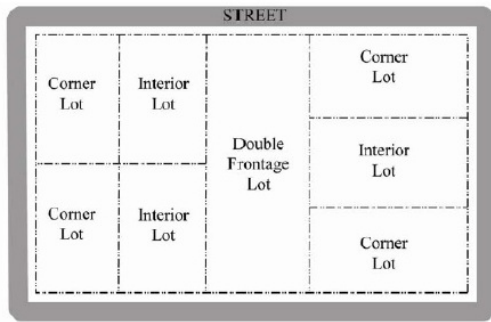
LIQUOR STORE. Any establishment selling beer, wine and distilled liquors at retail, to the general public, in sealed bottles or containers, for consumption or use away from the premises where the establishment is located.

LOADING AREA. An area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, materials and merchandise.

LOT. Land that is part of a subdivision recorded in the Office of the County Recorder of Deeds. **ALOT** may consist of a part of another recorded **LOT**, or a combination of several **LOTS** adjacent to one another and used as one parcel.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lot lines. Calculation of the required minimum **LOT AREA** shall not include the street right-of-way, whether dedicated to the public or a private street, or an easement for access purposes. When adjacent a water course, drainage, drainageway, drainage basin, stream or other lowlands, **LOT AREA** shall not include easements reserved for the maintenance of the water course or lowlands. The minimum **LOT AREA** shall not include floodplain, wetlands, creeks or streams, or open bodies of water.

LOT, CORNER. A **CORNER LOT** is one situated at the junction of and abutting on two or more streets.



LOT COVERAGE. The percentage of a zoning lot occupied by buildings, including accessory buildings and structures covered with a roof.

LOT DEPTH. The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE. A lot that has its rear and front yard bordering on a street. For illustration, see graphic under **LOT, CORNER**.

LOT, INTERIOR. A lot that is not a corner lot.

LOT LINE. The line setting the boundary for a lot.

LOT LINE, EXTERIOR. A lot line that abuts a street.

LOT LINE, FRONT. A street right-of-way forming a boundary of a lot. For corner lots, the shortest side fronting upon a right-of-way shall be considered the **FRONT LOT LINE**, unless the Zoning Administrator determines otherwise. The Zoning Administrator may use orientation of buildings on adjacent properties when determining the **FRONT LOT LINE**. Where a building already exists on a lot, the **FRONT LOT LINE** may be established by the orientation of the principal building, or the principal entrance if the building orientation does not clearly indicate the front of the lot. Where no other method conclusively determines the front lot line, the Zoning Administrator shall designate which of the two lot lines abutting the street right-of-way shall be considered a **FRONT LOT LINE**, and which shall be considered a side lot line. On vacant corner lots, the Zoning Administrator shall designate which of the two lot lines abutting a street right-of-way shall be considered a **FRONT LOT LINE**, and which shall be considered a side lot line.

LOT LINE, INTERIOR. A lot line that does not abut a street.

LOT LINE, REAR. A lot line that is opposite and most distant from the front lot line and, in the case of irregular, triangular or gore-shaped lots, a line most parallel to, and at the maximum distance from, the front lot line.

LOT LINE, SIDE. Any lot boundary line that is not a front lot line or a rear lot line.

LOT, WIDTH. The horizontal distance between the side lot lines, measured at right angles to the length of the lot depth at the established front building line. The width of irregular-shaped lots shall be determined by the Zoning Administrator.

LOT, ZONING. A single tract of land located within a single block, which is designated by its owner or developer at time of construction as a tract to be used, developed or built upon as a unit, under single ownership or control.

LOWLANDS. Any watercourse, lake, pond, wetland, fen, spring, floodplain or floodway. A **LOWLAND** may or may not include a floodway or a floodplain.

LUMBER YARD. An establishment where the principal activity is the retail and wholesale of wood product. Enclosed sales and display areas are accessory to the principal building and outdoor garage of building materials and supplies.

MANUFACTURING. The assembly and fabrication from raw materials or metal products, into intermediate goods used for further value-added production, or the manufacture of large machinery and transportation equipment.

MANUFACTURING, LIMITED. The transformation of materials or substances into new products, including the assembling of components and parts, the **MANUFACTURING** of products, and the blending of materials.

MASSAGE ESTABLISHMENT. Any establishment or portion of a building, other than a medical facility, where non-medical manipulative exercises are practiced on the human body for other than cosmetic or beautifying purposes, with or without the use of mechanical or bathing devices, by personnel that are not medical practitioners.

MEDICAL CANNABIS DISPENSARY. A facility operated by an organization or business registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia or related supplies and educational materials to registered qualifying patients.

MEDICAL CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

MEDICAL OR DENTAL CLINIC. A facility operated by one or more physician, dentist, chiropractor or other licensed practitioner of the healing arts, for the examination and treatment of patients solely on an outpatient basis.

MICRO-BREWERY. A manufacturer of alcoholic malt beverages of up to 15,000 barrels per year for the purpose of wholesale distribution of a majority of its product, with incidental sales of up to 3,000 barrels to the public for on-site consumption or carryout. The micro-brewery facility may include an ancillary tasting room and retail sales in which guests/customers may sample and purchase the product(s) associated with the facility's use, and/or products manufactured on-site.

MICRO-DISTILLERY. A facility that produces alcoholic beverages in quantities not to exceed 15,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and to purchase related sales items. Sales of alcohol

manufactured outside the facility are prohibited.

MICRO-WINERY. Combination retail, wholesale and small-scale artisan manufacturing business that blends, ferments, processes, packages and distributes wine for sale on- or off-site. The micro-winery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product associated with the facility's use, and/or products manufactured on-site. Operation of the facility shall be consistent with state law regarding "Second Class Wine Makers".

MICRO-PANTRY or **MINI-LIBRARY.** An accessory, non-inhabitable structure that is generally accessible for the public to deposit or to pick up non-perishable food, other toiletry items, or for a **MINI-LIBRARY**, books or magazines or other reading material to borrow.

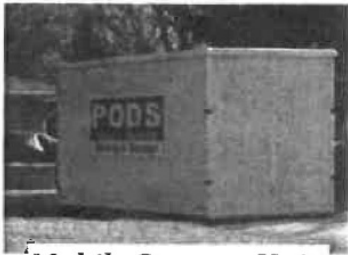
MINING. Commercial **MINING**, including without limitation quarries, pits or plants, the extraction of stone, sand, gravel, earth and other materials (and the use of explosives related thereto), and the processing, crushing, grinding, screening, washing, mixing, storage, loading, selling and transporting of the same for commercial purposes.

MINIMUM CONTIGUOUS AREA. The area that may constitute a separate or detached part of any zoning district classification as set forth in this chapter.

MOBILE HOME. Any vehicle without motor power, used or so constructed as to permit its being used as a conveyance upon the public streets and highways, and licensable as such, constructed in a manner as will permit occupancy as a dwelling or sleeping place for one or more persons, and also including a self-propelled vehicle having a body designed as living quarters.

MOBILE HOME PARK. A plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

MOBILE STORAGE UNIT. A structure intended for private storage uses by the property owner, such structure having no connection to another structure, and the use of which is limited solely to the storage of inanimate objects.



Mobile Storage Unit

MOTEL. A building offering transient occupancy, containing lodging rooms directly accessible from an exterior hall or entrance, providing living, sleeping and sanitary facilities, whether the establishment is designated as a hotel, inn, automobile court, motor inn, motor lodge, tourist court or otherwise.

MOVIE THEATRE. A building devoted to showing motion pictures.

MURAL. A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco or mosaic.

MUSEUM OR CULTURAL FACILITY. Special purpose art, entertainment or recreational establishments. A building, structure or site that preserves or exhibits objects, sites and natural wonders of historic, cultural or educational value. This definition includes, but is not limited to, public and private museums, historical sites, zoos, botanical gardens, arboreta, historical or archeological institutions, and other similar establishments.

NONCONFORMING. The status of any building or structure, or use of any building or structure or tract of land, lawfully existing or under construction at the time of adoption of this chapter or of a later amendment, but which currently does not conform with that required or permitted in the zoning district in which it is located.

NONCONFORMING LOT. A lot that was lawfully created in accordance with lot area and lot frontage regulations in effect at the time of its establishment, but which does not comply with current lot width or area regulations.

NONCONFORMING STRUCTURE. A building or structure that was lawfully created, but no longer complies with the bulk requirements of the zoning district in which it is located.

NURSERY. Land or greenhouses used to raise flowers, shrubs, trees and other plant material for sale.

NURSERY SCHOOL OR PRE-SCHOOL. A facility that instructs children who are at least three years of age, yet have not reached the age for kindergarten, and is recognized, licensed or accredited by the appropriate state department for such use.

OFF-STREET PARKING. A site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives and landscaped areas, and providing vehicular access to a public street.

OFFICES, BUSINESS AND PROFESSIONAL. A room, suite of rooms, or building in which persons transact the affairs of a business, profession, service, or industry. The business may or may not include professionals that provide direct services to the customer. These types of businesses and offices are typically characterized by low traffic and pedestrian volumes, low density building development, and do not produce loud or sustained noise. This definition does not include medical offices or offices that are incidental and accessory to another business or retail activity that is the principal use. Examples include, but are not limited to, attorney and law offices, insurance agency, real estate office, travel agency or ticket office, architectural or engineering firms, government offices, administrative facilities, telegraph office, data processing and computer services, counseling services, accounting and bookkeeping services, and employment agencies.

OUTDOOR AREA FOR RESTAURANT AND/OR BAR. An outside area used for eating and/or drinking.

OUTDOOR PERMANENT KITCHENS/GRILLING STATIONS. An outside area where for cooking that includes some form (or forms) of heating element, such as a stove, cooktop, grill or oven. The area may also include other common kitchen facilities such as sinks, countertop area and storage spaces.

PARK OR PLAYGROUND. Public or private land available for recreational, educational, cultural or aesthetic use.

PARKING AREA, PUBLIC. An open area other than a street or alley, used for the temporary parking of more than four automobiles or commercial vehicles, and available for public use, whether free, for compensation, or as an accommodation for clients, customers or employees.

PARKING FACILITY. An open area on private property used for the temporary parking of vehicles as required by this chapter or otherwise provided.

PATIO. A level, unenclosed surfaced area located as grade, and usually directly adjoining or attached to a building.



PAWNSHOP. An establishment that, in part or in whole, loans or advances money on security of personal property left in pawn and pledged as collateral, and where the pledged property may be sold to the public if not redeemed by the pledger within a fixed amount of time.

PAYDAY LOAN AGENCY. An establishment providing loans to individuals in exchange for personal checks or collateral.

PERSON. Any individual, partnership, corporation, association, proprietorship or other legal entity.

PERSON WITH A DISABILITY. Any individual whose disability:

- (1) Is attributable to mental, intellectual or physical impairments, or a combination of mental, intellectual or physical impairments; and
- (2) Is likely to continue for a significant amount of time or indefinitely; and
- (3) Results in functional limitations in three or more of the following areas of major life activities:
 - (a) Self-care;
 - (b) Receptive or expressive language;
 - (c) Learning;
 - (d) Mobility;
 - (e) Self-direction;
 - (f) Capacity for independent living;
 - (g) Economic self-sufficiency; and
- (4) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services that are lifelong or of extended duration.

PERSONAL SERVICES. Establishments or places of business that primarily engage in the provision of frequent or recurrent needs generally related to personal needs. This type of establishment offers as its primary business a wide range services, rather than the sale of goods, although the sale of goods incidental to the business may be sold (e.g., the sale of hair products at a nail salon). Typical uses include hair salons, nail salons, photography studios, shoe repair shops, tailors, tanning salons, karate studios, yoga/meditation studios, psychic readers, locksmiths, self-service or full-service laundromats, and other similar uses.

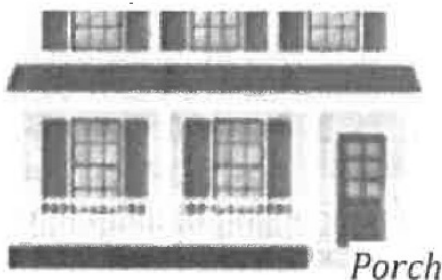
PET OR ANIMAL SERVICES. Establishments in this category include the retail sale of pets and other household animals (except for farming purposes) and pet supplies, as well as establishments providing ancillary animal services, such as grooming, training and care taking. Examples include, but are not limited to, pet shops and groomers. Overnight boarding of animals is not permitted, except for pet shops where animals sold in the shop are permitted to remain there until sold.

PHARMACY. An establishment where prescription drugs are dispensed or compounded.

PICTURE FRAMING SERVICES. An establishment where the primary economic function is framing of pictures, artwork and other similar uses.

PLANNED DEVELOPMENT. A tract of land developed as a unit under single ownership or control pursuant to the requirements of the planned development specifications of this chapter.

PORCH. A roofed platform on the front or side of a house, located at or above grade, having direct access to or from a building, and which may be screened.



PORTABLE GARAGE OR CARPORT. A garage or carport designed to be temporary in nature, and that does not have a foundation. Such structures are typically covered in fabric, vinyl, plastic or other similar materials. See image below for an example of a **PORTABLE GARAGE OR CARPORT.**



Portable Garage or Carport

POST OFFICE, COMMERCIAL. A commercial business that provides packaging and mail service, and that may conduct the retail sale of stationary, packaging and other related products.

PRINT SHOP OR COPY CENTER. A retail establishment whose primary business is providing duplicating services, including but not limited to, photocopying, blueprinting, and offset-printing equipment, and may include collating, binding and engraving services. This definition does not include sign fabrication, printing or publishing plants, or similar large-scale operations.

PRIVATE, FREESTANDING EARTH STATIONS. A facility that transmits and/or receives radio signals to and/or from a satellite.

QUEUING SPACE. The reservoir space occupied by any number of cars that must be accommodated while awaiting ingress or egress to specified business or service establishments.

RAILROAD FREIGHT TERMINAL. A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

RECOVERY CENTER. An establishment whose primary purpose is the rehabilitation of persons from the impacts of addiction or medical conditions.

RECREATIONAL EQUIPMENT, PERMANENT. Play equipment that is not readily moveable and is typically affixed to the ground in a permanent fashion with footings. In

cases where determination must be made as to whether recreation equipment is categorized as permanent or non-permanent, the Zoning Administrator shall make the determination based on factors, including but not limited to, size, weight, materials and the manner in which it is affixed to the ground below.

RELIGIOUS INSTITUTION. A building in which persons regularly assemble for religious worship, intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

RELIGIOUS INSTITUTION HOUSING. The housing services affiliated with religious institutions, including convents, rectories and parish houses.

RESTAURANT. An establishment where the principal business is serving meals prepared in the kitchen of the establishment for consumption on premise. This business includes a full menu, including entrees and side dishes, and a fully staffed and operational kitchen. Liquor may be serviced at this establishment as permitted by city liquor regulations.

REST HOME. See **SKILLED CARE FACILITY**.

RETAIL STORE. An establishment in which the majority of the business is devoted to the sale of merchandise normally delivered or provided on premises to a consumer, but excludes those classified separately in the permitted use table. Servicing and repair of goods accessory to the retail component is permitted. Typical uses include, but are not limited to, antique shops, apparel stores, drug stores, gift shops, floral stores, electronic stores, toy stores and sporting goods stores.

RIGHT-OF-WAY, PUBLIC. A strip of land dedicated for public use, primarily intended to be occupied or occupied by a road, sidewalk and/or public utility line.

ROADWAY. The paved area existing on the street right-of-way, exclusive of sidewalks, drives and other related uses.

SANITARIUM. See **HOSPITAL**.

SCHOOL, COMMERCIAL. A school that principally offers, for profit, specific courses of instruction in business, trade, industry or other trained skills, but may or may not offer academic instruction equivalent to the standards prescribed by the state school code.

SCHOOL, PRIVATE. An institution conducting regular academic instruction at kindergarten, elementary, junior high and senior high school levels, operated by non-governmental organizations, whose programs are accepted by the state in lieu of public instruction. This shall not include private **COMMERCIAL OR TRADE SCHOOLS**.

SCHOOL, PUBLIC. A public institution conducting regular academic instruction at the kindergarten, elementary, junior high and senior high school level equivalent.

SECONDHAND STORE or **THRIFT SHOP.** Retail sale of previously used merchandise, such as clothing, household furnishings, appliances, and sports or recreation equipment. This definition includes thrift store and consignment shops. This classification does not include an "antique shop" or establishments selling secondhand motor vehicles, parts or accessories.

SELF-STORAGE FACILITY. A structure containing separate storage areas of varying sizes, which are leased or rented on an individual basis to organizations, businesses or individuals.

SEXUALLY-ORIENTED BUSINESSES. Any premises to which the public, patrons or members are invited or admitted, and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. A **SEXUALLY-ORIENTED BUSINESS** further includes, without being limited to, any adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, adult entertainment studio, or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

SHARED HOUSING. A publicly- or privately-operated, freestanding residence, licensed, certified or accredited by appropriate local, state or national bodies, where at least 80% of the residents are 55 years of age or older, and are unrelated to the owners and one manager of the residence. The residence provides care for persons who need assistance with daily living, including housing and personal, supportive and intermittent, health-related services available 24 hours per day, if needed, to meet scheduled and unscheduled needs. Assistance with daily living may include eating, dressing, toileting, transferring, bathing, personal hygiene, and evacuation in case of emergency. In **SHARED HOUSING**, a person cannot need total assistance with two or more activities of daily living, assistance from more than one paid caregiver for any activity of daily living (except quadriplegic, paraplegic or individuals with neuron-muscular disease), more than minimal assistance to move to a safe area in case of emergency, or five or more skilled nursing visits per week except for conditions allowed under state licensing.

SHARED HOUSING, LARGE. Shared housing serving six to ten persons.

SHARED HOUSING, SMALL. Shared housing serving fewer than six persons.

SHARED PARKING. An arrangement whereby two or more owners of nonresidential properties, or users sharing a parking lot and having different peak-hour parking demands, use the same off-street parking spaces to satisfy their off-street parking requirements.

SHED. A structure intended for the storage of home, lawn, garden or pool care equipment. Sheds are commonly constructed using plastic, vinyl or wood, and typically have a pitched roof. This definition excludes cargo containers.



SHOOTING RANGE. A facility specifically designed for firearms practice, and which includes target shooting, trap and skeet, involving pistols, rifles, shotguns and other firearms, as well as archery and similar devices.

SHOPPING CENTER. A group of more than five business establishments planned, developed and managed as a unit, located on the same zoning lot, with off-street parking provided on the property.

SHORT-TERM RESIDENTIAL RENTALS. A dwelling or portion thereof available for or used as accommodations or lodging for guests paying a fee or other compensation.

SIGN. Refer to the definition of sign contained in Chapter 155, Signs.

SITE, BUILDING. The ground area of a building or a group of buildings, together with all open spaces, as required by this chapter.

SKILLED CARE FACILITY. A licensed public or private home or institute, which provides maintenance, personal care and nursing for three or more persons who, by reason of physical illness or infirmity, are incapable of maintaining a private, independent residence.

SMOKE SHOP. A business establishment that offers smoking cigars, vaping or smoking from a communal pipe device known as a hookah pipe (also commonly referred to as a hookah, waterpipe, shisha or narghile) that is typically located at each table, and used to smoke flavored tobacco or herbal products.

SPECIFIED ANATOMICAL AREAS.

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region;
 - (b) Buttocks;
 - (c) Female breasts below a point immediately above the top of the areola; and

- (2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

SPORT CLUB. Buildings and facilities privately owned or operated for recreational purpose, to which membership is required for participation, and not primarily operated for profit, nor to render a service that is customarily carried on as a business. This definition may include, but is not limited to, e-sports, tennis or racquetball clubs.

STOOP or ENTRYWAY. An exterior platform that provides direct access to a building and is used solely for the purposes of ingress and egress. As defined here, a **STOOP** or **ENTRYWAY** may or may not be roofed, and is typically, but not necessarily, constructed of concrete and/or masonry.

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement shall not be counted as a **STORY**.

STREET. The paved or unpaved portion of a public or private right-of-way, other than an alley, which affords the principal means of vehicular access to abutting property.

STREET, ARTERIAL. A general term denoting a roadway primarily for through traffic, usually on a continuous route. For the purposes of this chapter, please refer to the "Roadway Classification Map", as maintained by the Public Works Department, to identify an **ARTERIAL STREET**.

STREET, COLLECTOR. Roadways having continuity, which carry traffic from local streets to state, county and arterial streets. For the purposes of this chapter, please refer to the "Roadway Classification Map", as maintained by the Public Works Department, to identify a **COLLECTOR STREET**.

STREET, CUL-DE-SAC. A street having one open end and permanently terminated by a vehicle turnaround.

STREET, LOCAL. A street of limited continuity, used primarily for access to abutting properties.

STRUCTURE. Anything erected, the use of which requires more or less permanent location on or in the ground, or attachment to something having a permanent location on or in the ground.

SWIMMING POOL. Any artificial basin of water constructed or erected for wading or swimming.

TANNING SALON ESTABLISHMENT. Any establishment having a fixed place of business where a room or a booth, or a group of rooms or booths, houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living body for cosmetic or non-medical-related purpose, but does not include any hotel or motel guestrooms where sunlamps are installed in the restroom area.

TAXIDERMIST. A craftsman who stuffs and mounts the skins of animals for display.

TEMPORARY STRUCTURE. A structure without foundation or footing.

TEMPORARY USES. A use established for a limited period of time, which does not involve the construction or alteration of any permanent structure.

THRIFT STORE. A retail store that specializes in the sale of previously owned and/or used goods and merchandise that have been donated.

TOBACCO SHOP (including **ALTERNATIVE NICOTINE SHOP** and **VAPOR SHOP**). A retail establishment primarily engaged in the selling of prepackaged smoking and tobacco products, alternative nicotine products and/or vapor products, as defined in § 134.52 of the Municipal Code, and as amended from time to time, and components reasonably assumed to be used for smoking and/or the inhalation or injection of any products or other substances. For the purposes of this definition only, **PRIMARILY ENGAGED** means when more than 80% of an establishment's gross revenue comes from the sale of pre-packaged smoking and tobacco products, alternative nicotine products, vapor products, related products and accessories, and in which the sale of other products is merely incidental. This definition does not include a section or department of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.

TOWING SERVICE, EXCLUDING OUTSIDE VEHICLE STORAGE. An establishment, land area, or portion thereof, used for the removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles. In addition, vehicles shall not be stored outdoors.

TOWING SERVICE, INCLUDING OUTSIDE VEHICLE STORAGE. An establishment, land area, or portion thereof, used for the removal and temporary storage of vehicles, but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles. Outdoor storage of vehicles is permitted, provided it complies with zoning district and screening regulations.

TRAILER COACH. See **MOBILE HOME**.

TRANSPORTATION STATION OR FACILITY. A facility primarily providing for outdoor storage of vehicles related to long-haul freight trucking and local deliveries. Such facilities may include accessory services related to trucking, including but not limited to, vehicle maintenance, dispatch operations, and limited freight transfer. This term does not include a surface parking lot, truck freight terminal, or truck stop.

TRELLIS. A frame of wood or metal, mainly used to support small trees or climbing plants.



TRUCK AND RECREATIONAL VEHICLE, SALE AND RENTAL. The use of any building, land area or other premises, or a portion thereof, for the display, sale, rental or lease of new or used recreational vehicles (including boats, trailers, campers and RVs), or large trucks, and any financial service areas, warranty repair work and other repair service conducted as accessory uses.

TRUCK STOP. A facility that provides services to the trucking industry, including but not limited to, dispensing of fuel, vehicle repair, sale of food, goods and supplies, and restaurants. The facility may also include fuel and convenience goods sales to those driving cars and motorcycles. Overnight parking does not occur as a part of this use.

UNIQUE USE. Any permitted and/or special use allowed in any district to be allowed in any other zoning district, subject to the special use procedures and compliance with the standards in § 156.124(E), and compliance with additional standards and criteria in §156.124(G)(8).

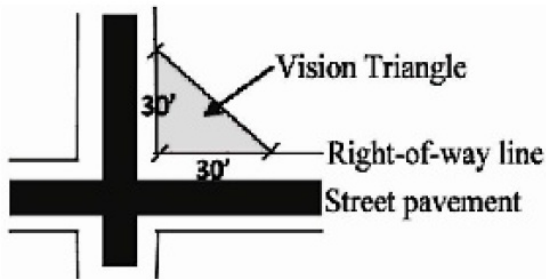
USE. The purpose or purposes for which land, buildings or structures is (are) designed, arranged or intended, or for which they are or may be occupied or maintained.

VARIATION. A modification of the application of this chapter in specific cases where practical difficulties or particular hardships, not intended, or not common to other

property owners in the district, would result from following the strict letter of the chapter.

VETERINARY CLINIC. See **ANIMAL HOSPITAL**.

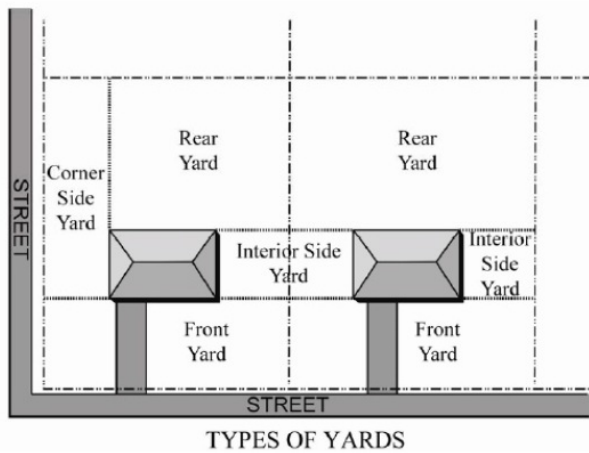
VISION TRIANGLE. The area of a corner lot bounded by the right-of-way lines, and a line connecting the two points along the right-of-way lines 30 feet from the intersecting street right-of-way lines.



WAREHOUSE AND LOGISTICS FACILITY. Any building, land use, or portion thereof, that stores, warehouses and dispatches goods within a completely enclosed structure or outdoors. Typical uses include wholesale distributors, storage warehouses, and moving/storage businesses.

WHOLESALE ESTABLISHMENTS. The sale of goods, merchandise and commodities for resale.

YARD. Open space on a lot that is unoccupied and unobstructed from ground upward, except for permitted accessory structures and yard obstructions, and which extends along a lot line, and at right angles thereto, to a depth or width specified in the yard regulations for the district in which the zoning lot is located.



YARD, CORNER SIDE. A side yard adjacent to a public right-of-way. For an illustration, see graphic under **YARD**.

YARD, FRONT. A yard extending along the full length of a front lot line, from a line drawn parallel to the front lot line and back to a line drawn parallel to the front lot line, at a distance equal to the required depth front yard.

YARD, INTERIOR SIDE. A yard extending along the full length of a side lot line and back to a line drawn parallel to the side lot line, at a distance therefrom equal to the required side yard, but excluding any area encompassed within a front yard or rear yard.

YARD, LOWLANDS. The required front, side or rear yard adjacent to a lowlands maintenance easement as required by §56.073.

YARD, REAR. A yard extending along the full length of a rear lot line and back to a line drawn parallel to the rear lot line, at a distance therefrom equal to the required rear yard.

YARD, SIDE. A yard extending along the full length of a side lot line. There are two types of side yards: corner side yards and interior side yards.

YARD, TRANSITION. The required front, side or rear yard when nonresidential uses or structures abut a residence or residential zoning district, when single-family attached dwellings or multi-family structures abut a single, detached single-family residential building(s), or when double frontage rear yards are created along arterial or collector streets.

ZONE. See **DISTRICT**.

ZONING ADMINISTRATOR. The person employed, appointed, or ex officio designated and empowered by the City Administrator to receive zoning applications, inspect building sites, make decisions, issue permits and otherwise administer the zoning code of the city, in conformity with the regulations herein.

(Ord. 21-016, passed 8-18-21)

§ 156.004 RULES.

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

(A) **Rules.**

- (1) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
- (2) The word "shall" is mandatory and not discretionary.
- (3) The word "may" is permissive.
- (4) The word "lot" shall include the words "plot," "piece," and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and, the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (5) The word "city" means the City of Lockport.
- (6) Unless otherwise specified, all distances shall be measured horizontally.
- (7) Whenever a word or term defined herein appears in the text of this code, its meaning shall be construed as set forth in the definition.
- (8) Whenever a word or term used in this code is not defined herein, its meaning shall be taken as the commonly understood usage or as defined in a dictionary of common usage.

(B) *Zoning maps.* The boundaries of the district are shown upon the map attached to Ordinance No. 21-016 and made a part of this chapter, which map is designated as "the zoning map". The zoning map and all the notations, references and other information shown thereon are a part of this chapter, and have the same force and effect as if the zoning map and all the notations, references, and other information shown were all fully set forth or described herein, the original of which zoning map is proposed, attested and is on file in the Office of the City Clerk.

(C) *Annexed land.* All territory that may hereafter be annexed to the city shall be classified E-R Estate Residential until otherwise classified by amendment as provided herein. In the event owners of property to be annexed desire a classification other than E-R Estate Residential District, a petition shall be submitted for the desired zoning classification simultaneously with the petition for annexation.

(D) *Zoning of streets, alleys, public ways, and railroad rights-of-way.* All streets, alleys, public ways, and railroad rights-of-way; if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the alleys, streets, public ways and railroad rights-of-way. Where the centerline of a street, alley, public-way or railroad right-of-way serves as a district boundary, the zoning of the areas, unless otherwise specifically designated, shall be directed to be the same as that of the property abutting up to the centerline.

(E) *Boundary lines.* In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply.

(1) The district boundaries are the centerlines of the streets or alleys, unless otherwise indicated. Where designation of a boundary line on the zoning map coincides with the location of a street or alley, the centerline of the street or alley shall be construed to be the boundary of the district.

(2) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, the lot lines shall be construed to be the boundary of the district.

(3) Where the district boundaries do not coincide with the location of streets, alleys or lot lines, the district boundary shall be determined by the use of the scale shown on the zoning map.

(4) When a lot held in one ownership on the effective date of this chapter is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district.

(F) *Interpretation.*

(1) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

(2) Where the conditions imposed by any provision of this zoning code open the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this code or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations that are more restrictive (those that impose higher standards or requirements) shall govern.

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

(G) *Platted building and setback lines.* If a recorded subdivision plat imposes a building or setback line for a lot that is less than the minimum yard required by the applicable section of this chapter, notwithstanding the recorded plat, the minimum yard shall be the same required by the applicable section of this chapter.

(Ord. 21-016, passed 8-18-21)

GENERAL PROVISIONS

§ 156.020 INTRODUCTION.

(A) *Scope.*

(1) No building or structure shall be constructed, converted, enlarged, moved, remodeled, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose other than is permitted in the district in which it is located.

(2) No structure, or part thereof, shall be built, moved or remodeled, and no structure or land shall be used, occupied or designed for use or occupancy so as to exceed the maximum lot coverage percentage, the maximum structure height or the maximum floor area ratio specified for the zoning district in which the structure is located; or provide any setback or front, side, transitional or rear yard that is less than that specified for the zoning district in which the structure or use of land is located or maintained.

(3) Further, no application for a building permit or other permit, license or certificate shall be approved by the Zoning Administrator or their designee, unless in keeping with the provisions of this zoning ordinance.

(B) *Concurrence with plans and other regulations.* Development plans prepared in keeping with this chapter shall also conform to other plans and regulations of the city code, including but not limited to:

(1) *Comprehensive plan.* The city's comprehensive plan (perChapter 150) shall provide guidance in the approval of development under this chapter.

(2) *Historic preservation.* The city's historic preservation standards (perChapter 150) shall be also applied to relevant properties.

(3) *Development code.* In all cases where land is divided for the purpose of development, or where a planned development is proposed, the provisions of Chapter 153, Development Code, as applicable, shall apply, in addition to the provisions in this chapter.

(4) *Special area plans.* Special area plans as adopted by the city to address issues related to key areas of the city.

(Ord. 21-016, passed 8-18-21)

§ 156.021 REGULATIONS FOR USE AND CONFIGURATION OF LOTS

(A) *Nonconforming uses and structures.* Any use, structure or property that is or becomes nonconforming in regard to the requirements of this chapter, may only continue, be altered or have its use changed as allowed by §§ 156.060*et seq.*, Nonconforming Uses and Structures.

(B) *Existing structures.* No existing structure shall be rebuilt, remodeled or otherwise altered or modified so as to conflict or further conflict with the lot area per dwelling unit or lot size requirements for the zoning district in which it is located.

(C) *Uses permitted in all districts.* The following uses of land essential to public utility and municipal functions are permitted in all districts: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment (not including substations located on or above the surface of the ground) for the distribution to consumers of telephone or other communications, electricity, gas or water, or for the collection of sewage or surface water.

(D) *Lot size requirements.* Unless as otherwise authorized in this chapter, lot size requirements of the zoning district in which the property is located shall apply.

(E) *Number of structures and uses on zoning lot.*

(1) Not more than one principal residential building shall be located on a single zoning lot, nor shall a principal residential building be located on the same zoning lot with any other principal building, unless the principal residential building is located in a planned development that has been approved pursuant to the provisions of this chapter.

(2) In business and industrial districts, any number of structures (except residential buildings) and uses may be constructed or established on a single zoning lot, but no single zoning lot shall be smaller than the minimum lot area prescribed for the district in which the structure is located.

(F) *Access to public street.* Every principal building constructed shall be on a zoning lot or parcel of land that adjoins a public street. A principal building may be constructed on a zoning lot or parcel of land that adjoins a permanent easement of access to a public street, if the permanent easement of access was duly established and recorded prior to January 1, 2009.

(G) *Yard requirements for open land.* In instances of a zoning lot that is occupied by a permitted use without structures, the minimum front, side or rear yards of the district in which the property is located shall be provided and maintained.

(H) *Sewer and water facilities.* All dwellings and any other accessory structures requiring water or sanitary service shall be served by, and connected to a public sanitary sewage disposal system and water distribution system. Existing dwellings or accessory structures not connected to a public sewer or water system may enlarge or repair the corresponding private septic system or well with approval from the Director of Public Works and Engineering.

(I) *Restrictions on allocation and disposition of required yards or open space.*

- (1) No part of the area, yard, open space, off-street parking or off-street loading of a lot may be used for any reason to meet the minimum requirements on another lot, except as specifically permitted by this chapter.
- (2) All of the lot area and all yards and other open spaces provided in connection with any structure or use, in order to comply with this chapter, shall be located on the same lot as the structure or use, except as specifically permitted by this chapter.
- (3) No part of the area, yard, open space, off-street parking or off-street loading of a lot that does not meet the standards for such elements at the time of adoption of this chapter, shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this chapter for equivalent new construction.
- (4) Open spaces required under these regulations for one building or use shall not again be used as open spaces required for another building or use.

(J) *Lot size requirements and bulk regulations for public utility facilities.*

- (1) Notwithstanding any other provisions of this chapter, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located, except that public utility and public service uses located on or above the surface of the ground shall observe the applicable minimum front, side and rear yard requirements.
- (a) Electric and telephone substations and distribution equipment.
 - (b) Gas regulator stations.
 - (c) Poles, wires, cables, conduits, vaults, laterals, pipes, main valves or other similar equipment for distribution to consumers for transmission of electricity, gas or water.
 - (d) Pumping stations.
 - (e) Radio, television and microwave transmission or relay stations, towers and antennae.
 - (f) Transformer stations.
 - (g) Water standpipes.

(2) In addition, where electrical, telephone, water and sewer or other utility services require structures or facilities other than buildings located on or above the surface of the ground on easements through or abutting any lot in a residence district, the structures or facilities shall be prohibited from any required yard adjacent to a public street or from any dedicated street right-of-way.

(K) *Minimum district size.* Whenever a minimum contiguous area is specified for a zoning district, then no property shall be classified or reclassified in any zoning district unless, after the classification or reclassification, the property will, when considered alone or in conjunction with similarly classified property that it abuts, contain at least the minimum contiguous area specified for the zoning district.

(Ord. 21-016, passed 8-18-21)

§ 156.022 REGULATIONS FOR ALL ACCESSORY STRUCTURES AND USES.

- (A) No accessory structure or use shall be built, moved or remodeled, established, altered or enlarged unless the accessory structure or use is permitted by this chapter. Accessory uses are permitted in any zoning district in connection with any principal use permitted within the district. Each accessory structure and use shall comply with the applicable use limitations in the zoning district in which it is located and, in addition:
- (a) No accessory structure or use shall be constructed, occupied or established on any lot prior to the completion of the principal structure to which it is accessory.
 - (b) Minimum separation from a principal structure shall be as required in §156.023(E) and other relevant sections of the city code.
 - (c) On a corner lot occupied by a principal residential structure that is legally nonconforming with respect to the corner side yard setbacks, accessory uses and structures may be located in the corner side yard, provided they maintain the same setback as established by the principal residential structure.
 - (d) Outdoor storage, except as specifically permitted elsewhere in this chapter, shall not be permitted as an accessory use.
- (B) The requirements of § 156.023(E) shall not apply to extraction uses, as defined by the Chapter, except that the city Council may establish conditions for such uses.

(Ord. 21-016, passed 8-18-21)

§ 156.023 ACCESSORY STRUCTURES AND USES PERMITTED AS ENCROACHMENTS.

- (A) The Table 156.023 below indicates accessory structures or uses permitted to be located as encroachments in various yards. Where a structure or use proposed to be located as an encroachment on a property within the city is not specified in *Table 156.023* below, the Zoning Administrator shall make a determination as to whether such structure or use is substantially similar to one listed in the table, based on information provided by an applicant for zoning approval.
- (B) The letter "P" in the *Table 156.023* below, under "**Required Yard**", denotes that an accessory structure or use is a permitted encroachment. Wherever, in the tables under "**Required Yard**", the letter "P" is not found, the specified encroachment shall not be permitted.
- (C) An encroachment shall only be permitted when it adheres to the standards and criteria set forth in this section.
- (D) *Table 156.023 of permitted encroachments.*

PERMITTED ENCROACHMENTS				
Type of Encroachment	Required Yard			
	Front	Corner Side	Interior Side	Rear
PERMITTED ENCROACHMENTS				
Type of Encroachment	Required Yard			
	Front	Corner Side	Interior Side	Rear
Air conditioning condensers	-	P	P	P
Arbors and trellises	P	P	P	P
Architectural elements and other appurtenances projecting 30 inches or less into the yard, including but not limited to, bay windows, overhanging eaves, gutters, awnings, canopies and chimneys	P	P	P	P
Balcony, provided it is no closer than five feet from property lines	P	P	P	P
Buildings used for farming	-	-	P	P
Deck, unroofed and not more than four feet above the average level of the adjoining ground, provided it is no closer than five feet from property lines	-	-	P	P

Deck, roofed or unroofed, greater than four feet above the average level of the adjoining ground, provided it is within the bulk standard building envelope	-	-	-	P
Dog run and doghouse	-	-	-	P
Fences	P	P	P	P
Fireplace, permanent and outdoor	-	-	P	P
Flag poles	P	P	P	P
Generators	-	-	P	P
Hot tubs	-	-	-	P
Landscape features, e.g., raised planter beds, retaining walls	P	P	P	P
Laundry drying equipment (residential)	-	-	P	P
Outdoor area for restaurant and/or bar	-	-	P	P
Outdoor permanent kitchens/grilling stations	-	-	P	P
Outdoor storage of firewood for a wood-burning stove or fireplace on the lot	-	-	P	P
Patio	-	P	P	P
Porch at grade	P	P	P	P
Private, freestanding earth stations and antenna towers	-	-	-	P
Private earth stations and antenna towers that are directly attached to the principal structure	-	-	P	P
Private garages and carports, attached	-	-	-	-
Private garages and carports, detached	-	-	P	P
Recreational equipment (permanent), including a child's playhouse, swing set or playground. (Basketball hoops are permitted in all yards.)	-	P	P	P
Sheds	-	-	P	P
Signs, located at least five feet from all property lines	P	P	P	P
Steps, four feet or less above grade, which are necessary for access to a permitted structure, or access to a lot from a street or alley	P	P	P	P
Steps and/or stoops exceeding four feet above grade, when necessary for access and the property affords no alternative location or arrangement for conformity	P	P	P	P
Stoop/entryway, not more than four feet above grade	P	P	P	P
Swimming pools	-	-	-	P
Temporary use of mobile storage units on residential zoning lots, when used accessory to a move, a remodeling or construction project	P	P	P	P
Temporary use of cargo containers on nonresidential zoning lots, when used accessory to a move, a remodeling or construction project	-	-	P	P
Patio and Porch Encroachments in the R-O Heritage Residential Zoning District				
Patio, when located in R-O Heritage Residential Zoning District	P	P	P	P
Porch above grade, when located in R-O Heritage Residential Zoning District	P	P	P	P
Porch at grade, when located in R-O Heritage Residential Zoning District	P	P	P	P

(E) *General and bulk regulations for accessory structures and uses permitted as encroachments.* All accessory structures and uses shall observe the bulk regulations of the district in which they are located and conform with the following regulations.

(1) *General regulations.*

(a) *Applicable zoning regulations.* When the wall of any accessory structure or use is part of, or joined to, the wall of any principal building or structure, including attached garages and carports, it shall comply with all the zoning district regulations applicable to the principal building or structure, unless stated otherwise elsewhere in this chapter.

(b) *Setbacks.* No detached accessory structure shall be located closer to the front lot line than the front elevations of the principal building on the lot, except for accessory structures permitted in the front yard as indicated in *Table 156.023*.

(c) *Easements.* Accessory structures are prohibited from being constructed, occupied or established on any easement, with the following exceptions:

1. Fences may be located on or over easements, provided the fence does not inhibit or alter drainage over public utility and drainage easements. Removal of such structure shall be required if needed by a public agency to access any portion of the easement.

2. Fences shall not be located on or over lowlands maintenance easements.

3. Accessory structures may be placed on or over private utility easements with written consent from all utility companies having rights to the easement.

(d) *Vision triangle.* No accessory structure shall be located within a vision triangle, except fences as permitted in this chapter.

(2) *Bulk regulations.*

(a) *Height.*

1. All accessory buildings and structures shall comply with the height limitations of the zoning district in which they are located, unless otherwise provided for in this section.

2. No detached accessory structure shall be taller than the principal structure, unless otherwise provided for in this section.

3. Sheds, carports or similar structures shall not exceed 15 feet in height.

4. Detached garages shall not exceed the height of a single story of the exterior elevation of the principal structure on the lot, and shall maintain roof pitches consistent

with, or lower in slope than, the principal structure, provided that the total height of the structure is not taller than the principal structure.

5. Private antenna towers shall not exceed 50 feet above grade.

(b) *Required yards for accessory structures.*

1. *Attached accessory structures.* When the wall of any accessory structure or use is part of, or joined to, the wall of any principal building or structure, it shall comply with required yard regulations for the district in which it is located, as governed by § 156.073, Bulk Regulations.

2. *Detached accessory structures.*

- a. All detached accessory structures shall comply with the following yard requirements, unless otherwise provided for in this section:
 - I. Minimum rear yard: five feet.
 - II. Minimum side yard: three feet.
- b. Fences shall comply with § 156.024(E) below and all other relevant requirements of the city code.
- c. Swimming pools, and any decks attached thereto, shall be located a minimum of six feet from any property line.
- d. Hot tubs shall be located a minimum of six feet from any fence or property line.
- e. Freestanding towers or antenna structures that are unattached to the principal structure shall not be located closer to the lot line than the total height of the tower or antenna structure, and must be properly guyed entirely within the property limits.
- f. Detached permanent fireplaces, and temporary fire pits and open fire pits that are located outdoors shall be at least ten feet from all property lines and structures, and meet all other relevant standards of the city code.
- g. Cargo containers may be located up to, but not over, property lines and shall conform to time limits and other requirements per §156.026 of this chapter.

(c) *Building separation.*

1. Detached accessory structures (including permanent outdoor fireplaces) shall be located a minimum of ten feet from any principal structure, or from any accessory building or structures that is part of, or joined to, the wall of any principal building or structure on the lot, with the following exceptions.

a. Sheds may be located less than the ten-foot-separation requirement stated above, when the structure meets or exceeds the city's building code standards for attached garages concerning fire protection rating, footing and foundation, but must remain a minimum of ten feet from a swimming pool.

b. The following accessory structures or uses need not adhere to the ten-foot-separation requirement stated above: dog run or dog house, fences and walls, hot tubs, permanent recreational equipment, outdoor storage of firewood for a wood-burning stove or fireplace, private earth stations and antenna towers, micro-pantry or mini-library, and cargo containers.

2. *Required building separation.* Permitted yard encroachments may be located within the required building separation requirements contained in § 156.073, Bulk Regulations. Other accessory structures shall not be located in the required building separation.

(d) *Lot coverage and impervious surface coverage.* All accessory structures shall comply with maximum lot coverage and maximum impervious surface coverage regulations for the district in which they are located, as contained in § 156.073, Bulk Regulations.

(F) *Bulk regulations for specific accessory structures and permitted encroachments in the R-O Heritage Residential and R-1 Residential Districts.*

(1) *Patio.* When located in the front yard of a property zoned R-O Heritage Residential, a patio shall not exceed 200 square feet, and shall maintain a minimum setback of ten feet from property lines.

(2) *Porch at grade.* When located in the front yard of a property zoned R-O Heritage and R-1 Residential Districts, a porch shall adhere to the following regulations.

(a) The porch must be designed with a roof, open sides and an open front; the porch may not be enclosed. It shall be integrated with the principal structure, and materials used shall be consistent with the materials used on the principal structure.

(b) The porch will not negatively impact surrounding properties and is in character with those properties and the neighborhood.

(c) The porch will not create unsafe conditions, including maintaining a clear vision triangle on corner lots.

(d) There is not sufficient space on the lot to construct the porch outside the required yards.

(e) In the R-O Heritage Residential District, the porch shall maintain a minimum setback of 20 feet from property lines. If the principal structure is nonconforming with respect to the required front yard, the Zoning Administrator may administratively reduce the setback from property lines to ten feet. To grant the reduced setback, the setback of adjacent properties will be evaluated.

(f) In the R-1 Residential District, porches may encroach into required front yards by 20% of the building setback to a maximum of six feet.

(g) Additional or more restrictive standards may be imposed to protect the character of a neighborhood, and to protect the safety and welfare of the community.

(3) *Porch above grade.* When located in the front yard of a property zoned R-O Heritage Residential and R-1 Residential Districts, an above-grade porch shall adhere to the following regulations.

(a) The porch cannot exceed four feet above grade, unless it would not allow access into the residence.

(b) The design of the porch must be of open design and not enclosed, must be integrated with the principal structure, and the materials used must be consistent with the materials used on the principal structure.

(c) The porch will not negatively impact surrounding properties and is in character with those properties and the neighborhood.

(d) The porch will not create unsafe conditions, including maintaining a clear vision triangle on corner lots.

(e) There is not sufficient space on the lot to construct the porch outside the required yards.

(f) In the R-O Heritage Residential District, the porch shall maintain a minimum setback of 20 feet from property lines. If the principal structure is nonconforming with respect to the required front yard, the Zoning Administrator may administratively reduce the setback from property lines to ten feet. To grant the reduced setback, the setback of adjacent properties will be evaluated, and the porch should not extend more than five feet beyond the facade of the adjacent residences.

(g) In the R-1 Residential District, porches may encroach into required front yards by 20% of the building setback to a maximum of six feet.

(h) Additional or more restrictive standards may be imposed to protect the character of a neighborhood, and to protect the safety and welfare of the community.

(Ord. 21-016, passed 8-18-21; Am. Ord. 21-031, passed 10-20-21)

§ 156.024 REGULATIONS FOR SPECIFIC ACCESSORY STRUCTURES AND USES.

(A) *Regulations for detached garages and carports.* In addition to the other requirements of this chapter and the city code, detached garages and carports shall adhere to the following regulations.

(1) Portable garages or carports are prohibited in all zoning districts.

(2) Detached carports shall be prohibited in all single-family residential districts, except R-O Heritage Residential. Such carports shall reflect the architectural character of the principal structure through complimentary materials and design, which may include, but is not limited to, trim, siding, roof style and materials, and shall be of a permanent nature.

(3) A detached garage or carport shall have a concrete floor per the specifications of the building code.

(4) A detached garage or carport shall have an asphalt, concrete or brick paver driveway from the street to the garage doors.

(5) For a single-family residence, there can be only one detached garage or carport.

(6) For a single-family residence, a detached garage or carport shall not exceed 660 square feet, nor shall it exceed 75% of the foundation area of the principal structure, whichever is less.

(7) For multi-family residences, the detached garage or carport shall not exceed 440 square feet per unit.

(B) *Regulations attached garages and carports.* In addition to the other requirements of this chapter and the city code, attached garages and carports shall adhere to the following regulations.

(1) Garages or carports attached to the principal residence shall comply with zoning district regulations applicable to the principal building as contained in §56.073, Bulk Regulations.

(2) Attached carports shall be prohibited in all single-family, residential districts, except R-O Heritage Residential. Such carports shall reflect the architectural character of the principal structure through complimentary materials and design, which may include, but are not limited to, trim, siding, roof style and materials, and shall be of a permanent nature.

(3) If an attached garage is converted to living space, then the driveway leading to the former garage must be removed and landscaped, and the curb cut must be restored.

(4) For a single-family residence, there can be only one attached garage or carport.

(5) Attached garages or carports shall not exceed 75% of the foundation area of the principal structure. If the principal structure's foundation is less than 533 square feet and meets all other applicable regulations, then its owner shall be permitted to construct a two-car garage (20 feet wide by 20 feet deep) without obtaining a variation.

(6) An attached garage or carport shall have an asphalt, concrete or brick paver driveway from the street to the garage doors.

(C) *Regulations for sheds.* In addition to the other requirements of this chapter and the city code, sheds shall adhere to the following regulations.

(1) Each residence shall be limited to one shed.

(2) A shed or similar structure shall not exceed the following sizes:

(a) For lots 10,000 square feet or less, the structure shall not exceed 150 square feet;

(b) For lots greater than 10,000 square feet to one acre, the structure shall not exceed 300 square feet;

(c) For lots one acre to two acres, the structure shall not exceed 450 square feet;

(d) For lots two acres or larger, the structure shall not exceed 600 square feet.

(3) Any building that is larger shall be considered a garage, and must comply with the above requirements for a detached garage.

(D) *Regulations for swimming pools.* In addition to the other requirements of this chapter and the city code, swimming pools shall adhere to the following regulations.

(1) A fence or wall with no openings or breaks, except for gates, not less than 48 inches in height, must be placed around the pool or lot on which the pool is located, or the pool must be constructed with a self-contained fence and retractable ladder.

(2) Planting material may not be used as a substitute for a required fence or wall.

(3) Pools shall be located a minimum of six feet, measured from the water edge, from any non-roofed deck that is six feet or higher from grade measured from the pool coping.

(4) Decks six feet or higher from grade, measured from the pool coping, and located less than ten feet and a minimum of six feet from swimming pools, measured at the water edge, shall have guardrails not less than 48 inches in height.

(E) *Regulations for fences.* In addition to the other requirements of this chapter and the city code, fences shall adhere to the following regulations.

(1) Fences on properties in a residential zoning district shall not exceed six feet in height above ground level where the fence is constructed (see Figure 024-1).

(2) Fences on properties in a commercial, industrial or office zoning district shall not exceed eight feet in height above ground level where the fence is constructed (unless otherwise specified).

(3) Fences on double frontage lots in a residential zoning district may be constructed to eight feet in height above ground level, where the fence is constructed along the lot line abutting the affected street right-of-way, provided the following conditions apply:

(a) The residential lot abuts a collector or arterial street as designated by the city;

(b) The opposite side of the street is zoned C-2, C-3, O-1, O-2, M-1 or M-2;

(c) The adjoining property has been or is to be developed for commercial uses; and

(d) All such adjoining residential properties extending to the nearest intersection streets in both directions (or other such points as determined by the Zoning Administrator to support community character and safety) reflect consistency and contiguity in their application, have fencing installed at the same time and having the same design features, material components, color, height and other such identifiable features.

(4) Fences on properties in a residential zoning district may be constructed up to eight feet in height where the fence is constructed in cases where an abutting property is zoned or used for commercial or industrial use.

(5) All fences shall have the finished side thereof facing outward from enclosed lot.

(6) Fences may be constructed on or directly adjacent to a property line, but no part of the fence may extend over a property line.

(7) Fences may be located in required yards, provided that:

(a) Fences shall not be located less than one foot from front and corner side yard lot lines.

(b) *Front yard.* Fences located in a required front yard shall not exceed four feet in height, and the length shall not exceed 50% of the lot frontage, and shall be of open design, except that lots in the R-O Heritage Residential District shall be allowed to have the length of the fence exceed 50% of the lot frontage (see Figure 024-1).

(c) *Corner side yard.* Fences located in a required corner side yard shall not exceed four feet in height, and shall be of open design, unless the fence is located 15 feet or one-half the distance between the house and the exterior lot line of the corner side yard, whichever is less (see Figure 024-1). Transition columns between four-foot and six-foot fences between the corner side and rear yard may be taller than six feet, but not greater than seven and one-half feet, to accommodate a light fixture or other appurtenance.

(d) For purposes of this section, **OPEN-DESIGN FENCES** shall include split-rail and post-and-board fences with no more than three horizontal rails or boards, wrought-iron fences, open picket fences, and other similar fence designs that do not create a hazard by obstructing or distorting vision; provided, however, that fences of chain link, woven mesh and other designs or materials that create a visibility hazard, due to reflective or refractive qualities or means of construction, are specifically excluded from this definition, and may not be placed in a required front or corner side yard in which an open-design fence is required.

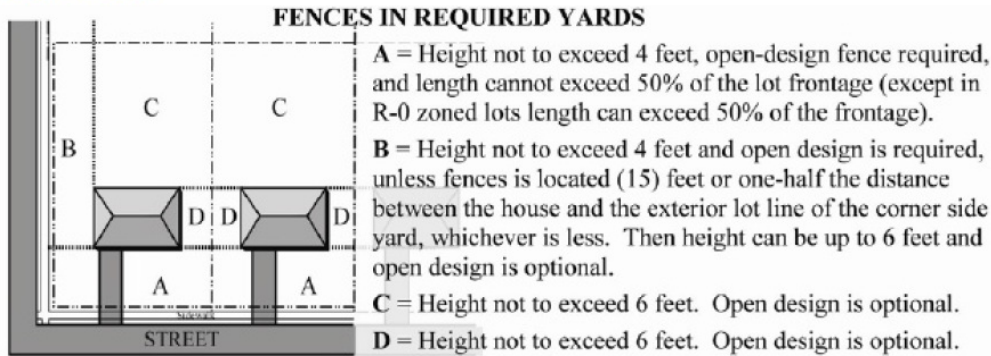
(8) The provisions of this chapter shall not apply to fences constructed by a governmental body for the safety of children on park or school playgrounds.

(9) Chain-link fences shall not be permitted in any front or corner side yard of a residential-zoned property.

(10) Chain-link fences located in any business and industrial zoned property shall provide a vinyl coating on the chain link.

Figure 024-1

Figure 024-1



(11) *Prohibited fences.*

(a) Fences and planting material used in the nature of a fence, placed or maintained on any portion of any public right-of-way or in any required yard, which, by the nature of the materials used for its construction, its design or location, would impair public safety by interfering with and obstructing the vision of persons using the streets, sidewalks or driveways on or adjacent to such a yard.

(b) Fences and planting material used in the nature of a fence may not be located within the vision triangle, unless otherwise provided by this chapter.

(c) Fences constructed, in whole or in part, of electrically-charged wire, barbed wire, spikes, glass, protruding nails, or other sharp or pointed material of any kind.

(d) Chain-link fences with barbed ends up.

(e) Snow fences, except for the exclusive control of windblown snow between November 1 and March 31, and erected by state or local highway authorities.

(F) *Regulations for stoops and entryways.* In addition to the other requirements of this chapter and the city code, stoops and entryways shall adhere to the following regulations.

(1) Stoops and entryways, not more four feet above grade, may be located in front yards of properties in zoning districts other than R-O Heritage Residential and R-1 Single-Family Residential Districts.

(2) Stoops and entryways, not more four feet above grade, may be located in front yards upon a finding by the Zoning Administrator that the installation will ensure they are compatible with the neighborhood and do not create unsafe conditions.

(G) *Regulations for outdoor area for restaurant and/or bar.* Applications for outdoor seating shall be submitted to the Zoning Administrator for review to be in keeping with the requirements of this section and other relevant sections of the city code. Approved applications for outdoor seating may be renewed, subject to annual reconsideration by the Zoning Administrator for compliance with the standards of this section. All temporary seasonal outdoor seating areas are subject to the following regulations.

(1) Applications for outdoor seating shall be valid from April 1 to October 31, and may be renewed each year.

(2) An application for temporary outdoor seating shall include a site plan, clearly identifying the area to be used for outdoor seating in relation to the existing restaurant or bar, and all tables, chairs, waste containers, smoking areas and other items, shall be clearly marked and to scale.

(3) The outdoor seating area shall be accessory to the operation of a restaurant or bar, appropriately located on the premises.

(4) Landscaping or other forms of screening a temporary outdoor seating area may be required by the Zoning Administrator in keeping with site planning and safety standards of the city code.

(5) All outdoor seating areas shall be placed on an all-weather, hard-surface area.

(6) The outdoor seating area shall be immediately adjacent to the principal building, and located directly adjacent to the space occupied by the restaurant or bar.

(7) Temporary outdoor seating areas shall be exempt from applicable parking requirements.

(8) No smoking shall be required as part of temporary outdoor seating areas.

(9) Temporary outdoor seating areas shall be contained within a barrier designating the area. The barrier shall be provided by landscaping, planters, fencing or other material providing equally safe conditions, as may be approved by the Zoning Administrator.

(10) Temporary outdoor seating areas shall be subject to all applicable county health and sanitation codes.

(11) No additional signage may be displayed as part of a temporary outdoor seating area.

(12) Seating may be located on sidewalks or pedestrian walkways, provided that five feet of the sidewalk or walkway, inclusive of any required barrier, remains unobstructed.

(13) All seating, inclusive of any required barrier, shall be a minimum of five feet from any drive aisle or point of vehicular access.

(14) The seating and barrier shall not occupy or interfere with the use of required parking spaces, aisles, driveways, fire lanes and fire exits.

(15) The seating and barrier shall not occupy or interfere with the use of building entrances, exits and pedestrian walkways.

(16) Amplified music and music speakers are prohibited. Any other music or outdoor activities shall not negatively impact neighboring properties, and shall be discontinued by close of business and not later than 10:00 p.m.

(17) Exterior lighting shall be inwardly directed, with light sources not directly visible from adjacent properties so that no direct lighting or glare is cast off premises.

(18) Hours of outdoor operations shall coincide with the hours of operation of the restaurant or bar.

(19) All tables, chairs and other items are to be removed and stored other than outdoors on site by November 1, or at such time as the applicant ceases serving at the outdoor area.

(20) Tables, chairs and trash receptacles shall be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishing shall be removed promptly.

(21) Sidewalks or pedestrian walkways shall be kept clean and free of refuse and clutter at all times.

(22) Any other conditions deemed necessary by the city to protect the public health, safety and welfare may be imposed.

(23) When there are sales and consumption of alcoholic beverages in the outdoor area, additional standards may be applied to screen the area, and it shall be licensed as set forth in § 111.09 of the city code.

(24) If temporary outdoor seating is provided on public property, the following shall apply in addition to the other requirements of this division:

(a) General commercial liability insurance shall be provided as may be required by the city.

(b) Items permitted on the sidewalk shall be limited to tables, chairs, trash receptacles and barriers per division (G)(9) above.

(c) The proposed placement of tables, chairs and trash receptacles to ensure safe and sufficient space for pedestrian traffic and access to parked vehicles.

(d) Tables, chair, trash receptacles or barriers may not be secured to the ground by drilling and bolting into the sidewalk or any other public improvement.

(e) All public improvements located on the sidewalk shall be maintained in the condition in which they existed immediately prior to the authorization by the city for temporary outdoor seating.

(H) *Regulations for home occupations.* Home occupations shall be compatible with the residential character of the neighborhood, and shall be subordinate and incidental to the primary use of the dwelling unit in which they are located. A home occupation may be conducted in any dwelling unit in any zoning district in which dwelling units are permitted, and shall be subject to the following requirements.

(1) No more than one person who is not a member of the immediate family occupying the dwelling unit shall be employed in connection with the occupation.

(2) There shall be no manufacturing or processing of any sort.

(3) No more than 25% of the area of a dwelling shall be devoted to the home occupation.

(4) There shall be no storage outside a principal building or accessory structure of equipment or materials or products used in the home occupation.

(5) The home occupation shall be conducted entirely within the principal residential building.

(6) No part of the home occupation or storage for the home occupation may be conducted in an accessory garage (attached or detached).

(7) The home occupation shall be conducted in a manner that would not cause the premises to differ from its residential character.

(8) Automotive repair as all or part of a home occupation shall be prohibited.

(9) *Customer sales and pick up.* Direct sales of products produced in relation to the home occupation from the dwelling unit are prohibited.

(10) The home occupation shall not require more vehicle parking space than exists on the residential driveway on the property, or on assigned parking spaces serving the dwelling unit. The site of the home occupation may not serve for staging of parking for which employees park personal vehicles on the site and work elsewhere.

(11) No more than one commercial vehicle associated with the home occupation may be parked on the property containing the home occupation at any time. The vehicle may not be of a designation higher than a "D" license plate. The height of the vehicle may not exceed seven feet for an open bed truck, or nine feet for an enclosed van, when measured from the ground to the roof. Any storage racks, ladders or other equipment attached to the vehicle and exceeding these height limits, may do so by no more than 18 inches.

(12) The home occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond that which normally occurs in the zoning district in which it is located.

(13) The home occupation shall not have a separate entrance from outside the building.

(14) The home occupation shall not produce noxious or toxic materials.

(15) No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood.

(16) Any home kitchen operation shall be in keeping with the requirements of §110.81, Home Kitchen Operation, and Ordinance No. 18-016.

(I) *Regulations for micro-pantries or mini-libraries.* In addition to the other requirements of this chapter and the city code, micro-pantries or mini-libraries shall adhere to the following regulations.

(1) Only one micro-pantry or mini-library shall be located on a property.

(2) The micro-pantry or mini-library shall not exceed the following dimensions:

(a) The height shall not exceed the maximum height of five feet from grade; and

(b) The size of the structure shall not exceed a maximum area of ten square feet.

(3) The micro-pantry or mini-library shall only be located in a commercial district, and shall not be closer than 1,000 feet from another micro-pantry or mini-library.

(4) The micro-pantry or mini-library must be maintained in good condition, and must be repaired within five business days of damage or disrepair.

(5) The micro-pantry or mini-library must not contain perishable foods, adulterated or contaminated foods, tobacco, a vaporizer or other similar heating devices or liquids for the use of "vape" products, alcohol, cannabis, whether procured legally or illegally, or illegal or legal drugs.

(J) *Regulations for donation drop box facilities.* As may be required as part of a special use per §156.124 of the city code, donation drop box facilities shall adhere to the following regulations.

(1) Donation drop box facilities shall not be located on a property so as to in any way impede vehicular traffic or pedestrian safety.

(2) Donation drop box facilities shall not be located on a property so as to interfere with access to any parking space, and shall not reduce the number of parking spaces provided on a property.

(3) Donation drop box facilities shall not be located on a property without the written consent of the property owner.

(K) *Regulations for outdoor sales and display.* Outdoor display of goods for sale may be conducted as accessory to the operation of a business in a commercial district, and shall conform to the following regulations.

(1) The permitted outdoor accessory display of goods shall be located and maintained on the property so as to ensure safe and secure use of properties, and not create a nuisance.

(2) The area of the permitted outdoor accessory display may not exceed 10% of the indoor gross floor area of the related principal use on the same premises, or 100 square feet (whichever is greater).

(3) The permitted outdoor accessory display of goods shall be for the purpose of direct retail sales only, not for storage.

(4) Permanently-placed vending machines are permitted, provided:

(a) They are on a property located in a commercial zoning district;

(b) The device does not exceed a volume of 120 cubic feet;

(c) The number of permitted devices is one per 5,000 square feet of lot area, not to exceed a total of six.

(d) Placement must be adjacent to the wall of the principal structure.

(Ord. 21-016, passed 8-18-21; Am. Ord. 21-031, passed 10-20-21)

§ 156.025 TEMPORARY STRUCTURES AND USES.

No temporary structure or use, as listed in this division, shall be built, established, moved or remodeled, altered or enlarged, unless it is permitted by this chapter. Unless otherwise indicated, the temporary uses and structures listed in this section are permitted in any nonresidential zoning district, subject to the regulations and time limits as indicated, and to the other applicable regulations of the district or districts in which it is located, and other requirements of the city code.

(A) All temporary structures and uses shall be operated in keeping with the following regulations.

(1) None of the temporary structures or uses regulated in this division may be permitted in any residential zoning district, unless otherwise specified.

(2) All temporary structures and uses shall be located so as to not impact parking required or provided for other uses on or near the property on which they are located.

(3) All temporary structures and uses shall be operated for no longer than the time periods specified in this section.

(4) Any debris, trash or other rubbish generated from a temporary structure or use on or near the related property shall be removed nightly by the owner or operator of the temporary structure or use.

- (B) Christmas tree sales shall be operated in keeping with the following regulations.
- (1) May be located on a lot of less than five acres located in a C-2, C-3 or C-4 District
 - (2) May be operated for a period not to exceed 45 days.
 - (3) Yard requirements of this chapter shall not apply, provided that no trees shall be displayed within ten feet of any driveway or street right-of-way, or within 30 feet of the intersection of the right-of-way of two streets.
- (C) Contractors' offices and equipment sheds and trailers shall be operated in keeping with the following regulations.
- (1) May be operated only as an accessory function to a construction project.
 - (2) May be operated only for the duration of the project while building permits are in effect.
 - (3) The office or equipment shed or trailer shall be located on the premises undergoing construction.
 - (4) No office, shed or trailer shall contain sleeping accommodations or cooking facilities.
 - (5) The use shall be removed upon the lapse of building permits or issuance of the last occupancy certificate.
 - (6) The contractors' offices and equipment sheds and trailers shall be screened from view of a public right-of-way.
 - (7) The use of cargo containers to store contractor equipment shall be pursuant to §156.026 below.
- (D) Subdivision sales offices, sometimes in a model home, shall be operated in keeping with the following regulations.
- (1) Subdivision sales offices shall be incidental to a new housing development.
 - (2) No subdivision sales offices may be used for sleeping or cooking purposes, and may continue only until all dwelling units in the development have been sold or leased.
 - (3) Subdivision sales offices may be allowed on the property until the final unit of the development has been sold and closed.
 - (4) Fences may be located on lots used for subdivision sales offices and model homes, provided that they comply with the provisions of §156.024(E), except that:
 - (a) Points of access shall be provided, as required by the Fire Chief, for emergency persons, equipment and vehicles.
 - (b) Fences need not be of open-design when located within the required front or corner side yard, provided the fence does not exceed three and one-half feet in height, and is constructed of natural materials.
 - (c) Fences may not be located within three feet of a curb when there are existing public sidewalks.
- (E) Farm produce sales shall be operated in keeping with the following regulations.
- (1) Seasonal sales of farm produce are permitted in an agricultural district, in a residential district where produce is grown on the premises, and in a commercial district, for a period not to exceed six months in any calendar year.
 - (2) Structures (farm stands or wagons) incidental to the sales of farm produce shall not exceed a total of 160 square feet, nor be located less than 15 feet from a property line. Structures shall be removed when there are no sales for a period of three days or more.
 - (3) Farm produce sales shall require a license from the city as may be required.
- (F) Sidewalk sales shall be operated in keeping with the following regulations.
- (1) Shall be incidental to the businesses located on the lot where the sidewalk sale is conducted.
 - (2) May be conducted on private property in a commercial district.
 - (3) May not be conducted in conjunction with another special event or promotion by the businesses on the property.
 - (4) Shall be conducted adjacent to the entrance of the sponsoring businesses.
 - (5) Sidewalk sales may occur for a period not to exceed four consecutive days, and may not to occur more than three times in a calendar year.
- (G) Garage or yard sales shall be operated in keeping with the following regulations.
- (1) May be conducted on private property in a residential zoning district for the display and sale of household and personal items.
 - (2) May occur for a period not to exceed six days in a calendar year.
- (H) Circuses or carnivals may be operated upon issuance of a license from the city, and shall be operated in keeping with the requirements of that license and this section.
- (I) *Mobile storage units.*
- (1) *Location.* Mobile storage units may be located as an accessory structure in any zoning district in the city.
 - (a) On single-family residential properties, mobile storage units shall be located on the driveway of the property.
 - (b) On other multiple-family residential properties, mobile storage units may be located in parking areas, but may not cause a reduction in the number of parking spaces provided.
 - (c) Where practical difficulties exist in locating mobile storage units in keeping with this division, the Zoning Administrator may permit the unit to be located in an alternate location, upon finding that it shall not be hazardous or disruptive to other properties.
 - (2) *Maximum size.* On residential zoning lots, mobile storage units shall not exceed eight feet in width, eight feet in height, and 20 feet in length. On properties exceeding five acres, larger mobile storage units may be approved by the Zoning Administrator, subject to the provisions of this chapter and a finding that the location and use is not a hazard to the public.
 - (3) *Number of units.* Not more than one storage container shall be located on a residential zoning lot at one time. In nonresidential districts, each business shall not use more than two storage containers, when used accessory to a move. On properties exceeding five acres, the number of storage containers may be approved by the Zoning Administrator, subject to the provisions of this chapter and a finding that the location and use is not a hazard to the public.
 - (4) *Frequency and duration.*
 - (a) *Moving purposes.* A residential property or individual business may locate a mobile storage unit associated with a move on the lot not more than once per calendar year, for a time frame not to exceed 30 consecutive days.
 - (b) *Remodeling or construction projects.* The mobile storage unit may be located on the property for the duration of the construction or remodeling project, provided the project is duly proceeding toward completion. Units are to be removed upon expiration or lapse of a permit on the project, upon completion of the project, or issuance of the last certificate of occupancy, whichever occurs first.

(Ord. 21-016, passed 8-18-21)

§ 156.026 CARGO CONTAINERS.

(A) *Statement of purpose.* This section regulates use of cargo containers (as defined in §156.003, Definitions) throughout the city. Cargo containers, their use and related facilities are intended to meet the following purposes:

- (1) To provide for safe and orderly storage, staging and maintenance of cargo containers in a manner that minimizes the noise, dust, traffic congestion, aesthetic blight, and other adverse environmental impacts of their use upon the surrounding area;
- (2) To ensure that cargo container facilities are operated in a safe manner, based upon such factors as permitted height of such containers, contents stored within the containers, location of containers stored upon a lot, and methods of screening so as to prevent safety hazards and maintain accessibility for emergency and maintenance equipment;

- (3) To ensure adequate visual screening and landscaping of cargo containers from the public right-of-way and adjacent properties is provided; and
- (4) To ensure that the site is of sufficient size to accommodate safe storage of cargo containers.
- (B) *Permitted use.* Cargo containers shall be permitted only in zoning districts and used as follows.
- (1) Cargo containers shall be permitted in the M-1 Limited Manufacturing and M-2 General Manufacturing Zoning Districts.
- (2) Cargo containers may be used as a temporary use in any nonresidential zoning district, when accessory to a construction project or accessory to a move, provided they meet the requirements of this chapter.
- (3) Cargo containers shall be permitted at government buildings or facilities, when used for the purposes of temporary storage of electronic recyclable materials, collected as part of a recycling program administered by the city, and meeting the requirements established in this section.
- (4) Cargo containers shall be permitted when accessory to agricultural production by an active farmer or for hydroponic farming.
- (5) Cargo containers shall be permitted on a commercial property owned by the city for the purpose of facilitating innovative uses of cargo containers for hydroponic farming and/or retail start-up businesses.
- (6) *Container modifications.*
- (a) Cargo containers may not be modified or retrofitted for habitation, except as specified in division (B)(6)(b) below. Containers shall be prohibited from having windows, heating and cooling, plumbing or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes.
- (b) Cargo containers may be approved in nonresidential zoning districts by the Zoning Administrator for innovative uses such as hydroponic farming, retail spaces, entertainment uses, or temporary and start-up businesses. In such cases, the cargo containers shall meet applicable zoning, building and design standards.
- (C) *General regulations.* Use of cargo containers shall be in keeping with the following regulations.
- (1) *Materials stored.* Materials stored in cargo containers shall not include any material deemed hazardous, as defined by the Illinois Environmental Protection Agency, unless otherwise approved by the Fire District. All materials stored shall be consistent with a permitted use on the zoning lot upon which the container is stored.
- (2) Containers stored on a zoning lot shall be accessory to an established permitted use on the zoning lot, and shall be operated and maintained under the same ownership as the use.
- (3) Cargo containers shall not be used for the purposes of conducting business or selling merchandise, except as may be approved in division (B)(6)(b).
- (4) *Bulk and lot regulations.*
- (a) *Prohibited locations.* Cargo containers shall not be located in required front or corner side yards. Containers should not be located closer to the front or corner side lot lines than the principal building(s) on the zoning lot.
- (b) *Setbacks.* Containers shall not be located on or over property lines. Cargo container maintenance and storage facilities shall adhere to district setbacks, except that stacked containers shall increase all setbacks by 30 feet for each additional stacked level.
- (c) *Minimum lot size.* There shall be no minimum lot size requirement for containers regulated in this section, except cargo container maintenance or storage facilities shall have a minimum lot size of 20 acres.
- (5) *Stacking.* Stacking of cargo containers shall be prohibited, except in cargo container maintenance or storage facilities, provided they are not stacked more than three units high. Cargo containers on an approved mixed-use commercial property owned by the city, for the purpose of facilitating innovative uses of cargo containers for hydroponic farming and/or retail start-up businesses, shall be exempted from the stacking prohibition.
- (6) *Grouping requirements.* No side-by-side grouping shall exceed 20 containers in width, and no end-to-end grouping shall exceed two containers in length. The interiors of all containers in a grouping shall be accessible from the outside of the grouping.
- (7) *Number of containers.* There is no limit on the number of containers stored on a zoning lot, except in the M-1 Zoning District, the combined floor area of all containers on the zoning lot shall be less than 500 square feet. Owners of M-1-zoned properties, or their agents, requesting 500 or more square feet of combined floor area shall apply for a special use permit for open storage.
- (8) *Separation distance.* Cargo containers used or stored as part of a maintenance or storage facility shall be a minimum of 1,000 feet from any property zoned or used for residential land uses, nor shall they be closer than 30 feet to any existing structure or building.
- (9) *Access.* Based on the number of containers and location on a site, the city and/or the Fire District may require an access drive around the containers. Cargo containers may not be stored in a manner that blocks access to adjacent structures, buildings, public rights-of-way, public utility or drainage easements, or the container's interior.
- (10) *Prohibited locations.* Containers may not be located in required landscape areas, public utility or drainage easements, required off-street parking or loading/unloading areas, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses. The placement of a container on a property should be so as not to impede Fire District access or operations.
- (11) *Landscaping and screening.* Cargo container maintenance and storage facilities shall provide a minimum 100-foot-wide screening buffer around the entire facility. Refer to § 153.50.120 of the development code for transition yard screening requirements, except that the berm should contain a 3:1 slope to a minimum height of 15 feet, and the amount of required plantings should be doubled.
- (D) *Additional standards.* In addition to the standards set forth in this section, cargo containers not part of a maintenance or storage facility shall comply with the following standards.
- (1) In the M-1 Zoning District, containers shall be fully screened from public rights-of-way and adjacent properties. Permitted forms of screening are permanent enclosures, using brick, stone or similar material; permanent fence or wall; landscaping and berming; or any combination thereof. Chain-link fencing shall not be used for required screening. Containers are to be placed on the lot in a manner that minimizes their visual impact on adjacent properties.
- (2) In the M-2 Zoning District, containers shall be fully screened from public rights-of-way. Permitted forms of screening are permanent enclosures using brick, stone or similar material; permanent fence or wall; landscaping and berming; or any combination thereof. Chain-link fencing shall not be used for required screening. Containers are to be placed on the lot in a manner that minimizes their visual impact on adjacent properties.
- (3) Containers used at electronic recycling facilities operated by the city, and containers used in support of agricultural production by an active farmer, are to be painted a neutral color or, if the container is near a building wall or structure, it should be painted to match, as nearly as possible, the predominate color of that structure. Permanent enclosures using brick, stone or similar material; permanent fence or wall; and/or landscaping and berming may be used. Containers are to be placed on the lot in a manner that minimizes their visual impact on adjacent properties.
- (4) *Maintenance.* All cargo containers and any form of cargo container screening shall be maintained in a like-new condition, shall be safe, structurally sound, stable, and in good repair. Any visible sign of deterioration, including but not limited to, broken elements, peeling paint, or rust, shall not be permitted.
- (5) *Historically-sensitive sites, buildings or structures.* Cargo containers shall not be visible from any site designated or identified as a local or national historic landmark or natural area. This includes significant vegetative features, stream and creek corridors, buildings, sites, structures and/or identified viewsheds of historic and/or cultural significance. Cargo containers on an approved mixed-use commercial property owned by the city, for the purpose of facilitating innovative uses of cargo containers for hydroponic farming and/or retail start-up businesses, shall be exempted from this provision.
- (6) *Environmentally-sensitive lands.* Cargo containers may not be stored closer than 1,000 feet to any existing, inventoried wetland or identified floodplain or floodway.
- (7) *Signage.*
- (a) Containers used as part of a city recycling program, or used in support of active farming, are prohibited from having signage. Cargo containers on an approved commercial property owned by the city, for the purpose of facilitating innovative uses of cargo containers for hydroponic farming and/or retail start-up businesses, shall be exempted from this provision.
- (b) Containers for all other uses regulated by this section shall have no signage other than company identification and logos, provided the signage is not affixed to the container.

- (8) *Placarding requirement.* Containers storing chemicals or other flammable liquids or gases are to be placarded per NFPA 704.
- (9) *Plans required.* Permit requests for cargo containers shall be subject to site plan review by and approval by the Zoning Administrator. Applicants for special use permits for container facilities must submit a site plan, landscape plan and lighting plan for city review.
- (10) *Additional standards.* During plan review, the city and/or Fire Prevention District may place additional or more restrictive conditions on the approval, including but not limited to, painting the containers to match building(s) on the property, location on the property, and limiting the number of containers in order to protect the health, safety and welfare of the community.
- (11) *Fire District review and permitting.* Conformance to all fire codes shall be required. All requests for containers will be subject to review by the regulating Fire Prevention District. An inspection is to be conducted by the Fire District after the container is loaded. If chemicals or other flammable liquids and gases are to be stored in a container, a permit shall be obtained from the Fire District.
- (E) *Temporary use of cargo containers.* Temporary use of cargo containers shall be allowed only as follows.
- (1) Temporary use of cargo containers shall not require a permit from the city.
 - (2) Temporary use of cargo containers shall not be permitted in residential zoning districts.
 - (3) Cargo containers used in any nonresidential zoning district for temporary storage of construction materials and/or equipment used for a construction or remodeling project may be located on the property for the duration of the construction or remodeling project, provided the project is duly proceeding toward completion. Containers are to be removed upon expiration or lapse of a permit on the project, upon completion of the project, or upon issuance of the last certificate of occupancy, whichever occurs first.
 - (4) *Time extension.* In the event of fire, tornado or other natural disaster causing substantial damage to the principal structure, a property owner may request a time extension to the above-stated time limits.
 - (5) *Permitted locations.*
 - (a) Cargo containers must be located upon the lot in which the remodeling project, construction project, or move is taking place.
 - (b) Yard requirements are identified in § 156.023. As an exception, the Zoning Administrator may permit the container in front or corner side yards, upon determining the lot affords no alternate location, and the location will not be detrimental to the health, safety or welfare of the community.
 - (c) All cargo containers regulated in this section shall be stored completely within the property lines of the subject property, and shall not be placed on any public right-of-way or public property. Containers shall not be placed in such a fashion as to impede or obstruct the flow of drainage waters, nor impede or obstruct emergency access to the property, or access to utility services or shut-offs. Units shall not be located within a vision triangle, nor impair public safety by interfering and obstructing the vision of persons using the streets, sidewalks or driveways on or adjacent to the property. The placement of a container on a property should be so as not to impede Fire District access or operations. The container should be placed on the lot so as to minimize the visual impact from adjacent properties and rights-of-way. Additionally, in nonresidential districts, the storage container shall not occupy off-street parking spaces required per the provisions of § 156.102, Schedule of Parking Requirements.
 - (6) *Prohibited uses of containers.* Units shall not be used for occupancy or sleeping, housing of animals, housing or storage of firearms, housing or storage of hazardous, flammable or toxic materials, or storage of materials otherwise unlawful to possess (e.g., fireworks).
 - (7) *Condition of units.* All cargo containers shall be maintained in a like-new condition, shall be safe, structurally sound, stable and in good repair. Any visible sign of deterioration, including but not limited to, broken elements, peeling paint, or rust, shall not be permitted.
 - (8) *Number of units.* In nonresidential districts, each business shall not use more than two storage containers when used accessory to a move. On properties exceeding five acres, the number of storage containers may be increased with permission from the city.
 - (9) *Surfacing.* Containers shall not be located on landscaped or unimproved surfaces, except when approved by the city for construction projects.
 - (10) *Signage.*
 - (a) No signage other than company identification and logos shall be allowed on any cargo container, provided the signage is not affixed to the container.
 - (b) Containers approved by the Fire District to store chemicals or other flammable liquids or gases shall be placarded per NFPA 704.
 - (11) *Containers in the Historic District.* Containers located in the Historic District are subject to review and approval by the Heritage and Architecture Commission. Such containers shall be screened from public view to the greatest extent possible. The Commission may place conditions on the approval to protect viewsheds, the safety and the integrity of the Historic District. Certain properties may be denied approval for reasons that include, but are not limited to, location, the estimated duration of the construction project, the visibility of the cargo container from rights-of-way and adjacent properties, lot size, and the location impeding vehicular or pedestrian circulation.
 - (12) *Moving purposes.* Each individual business shall not locate a cargo container on the lot more than two times per calendar year, for a time frame not to exceed 16 consecutive days each time.
 - (13) *Fire District review and permitting.* Conformance to all fire codes shall be required. All requests for containers will be subject to review by the regulating Fire Prevention District. An inspection is to be conducted by the Fire District after the container is loaded. If chemicals or other flammable liquids and gases are to be stored in a container, a separate permit shall be obtained from the Fire District. The Fire District may impose conditions or restrictions to protect the health, safety and welfare of the community.

(Ord. 21-016, passed 8-18-21)

NONCONFORMING LOTS, STRUCTURES AND USES

§ 156.060 PURPOSE AND INTENT.

- (A) This section regulates uses, structures and lots that do not conform to the regulations of this chapter, and specifies the terms and conditions under which such nonconforming uses and structures lawfully existing upon the adoption of this chapter may be permitted to continue. The inappropriate continuation of nonconforming uses and structures and the use of nonconforming lots can impact the orderly development of the city, property values, and the community's character.
- (B) However, the historic portion of Lockport may have the greatest occurrence of nonconformities, as it is by definition the oldest part of the city. Yet, this area has a development pattern that reflects a desirable character for that historic area. Likewise, development near the historic area may have similar desirable development patterns and nonconforming situations. Accordingly, imposing reasonable conditions on the existence and continued operation of nonconforming uses and structures is necessary.

(Ord. 21-016, passed 8-18-21)

§ 156.061 NONCONFORMING LOTS.

- (A) *General requirement.* Building permits may be issued for any principal or accessory structure (allowed in the subject zoning districts) without being brought into conformance with lot area or lot width. However, the property shall conform to all other bulk regulations.
- (B) *Continuation and use of standard lots of record.* A principal structure may be constructed and maintained if it is on a lot not less than 50 feet in width, meets the yard requirements specified in division (C) below, and the property is comprised entirely of one tract of land that meets all of the following standards:
- (1) Has less than the prescribed minimum lot area, width or both (excepting that lot width in the R-O District may not be less than 50 feet for this standard to apply);
 - (2) Is shown by a recorded plot or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of that size or width at that location would not have been prohibited by any zoning code; and
 - (3) Has retained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of the lot has been prohibited by the applicable zoning code.
- (C) *Yard requirements for nonconforming lots in R-O and R-1 Zoning Districts.* Construction permitted under division (A) shall comply with all the regulations, except the following yard requirements may apply in place of the front and side yard requirements otherwise applicable.
- (1) The front yard setback line shall be established as the mean of the front yard setback of the buildings on the adjacent lots. However, in no case shall a detached accessory structure be built closer to the front property line than the front of an existing principal structure; nor shall a new principal structure be built closer to the front property line than the front of a previous principal structure destroyed (or removed) and being replaced.

- (2) On a corner lot, there shall be a minimum setback equal to the setback on the adjacent lot, but not less than 20 feet.
- (3) The garage for a residence should have a minimum front yard or corner side yard setback of 20 feet.
- (4) In residential and commercial zones (except for C-4), required side yards of principal buildings shall be not less than 10% of the width of the lot, and in no case shall that require side yards of principal buildings be less than six feet in width.
- (D) *Nonconforming lots in zoning districts other than the R-O and R-1 Zoning Districts.* Construction shall be permitted on lots that do not meet requirements for lot width, lot area, or both for the zoning district in which they are located, provided that the measured nonconforming dimension for lot area or width is within 95% of the established standard.
- (E) *Construction on lots less than 50-feet wide.* Construction on any lot having a width less than 50 feet may be permitted only upon securing a variation for the proposed development. As part of the variation process, the Zoning Administrator shall review proposed designs for construction to confirm that plans are reflective of the context of the surrounding area and the unique and historic character of the nearby area and the city. Review of exterior design would only be considered as part of PZC deliberations should the applicant wish to appeal the determination of the Zoning Administrator, or if the Zoning Administrator determines that a determination about appropriate design is best addressed by considering such a variation. The PZC shall consider and establish as conditions any appropriate design guidelines as provided in this chapter as it may find necessary for the variation request to be in keeping with the standards for a variation and the character of the surrounding area.

(Ord. 21-016, passed 8-18-21)

§ 156.062 NONCONFORMING STRUCTURES.

- (A) *Continuation of nonconforming structures.* Any structure, devoted to a use permitted in the zoning district in which it is located, that does not comply with the applicable bulk, height or floor area requirements, or that is located on a lot that does not comply with the applicable lot or yard requirements, or both, may be continued so long as it remains otherwise lawful subject to the restrictions in this section.
- (B) *Enlargement, alteration and repair of nonconforming structures.* Any structure described in division (A) may be enlarged, maintained, repaired or remodeled; provided, however, that no enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of the existing nonconformity of all or part of the structure.
- (1) For structures located on a lot that does not comply with the applicable lot size requirements, the front and side yard requirements shall be as specified in §56.061(B).
- (2) An addition may be constructed to a principal structure that is lawfully nonconforming with respect to the required yard setbacks, provided the addition maintains the same or a greater yard setback than the principal structure, and does not increase the extent of the nonconformity.
- (3) A multi-dwelling building that is nonconforming with regard to quantity of units may not be expanded to add additional dwelling units.
- (C) *Damage or destruction of nonconforming structures.* In the event that any principal structure is damaged or destroyed, by any means, to an extent that repair or replacement does not exceed 75% of the cost of replacement at the time of damage or destruction (as determined by the Zoning Administrator), it can be rebuilt without conforming to all the regulations of the zoning district in which it is located, provided the restoration:
- (1) Does not increase any previously-existing nonconformity;
- (2) Meets all other zoning requirements;
- (3) Begins within one year after the date of damage; and
- (4) Is diligently pursued to completion within the time frames established by building permits, subject to extension upon proof of project construction effort.
- (D) *Determining values and costs related to damage or destruction to nonconforming structures.* The value of a nonconforming structure shall be determined based on the county-established equalized assessed value (EAV) in place at the time of the damage or destruction. In establishing the cost of replacement or repairing damage, the Zoning Administrator shall determine which independent, third-party information source is most appropriate to apply, based on the specific circumstances of the site and the damage or destruction. These may include, but may not be limited to, use of Dodge Data and Analytics or insurance adjustment reports.
- (E) *Replacing nonconforming accessory structures.* At the determination of the Zoning Administrator, nonconforming accessory structures described in this section may be replaced in their nonconforming location, upon finding that, because of its shape, size, topography or established trees, the property affords no alternative location or arrangement for conformity.
- (F) *Moving nonconforming structures.* No structure described in division (A) shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure shall conform to the regulations of the zoning district in which it is located after being moved.

(Ord. 21-016, passed 8-18-21)

§ 156.063 NONCONFORMING USES.

- (A) *Continuation of nonconforming uses.*
- (1) A lawfully established use that becomes nonconforming with respect to this chapter on its effective date, or as a result of any subsequent amendment, may be continued, except as otherwise provided in this section.
- (2) A use illegal at the time of the adoption of this chapter, or a subsequently established illegal use, shall not become a nonconforming use by reason of the adoption or amendment of this code, but shall remain an illegal use, except where it is allowed in the zoning district in which it is located.
- (B) *Change of nonconforming use.* A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When a nonconforming use has been changed to any permitted use, it shall not be changed back to a nonconforming use. For purposes of this section, a use shall be deemed to have been so changed, when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of seven days.
- (C) *Enlargement of a nonconforming use.* No structure devoted, in whole or in part, to a nonconforming use shall be enlarged or added to in any manner, unless the use conducted in the added area shall conform to the regulations of the district in which it is located.
- (D) *Repairs, alterations and maintenance of structures containing nonconforming uses.*
- (1) No structure devoted, in whole or in part, to a nonconforming use shall be altered in any way unless the entire structure and use shall conform to all regulations of the zoning district in which it is located. Alterations designed to increase the intensity of a nonconforming use, or to introduce new nonconforming uses, are prohibited.
- (2) Normal maintenance and incidental repair or replacement may be performed on any structure that is devoted, in whole or in part, to a nonconforming use, provided such work is in keeping with this section.
- (3) Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety, declares the structure to be unsafe, and orders its restoration to a safe condition. Such work shall not increase the extent of any nonconformity, unless necessary to establish a safe condition, in which case the least possible increase of a nonconformity shall be allowed.
- (E) *Damage or destruction to structures containing nonconforming uses.* In the event that any structure devoted, in whole or in part, to a nonconforming use is damaged or destroyed, by any means, to an extent that repair or replacement does exceed 75% of the cost of replacement at the time of damage or destruction (as determined by the Zoning Administrator), the structure shall not be restored unless the use conforms to the zoning district in which it is located. When the damage or destruction is 75% or less of the cost of replacement new, no repairs or restoration shall be made unless zoning certification is obtained, restoration is begun within one year after the date of damage, and is diligently pursued to completion within the time frames established by building permits, subject to extension upon proof of project construction effort.
- (F) *Determining values and costs related to damage or destruction to nonconforming structures.* The value of a nonconforming structure shall be determined based on the county-established equalized assessed value (EAV) in place at the time of damage or destruction. In establishing the cost of replacement or repairing damage, the Zoning Administrator shall determine which independent, third-party information source is most appropriate to apply, based on the specific circumstances of the site and the damage or destruction. These may include, but may not be limited to, use of Dodge Data and Analytics or insurance adjustment reports.
- (G) *Moving nonconforming uses.* No structure devoted, in whole or in part, to a nonconforming use shall be moved, in whole or in part, for any distance whatsoever to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved, in whole or in part, for any distance to any location on the same lot or any other lot, unless the use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

(H) *Discontinuance or abandonment of nonconforming uses.*

(1) *Nonconforming use of land.* When a nonconforming use of land, not involving a structure, or involving only a structure that is accessory to the nonconforming use of land, is discontinued or abandoned for a period of two consecutive months (regardless of any reservation of an intent not to abandon or to resume the use), the use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the land shall comply with the regulations of the zoning district in which it is located.

(2) *Nonconforming uses in structures.* When a nonconforming use of part or all of a structure is discontinued or abandoned for a period of one year (regardless of any reservation of an intent not to abandon or to resume the use), the use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure shall comply with the regulations of the zoning district in which it is located.

(3) *Nonconforming accessory uses.* No use accessory to a principal nonconforming use shall continue after the principal use shall have ceased or been terminated.

(Ord. 21-016, passed 8-18-21)

USE DISTRICTS

§ 156.070 ESTABLISHMENT OF ZONES.

To carry out the purpose and provisions of this chapter, the city is divided into the following districts.

(A) *A-1 Agriculture District.* The purpose of the A-1 District is to provide areas to principally maintain agricultural uses, and to restrict those uses that would conflict with this purpose. This land shall be in outlying areas of the city. This district includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(B) *E-R Estate Residential District.*

(1) The purpose of the E-R District is to provide for single-family residential developments having large lots and a rural character.

(2) The regulations of this district are intended to preserve and protect the character of existing lots improved with single-family dwellings, and to permit compatible development.

(3) This district includes small community residences, provided they are located not less than 1,800 feet from another small community residence.

(4) This district includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(C) *R-O Heritage Residential District.*

(1) The purpose of the R-O District is to provide for detached and attached, single-family, residential development that is consistent with the historical architectural styles of the district, with not more than two dwellings attached together in new or existing buildings, including designated, code-required, off-street parking.

(2) The regulations of this district are intended to protect existing and promote new, detached and attached, single-family dwellings on urban-size lots, to maintain the district's unique character, and to permit compatible development that may include multiple-family dwellings where designated by a special use permit and adjacent to commercial and mixed-use development.

(3) This district includes small community residences, provided they are located not less than 1,800 feet from another small community residence.

(4) This district includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(D) *R-1 Single-family Residential District.*

(1) The purpose of the R-1 District is to provide areas for detached, single-family dwellings.

(2) The regulations of this district are intended to preserve and protect the character of existing lots improved with single-family dwellings and to permit compatible development.

(3) This district includes small community residences, provided they are located not less than 1,800 feet from another small community residence.

(4) This district includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(E) *R-2 Single-family Attached Residential District.*

(1) The purpose of the R-2 District is to integrate areas for detached and attached, single-family dwelling development into the city's development pattern, with not more than four dwellings attached together.

(2) The regulations of this district are intended to protect existing and to promote new detached and attached, single-family dwellings in a range of urban lot sizes, and to permit compatible development, consistent with the city's comprehensive plan and design guidelines.

(3) This district includes small community residences, provided they are located not less than 1,800 feet from another small community residence.

(4) This district includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence.

(F) *R-3 Limited Multiple-family Residential District.*

(1) The purpose of the R-3 District is to integrate areas for attached, single-family or multiple-family development into the city's development pattern, with not more than eight dwellings per building.

(2) The regulations of this district are intended to protect existing and promote new multiple-family dwellings in a variety of arrangements, and to permit compatible development, consistent with the city's comprehensive plan and design guidelines.

(3) This district includes small community residences, provided they are located not less than 1,800 feet from small community residence; provided, however, that up to two residences may be located on the same zoning lot.

(4) This district includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence; provided, however, that up to one such residence may be located on the same zoning lot.

(G) *R-4 Multiple-family Residential District.*

(1) The purpose of the R-4 District is to integrate areas for multiple-family development into the city's development pattern and proximate to high-volume roadways for ease of ingress and egress.

(2) The regulations of this district are intended to protect existing multiple-family dwellings and to promote new multiple-family dwellings that support a walkable environment around commercial centers in the city, consistent with the city's comprehensive plan and design guidelines.

(3) This district includes small community residences, provided they are located not less than 1,800 feet from another small community residence; provided, however, that up to one such residence may be located on the same zoning lot.

(4) This district includes community residences of up to ten persons, provided they are located not less than 1,800 feet from another community residence.

(5) This district includes small shared housing residences, provided they are located not less than 1,800 feet from another small shared housing residence; provided, however, that up to one such residence may be located on the same zoning lot.

(H) *C-1 Neighborhood Commercial District.* The purpose of the C-1 District is to provide for areas of limited commercial and office uses serving the daily or frequently-occurring convenience needs of persons living in adjacent neighborhoods. Development should be compatible with adjacent neighborhoods and relatively small in scale.

(I) *C-2 Community Commercial District.* The purpose of the C-2 District is to provide areas for provision of a broad range of general shopping and grouping of compatible business uses to provide public convenience and business prosperity. This land should be located at the intersection of, or along, major arterial and collector streets.

(J) *C-2T Transitional Community Commercial District.* The purpose of the C-2T District is to provide a broad range of commercial and residential uses serving as a transition between downtown and surrounding neighborhoods.

(K) *C-3 Highway Commercial District.* The purpose of the C-3 District is to provide areas for uses traditionally associated with or requiring the use of the automobile. This

land should be located along major arterial streets.

(L) *C-4 Downtown Commercial District.* The purpose of the C-4 District is to provide a central area for various retail, office, governmental, production and manufacture, residential and cultural activities. Dwelling units located in this district shall not be located below the second floor. This land shall be located within and around the bounds of the Historic District.

(M) *O-1 Limited Office District.* The purpose of the O-1 District is to provide areas for professional and administrative uses, generally acting as a transition between major arterial streets and residential development, or between commercial and manufacturing uses and residential development.

(N) *O-2 General Office District.* The purpose of the O-2 District is to provide areas for general office and research and development uses, and ancillary uses, arranged and developed in a campus-like setting. This land shall be located along a major arterial street.

(O) *M-1 Limited Manufacturing District.* The purpose of the M-1 District is to provide areas for research, warehouses, laboratories, limited manufacturing, and ancillary business uses. This land shall be accessible to a major arterial street.

(P) *M-2 General Manufacturing District.* The purpose of the M-2 District is to provide areas for manufacturing, terminal and other industrial activities. This land shall be located along major arterial streets, navigable waterways and rail lines.

(Ord. 21-016, passed 8-18-21)

§ 156.071 CONDITIONS OF USE.

(A) All uses permitted in C-1, C-2, C-2T, C-3 and C-4 Districts shall be subject to the following conditions.

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold in a retail manner on the premises where they have been produced.

(2) All business, servicing and display of goods shall be conducted within completely enclosed structures; except permitted outdoor restaurants and sidewalk cafes, and outdoor areas for restaurants and/or bars; and except that temporary farm produce stands, bedding plants, flowers, nursery stock, packaged landscape materials and temporary promotional sale items may be displayed without the enclosure, provided that their location does not interfere with traffic or with adequate and safe pedestrian ingress and egress.

(3) In a C-1 Commercial District, each business or store shall not exceed 10,000 square feet of floor area, and the total, combined floor area of all businesses and stores on a zoning lot shall not exceed 30,000 square feet.

(4) In a C-3 Commercial District, a business that sells an outdoor product shall be allowed to display the outdoor product without the enclosure.

(5) Open storage of exterior building materials and vehicles (excluding ones for sale) shall be permitted by a special use in a C-2 or C-3 District, provided they are screened from the public right-of-way and adjacent property by a solid fence or wall.

(6) There shall be no manufacture, processing or treatment of products other than what is clearly accessory or essential to the retail business conducted on the premises.

(7) All uses shall comply with the performance standards for noise, odor, dust, smoke and vibration established in §156.072.

(8) The refuse storage area shall be screened from view by adjacent property and the public right-of-way.

(9) All transition yards shall be screened or landscaped to provide visual and acoustical privacy for adjacent residents. No parking, driveway, storage of material, vehicles or equipment, or buildings shall be located in a transition yard.

(10) All exterior lighting, including the building and parking lot lights, shall be directed away from adjacent property, highways and streets.

(11) Outdoor commercial recreation shall be permitted by special use as permitted in §156.074, Permitted Uses, in accordance with the standards and procedures specified for special use permits in § 156.124.

(B) All uses in O-1 and O-2 Districts shall be subject to the following conditions.

(1) All business, servicing, processing and storage shall be conducted within enclosed buildings.

(2) All uses shall comply with the performance standards for noise, odor, dust, smoke and vibration established in §156.072.

(3) All transition yards shall be screened and landscaped to provide visual and acoustical privacy for adjacent residents. No parking, driveway, storage of vehicles or equipment, or buildings shall be located in a transition yard.

(4) The refuse storage area shall be screened from view by adjacent property and the public right-of-way.

(5) All exterior lighting, including the building and parking lot lights, shall be directed away from adjacent property, highways and streets.

(6) Open storage of exterior building materials and vehicles shall be permitted by special use in an O-1 and O-2 District, provided they are screened from the public right-of-way and adjacent property by a solid fence or wall.

(7) All uses in an O-2 District shall be limited to no more than two loading berths per building.

(C) All uses in the A-1 District shall be subject to the following conditions.

(1) Those uses existing at the time of rezoning, annexation or the adoption of the chapter shall be permitted uses.

(2) Cargo containers used in support of agricultural production by an active farmer shall be subject to §156.026, Cargo Containers.

(D) Except for extraction uses to which this section shall not apply, and for which the City Council may establish conditions, all uses in M-1 and M-2 Districts shall be subject to the following conditions.

(1) All business, servicing and processing shall be conducted within enclosed buildings.

(2) Open storage shall be permitted in an M-2 District and by a special use permit in an M-1 District. No open storage shall be permitted within 150 feet of a residential lot. Storage located elsewhere may be open to the sky, but shall be enclosed by a solid wall or fence at least six feet high, but not less than the height of the materials to be stored.

(3) All transition yards shall be screened or landscaped to provide visual and acoustical privacy for adjacent residents. No parking, driveway, storage of material, vehicles or equipment, or buildings shall be located in a transition yard.

(4) The refuse storage area shall be screened from view by adjacent property and the public right-of-way.

(5) All exterior lighting, including the building and parking lot lights, shall be directed away from adjacent property, highways and streets.

(6) All uses shall comply with the performance standards for noise, odor, dust, smoke and vibration established in §156.072.

(7) Cargo containers shall be regulated pursuant to §156.026, Cargo Containers.

(Ord. 21-016, passed 8-18-21)

§ 156.072 PERFORMANCE STANDARDS.

Except for extraction uses to which this section shall not apply and for which the City Council may establish conditions, any use established in a commercial, office or industrial district after the effective date of this chapter shall be so operated as to comply with the performance standards established hereinafter. No use lawfully established on the effective date of this chapter shall be so modified or altered as to conflict with the performance standards established herein.

(A) *Noise.* The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses. Noises shall not exceed 60 dBA at or beyond the adjacent lot line, as measured with a sound level meter and impact noise analyzer meeting the applicable standards of the American National Standards Institute (ANSI 1.4-1971 and ANSI 1.11-1966). The instrument shall be set to the A-weighted response scale, and the meter to the slow response. For impact noise levels, the value indicated above may be increased by 20 dB.

(B) *Vibration.* An operation that creates intense, earthshaking vibrations, such as, heavy drop forges or heavy hydraulic surges, shall not be discernible beyond the property

lines of the industry. The maximum peak particle velocities permitted at the lot line shall not exceed 0.05 inches per second. Ground-transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three mutually perpendicular directions.

(C) *Particulate matter.* No solid or liquid particles shall be emitted in such quantity as to be readily detectable any point along lot lines, or to produce a public nuisance or hazard beyond lot lines.

(D) *Toxic or noxious matter.* No toxic or noxious matter shall be permitted to be discharged beyond lot lines in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare, or to cause injury or damage to property of business.

(E) *Odorous matter.* The emission of odorous matter from all sources on a lot shall not exceed four odor units per cubic foot across lot lines. Odor intensities shall be measured in accordance with ASTH Test Method D 1391-57 or in an equivalent manner.

(F) *Glare.* No direct or reflected glare shall be detectable from any residential zone boundaries.

(Ord. 21-016, passed 8-18-21)

§ 156.073 BULK REGULATIONS.

(A) *Table of bulk regulations; residential.*

RESIDENTIAL BULK REGULATIONS				
Standards (1 to 15 Lot Neighborhood)	A-1	E-R	R-O	R-1
RESIDENTIAL BULK REGULATIONS				
Standards (1 to 15 Lot Neighborhood)	A-1	E-R	R-O	R-1
Lot area (square feet)	10 acres	30,000	7,000	9,000
Lot width	300'	150'	50'	75'
Building height	35'	35'	35'	35'
Maximum lot coverage	20%	25%	35%	30%
Maximum impervious coverage	40%	40%	60%	45%
Minimum landscaped coverage	60%	60%	40%	55%
Front yard setback	100'	40'	25'***	30'
Cul-de-sac setback	100'	40'	20'	20'
Rear yard	50'	50'	25'	25'
Corner side yard	100'	30'	25'	25'
Double frontage yard	100'	70'	40'	50'
Interior side yard	50'	15'	6'	10'
Transition yard	N/A	N/A	N/A	N/A
Lowlands yard	50'	50'	50'	50'
Standards (15+ Lot Neighborhood)		E-R	R-O	R-1
Lot area (square feet)****^		30,000/20,000 minimum	7,000/5,000 minimum	9,000/6,000 minimum
Lot width****		150'	50'	75'
Open space		50%	35%	35%
Lot area reduction per 15% open space increase		10,000	1,000	1,500
Lot width reduction per 15% open space increase		15'	7.5'	15'
Notes:				
* Lot area "per unit" is calculated by taking all land dedicated to the portion of the subdivision dedicated to multi-unit development, not including stormwater or required landscape outlots, and dividing by the total number of units.				
** Lot width is applicable to single-family unit buildings, not for attached units.				
*** If the two adjacent properties are less, the average of the two determines the minimum for the subject lot.				
**** Reductions in lot area and lot width (combined) are available if additional open space is added to the plan in 15% intervals.				
^ Lot area in this category equals the average size of all lots in that district.				

RESIDENTIAL BULK REGULATIONS (continued)			
Standards (1 to 15 Lot Neighborhood)	R-2	R-3	R-4
RESIDENTIAL BULK REGULATIONS (continued)			
Standards (1 to 15 Lot Neighborhood)	R-2	R-3	R-4
Lot area (square feet)	8,000 or 3,700 per unit*	6,000 or 2,700 per unit*	5,000 or 1,700 per unit*
Lot width	60'***	45'***	40'***
Building height	35'	35"	45'
Maximum lot coverage	30%	35%	45%
Maximum impervious coverage	45%	50%	55%
Minimum landscaped coverage	55%	50%	45%
Front yard setback	25'	25'	20'
Cul-de-sac setback	20'	20'	20'
Rear yard	25"	25'	20'
Comer side yard	25'	25'	20'

Double frontage yard	40'	40'	40'
Interior side yard	6'	6'	6'
Transition yard	10'	10'	20'
Lowlands yard	50'	50'	50'
Standards (1 to 15 Lot Neighborhood)	R-2		
Lot area (square feet)****^	8,000/5,000 minimum		
Lot width****	60'		
Open space	40%		
Lot area reduction per 15% open space increase	1,500		
Lot width reduction per 15% open space increase	10'		
Notes: * Lot area "per unit" is calculated by taking all land dedicated to the portion of the subdivision dedicated to multi-unit development, not including stormwater or required landscape outlots, and dividing by the total number of units. ** Lot width is applicable to single-family unit buildings, not for attached units. *** If the two adjacent properties are less, the average of the two determines the minimum for the subject lot. **** Reductions in lot area and lot width (combined) are available if additional open space is added to the plan in 15% intervals. ^ Lot area in this category equals the average size of all lots in that district.			

(B) *Table of bulk regulations; nonresidential.* Except for extraction uses to which this section shall not apply, and for which the City Council may establish conditions.

COMMERCIAL BULK REGULATIONS								
Standards	C-2	C-2T	C-3	C4	O-1	O-2	M-1	M-2
COMMERCIAL BULK REGULATIONS								
Standards	C-2	C-2T	C-3	C4	O-1	O-2	M-1	M-2
Lot area (square feet)	8,000	No min	20,000	No min	10,000	35,000	20,000	35,000
Lot width	75'	50'	100'	No min	75'	100'	100'	100'
Building height	35'	45'	55'	45'	35'	55'	45'^{AA}	45'^{AA}
Maximum lot coverage	30%	75%	30%	100%	40%	40%	40%	40%
Maximum impervious coverage	70%	85%	70%	100%	60%	60%	65%	65%
Minimum landscaped coverage	30%	15%	30%	0%	40%	40%	35%	35%
Front yard setback	35'	15'	35'	0'	15'	35'	35'	35'
Rear yard	20'	10'	20'	0'	20'	25'	25'	35'
Corner side yard	30'	15'	30'	0'	20'	35'	35'	35'
Interior side yard	10'	10'	10'	0'	10'	15'	20'	20'
Transition yard	15'	10'	20'	10'	15'	50'	60'	100'
Lowlands yard	50'	50'	50'	50'	50'	50'	50'	50'

Note:

^{AA} The maximum height for tanks and similar storage containers designed to store crude oil, petroleum or substances used in energy production is 70 feet for properties located 100 feet or more west of the Canadian National right-of-way and north of Second Street.

(C) *Additional bulk regulations; pipelines and other utility transmission lines.* Any yard adjacent a pipeline or overhead, high-voltage, electric transmission line shall not be less than 40 feet. The requirements of this division shall not apply to accessory structures or uses or off-street parking.

(Ord. 21-016, passed 8-18-21; Am. Ord. 21-031, passed 10-20-21)

§ 156.074 PERMITTED USES.

No principal building, structure or land use shall be permitted except in the zoning districts indicated and for the purposes permitted in the following tables. Each use is mutually exclusive and does not encompass other uses listed in the table. A principal use listed in the table in any district denoted by the letter "P" is permitted by right, provided all other requirements of state law, this chapter, and all other applicable ordinances and regulations have been met. A principal use listed in the table in any district denoted by the letter "S" is a special use and permitted only subject to the provisions of § 156.124. A principal building structure or use not indicated by either "P" or an "S" is not permitted in that district. When classification of a use is not clear, the determination of the closest comparable use rests with the Zoning Administrator. A use that is not listed or is not denoted by the letter "P" or "S" shall be prohibited unless lawfully established as a nonconforming use.

LAND USE TABLE 7-21-21

P=Permitted,	A-1	E-R	R-O	R-1	R-2	R-3	R-4	C-1	C-2	C-2T	C-3	C-4	D-1	D-2	M-1	M-2
S= Special Use, Blank=Not Allowed	Agriculture	Estate Residential	Heritage Residence	Single-Family	Medium-Density Single-Family	Low-Density Multi-Family	Medium-Density Multi-Family	Neighborhood Commercial	Community Commercial	Community Commercial-Transition	Highway Commercial	Downtown Commercial	Limited Office	General Office	Limited Manufacturing	GeneralManufacturing
A use that is not listed or is not denoted by the letter "P" or "S" shall be prohibited unless lawfully established as a nonconforming use.																
P=Permitted,	A-1	E-R	R-O	R-1	R-2	R-3	R-4	C-1	C-2	C-2T	C-3	C-4	D-1	D-2	M-1	M-2
S= Special Use, Blank=Not Allowed	Agriculture	Estate Residential	Heritage Residence	Single-Family	Medium-Density Single-Family	Low-Density Multi-Family	Medium-Density Multi-Family	Neighborhood Commercial	Community Commercial	Community Commercial-Transition	Highway Commercial	Downtown Commercial	Limited Office	General Office	Limited Manufacturing	GeneralManufacturing
A use that is not listed or is not denoted by the letter "P" or "S" shall be prohibited unless lawfully established as a nonconforming use.																
Use Categories																

Residential Uses																
Bed and breakfast	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Religious institution housing services	P	P	P	P	P	P	P	P	P	P	P					
Dwelling units, above ground floor retail								P	P	P		P				
Dwelling units, attached single-family			P		P	P	P									
Dwelling units, detached single-family	P	P	P	P	P	P	P									
Dwelling units, multiple-family			S			P	P			S						
Dwelling units for watchmen and caretakers located on the premises where they are employed in such capacity								P	P	P	P	P	P	P	P	P
Community residences (small)	P	P	P	P	P	P	P									
Community residences (large)							S									
Mobile homes/parks		S														
Shared housing (small)	P	P	P	P	P	P	P									
Shared housing (large)							S									
Short-term residential rentals	P	P	P	P												
Skilled care facility									S	S	S		S	S		
Repair and Service Uses																
Animal hospital								S	P	S	P					
Arts and crafts studios and gallery									P	P	P	P				
Automobile accessory - retail									P	S	P					
Automobile body shop									S	S	S				P	P
Automobile rental and leasing									S	S	P					
Automobile and/or truck repair									S		S				P	P
Automobile and/or truck or RV sales (new and used)									S		P				P	P
Automobile dealership - used high-end vehicles									S		S				S	S
Automobile salvage															S	S
Towing services, including outside vehicle storage																S
Towing services, excluding outside vehicle storage															S	S
Bakery, retail								P	P	P	P	P	P	P		
Banks and financial institutions								P	P	P	P	P	P	P		
Banquet hall									P	P	P	P				
Bar or drinking place									S	S	S	P				
Body art studio (no piercing)									S	S	S					
Burial monument sales									P		P				P	
Car wash									S		S					
Cash for vehicle loan									S		S					
Catering establishment									S	S	P	S			P	
Consumer and business repair services								P	P	P	P	P			P	P

Currency exchange/ payday loan agency									P		P					
Day care centers	S	S	S	S	S	S	S	P	P	S	P	S	P	P	S	S
Day care home (licensed by State DCFS)		P	P	P	P											
Department store								P	P	P	P					
Doggie day care								S	S	P	S	P	P			
Drive-through facility								S	S	S	S	S	S			
Equipment sales or rental store								P		P					P	
Equipment sales or rental store, heavy															S	P
Farm supply store								S		P						
Firearm/firearm ammunition sales								S		S					S	
Food store/ grocery								P	P	P	P	P				
Fortune teller								S	S	S						
Funeral parlor								P	P	P		P				
Gas station								S	S	S					S	
Gold and silver dealer								S		P		P				
Home/garden center								P	P		P				S	
Home/garden center (greater than 100,000 square feet)								P		P					S	S
Hotel, extended stay								S	S	S	S	S	S	S	S	S
Hotel, short stay								P	P	P	P	P	P	P		
Kennel	S										S			S	S	
Liquor stores								S	S	S	S					
Medical/dental clinics								P	P	P	P	S	P	P		
Micro-distillery, micro-brewery, micro-winery								S	S	S	S	S		S	S	S
Motel								S	S	S						
Offices, professional and business								P	P	P	P	P	P	P	P	P
Pawnshops									P	S	P	S				
Personnel services								P	P	P	P	P	P			
Pet and animal sales or services									P	S	P	S				
Pharmacy								P	P	P	P	P	P	P		
Print shop/copy center/commercial post office								P	P	P	P	P	P	P		
Restaurants (with or without liquor)								P	P	P	P	P	P			
Rental store								P	P	P	P	P				
Secondhand store/thrift shop									S	S	S	S				
Sexually-oriented businesses											S				P	P
Smoke shops									P	S	P	S				
Tobacco shop									S	S	P	S				
Taxidermist									S		S			S	P	P
Patient, Cultural, Recreation and Other Institutional Uses																
Arts or supporting establishments, including performing arts									p	p	p	p		S		
Auditorium/ stadium										S	S	S	S	S		
Cemetery, burial building	S	S	S	S	S	S	S									
Colleges/ universities	S								S	S	S	S	S	S		

Commercial recreation, indoor (except as noted below)									S	S	S		S	S	S	S
-Athletic instruction facility, small									P		P		P	S	S	
-Billiard and pool hall									P	P	P	P				
-Bowling alley									P	S	P	S				
-Dance hall									S	S	S	S				
-Health club									P	S	P		S	S		
-Health spa without lodging accommodations									P	S	P					
-Indoor shooting range											S					
-Sport club									P	S	P	S	P	P	P	
Commercial recreation, outdoor (except as noted below)									S		S		S	S	S	S
-Golf course	S	S	S	S	S	S	S	S	S		S		S	S	S	S
-Driving range	S	S	S	S	S	S	S	S	S		S		S	S	S	S
-Gun club	S															
-Outdoor shooting range	S															
Commercial/ trade schools									P	S	P	S	P	P	P	
Government offices	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Hospital									S	S	S		S	S	S	
Lighted sports fields	S	S		S	S	S	S				S		S	S		
Movie theatre/ cinema									S	S	P	S				
Museum or cultural facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Nursery school and pre-school	S	S	S	S	S	S		P	P	P	P		P	P	S	S
Park/playground	P	P	P	P	P	P	P		P	P	P	P	P	P		
Police, fire station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Recovery centers														S	S	
Religious institutions	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Schools (public, non-profit or private)	S	S	S	S	S	S	S	S	S	S	S					
Transportation station/facility											P		P	P		
Manufacturing and Transportation Uses																
Apparel and other finished products made from fabrics and similar material									S	S	S	S		S	P	P
Beverages, bottling and distributing (including dairy)															P	P
Blueprinting, xerography establishment									S	S	S		S		P	P
Cargo container storage facility or cargo maintenance facility																S
Computer/data processing center												P	P	P	P	P
Contractor's shop (indoor)									S		P				P	P
Contractor's yard, including landscaping											S				S	P
Cut stone and stone products															S	P
Food production (wholesale bakery, canned fruits and vegetables, and the like)														S	P	P
Fleet vehicle dispatch, light															S	S
Fleet vehicle dispatch, heavy																S
Fuel oil dealer											S				P	P
Helipad											S		S	S	S	S
Jewelry, novelties, buttons, notions									S	S	S	S			P	P
Leather (not tanning) and vinyl products															S	P
Major utilities and public service facilities									S	S	S	S	S	S	S	S
Manufacturing															S	P
Manufacturing, limited											S			P	P	P
Medical cannabis cultivation center																S
Medical cannabis dispensary																S
Minor utilities and public service facilities									P	P	P	P	P	P	P	P

Office products, including paper products, pens, pencils and other office and artist materials															S	P
Optical instruments and lenses											S			P	P	P
Petroleum refining, processing and storage																S
Perfumes, cosmetics and other toilet preparations														S	S	S
Pharmaceutical processing														S	P	P
Photographic equipment and supplies														S	P	P
Plastic products, injection molding															P	P
Plastic products, fabricated														S	S	P
Pottery and related products											S				S	P
Power plant																S
Printing ink								S								P
Printing, publishing and allied industries														S	P	P
Production and manufacture for consumption, sale on premises														S	S	S
Radio and television broadcasting studio									P	P	P		P	P		
Radio, microwave antenna towers (commercial)	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S
Railroad freight terminal																S
Recycling center or plant															S	S
Research and development facilities													S	P	P	P
Self-storage facility									S		S			S	P	P
Signs and advertising display fabrication (cloth/paper only)											S				S	P
Testing facility (outdoor)															S	P
Tool and die works															P	P
Warehousing and logistics facility															P	P
Watches, clocks, clockwork-operated devices and parts											S				P	P
Wholesale establishments, unless listed elsewhere in the table											P					
Wood containers															P	P
Accessory Uses																
Accessory uses, structures	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Automated teller machine, accessory and freestanding or drive-through								S	S	S	S	S	S	S	S	S
Automated teller machine, inside another use or building								P	P	P	P	P	P	P	P	P
Emergency shelter			S	S	S	S	S		S	S	P		P	P		
Home occupations	P	P	P	P	P	P	P	P	P	P		P	P			
Temporary uses, structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural and Miscellaneous Uses																
Agriculture	P															
Breeding and raising cattle, horses, pigs and poultry	S															
Greenhouse, nursery	P								S		P				P	P
Parking garage												S				
Personal wireless communications facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Planned development	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

(Ord. 21-016, passed 8-18-21; Am. Ord. 21-032, passed 10-20-21)

§ 156.075 LOCATION OF SEXUALLY-ORIENTED BUSINESSES.

(A) *Restriction.* No person shall operate or cause to be operated a sexually-oriented business within 1,200 feet of a preexisting:

- (1) Public or private elementary or secondary school;
- (2) Licensed day care center;
- (3) Public park;

- (4) Religious institution;
- (5) Boundary of a residential district or C-1, C-2, C-2T and C-4 Commercial District, and O-1 and O-2 Office District as defined by the city zoning ordinance; or
- (6) Sexually-oriented business.

(B) *Measurement.* For the purpose of division (A), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business is conducted, to the nearest property line of the other specified use.

(C) *Amortization of existing sexually-oriented businesses.* Any sexually-oriented business, lawfully operating on the effective date of this chapter, that is in violation of division (A) of this section shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed three years, unless terminated sooner for any reason, or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually-oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually-oriented business that was first established and continually operating at a particular location is the conforming use, and the later-established business is nonconforming.

(D) *Exemption from location restrictions.* Any person desiring to locate a sexually-oriented business at a location prohibited under this section or other regulation of the zoning ordinance, or any other provision thereof, shall be required to seek a variation of use in accordance with the provisions of the zoning ordinance. In addition to the general criteria that must be established for a variation of use, the person seeking the variation shall also establish the following to be eligible for the variation of use:

- (1) That the location of the proposed sexually-oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
- (2) That the location of the proposed sexually-oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight; and
- (3) That the location of a sexually-oriented business in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any efforts of urban renewal or restoration.

(Ord. 21-016, passed 8-18-21)

OFF-STREET PARKING AND LOADING

§ 156.090 PURPOSE.

The purpose of this section is to alleviate or prevent congestion of public streets, and to promote public safety and welfare by establishing minimum requirements for off-street parking and loading. This section also promotes logically designed and safe parking areas, and seeks to minimize the amount of land devoted to impervious surfaces for parking. Creative, site-specific, and environmentally-sensitive mechanisms are outlined to facilitate matching the parking required by code with the parking required for users, rather than creating large areas of unused parking.

(Ord. 21-016, passed 8-18-21)

§ 156.091 GENERAL PROVISIONS; PARKING AND LOADING.

(A) *Scope of regulations.* The off-street parking and loading provisions of this chapter shall apply as follows.

- (1) For all buildings and structures lawfully constructed or all uses lawfully established prior to the effective date of this chapter, or its subsequent amendments:
 - (a) Accessory parking and loading facilities may continue as required by the regulations of the zoning district in which an existing building or use is located at the time a building permit was issued;
 - (b) Where a permit has been issued prior to the effective date of this chapter or its subsequent amendments, and provided that construction is begun within one year of the effective date, and diligently prosecuted to completion, parking and loading facilities shall be provided in keeping with the requirements in place at the time the building permit was issued;
 - (c) When an existing use is replaced with another use having a greater parking demand, based on the intensity measures defined in the Schedule of Parking Requirements (§ 156.102), no additional parking shall be required so long as the building, structure or premises is not increased in size (square footage);
 - (d) When an existing building, structure or premises is increased in size (square feet) or intensity (number of dwellings), the parking and loading facilities as required in this chapter shall be provided for the total increase as if for a new use, except that:
 - 1. No additional parking or loading shall be required, unless and until the aggregate increase in units of measurement exceeds 15% of such existing units of measurement;
 - 2. In cases where additional parking is required, the requirement may be met through alternative means, such as shared parking, land banking, fee in lieu, or zoning variation.

(2) For all buildings and structures lawfully constructed after the effective date of this chapter or its subsequent amendments, accessory parking and loading facilities shall be provided as required for the use located in them by the regulations of this section, and the zoning district in which they are located.

(B) *Existing parking and loading facilities.* Accessory off-street parking or loading facilities that are located on the same lot as the building or use served, and that were in existence on the effective date of this chapter or its subsequent amendments, shall not be reduced below, or if already less than, shall not further be reduced below, the requirements of this chapter.

(C) *Damage or destruction of conforming or legally nonconforming building or use.*

- (1) For any conforming or legally nonconforming building or use in existence on the effective date of this chapter or its subsequent amendments, which is subsequently damaged or destroyed by fire, collapse, explosion or other cause, and is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any in place at the time of such damage or destruction shall be restored and continued in operation.
- (2) Should damage or destruction by fire or other cause exceed 75% of the value of the building or use, off-street parking or loading facilities shall be provided equal or greater than as required by this chapter. If the new use or building is consistent with the previously-existing primary structure or use, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter.

(D) *Control of off-site parking facilities.* When required parking facilities are provided off-site on land other than the zoning lot on which the building or use served by the off-site facilities is located, both properties shall be and remain under the same ownership and continue as such at all times during the life of the proposed use or building. Evidence of such ownership shall be provided to the satisfaction of the Zoning Administrator and shall be recorded against both properties at the County Recorder of Deeds.

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

(F) *Parking on vacant lots.* Parking of vehicles on a vacant residential lot is prohibited unless it is necessary to meet the off-street parking required for an adjacent property. Such parking shall be located on a paved surface. No other parking shall be permitted on the vacant lot. Parking may be shared as long as the primary uses are all within 250 feet of the parking area.

(G) *Parking surfaces.* Parking on the grass or unimproved surfaces is not permitted.

(Ord. 21-016, passed 8-18-21)

§ 156.092 DESIGN AND DEVELOPMENT OF PARKING FACILITIES.

(A) *Use of residential parking facilities.* Off-street parking facilities accessory to residential uses in (1) any residential zoning district, or (2) the downtown commercial zoning district shall be used solely for parking passenger automobiles owned by occupants of the dwelling units to which the facilities are accessory or by guests of the occupants. Required parking facilities accessory to residential uses shall not be used for storage of commercial vehicles, or parking of automobiles belonging to employees, owners, tenants, visitors or customers of any business or manufacturing establishments.

(B) *Joint parking facilities.* Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located, together, shall not be less than the sum of the separate requirements for each use, unless authorized under § 156.095, Shared Parking.

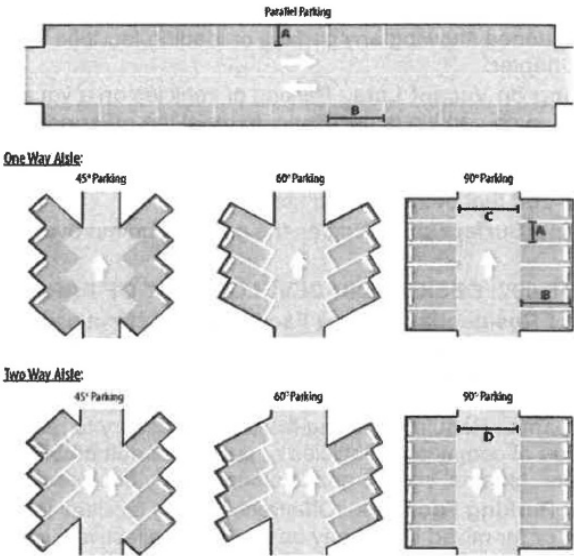
(C) Size.

- (1) Required off-street parking spaces and aisles shall meet the dimensional standards specified below in Table 092-1 and Figure 092-1.
- (2) Required off-street parking spaces shall have a minimum vertical clearance of seven feet and must meet all ADA standards as required.
- (3) In measuring the length of a parking space, the area safely occupied by a vehicle beyond a curb stop, whether paved or unpaved, may be included.

Table 092-1

Parking Angle	Stall Width (A)	Stall Length (B)	One-Way Aisle Width (C)	Two-Way Aisle Width (D)
Parallel (0)	8'	20'	10'	NA
30	9'	18'	11'	20'
45	9'	18'	13'	20'
60	9'	18'	18'	20'
90	9'	18'	24'	24'

Figure 092-1 (D)



(D) Access, aprons and driveways. Each required off-street parking space shall open directly to an aisle or driveway of a width and design providing safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements.

(1) Residential driveway apron width.

- (a) Maximum width. The maximum residential driveway apron width (the areas between the platted lot line and the curb line) shall be in accordance with § 153.50.080(B) of the city's development code.
- (b) Exception. Any residential driveway apron entering onto a state or county highway or road must have a valid state or county driveway permit and cannot exceed 24 feet in width, as required under IDOT, 1990 Handbook for Policy on Permits for Access Driveways to State Highways or as may be revised per state update of such requirements.
- (2) Business, office and research, and industrial driveway aprons shall have a width equal to that of the driveway or aisle at the property line. Curb cut width shall be determined by the access control technique used.
- (3) No driveway shall be located within 40 feet of the nearest point of the intersection of any two streets.
- (4) Driveway separation within individual lots shall be in accordance with the following table.

Highway Speed (mph)	Minimum Spacing (feet)
Highway Speed (mph)	Minimum Spacing (feet)
20	85
25	105
30	125
35	150
40	185
45	230
50	275

- (5) The City Engineer, or their designee, may approve adjustments to driveway spacing for aligning access points across roadways, optimizing sight distances, improved safety and operations, aligning medians, and enabling shared driveways. If a driveway cannot achieve standard spacing within an existing subdivided lot, the City Engineer, or their designee, will approve a driveway location that best balances safety, efficient operation, and the guidelines referenced herein. This may include limiting access to right turn in and right turnout or similar configuration.
- (E) Off-street parking and loading in nonresidential zoning districts. The following regulations apply to off-street parking and loading areas, including all parking spaces and drive aisles, in nonresidential zoning districts.
- (1) Off-street parking areas shall not be located in a vision triangle, nor cause an unsafe or hazardous condition.

- (2) Off-street parking areas shall not be located within 20 feet of an adjacent residential zoning district.
- (3) Off-street parking areas along arterial roadways must be setback a minimum of 15 feet from property lines.
- (4) Off-street parking areas along collector and local streets must be setback a minimum of seven feet from property lines.
- (5) Open storage of inoperable vehicles, vehicles awaiting repair, or vehicles in the process of being repaired is limited to one month. Upon demonstrating a hardship, this time frame may be reasonably extended by the Zoning Administrator.
- (6) No overnight parking of recreational vehicles shall be permitted on a property in a nonresidential zoning district, when that vehicle is located to act as sleeping quarters or a residential use.

(F) *Off-street parking and loading in residential zoning districts.*

- (1) *Residential zoning lots.* The following regulations apply to all vehicles parked, standing or stored on a residential zoning lot.
 - (a) *Number.*
 1. Not more than five off-street parking spaces may be located in a required front or corner side yard. All cars shall be located on a surface as outlined in §56.092(F)(1)(c).
 2. No loading spaces shall be located in any required yard in any residential zoning district.
 3. Other than those fully enclosed in a garage, shed or similar structure, there shall be a maximum of five passenger vehicles stored on a zoning lot.
 4. A vehicle exceeding a 12-person capacity shall be classified as a recreational vehicle, not a passenger vehicle.
 - (b) *Residency requirement.* Except for temporary guest parking, the owner of any vehicle that is stored, standing or parked on a property shall reside at that property.
 - (c) *Surfacing.* Any vehicle parked or stored outside shall be accessible only from a residential driveway and on an approved all-weather surface.
 1. Approved all-weather surfaces include asphalt, brick, concrete and other similar surfaces as approved by the Director of Public Works or their designee.
 2. The surface under any vehicle must be free of weeds, over-growth or debris.
 3. To reduce the amount of pavement, ribbon strips under tire areas are permitted as approved by the Director of Public Works or their designee.
 - (2) *Recreational vehicles and trailers.* The following regulations apply to all recreational vehicles and trailers parked on a residential zoning lot.
 - (a) *Number.* Not more than two recreational vehicles may be parked or stored in the open on a lot in a residential zoning district.
 - (b) *Size.*
 1. Recreational vehicles, including but not limited to, camping trailers, boat trailers, boats, camping buses, camping trucks, house trailers, passenger vehicles exceeding a 12-person capacity, and buses, or any other kind of trailers or motor vehicles, shall not exceed nine feet in height, or 34 feet in length, or 10,000 pounds in gross weight.
 2. Recreational vehicles exceeding these size restrictions shall not be stored or parked in any residential zoning district.
 3. The length of a recreational vehicle shall be measured from the front to the back of the vehicle or equipment, and shall include all appurtenances, accessories and attachments.
 - (c) *Location and time restrictions.*
 1. Recreational vehicles may be parked or stored in the interior side yard and rear yard, provided the vehicle is located a minimum of three feet from side lot lines, and five feet from rear property lines.
 2. Only one interior side yard may be used for parking or storage of recreational vehicles.
 3. Recreational vehicles shall not be parked in a front or corner side yard, except for loading and unloading purposes as described herein.
 4. Parking for loading and unloading shall be on an approved all-weather surface, and the time frame shall not exceed a period of 48 hours prior and subsequent to a trip. This time frame may be reasonably extended by the Zoning Administrator to accommodate additional loading and unloading.
 - (d) *Condition.*
 1. Recreational vehicles must be in usable condition and not in a state of disrepair.
 2. Tires on recreational vehicle must be fully inflated, shall not have their wheels removed, nor be affixed to the ground so as to prevent ready removal of the vehicle.
 - (e) *Licensed and registered.* The recreational vehicle must be properly licensed if required by the state, and registered to the particular location in which it is situated.
 - (f) *Prohibited uses.*
 1. At no time shall a parked or stored recreational vehicle be used for living, sleeping or housekeeping purposes.
 - a. No recreational vehicle shall be connected to gas, water or sanitary sewer service.
 - b. Temporary electrical hookup shall be permitted.
 2. Recreational vehicles shall not be parked or stored in such a way as to create a dangerous or unsafe condition.
 3. Recreational vehicles, including attachments and appurtenances, shall not be parked or stored within one foot of a public sidewalk.
 4. Recreational vehicles shall not be used as accessory structures in any zoning district.
- (G) *Parking or storage of trucks.*
- (1) *Parking or storage restrictions in residential zoning districts and areas.*
 - (a) No semi-tractor and/or semi-trailer parking is allowed in a residential area. This includes single- or dual-axle trucks with a slip hitch.
 - (b) Trucks with a "J" license plate (26,001 pounds) or higher are not allowed to be parked in a residential area.
 - (c) Trucks with an "H" license plate must be parked inside a residential garage.
 - (d) Trucks with an "F" license plate (16,000 pounds or less) must be parked on a residential driveway within the lot area or inside a garage, except that passenger trucks higher than nine feet must be parked behind the front line of the residence.
 - (e) No commercial truck taller than nine feet shall be parked on a residential driveway.
 - (f) Motorized equipment accessory to the truck or commercial vehicle shall not operate while the vehicle is parked at the residence.
 - (g) Nothing in the provisions of this section shall be construed to prohibit trucks or other service vehicles from being parked temporarily for the purpose of making deliveries or rendering services to the property owner.
 - (h) Vehicles associated with home occupation businesses shall also comply with the requirements of §56.024(H).
 - (2) *Parking or storage restrictions in nonresidential zoning districts.* This section applies to semi-tractors and/or semi-trailers, including single- or dual-axle trucks, that are openly parked, standing or stored in a nonresidential zoning district.
 - (a) Such trucks shall not be used for the purposes of lodging, resting or sleeping of inhabitants.
 - (b) Such trucks shall be parked only on property in which they are conducting business.

- (c) Such trucks shall be on the premises only as long as required for their purpose at the site.

(H) *Pedestrian access and safety.*

- (1) All parking lots with two or more double-loaded rows must provide internal pedestrian walkways within the parking lot and outside of the parking row.
 - (a) The walkway must be a minimum of five feet in width.
 - (b) One walkway is required for every two double-loaded aisles.
 - (c) The walkway must be located within the parking lot to serve the maximum number of parking stalls.
 - (d) All walkways must meet all ADA accessibility requirements, see § 156.098, Accessible Parking.
- (2) All parking lots must include walkways that provide direct connections to building entrances from the spaces furthest from the entrance. At least one walkway must provide a direct connection between the building entrances and the adjacent public rights-of-way and associated sidewalk.
- (3) All pedestrian walkways must be clearly marked with high-visibility striping, or through the use of alternative materials, such as pavers. Where walkways cross a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

(Ord. 21-016, passed 8-18-21)

§ 156.093 OPERATION AND MAINTENANCE OF PARKING FACILITIES.

The following standards for design and maintenance of parking facilities shall apply to all zoning districts in the city.

(A) *Open and enclosed parking spaces.* Accessory parking spaces may be open to the sky or enclosed in a structure.

(B) *Screening and landscaping.*

- (1) All parking facilities shall conform to the requirements of § 153.50.125, Landscape and Tree Preservation.
- (2) All open vehicle parking areas containing more than four parking spaces shall be effectively screened on each side abutting any property in a residential zoning district by a wall, fence, berm or densely planted hedge, each not less than three feet nor more than seven feet in height. The required screening shall conform with the front yard requirements of the zoning district in which the parking is located.

(C) *Base course construction and surfacing.* The construction design of off-street parking facilities shall be reviewed and approved by the City Engineer to determine that:

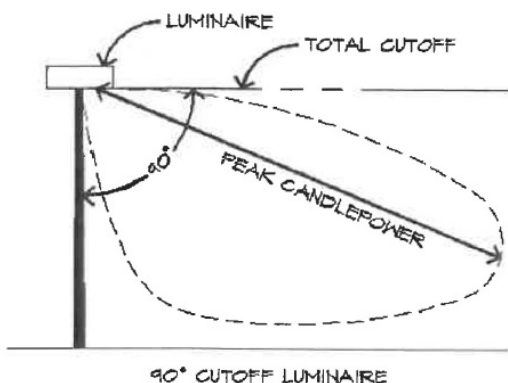
(1) Every parking space, and access to it, shall have an all-weather, dust-free surface, and shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public drainage way;

(2) Parking areas shall be constructed in accordance with § 153.50.070, Street Pavements, of the development code.

(D) *Design.* Lighting or other equipment shall meet the following criteria.

(1) Any lighting used to illuminate off-street parking areas shall be directed or shielded away from residential properties and public streets such that the light source is not visible from the property line (so as to eliminate glare).

(2) All lighting should minimize glare by using recessed, shielded or cut off fixtures, with a cut-off angle of 90 degrees or less as shown below.



- (3) In no case shall lighting measured at any property line exceed zero foot candle.
 - (4) No lighting used to illuminate off-street parking areas shall create a nuisance.
 - (5) All lighting system designs shall be part of the site and development plan review process.
- (E) *Signs.* Signs shall conform to the requirements of Chapter 155, Signs, and § 153.50.110 of the development code.
- (F) *Repair and service.* No motor vehicle repair work of any kind shall be permitted in conjunction with accessory, open, off-street parking facilities.
- (G) *Gasoline and oil sales.* No gasoline or motor oil may be sold in conjunction with accessory off-street parking facilities in any residential district.
- (H) *Curbing.* The perimeter of all parking areas providing space for five or more vehicles shall provide vehicular barriers. The vehicular barriers of these parking areas shall be continuous barrier curbing.
- (I) *Striping.* The pavement surface of off-street parking facilities shall be striped to define each parking space. Striping shall be a minimum of four inches in width for the length of each space, and shall be thermoplastic white. Striping for all areas designated as fire lanes or no parking areas shall be thermoplastic yellow.
- (J) *Maintenance.* The owner and tenant shall be jointly and severally responsible for the maintenance of all components comprising an off-street parking area, including pavement, stall striping, lighting and signage. Parking areas shall be maintained in good condition to present a neat and orderly appearance, and shall be kept free from broken pavement, potholes, refuse and debris. Striping shall be visible and clearly define all parking spaces, including handicapped signage. Lighting fixtures and standards shall be operational and free of damage or rust. Signage shall be readable and properly maintained and located for their respective purpose in accordance with city signage requirements. An owner shall address any maintenance issue identified within 20 days after receiving written notification from the city.
- (K) *Extraction uses.* The standards of this section shall not apply to extraction uses for which the City Council may establish specific conditions.

(Ord. 21-016, passed 8-18-21)

§ 156.094 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES.

The location of off-street parking spaces in relation to the use served shall be as follows.

(A) *R0, R1, R2, R3, and R4 Residential Zoning Districts.* Parking spaces accessory to dwelling units, including driveways, shall be located on the same zoning lot as the use served, except as specified in § 156.091(F). Parking on vacant lots. Parking spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case may be more than 300 feet from the principal structure or use. Parking serving multi-story residential buildings, where parking is aggregated together, may also be located on a lot adjacent to, or directly across a street or alley from the lot occupied by the use served, but shall be no more than 300 feet from the principal structure.

(B) *C1, C2, C2T and C3 Zoning Districts.*

- (1) All required parking spaces accessory to nonresidential uses shall be within 500 feet of the principal building or use served, whether on the same or an adjacent lot.
- (2) All required parking spaces accessory to dwelling units shall be within 300 feet of the principal building or use served, whether on the same or an adjacent lot.
- (3) Private, free, off-street parking accessory to business uses or serving as municipal parking lots may be allowed in a residential zoning district if it is within 200 feet of and adjacent to a business or industrial district, and approved by the city as a special use, in accordance with the standards and procedures specified for special use permits in § 156.124.

(C) *C-4 Downtown Commercial District.*

- (1) All required off-street parking spaces shall be not more than 1,000 feet from the use served.
- (2) Private, free, off-street parking accessory to a use in the Downtown Commercial District or serving as municipal parking lots may be allowed in a residential zoning district if it is within 200 feet of and adjacent to the Downtown Commercial District, and approved by the city as a special use in accordance with the standards and procedures specified for special use permits in § 156.124.

(Ord. 21-016, passed 8-18-21)

§ 156.095 SHARED PARKING.

(A) *Description.* Shared parking is an arrangement whereby two or more owners of nonresidential properties, or users sharing a parking lot and having different peak-hour parking demands use the same off-street parking spaces to satisfy their off-street parking requirements.

(B) *General.* The Zoning Administrator may approve shared parking facilities between two properties, subject to the following conditions.

- (1) *Eligible uses.* Shared parking is allowed among different use types or among uses with different hours of operation.
 - (2) *Ineligible parking.* Accessible parking spaces (for persons with disabilities) may not be shared and must be located on-site.
 - (3) *Location.* Shared parking spaces shall be located within 750 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking lot.
 - (4) *Shared parking study.* Applicants wishing to use shared parking as a means of satisfying parking requirements shall submit a shared parking analysis to the Zoning Administrator that clearly demonstrates the feasibility of shared parking. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.
 - (5) *Agreement.* Applicants must provide a shared parking agreement in a form approved by the City Attorney, and executed by the parties using the shared parking spaces and the city. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required within this article. Shared parking agreements shall be recorded as part of the development approval.
- (C) *Shared parking within shopping centers.* Cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined that the peak requirement of the several occupancies occurs at different times during the day. For a shared parking arrangement, the Zoning Administrator may make an administrative adjustment that reduces the off-street parking requirements for each participating commercial property.

(1) To approve such an administrative adjustment, the Zoning Administrator shall find that:

- (a) The collective parking facility is located within 750 feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the collective parking facility;
 - (b) Convenient, safe, accessible and visible pedestrian connections are located between the facilities and all of the shared properties;
 - (c) The tenants do not have the same hours of operation or peak hours of operation, i.e., there is some substantial difference in business hours; an example follows:
 1. Business 1: Monday to Friday: open 8:00 a.m. to 5:00 p.m., closed Saturday, Sunday;
 2. Business 2: Monday to Saturday: open 11:00 a.m. to 7:00 p.m., closed Sunday.
- (2) Applicants must provide a shared parking agreement in a form approved by the City Attorney, and executed by the property owner, the parties using the shared parking spaces, and the city.

(Ord. 21-016, passed 8-18-21)

§ 156.096 BICYCLE PARKING.

(A) No development, except single-family, attached and detached development for which bicycle parking is not required, shall have fewer than three bicycle parking spaces. No development shall be required to exceed a maximum of ten such spaces.

(B) All nonresidential developments that provide automobile parking facilities shall provide bicycle parking facilities (bike racks) at a ratio of at least one bicycle parking space for every ten automobile parking spaces.

(C) Multi-family developments shall provide interior bicycle parking facilities for building residents at a ratio of at least one bicycle parking space for every three dwelling units. The bicycle parking facilities must be provided near the building entrance accessible to the street. Multi-family developments shall also provide bicycle parking facilities for visitors and/or the public at a ratio of at least one bicycle parking space for every 20 automobile parking spaces provided.

(D) Bicycle parking facilities for nonresidential developments and bicycle parking facilities provided for visitors and/or the public shall be located a maximum distance of 50 feet from the building entrance, or shall be located at least as close as the closest automobile space.

(E) Each bicycle parking facility shall be securely anchored to the ground and designed to secure the bicycle frame when used in conjunction with a user-supplied lock.

(Ord. 21-016, passed 8-18-21)

§ 156.097 LAND-BANKED FUTURE PARKING.

(A) The City Council may grant relief from city parking requirements to allow land banking up to 25% of the required parking spaces. In O-2, M-1 and M-2 Zoning Districts, land-banking requests shall be determined on a case-by-case basis. In all cases, approval for land banking shall be granted, provided that:

- (1) Sufficient evidence is provided by the applicant that supports the reduced parking needs;
- (2) The area proposed for land banking of parking spaces shall be an area suitable for parking at a future time;
- (3) Landscaping of the land-banked area shall be in full compliance of the zoning regulations and, at a minimum, landscaped with turf. As a result of site plan review, additional landscaping of the land-banked area may be required;
- (4) The land-banking area will not be used for any other use. The land-banked parking area cannot be used to fulfill other landscaping requirements within this chapter;
- (5) As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "Land-Banked Future Parking".

(B) The Zoning Administrator, at their sole discretion, on the basis of increased parking demand for the use, or provided parking proving to be inadequate, may require the conversion of all or part of the land-banked area to off-street parking spaces. The owner may convert the land-banked area to parking prior to city notification, subject to all required permits.

(Ord. 21-016, passed 8-18-21)

§ 156.098 ACCESSIBLE PARKING.

(A) *ADA compliance.* All off-street parking facilities must comply with the State Accessibility Code and the Americans with Disabilities Act of 1990 (ADA) concerning the number and design of accessible vehicle parking spaces required in parking lots and structures. Any update to state or national regulations regarding accessible parking shall supersede these requirements.

(B) *Required spaces.* Parking spaces for persons with disabilities shall be provided in all off-street parking facilities where parking is provided for employees, visitors or both,

with the exception of single-family, detached and single-family, attached uses. The number of accessible parking spaces shall be included in the total number of required parking spaces, and shall be in accordance with the applicable requirements of the State Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.

(C) *Dimensions and design.* Such spaces shall comply with the design standards presented in the State Accessibility Code, provided that in no instance shall the width of any one space be less than 16 feet, nor the length less than 20 feet. Such spaces shall be identified by a sign and pavement markings indicating parking for persons with disabilities only. Such spaces shall be those closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access. Such spaces shall otherwise be in accordance with the Illinois Vehicle Code.

(D) *Table 098-1: Accessible parking space requirements.* (source: www.IllinoisAttorneyGeneral.gov)

TABLE 4-1: ACCESSIBLE PARKING SPACES	
Total Off-street Parking Spaces Provided	Number of Accessible Parking Spaces Required
TABLE 4-1: ACCESSIBLE PARKING SPACES	
Total Off-street Parking Spaces Provided	Number of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total number
Over 1,000	20 plus 1 for each 100 over 1,000
Medical facilities specializing in treatment	20% of total number of parking spaces
Outpatient medical facilities	10% of total number

(Ord. 21-016, passed 8-18-21)

§ 156.099 CROSS-ACCESS BETWEEN ADJACENT LOTS.

Where parking lots for separate uses are adjacent to one another and the opportunity for connected cross-access exists, such access is encouraged. Cross-access should be done in a logical manner that results in safe and efficient circulation between adjacent parking areas.

(Ord. 21-016, passed 8-18-21)

§ 156.100 DRIVE-THROUGH STACKING.

(A) *Required spaces.* Every drive-through establishment, constructed after the effective date of this chapter, shall provide a minimum of five stacking spaces per drive-through facility lane, unless otherwise stated within this chapter or determined by the City Council as part of a special use permit. Depending on the location and surrounding streets, the City Council may require additional stacking spaces.

(B) *Design and layout.*

- (1) The stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on- or off-site, and traffic visibility.
- (2) Drive-through facilities shall not be located in the front of the principal building, and the maneuvering space shall be provided in the side or rear yard.
- (3) Drive-through establishments shall provide a bypass lane in a width and configuration approved by the City Engineer.
- (4) Stacking spaces should be separated from pedestrian paths or marked with signs to indicate such path to drivers and the requirement to yield to pedestrians.
- (5) Stacking spaces shall be separated from adjacent driving areas by a landscaped median (planted area) a minimum of six feet in width.

(C) *Additional standards.*

- (1) Stacking spaces shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- (2) Each off-street stacking space shall not be less than eight feet in width and 18 feet in length, exclusive of access drives.

(Ord. 21-016, passed 8-18-21)

§ 156.101 PARKING SPACES IN C-4 DOWNTOWN COMMERCIAL DISTRICT.

(A) The number of accessory off-street parking spaces herein required for residential uses, when located in existing structures in the C-4 Downtown Commercial District, shall be reduced to 1.25 parking spaces per unit.

(B) Given the availability of public off-street parking in and around the downtown, no accessory off-street parking spaces shall be required for retail and service uses, industrial and office uses, community service uses, and places of assembly, when located in existing structures in the C-4 Downtown Commercial District.

(C) The number of accessory off-street parking spaces shall be provided as required herein for such uses located in the C-4 District in buildings constructed after the effective date of this section.

(Ord. 21-016, passed 8-18-21)

§ 156.102 SCHEDULE OF PARKING REQUIREMENTS.

Accessory off-street parking spaces shall be provided as required in this section and in Table 102-1.

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

(B) Parking spaces required for employees shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(C) For parking spaces calculated per square feet of "floor area", floor area shall be as defined in §156.003, Definitions.

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

(E) Applicants are encouraged to evaluate the projected parking demand for their proposed uses, as well as the layout of their proposed parking, to consider alternative means of meeting parking requirements, rather than solely relying on the requirements of this section.

TABLE 102-1: SCHEDULE OF PARKING REQUIREMENTS

<i>Land Use</i>	<i>Required Parking</i>
TABLE 102-1: SCHEDULE OF PARKING REQUIREMENTS	
<i>Land Use</i>	<i>Required Parking</i>
Residential uses	
Single-family, detached and attached dwellings ¹	2 spaces per dwelling
Hotels/motels*	1 space per guest room + spaces are required for accessory functions such as banquet facilities, offices, and the like
Multiple-family dwellings	1.25 spaces per dwelling
Bed and breakfast	1 space per B&B bedroom in addition to those required for the residence
Retail and service uses	
Retail stores*	1 space per 285 square feet
Banks and financial institutions*	1 space per 400 square feet
Automobile repair shop, body shop and service stations*	4 space per work bay + 1 space per 400 square feet of sales and office space
Bowling alleys*	1 space per 4 persons of capacity + 1 space per employee
Personal services (salon, barber)*	1 space per 285 square feet
Motor vehicle sales	1 space per 400 square feet of sales and office area
Movie and live theaters*	1 space per 4 seats
Funeral parlors	2.5 spaces per 1,000 square feet of office area plus 1 space per 3 persons of capacity in chapel areas
Restaurants*	1 space per 200 square feet
Wholesale establishments	2 spaces per 1,000 square feet (any office area calculated at 1 space per 333 square feet)
Shopping centers*	1 space per 285 square feet
Manufacturing	2 spaces per 1,000 square feet (any office area calculated at 1 space per 333 square feet)
Warehouses and logistics facilities	1 space per 1000 square feet (any office area calculated at 1 space per 333 square feet)
Research and development facilities	1 space per 500 square feet
Medical office*	1 space per 250 square feet
Business, professional and governmental office*	1 space per 333 square feet
Community service uses	
Auditoriums - church, school, college and other institutional ²	1 space per 3 persons of capacity
Colleges, universities and business, professional and trade schools	1 space for each 3 employees + 1 space for each 2 students, based on the maximum number of students
Clinics, medical or dental*	1 space per 250 square feet
Hospitals	1 space per bed + 1 space per 250 square feet of administrative office + additional spaces as required per labs, clinics or other accessory use
Museum or cultural facility*	1 space per 500 square feet
Recreation building or community center, municipal or privately-owned	1 space per 4 persons of capacity + 1 space per employee
Recreation - outdoor	1 space per 4 persons of capacity + 1 space per employee
Public utility and public service uses	1.5 spaces per employee + 1 space per vehicle used by enterprise
Schools - nursery, elementary and high	0.4 space per total students, faculty and staff
Day care centers*	1 space per 400 square feet
Religious institutions*	1 space per 3 seats (fixed seating or seating capacity) in main assembly area
Places of assembly	
Stadiums, arenas, auditoriums, convention halls, exhibition halls, and other similar places of assembly	1 space per 3 persons of capacity
Private clubs and lodges*	1 space per 4 persons of capacity
Tavern*	1 space per 150 square feet
Miscellaneous uses	
Fraternities, sororities and dormitories	1 space per 5 active members + 1 for a manager
Skilled care facility	0.75 space per sleeping room
Special uses	
Airports or aircraft landing fields; heliports	Per Zoning Administrator
Convents and monasteries	Per Zoning Administrator

Cemeteries	Per Zoning Administrator
Fraternal or religious institutions	See private club
Outdoor amusement establishments	Per Zoning Administrator
Rectories and parish houses	Per Zoning Administrator
Public swimming pools	Per Zoning Administrator
Mixed uses	
Mixed used developments	Per Zoning Administrator
<p>* Eligible for, and may consider using shared parking or land banking to reduce the parking constructed.</p> <p>1 If the third off-street parking space cannot be provided at the residence or the required on-street parking spaces cannot be provided, then guest parking areas should be created not more than 500 feet from the dwelling units that do not have the required spaces. Guest parking areas located on the lot areas can be counted to satisfy both requirements.</p> <p>2 Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.</p>	

(Ord. 21-016, passed 8-18-21)

§ 156.103 OFF-STREET LOADING.

Except for extraction uses to which this section shall not apply and for which the City Council may establish conditions, the following shall apply.

(A) *Location.* All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than 50 feet to any property in a residential district, unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.

(B) *Size.* Unless otherwise specified, a required loading berth shall be at least 12 feet in width, at least 50 feet in length, exclusive of aisles and maneuvering space.

(C) *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will not interfere with traffic movements on adjacent public streets.

(D) *Base course construction and surfacing.* The construction design of all off-street loading berths, and access thereto, shall be reviewed by the City Engineer to determine that they are constructed in accordance with § 153.50.070.

(E) *Repair and service.*

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

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

(3) For special exceptions other than prescribed for loading berths adequate in number and size to serve the uses as determined by the Zoning Administrator shall be provided.

(4) Uses for which off-street loading facilities are required, but which are located in buildings of less floor area than the minimum prescribed for the required facilities, shall be provided with adequate receiving facilities off any adjacent alley, service drive or open space on the same lot that is accessible by motor vehicle.

(F) *Schedule of loading requirements.*

(1) All off-street loading spaces shall include an area or means adequate for maneuvering, and site ingress and egress.

(2) The minimum number of off-street loading spaces required shall be based on the floor area of the associated structure in keeping with Table 103-1 below.

TABLE 103-1: SCHEDULE OF LOADING REQUIREMENTS	
Floor Area of Establishments (square feet)	Required Number of Loading Berths
0 to 5,000	0
5,001 to 50,000	1
50,001 to 100,000	2
For each additional 100,000	1 additional

(Ord. 21-016, passed 8-18-21)

ADMINISTRATION AND ENFORCEMENT

§ 156.120 ORGANIZATION OF ORDINANCE ADMINISTRATION.

(A) *Administration.* The administration of this chapter is hereby vested in the following:

(1) The Office of the Zoning Administrator;

(2) The Plan and Zoning Commission.

(B) *Procedures.* The following zoning processes administered by the city are outlined in this section:

(1) Hearing notice and procedures;

(2) Appeals;

(3) Variations;

(4) Amendments (text amendments and map amendments/rezonings);

(5) Special uses;

(6) Zoning certifications;

(7) Site plan review;

(8) Fees;

(9) Planned unit developments.

(C) *The Zoning Administrator.*

(1) *Definition.* The Zoning Administrator is identified as the Director of Community and Economic Development or their designee. When no person occupies that position, the City Administrator shall appoint a staff member to serve in that capacity. In carrying out their assigned responsibilities, the Zoning Administrator may designate another person to act in their place.

(2) *Duties of the Zoning Administrator.* The Zoning Administrator or their designee shall administer and enforce this chapter. It shall be the duty of the Zoning

Administrator to:

- (a) Receive and process applications for zoning certification for structures, or additions thereto, for which building permits are required;
- (b) Receive and process applications for zoning certification not accompanied by an application for a building permit;
- (c) Receive and process applications for an occupancy certificate upon the completion of a structure or when there is a change of use as herein provided;
- (d) Conduct inspections of structures or uses of land to determine compliance with this chapter;
- (e) In cases of any violations to this chapter, notify in writing the person or persons responsible, specifying the nature of the violation and ordering corrective action;
- (f) Maintain in current status the official zoning map;
- (g) Maintain permanent and current records required by this chapter, including but not limited to, zoning certifications, occupancy certificates, useful life determinations, nonconforming use certificates, and all official actions related to this section.
- (h) Prepare and make available, in book, pamphlet or map form, on or before March 31 of each year:
 - 1. The compiled text of the zoning ordinance, including all amendments thereto, through the preceding December 31; and
 - 2. An official zoning map or maps, showing the zoning district, divisions and classifications in effect on the preceding December 31;
- (i) Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning code, and the rules of the Plan and Zoning Commission;
- (j) Direct and review, not less than every five years, studies of the provisions of this chapter, the comprehensive plan, and the subdivision regulations, and report its findings and recommendations to the City Council;
- (k) Cause the preparation and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the city and its mile-and-one-half planning jurisdiction, as authorized by state statutes; and from time to time, recommend changes to the comprehensive plan;
- (l) Cause the preparation and recommend to the City Council, from time to time, plans for specific city improvements in pursuance of the city's comprehensive plan;
- (m) Support municipal officials charged with the direction of projects for improvements recommended by the comprehensive plan, to further the making of these projects, and, generally, to promote the realization of the comprehensive plan;
- (n) Cause the preparation and recommend to the city schemes for regulating or forbidding structures or activities that may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in ILCS Ch. 30, Act 725, § 1.2, the Comprehensive Solar Energy Act of 1977, or to recommend changes in such schemes.

(D) *Plan and Zoning Commission.*

(1) *Establishment.*

- (a) There is established a Plan and Zoning Commission for the city (as may be referred to here as the PZC).
 - (b) The Plan and Zoning Commission shall consist of seven members who reside in the city and are appointed by the Mayor with the consent of the City Council.
 - (c) The chair and vice chair will be elected by a majority of the Commission.
- (2) *Jurisdiction.* The Plan and Zoning Commission shall have the following powers and duties:
- (a) To hear and review all applications for amendments to this chapter and thereafter submit reports of findings of fact and recommendations thereon to the City Council.
 - (b) To hear and review all applications for special uses as outlined in this chapter and thereafter submit reports of findings of fact and recommendations thereon to the City Council.
 - (c) To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination (referred to collectively as "decision") made by the Zoning Administrator with respect to the zoning code.
 - (d) To hear and decide on application for variations from the regulations specified in this chapter.
 - (e) To hear, review and / or recommend to the City Council on all matters as may be required under this chapter.
 - (f) To receive and review all plats of subdivision, and thereafter submit reports of findings and recommendations thereon to the City Council.
 - (g) To exercise such other powers germane to the powers granted by ILCS Ch. 65, Act 5, as may be conferred by the City Council.

(3) *Meetings and rules.*

- (a) All meetings of the Plan and Zoning Commission shall be held in conformance with the State Open Meetings Act.
- (b) Unless otherwise specified, the concurring vote of four members of the PZC shall be necessary to decide in favor of the applicant on any matter upon which PZC is required to act under this or any other chapter.
- (c) All hearings conducted by the PZC under this chapter shall be in accordance with state statutes.
- (d) In all proceedings of the PZC provided for in this chapter, the Chairman, or in his or her absence, the Vice Chairman or the City Attorney, shall have the power to administer oaths.
- (e) All testimony by witnesses at any hearing provided for in this chapter shall be given under oath.
- (f) The City Clerk shall keep minutes of its proceedings and shall also keep records of its hearings and other official actions.
- (g) A copy of every rule, action or determination of the PZC in regard to its various jurisdictions, as defined by this section and under this chapter, shall be filed in the Office of the City Clerk, and shall be a public record.
- (h) The PZC shall adopt its own rules and procedures, which shall not be in conflict with this chapter or with applicable state statutes.

(4) *Quorum.*

- (a) Four members of the Plan and Zoning Commission shall constitute a quorum.
 - (b) No meeting or hearing shall be conducted by the PZC without a quorum being present.
- (5) *Finality of decision of Commission.* Per division (D)(2), Jurisdiction, above, when PZC is authorized to decide on a matter, all decisions of the PZC on appeal from a decision of the Zoning Administrator or upon application for a variation, shall in all instances be final administrative determinations, and shall be subject to review by a court of law in the manner provided by the applicable state statute.

(E) *Notice and hearing procedures.*

- (1) *Time frame.* When the provisions of this chapter require a public hearing, the Zoning Administrator shall, upon receipt of a properly completed application, assign the matter a hearing date. The hearing shall be set no later than 60 days following the submission of a fully complete application, unless the Plan and Zoning Commission hearing agenda for that date is fully committed, as determined by the Zoning Administrator.
- (2) *Complete application required.* An application shall be considered "fully complete" only when all materials identified in this chapter, other relevant city documents, and other pertinent data indicated as necessary by the Zoning Administrator have been provided. An application shall be considered complete only if the submitted material is deemed by the Zoning Administrator as sufficiently thorough to provide the information needed by the city to support making a fully informed determination on the requested matter.
- (3) *Notification requirements.* No public hearing shall be held on an application unless the requirements of this section are met.

(a) *Published notice.* The Zoning Administrator shall publish notice of any public hearing not more than 30 days, nor less than 15 days before the date for the hearing, in a newspaper of general circulation in the city.

(b) *Written notice.*

1. An applicant for any public hearing required by this chapter shall, not less than 15 days and not more than 30 days prior to the date set for the public hearing, serve written notice in person or by first class mail on the owners as recorded in the Office of the County Recorder of Deeds, and as appears from the authentic tax records of the county, of all property within 250 feet in each direction of the property lines of the subject property for which the public hearing is requested, provided that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250-foot requirement.

2. If, after a bona fide effort to determine the above by the applicant, an owner or owners cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant of an affidavit evidencing the inability to serve the notice.

3. A signed affidavit, including the notice and copy of the list of addresses, shall be provided to the Zoning Administrator at the time notice is given to the owners or taxpayers.

4. The notice required shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and the time and date on which the hearing shall be held. A vicinity map, showing current zoning, the location of the subject property, proposed zoning or proposed zoning action requested, shall be included with the notice.

(c) *Notice by sign.*

1. *Time frame.* An applicant for public hearing shall, not less than 15 days prior to the date before the public hearing, post a readable sign on each adjacent roadway. Signs must be removed no later than ten days after completion of final determination of the requested action.

2. *Sign requirements.* The face of the signs required by this section shall be at least 36 inches in height and 48 inches in length. The signs shall contain the current zoning action requested, the date, time and place where the hearing shall be held, a statement that further information can be obtained from the petitioner and the Zoning Administrator, and the phone numbers of the city and the applicant. The sign shall have a white background with 1.5-inch-high, black block letters, except that the words "PUBLIC HEARING NOTICE" shall be in three-inch-high, red capital block letters. The signs shall meet all other requirements set forth by the city. All costs associated with hearing signs are to be borne by the applicant.

Sample Public Hearing Sign

48"

NOTICE OF PUBLIC HEARING		3"
HEARING FOR:		1.5"
<small>Fill in current zoning and action requested</small>		
HEARING LOCATION:		
222 E. 9th Street, Lockport, IL 60441		
DATE:	<small>Fill in hearing date</small>	TIME:
<small>Fill in hearing date</small>		<small>Fill in hearing time</small>
PUBLIC ATTENDANCE AND COMMENTS INVITED		
FOR DETAILS CALL	or	CITY OF LOCKPORT
<small>Fill in petitioners name and phone</small>		PLANNING DEPARTMENT
		(815) 838-0549

36"

(F) *Public hearing procedures.* The following provisions shall apply to public hearings required by this chapter, in addition to any other specific provisions set forth in the city code or by the Plan and Zoning Commission.

(1) All hearings shall be open to the public.

(2) All testimony shall be given under oath.

(3) Any interested person may appear and testify at a public hearing, either in person or by a duly authorized agent, and may submit documentary evidence; provided, however, that the Plan and Zoning Commission may exclude immaterial or unduly repetitious evidence.

(4) Procedures defined by the Plan and Zoning Commission may be applied to address processes, including, without limitation: testimony, cross-examination, continuation of the hearing, and the order of testimony.

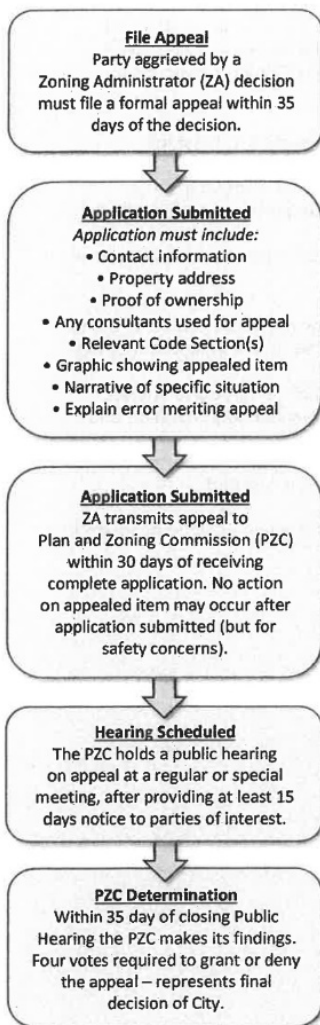
(5) A record shall be prepared of each public hearing for presentation to the City Council, and shall include, but not be limited to: meeting minutes or similar record, items submitted by applicants and those providing testimony, recommendation of the hearing body, and staff reports and exhibits provided as part of the hearing. Such report shall be transmitted to the City Council within 60 days of the hearing.

(G) *Action by the City Council.* After receiving the recommendations and report of the Plan and Zoning Commission, the City Council may within 30 days review the proposed action and approve it (with or without change), may reject it, or may recommit it to the Plan and Zoning Commission for further consideration. However, the Council must act within 270 days after receiving the Plan and Zoning Commission recommendation. By way of exception, variations follow a different process as indicated in § 156.122.

(H) *Penalty.* Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall, upon conviction, be fined not less than \$50 nor more than \$750 for each offense. Each day a violation is permitted to exist shall constitute a separate offense. Nothing herein shall be construed to prevent the city from taking other lawful action as is necessary or appropriate to prevent or remedy any violation.

(Ord. 21-016, passed 8-18-21)

[§ 156.121 APPEALS.](#)



(A) *Authority.* Appeals from the determinations of the Zoning Administrator shall be heard by the Plan and Zoning Commission in a manner described in this section.

(B) *Purpose.* This appeal process is provided to mitigate against arbitrary or erroneous applications of this chapter by the Zoning Administrator, and to avoid the need for litigation in resolving such actions. However, the Plan and Zoning Commission and City Council will give proper deference to the determination of the Zoning Administrator and those charged with applying the standards and intent of this chapter.

(C) *Procedure.*

(1) An appeal from a decision of the Zoning Administrator, made in interpreting this chapter, may be taken to the PZC by any person, firm or corporation aggrieved by the decision, or by any officer, department, board or bureau of the city.

(2) Any appeal from a decision of the Zoning Administrator shall be made within 35 days of the ruling by the Zoning Administrator, by filing a notice of appeal and specifying the ground.

(3) The Zoning Administrator shall transmit to the PZC within 30 days of receiving all required materials from the appellant, a copy of the appeal, and all of the materials constituting the records of the decision upon which the appeal has been made.

(4) The notice of appeal and the appeal itself shall be filed in the number of copies, and shall be in the form, as the PZC may provide from time to time by general rule, and contain the information as specified in division (E) below.

(D) *Action on appeals.*

(1) An appeal shall stay all proceedings in furtherance of the decision of appeal, unless the Zoning Administrator certifies to the PZC, after the notice of appeal has been filed with him or her, that, by reasons of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the PZC or by a court of record upon application following notice to the Zoning Administrator, and upon due cause shown.

(2) The PZC shall hold a public hearing regarding the appeal at an established meeting or other date it may set and give written notice of no less than 15 days to the parties having a known interest.

(3) Within 35 days after closing the hearing, the Plan and Zoning Commission shall render a final decision on the appeal.

(4) Upon the concurring vote of four members, the PZC may reverse or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to that end the PZC shall have all the powers of the Zoning Administrator with respect to the decision.

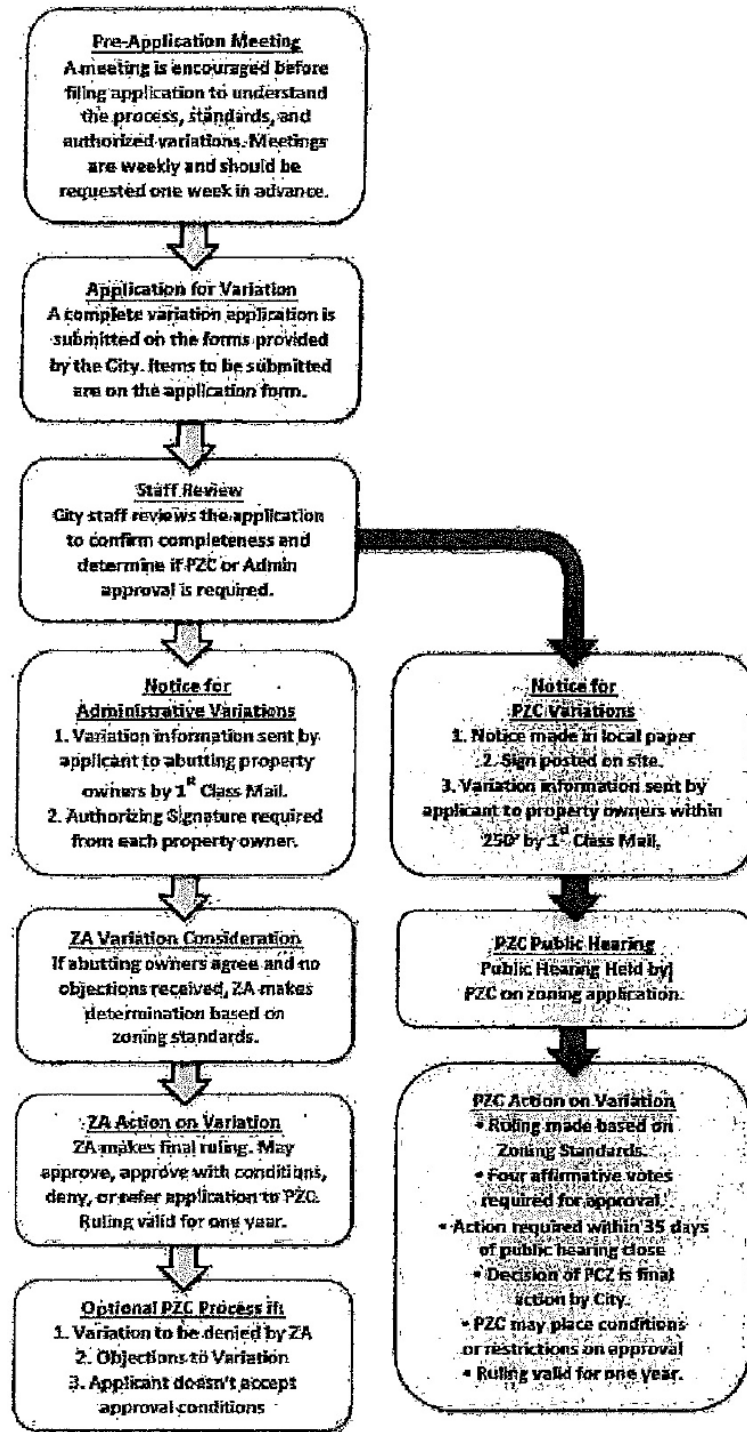
(E) *Materials to be submitted.* Applications for appeals will contain at least the following information:

- (1) The owner's name, address, signed consent, and proof of ownership;
- (2) The applicant's name and address, if different from those of the owner, and their interest in the subject property;
- (3) The names and contact information of any professional consultants advising the applicant with respect to the application;
- (4) The common address of the subject property;
- (5) A description and/or graphic showing the situation for which the appeal is being sought, as well as the existing zoning classification, use and development of the subject property;
- (6) The code section citation and determination from which an appeal is sought;
- (7) A narrative of any specific situation giving rise to the original determination and the appeal;
- (8) A statement of the applicant's position as to alleged errors in the determination or failure to act being appealed, and why the relief sought is justified.

(F) *Fees.* Fees for applications and processes related to this section shall be as found in §156.126, Fees.

(Ord. 21-016, passed 8-18-21)

§ 156.122 VARIATIONS.



(A) *Authorization.*

(1) The Plan and Zoning Commission (PZC) and the Zoning Administrator may authorize variations from the terms of this chapter, as specified in this section, so long as the relief is in harmony with the purpose and intent of this chapter, and will not be contrary to the public interest.

(2) Variations may be authorized only on those specific instances enumerated in this section, and then only as indicated that the PZC or the Zoning Administrator has the authority to grant the variation requested, and has made findings of fact based upon the standards set out in this section. Such determinations shall reflect that, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.

(3) Final determination of all variations shall be made by the Plan and Zoning Commission for a PZC variation, or the Zoning Administrator for an administrative variation for which no appeal is made.

(B) *Purpose.* In certain circumstances, strict application of the regulations of this chapter may cause practical difficulties or a particular hardship relating to construction or alteration of buildings or structures. In such instances the Plan and Zoning Commission may grant variations from strict application of the terms of this chapter.

(C) *Application procedure for variation.* A complete application for a variation shall be filed with the Zoning Administrator. The Zoning Administrator shall determine based on division (E), Authorized variations, whether the application may be heard, and if so, whether the variation requested is to be heard through PZC or Zoning Administrator procedures. All submittals shall contain the information specified on the variation application form provided by the city or additional information as deemed necessary by the Zoning Administrator.

(D) *Hearing and notice.*

(1) *Plan and Zoning Commission variation hearing and notice.*

- (a) For variations governed by division (E)(1), the PZC shall select at an established meeting or other date it may set as a special meeting.
- (b) Notification shall adhere to the published notice and written notice requirements as contained in §156.120(E)(3), Notification requirements.
- (c) The PZC may give any additional notice as it may, from time to time, by rule provide.
- (d) Any party of interest may appear and be heard at the hearing in person, by agent or by attorney.

(2) *Administrative variation hearing and notice.*

- (a) For administrative variations governed by division (E)(2), a public hearing is not required.
- (b) Notification required shall be through first class mail to all property owners within one property radius of the subject property, including across a street or other right-of-way.
- (c) The notice shall include the street address or common description of the property involved, and a description of the variation requested.
- (d) A signature line shall be provided on the notice and those property owners to whom notice was sent must communicate to the Zoning Administrator regarding their support of or opposition to the proposed variation. If all property owners to whom notice was sent do not provide such agreement, the variation shall be heard by the PZC.

(E) *Authorized variations.*

(1) *Plan and Zoning Commission authorized variations.* Variations from the regulations of this chapter may be granted by PZC, only in accordance with the standards set out in division (F), Standards for variations, and may be considered only in the following instances:

- (a) To vary the applicable lot area and lot width requirements, including the minimum lot area per dwelling unit requirement for multiple-family dwellings;
- (b) To vary dimensional requirements of bulk regulations, including but not limited to, maximum height, lot coverage, floor area ratio and minimum yard requirements;
- (c) To vary the applicable off-street parking and off-street loading requirements governed by §§156.090*et seq.*, provided that:

1. Reductions in the front and corner side yard setbacks in nonresidential districts to accommodate off-street parking spaces may be approved only when it is the finding of the PZC that ample green space along roadways is provided to maintain a character consistent with surrounding properties, and that specific unique existing hardships require the requested relief; and

2. Landscaping is provided at all property lines and for a minimum of seven feet from all property lines;

- (d) To vary the regulation relating to the restoration of damaged or destroyed nonconforming structures contained in §56.062, Nonconforming Structures;

(e) To vary any bulk regulations for accessory structures or permitted uses governed by §156.023(E), General and bulk regulations for accessory structures and uses permitted as encroachments.

(2) *Administrative variations.* Variations from the regulations of this chapter may be granted by the Zoning Administrator in accordance with the requirements of this section and the standards set out in division (F), Standards for variations, and may be considered in the following instances:

- (a) To vary dimensional requirements of bulk regulations subject to the following limitations:

1. Up to 20% from the existing condition as built for existing structures for:

- a. Lowland yards (such as wetlands or floodplain). The required yard adjacent to a lowlands maintenance easement cannot be varied;
- b. The minimum, lot-area-per-dwelling-unit requirement for multiple-family dwellings shall not be reduced to permit more than one dwelling unit in addition to the number that would be permitted by strict application of minimum-lot-area requirements.

2. Up to 10% or ten feet, whichever is less, for accessory structures or permitted obstructions governed by §156.023(E), General and bulk regulations for accessory structures and uses permitted as encroachments;

3. Up to 20% for other bulk standards, including but not limited to, maximum height, lot coverage, floor area ratio and minimum yard requirements;

- (b) To vary the applicable lot-area and lot-width requirements, subject to the following limitations:

1. The minimum lot-width requirements shall not be reduced more than 20%;

2. The minimum lot-area for a single-family or two-family dwelling shall not be reduced more than 20%;

3. The minimum, lot-area-per-dwelling-unit requirement for multiple-family dwellings shall not be reduced to permit more than one dwelling unit in addition to the number that would be permitted by strict application of minimum-lot-area requirements;

(c) To vary the number of required parking spaces contained in §156.102, Schedule of Parking Requirements, by no more than 10% or two spaces, whichever is greater.

(F) *Standards for variations.*

(1) *Standards.* The PZC or Zoning Administrator shall not vary the regulations of this chapter without making positive findings of fact based upon the evidence as presented that:

(a) The property in question cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations of the district in which it is located;

(b) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship that will result if the strict letter of the regulations were carried out, which are not generally applicable to property within the same district;

(c) The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises;

(d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;

(e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety;

(f) The proposed variation will not alter the essential character of the locality;

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

(2) *Conditions and restrictions on variations.* The PZC, or the Zoning Administrator in the case of administrative variations, may impose conditions and restrictions that include, but are not limited to: location, size, height, construction, berming, screening, landscaping, or other similar means to buffer or protect nearby property and designate standards for installation and maintenance thereof; and design and use of the property benefitted by a variation as may be necessary or appropriate to comply with the foregoing standards, and to protect adjacent property and property values.

(G) *Decisions and variations.*

(1) *Plan and Zoning Commission decisions.*

(a) *Action by the Plan and Zoning Commission.* Within 35 days of the close of the public hearing, the Plan and Zoning Commission shall make a final decision. Failure to do so within 35 days, or longer period if agreed to by the applicant, shall be deemed a decision for denial of the variation by the Plan and Zoning Commission.

(b) If the variation application is denied, a similar application for relief may not be brought before the city for a period of one year.

(c) A variation shall be granted by means of a conclusion or statement of relief granted, supported by findings of fact, which statement and findings shall be transmitted to the applicant not less than 35 days from the date of the decision.

1. The findings of fact shall specify the reason or reasons for granting the variation, and shall refer to any exhibits containing plans and specifications for the proposed variation that have been made a part of the application, or that were introduced at the public hearing as evidence. The exhibits shall remain part of the permanent record of the PZC.

2. The terms of relief granted shall be specifically set forth in conclusions or statements separate from the findings of fact.

(2) *Administrative decisions.*

(a) If the Zoning Administrator intends to grant the variation, supported by the findings of fact; deems the variation to be in conformance with those that are authorized in division (F), Standards for variations; has not received any objections within 14 days of receipt of required notice; and the applicant does not object or disagree with any condition of approval imposed by the Zoning Administrator, then the administrative variation shall be approved. The applicant shall be notified in writing of the approval.

(b) If any of the following occurs, then the administrative variations shall not be granted and the applicant may file for a non-administrative variation:

1. The Zoning Administrator is going to deny the variation;
2. There was an objection to the variation within 14 days of receipt of required notice; or
3. The applicant objects or disagrees with any condition of approval imposed by the Zoning Administrator.

(H) *Period of validity.*

(1) *Time frame.* No decision granting a variation shall be valid for a period longer than 12 months from the date of the decision unless:

- (a) An application for a zoning certification is obtained within the period and construction, reconstruction, moving and remodeling is started; or
- (b) An occupancy certificate is obtained and a use is commenced.

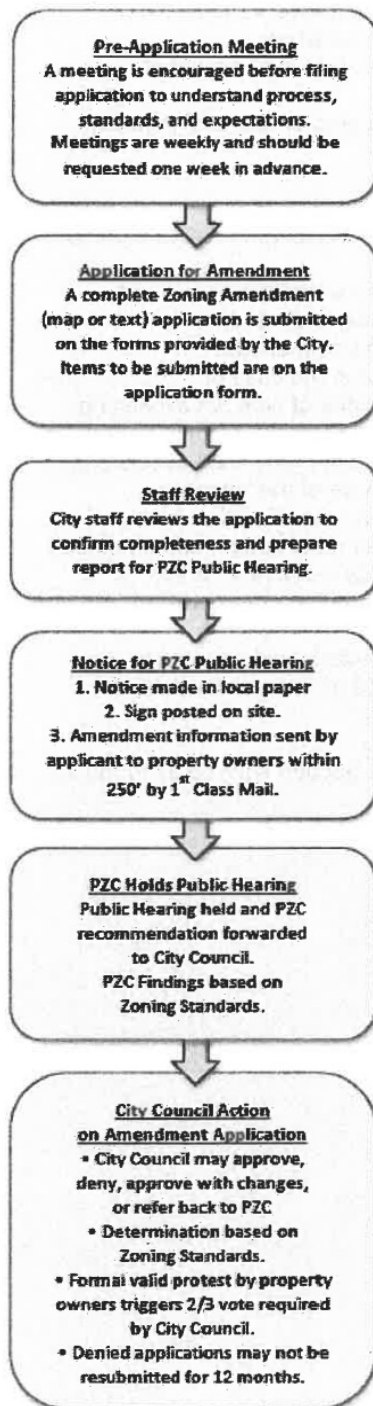
(2) *Extensions of time.* The PZC, or the Zoning Administrator in the case of administrative variations, may grant additional extensions of time not exceeding 180 days each, upon written application made within the initial 12-month period, without further notice or hearing, but the right to extend the time shall not include the right to grant additional relief by expanding the scope of the variation; provided, however, that nothing in this section shall limit or affect the validity of a variation granted under the terms of this section, if the relief sought and obtained does not require the issuance of a zoning or occupancy certificate, or the commencement of use, construction, reconstruction, moving or remodeling.

(I) *Resubmission.* If a proposed variation application is rejected, the application, or one substantially similar, may not be resubmitted within 12 months of the date of rejection.

(J) *Fees.* Fees for applications and processes related to this section shall be as found in § 156.126, Fees.

(Ord. 21-016, passed 8-18-21)

§ 156.123 AMENDMENTS; TEXT AND MAP.



(A) *Authority.* The regulations established, and the districts created by this chapter may, from time to time, be amended by an ordinance passed by the City Council, upon receiving a recommendation from the Plan and Zoning Commission (PZC). Amendments for a text amendment or a map amendment (rezoning) may be filed by the City Council, PZC or Zoning Administrator. In addition, the owner of a property or an individual or entity with a contractual interest in a property (with the authorization of the owner) may file for an amendment to the zoning map, and any interested person may propose an amendment to the text of this chapter.

(B) *Purpose.* Amendments to this chapter are intended to revise or refine the zoning ordinance or zoning map as needed to keep it a current and effective tool for development regulation. Amendments should reflect new conditions or newly identified situations, technologies, business approaches or unexpected conditions. The amendment process is not appropriate solely to relieve a particular inconvenience for an individual applicant, as such changes affect other aspects of the chapter and/or surrounding properties.

(C) *Application procedure for amendments.*

(1) An application for an amendment shall be filed with the Zoning Administrator. All submittals shall contain all the information specified on the zoning amendment application form provided by the city or as deemed necessary by the Zoning Administrator.

(2) The completed application for amendment shall be forwarded by the Zoning Administrator to the PZC within 30 days for the purpose of conducting a public hearing, to be held not more than 90 days from the date of the receipt of the application by the Zoning Administrator.

(3) Following receipt of a recommendation by the PZC, the City Council will either approve the application, approve the application with modifications or conditions, deny the application, or refer the matter back to the PZC for further deliberation.

(4) If a proposed zoning amendment application is rejected by the City Council, that application, or one substantially similar, may not be resubmitted within 12 months of the date of rejection by the City Council.

(D) *Hearing and notice.*

(1) The PZC shall hear the application for amendment at a public hearing on an established meeting or other date it may set.

(2) Notification shall adhere to the published notice and written notice requirements as contained in §156.120(E)(3), Notification requirements.

(3) The PZC may give any additional notice as it may, from time to time, by rule provide.

(4) Any party of interest may appear and be heard at the hearing in person, by an agent or by an attorney.

(E) *Protest against map amendment.*

(1) A written protest regarding a proposed map amendment may be filed with the City Clerk, signed and acknowledged by property owners, individually or collectively, representing one or more of the following:

- (a) Twenty percent of the block frontage on which a subject property is located;
- (b) Twenty percent of the block frontage directly opposite a street from where the subject property is located; or
- (c) Twenty percent of the block frontage directly opposite an alley from where the subject property is located.

(2) Where a protest against a proposed map amendment has been properly filed and found valid by the Zoning Administrator, it shall not be passed except by the favorable vote of two-thirds of all members of the City Council.

(3) Protests by such property owners shall be deemed valid only if:

- (a) The protest is made only after an authorized representative of the affected property owner(s) has considered the evidence in the case;
- (b) The protest is made in writing and submitted to the City Clerk not earlier than the first day after the public hearing has concluded, and not later than six days following the public hearing, and provided that the written protest is circulated by first class mail by the protesting party to the applicant and their representative, if any, identified in the application for the proposed amendment and/or all other represented parties, if any;
- (c) An authorized representative of the protesting property owner(s) shall be required, on request of any party in the case, including the city, to give oral testimony under oath to support the protest;
- (d) The protest is directly related to the evidence presented during the public hearing and upon which the Plan and Zoning Commission may base their respective findings of fact.

(F) *Standards for map amendments.* The wisdom of amending the zoning map of this code is a matter committed to the legislative discretion of the City Council and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the City Council should be guided by the principle that its power to amend this code is not an arbitrary one, but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the City Council should weigh the following factors, which the applicant is required to address:

- (1) The extent to which property values of nearby properties may be diminished by the particular zoning restriction;
- (2) The extent to which the proposed amendment promotes the health, safety, morals or general welfare of the public;
- (3) Relative gain to the public compared to the hardship imposed upon the property owner;
- (4) The suitability of the subject property for the zoned purposes;
- (5) The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity;
- (6) The need and demand for the change in uses allowed by a new zoning district;
- (7) The extent to which the proposed amendment conforms to the comprehensive plan.

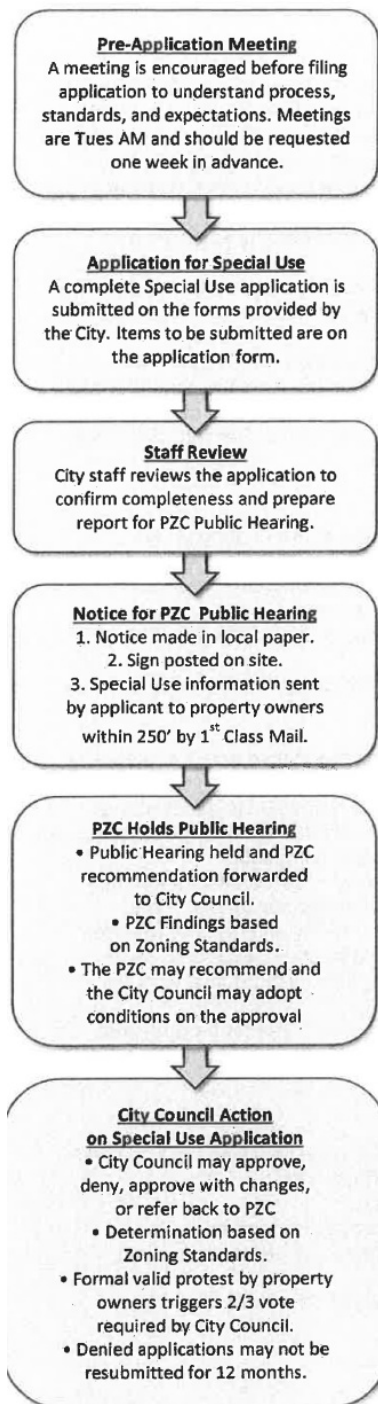
(G) *Standards for text amendments.* The wisdom of amending the text of this code is a matter committed to the legislative discretion of the City Council and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the City Council should be guided by the principle that its power to amend this code is not an arbitrary one, but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the City Council should weigh the following factors, which the applicant is required to address:

- (1) Potential impacts of the proposed text amendment on the overall zoning district purpose, value of impacted properties, or intent of a code section proposed for amendment;
- (2) The extent to which the proposed amendment promotes the health, safety, morals or general welfare of the public;
- (3) Relevant physical or market conditions that may have changed to make the proposed text amendment necessary for this chapter, and to be in keeping with the desirable development of the city;
- (4) Amendments should be consistent with the city's comprehensive plan, official map, and all other plans and policies adopted by the city;
- (5) The need and demand for the change in standards, and the extent to which uses of properties that may be relevant are diminished by the current zoning standards, and how those standards are no longer suitable for regulating development.

(H) *Fees.* Fees for applications and processes related to this section shall be as found in §156.126, Fees.

(Ord. 21-016, passed 8-18-21)

§ 156.124 SPECIAL USES.



(A) *Authority.* The City Council may authorize, by ordinance, the establishment of special uses as designated in each of the zoning districts. All of the other applicable provisions of this chapter, including the requirements and restrictions of the zoning district in which the proposed special use is to be located, shall be applicable to the establishment and maintenance of the special use, unless the ordinance authorizing the establishment of the particular special use expressly provides otherwise. Subject to the standards contained in division (E), Standards for special uses, the City Council shall have authority to permit special uses as designated in each of the zoning districts as land, structure, or both, provided it finds that the proposed special use will comply with those standards. Unless otherwise indicated or stated, a special use shall apply only to the current owner and does not run with the land.

(B) *Purpose.* This chapter provides for an orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses affording for the social and economic welfare of the city. To advance this objective, some uses require particular consideration as to their proper location in relation to adjacent properties, orientation on a subject property, and compatibility with established or intended uses, or to the planned development of the community. These are classified as special uses.

(C) *Application procedure for a special uses.*

(1) An application for a special use shall be filed with the Zoning Administrator. All submittals shall contain the information specified on the special use application form provided by the city or as deemed necessary by the Zoning Administrator.

(2) The completed application for special use shall be forwarded by the Zoning Administrator to the Plan and Zoning Commission (PZC) within 30 days. The Plan and Zoning Commission shall conduct a public hearing, and review and recommend to the City Council whether to approve or deny the special use application within 60 days.

(3) Following the hearing, the Plan and Zoning Commission shall transmit to the City Council a written report, giving its findings as to compliance of the proposed special use with the standards governing special uses, and giving its recommendations for action to be taken by the City Council.

(4) After receiving the recommendations and report of the Plan and Zoning Commission, the City Council may, within 30 days, review the recommendations and report. The City Council may accept the findings and recommendations of the Plan and Zoning Commission in whole or in part, it may reject them in whole or in part, or it may refer the matter back to the Plan and Zoning Commission for further consideration. However, the City Council must act within 270 days after receiving the Plan and Zoning Commission recommendation, unless otherwise agreed by applicant and the Zoning Administrator or the City Attorney.

(5) If a proposed special use application is rejected by the City Council, that application, or one substantially similar, may not be resubmitted within 12 months of the date of rejection by the City Council.

(6) *Conditions.* The Plan and Zoning Commission may recommend, and the City Council may impose such conditions or restrictions upon the location, construction,

design and operation of a special use, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in division (E), Standards for special uses.

(D) *Hearing and notice.*

- (1) The PZC shall hear the application for special use at a public hearing on an established meeting or other date it may set.
- (2) Notification shall adhere to the published and written notice requirements as contained in §156.120(E)(3), Notification requirements.
- (3) The PZC may give any additional notice it deems appropriate to be provided, or has established through its established rules.
- (4) Any party of interest may appear and be heard at the hearing in person, by an agent or by an attorney.

(E) *Standards for special uses.* A special use permit shall be granted only if evidence is presented to establish that:

- (1) The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility in the public interest, and will contribute to the general welfare of the neighborhood or community;
- (2) The proposed building or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare;
- (3) The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations;
- (4) The other standards and criteria as are established by this chapter for particular special uses as set forth in district (G) below, and as applied to planned developments under §§ 156.140*et seq.*

(F) *Protest against a special use.*

- (1) A written protest regarding a proposed special use may be filed with the City Clerk, signed and acknowledged by property owners, individually or collectively, representing one or more of the following:
 - (a) Twenty percent of the block frontage on which a subject property is located;
 - (b) Twenty percent of the block frontage directly opposite a street from where the subject property is located; or
 - (c) Twenty percent of the block frontage directly opposite an alley from where the subject property is located.
- (2) Where a protest against a proposed special use has been properly filed and found valid by the Zoning Administrator, the amendment shall not be passed except by the favorable vote of two-thirds of all members of the City Council.
- (3) Protests by such property owners shall be deemed valid only if all of the following are found:
 - (a) The protest is made only after an authorized representative of the affected property owner(s) has considered the evidence in the case;
 - (b) The protest is made in writing and submitted to the City Clerk not earlier than the first day after the public hearing has concluded, and not later than six days following the public hearing, and provided that the written protest is circulated by first class mail by the protesting party to the applicant and their representative, if any, identified in the application for the proposed amendment and/or all other represented parties, if any;
 - (c) An authorized representative of the protesting property owner(s) shall be required, on request of any party in the case, including the city, to give oral testimony under oath to support the protest and/or submitting a letter by the property owner to outline the protest;
 - (d) The protest is directly related to the evidence presented during the public hearing and upon which the Plan and Zoning Commission may base their respective findings of fact.

(G) *Additional standards and criteria.* In addition to other standards as may be required by the city code, no special use permit shall be granted for the uses listed below, unless evidence is presented to establish the standards and criteria specified in this division.

(1) *Airports and heliports.*

- (a) The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Illinois Department of Aeronautics for the class of airport or heliport proposed, in accordance with their published rules and regulations.
- (b) Any building, hangar or other structure shall be at least 100 feet from any street or boundary line.
- (c) There shall be an adequate number of off-street parking spaces at least equal to the number of hangar spaces plus tie-down spaces, plus spaces for accessory uses as established in §§ 156.090*et seq.*

(2) *Mobile homes.* Mobile homes and mobile home parks shall be designed, developed, operated and maintained in accordance with Chapter 154.

(3) *Drive-up facilities.*

- (a) Drive-up facilities shall provide a minimum vehicle-queuing space equal to four cars for each drive-up window. The queuing space shall not interfere with access, internal circulation generally, or circulation to required off-street parking or loading spaces, or with traffic movement on adjacent public streets or alleys.
- (b) Loudspeakers used in connection with drive-up facilities shall be directed and modulated so as not to interfere with the privacy, use or enjoyment of adjacent residential property.
- (4) *Riding stables.* Open or enclosed corrals or riding arenas shall not be located nearer than 500 feet to any residential zoning district or an existing dwelling other than the dwelling on the subject property, but not less than 100 feet from any property line on the subject property. Manure shall be disposed off-site.

(5) *Contractor's yards.*

- (a) All outdoor storage of equipment, material and supplies shall be completely screened from view from adjacent residential districts or public streets with a combination of fence, wall and landscaping equal to the height of the objects stored out of doors.
- (b) Loudspeakers used in connection with contractor's yards shall be directed and modulated so as not to interfere with the privacy, use and enjoyment of adjacent residential property.

(6) *Car washes.* In addition to providing sufficient on-site space for car detailing so as not to interfere with vehicle circulation on-site, on adjacent property, or on adjacent right-of-way, car washes shall provide the following minimum parking and queuing spaces:

- (a) Self-service car washes shall provide two parking spaces, and vehicle-queuing spaces equal to four cars for each wash bay;
- (b) Automatic car washes shall provide a minimum of six parking spaces, and vehicle-queuing spaces equal to 20 cars for each conveyor or robotic washing apparatus;
- (c) An automatic car wash as an accessory use to a gas station shall provide a minimum vehicle-queuing spaces equal to six cars for each conveyor or robotic washing apparatus.

(7) *Mining.*

- (a) The perimeter of the property or the area on which mining is located shall have an earthen berm of at least six feet in height, and landscaped to screen the mining operation and pit from the adjacent property and public right-of-way, unless other barriers exist that the city determines are adequate, or unless this requirement is modified pursuant to the grant of the special use. Landscaping shall consist of adequately-planted shrubbery and trees and shall be maintained to present a reasonably neat appearance.
- (b) The perimeter of the property or the area on which mining is located shall be fenced with a six-foot-high, chain-link fence, either in front of or behind the berm, unless other barriers exist that the city determines are adequate, or unless such requirement is modified pursuant to the grant of the special use.
- (c) The use of blasting or other uses of explosives is permitted, provided it conforms to the following standards.

1. The use, handling and detonation of explosives (sometimes referred to as "blasting") in connection with the quarrying operations shall be under the direct

supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency or by the state or county, they shall meet the licensing requirements and obtain such license.

2. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations, and shall be stored in magazines, buildings or structures that shall meet the safety requirements of such laws and regulations.

3. Blasting procedures shall be in accordance with modern techniques, generally accepted in the quarrying industry, whereby a shot shall consist of explosives fired or detonated in sequences of multiple delays at intervals of milliseconds, so as to counteract and reduce the ground motion or the ground vibrations from each successive detonation (sometimes referred to as "short-period delay blasting"). Blasting procedures shall be designed on the basis of maximum charge per delay (that is, the quantity of explosives in pounds per detonation) and distances in feet, so that the maximum ground vibration intensity shall not exceed 0.5 inches per second of ground particle velocity, resulting from any shot or blast, measured by any one of the three mutually perpendicular planes of ground motion, as recorded at the nearest existing building not owned by the property owner (or equivalent location if not feasible at the building).

4. Blasting procedures shall be subject to and comply with the applicable lawful requirements of the Illinois Pollution Control Board, the Illinois Department of Mines and Minerals, the Mine Safety and Health Administration (MSHA) of the United States Department of the Interior, and any other federal or state governmental agency having jurisdiction thereof.

5. Blasting procedures shall be in conformity with approved safety regulations, customs and practices generally accepted in the quarrying industry, and the safety regulations or governmental agencies having jurisdiction thereof.

6. Compliance with the provisions of these regulations governing blasting procedures and quarrying operations shall be subject to review and inspection from time to time by authorized city officials, upon reasonably prior notice and during reasonable business hours.

7. The actual detonation of any blasts will be restricted to the local time period between 1:00 p.m. and 4:30 p.m., Monday through Saturday of each week. No blasting shall take place on Sunday or on the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(8) *Unique uses.* The petitioner shall have the burden of presenting clear and convincing proof that the unique use is justified and proper; and:

(a) Proof of special and extraordinary need for the unique use, which shall include proof of unique characteristics of the subject property, proposed use, and/or the neighborhood surrounding the subject property;

(b) Proof that the unique use will be of some affirmative benefit, from a land use and economic standpoint, to the surrounding properties and neighborhood;

(9) *Planned developments.* Planned developments are also subject to the standards and procedures set forth in §§156.140*et seq.*

(10) *Outdoor restaurant and/or bar permit (if located on the rooftop).* An outdoor eating and/or drinking permit for eating and or drinking establishments within the Downtown Commercial District, with an outside area on the rooftop of the building, shall be subject to the following conditions:

(a) The rooftop area shall be associated with an establishment doing business within the principal building;

(b) The floor immediately below the rooftop area is occupied by a nonresidential use;

(c) If it is determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor area activities (including music) may be allowed and shall not exceed the hours of operation for the principal use, excluding the sale of liquor, which may be further limited by the liquor license;

(d) Screening shall be provided, either with landscaping and/or a fence, based on the specific site circumstances. The City Council may waive or modify this requirement, based on specific site circumstances, in granting the special use permit;

(e) The main access to the rooftop patio shall be from the interior space of the business within the principal building;

(f) Any lighting fixtures shall be designed to effectively eliminate glare, and sharply cut off lighting levels at the property line. All lights associated with the rooftop patio must be turned off when the rooftop area is not in use;

(g) Complaints regarding outdoor eating and drinking permits will be investigated by the Police Department, and violations of the rules and regulations heretofore promulgated will result in citations and possible revocation of the rooftop patio permit;

(h) When there are sales and consumption of alcoholic beverages in the outdoor area, additional standards apply and it shall be licensed as set forth in §11.09.

(11) Cargo container storage facilities or a cargo container maintenance facility shall be in keeping with standards and criteria for such facilities contained in §56.026, Cargo Containers.

(12) *Medical cannabis cultivation center.*

(a) A cultivation center must comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122), ILCS Ch. 410, Act 130, §§ ~~4~~*t seq.*, and all rules and regulations adopted in accordance thereto.

(b) A cultivation center may not be located within 2,500 feet of the property line of a preexisting public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, park, religious institution, library, or an area zoned for residential use.

(13) *Medical cannabis dispensing organization.*

(a) A dispensing organization must comply with the Compassionate Use of Medical Cannabis Pilot Program Act, and all rules and regulations adopted in accordance thereto.

(b) A dispensing organization may not be located within 1,000 feet of the property line of a preexisting public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, park, religious institution, or library.

(c) A dispensing organization may not be located in a house, apartment or condominium.

(d) A dispensing organization may not share office space with a physician or refer patients to a physician.

(e) A dispensing organization's hours of operation are limited to Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

(14) *Secondhand retail store.*

(a) Ancillary, donation-drop-off activities shall take place inside the building, with donors entering the building and leaving items with an employee.

(b) Donations are to be accepted during normal business hours as there are to be no donations accepted or left outside the facility after normal business hours.

(15) *Automobile dealership, used high-end vehicles.*

(a) All vehicles displayed outside on the property for sale shall be parked in parking spaces as striped, sized, allotted and allowed under this chapter. Vehicles obtained as trade-in vehicles may temporarily be maintained for no more than ten business days in the back of the property until properly restored to a good condition, sold or removed from the property. All other vehicles stored or displayed outside shall be in good condition with no visible damage, including but not limited to, rust, scratch, flat tire(s), cracked window(s) or chipping paint. No vehicle shall utilize a parking space reserved for persons with disabilities as defined under the Illinois Vehicle Code, unless it properly displays registration plates or decals issued to a person with disabilities.

(b) The parking requirement for motor vehicles sales is one parking space for each 300 square feet of floor area for employee and customer parking, and five parking spaces for each 1,000 square feet of floor area for outside vehicle display area; and ADA-accessible parking spaces in compliance with governing codes and regulations. The parking lot shall be designed in accordance with all city code requirements.

(c) There shall be no stringed pennant flags or other similar flags or banners as advertisement displayed outside.

(d) This special use shall not run with the land; any transfer or sale of the property or the business shall require a public hearing and an affirmative approval from the City Council for its continuation.

(e) This use shall be subject to applicable screening, landscaping, buffering, setbacks and design standards as required by this chapter, and as deemed reasonably necessary by the Zoning Administrator to protect the character of the surrounding properties and the community.

(f) *Minimum lot size and structure.* In a C-2 Zoning District, the minimum lot size for this special use shall be greater than half an acre, with a minimum, 1,500-square-foot

structure for a sales office and/or show room. In a C-3 Zoning District, the minimum lot size for this permitted use shall be greater than one acre, with a minimum, 3,000-square-foot structure for office or indoor-display use.

(16) *Bed and breakfast.*

- (a) A bed and breakfast shall be located in a residential building containing not more than five lodging rooms.
- (b) Room may be offered for rent to transient guests for a continuous period of 30 days or less.
- (c) The building shall serve as the owner's principal residences.
- (d) Food may be served only to overnight guests, exclusively between the hours of 5:00 a.m. and 10:00 a.m.

(17) *Gas station.*

- (a) No inoperable vehicles shall be stored outside a building at any time.
- (b) No overnight parking is allowed.
- (c) Any vehicle repair, servicing or maintenance shall be conducted within fully enclosed portions of a building.
- (d) Any building that contains vehicle repair, servicing and maintenance associated with a gas station is prohibited within 75 feet in any direction of any residential use district or lot containing a residential use, measured from the property line.
- (e) When this use is located on a corner lot with access from both streets, it shall have no more than one full-movement access point per frontage. A controlled, right, in-and-out access point is allowed in addition to the full. When this use is located mid-block or with access from only one street, it shall have no more than two full-movement access points from that street, subject to approval of the authorities having jurisdiction of the road.
- (f) For fueling-station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.
- (g) The special use of a gas station shall be located where vehicular access is only from a street designated as an arterial or major collector within 400 feet, measured from the property line that defines the corners of the intersection of:
 - 1. 151st Street and Archer Avenue;
 - 2. 143rd Street and Archer Avenue;
 - 3. 159th Street and Farrell Road;
 - 4. Bruce Road and Briggs Street;
 - 5. Bruce Road and Gougar Road;
 - 6. Cedar Road and 167th Street;
 - 7. Cedar Road and 159th Street;
 - 8. Thornton Street and 9th Street (Illinois Highway 71).
- (h) The special use of a gas station shall be located where vehicular access is only from a street designated as an arterial or major collector within 1,000 feet, measured from the property line that defines the corners of the intersection of:
 - 1. Interstate 355 and Archer Avenue;
 - 2. Interstate 355 and 143rd Street;
 - 3. Interstate 355 and 159th Street;
 - 4. Interstate 355 and Bruce Road.
- (i) All outdoor display of goods shall be kept within constructed enclosures or walled areas consistent with the materials and design of the principal structure.
- (j) This use shall not be located (directly measured property line to property line):
 - 1. Within 800 feet of another gas station or truck stop, to limit joined leakage and concentrated odors and exhaust;
 - 2. Within 300 feet of an active public water supply well or storage location;
 - 3. Within 100 feet of naturally-occurring surface water regulated by the local, state or federal government or a mapped 100-year floodplain.
- (k) Any established gas station or gas stations with an approved concept plan for such development prior to October 20, 2021, shall be deemed to be in compliance with the special use conditions as set forth in division (G)(16) as long as the use has not lapsed.

(H) *Fees.* Fees for applications and processes related to this section shall be as found in §156.126, Fees.

(Ord. 21-016, passed 8-18-21; Am. Ord. 21-032, passed 10-20-21)

§ 156.125 ZONING CERTIFICATION.

(A) *Authority.* Prior to review of any application for a building permit (or any application for an occupancy permit if no building permit is required), the Zoning Administrator shall determine that the application conforms with the regulations of this chapter, and certify as such on the building permit approval. Any application for a building permit that contains the information required by division (C) below shall be deemed to be an application for a zoning certification.

(B) *Purpose.* Implementation of city plans, policies and ordinances related to the built environment depends, in part, on compliance with city development regulations. This includes, but is not limited to, ensuring that land uses are located appropriately per the city zoning map, that parking and loading standards are met, and that zoning bulk standards are met. To support this objective, the zoning certification process ensures that property owners making improvements do so in a manner that is in keeping with the regulations of the city and do not adversely impact neighboring properties or the community at large. This process allows for consideration of such matters prior to commencement of construction and seeks to prevent owners from inadvertently undertaking construction contrary to the standards of this chapter.

(C) *Zoning certification required.* No building permit pertaining to the construction, remodeling, moving or reconstruction of any structure shall be issued by the city, unless an application for a building permit has been made to and a signature has been obtained from the Zoning Administrator.

- (1) *Applicable standards.* The following standards shall apply to zoning certification, as well as others that may be specified in the city code:
 - (a) Construction, building, moving, remodeling or reconstruction of any structure shall not be commenced without valid zoning certification;
 - (b) Improvement of land preliminary to any use of the land shall not be commenced without valid zoning certification;
 - (c) Permits pertaining to the use of land or structures shall not be issued by any official, officer, employee, department, board or bureau of the city without valid zoning certification;
 - (d) Any zoning certification issued in conflict with the provisions of this chapter shall be null and void, unless previously approved by ordinance or as a condition of the permit.
- (2) *Application procedure for zoning certification.* Every application for zoning certification shall be accompanied by the following:
 - (a) The certificate of a registered architect or registered structural engineer licensed by the state, or of an owner-designer, that the proposed construction, remodeling or reconstruction complies with all of the provisions of this chapter;
 - (b) A plat, in duplicate, of the piece or parcel of land, lot or lots, block or blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel, lot or lots, block or blocks, or parts or portions thereof, according to the recorded plat of the land;

(c) A plot plan, in duplicate, drawn to scale, and in a form as may from time to time be prescribed by the Zoning Administrator, showing the locations, ground area, height and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of present and proposed structures on the land, and other information as may be required by the Zoning Administrator for the proper enforcement of this chapter. One copy of the plat and the plot plan shall be retained by the Zoning Administrator as a public record;

(d) All applications for zoning certification for the construction, moving, remodeling or reconstruction of any structure to be located in an industrial district shall be accompanied by sufficient information to enable the Zoning Administrator to determine that there will be compliance with all of the applicable performance standards of § 156.072, Performance Standards, at all times. At the request of the Zoning Administrator, the applicant shall provide the following:

1. A description of the activity to be conducted, in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions or external effects regulated or otherwise limited by § 156.072;
2. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in § 156.072;
3. Any other data and certificates as may reasonably be required by the Zoning Administrator to reach a determination with respect to whether the proposed use or structure will comply with the requirements of § 156.072;
4. All information and evidence submitted in an application for zoning certification to indicate conformity with the performance standards set forth in § 156.072 shall constitute a certification and an agreement on the part of the applicant that the proposed structure or use can and will conform to such standards at all times.

(3) *Zoning certification.* Zoning certification shall be either issued or refused by the Zoning Administrator within 14 days of the receipt of an application, or within a further period of time as may be agreed to by the applicant, provided, however, the Zoning Administrator shall have 21 days to issue or refuse zoning certification on all applications, as required by division (C)(1) above. When the Zoning Administrator refuses to issue zoning certification, the applicant shall be advised in writing of the reasons for that refusal.

(4) *Period of validity.* Zoning certification shall become null and void six months after the date on which it is issued unless construction, moving, remodeling or reconstruction of a structure is commenced and progressing, or a use is commenced within that six-month period.

(D) *Occupancy certificate required.* No structure or addition constructed, moved, remodeled or reconstructed after the effective date of this chapter shall be occupied or used for any purpose, and no land vacant on the effective date of this chapter shall be used for any other use, unless an occupancy certificate shall first have been obtained from the Zoning Administrator, certifying that the proposed use or occupancy complies with all the provisions of this chapter.

(1) *Application for an occupancy certificate.*

(a) *General requirement.* Every application for an occupancy certification for a new or changed use of land or structures, where no zoning certification is required, shall be filed with the Zoning Administrator, and be in such forms and contain information as the Zoning Administrator shall provide.

(b) *Application for occupancy certificates for industrial uses.* All applications for an occupancy certificate for any use to be located in an industrial district, where no zoning certification is required, shall be accompanied by sufficient information to enable the Zoning Administrator to determine that there can and will be compliance at all times with all applicable performance standards of § 156.072. At the request of the Zoning Administrator, the applicant shall provide such information as is specified in division (C)(2)(d) above.

(2) *Issuance of an occupancy certificate.*

(a) No occupancy certificate for a structure or addition constructed, moved, remodeled or reconstructed after the effective date of this chapter, shall be issued until such work has been completed, including off-street parking and loading spaces, and the premises has been inspected by the Building Inspector and determined to be in full and complete compliance with the plans and specifications upon which the issuance of the zoning certification was based. Any modifications from the approved plan must be remedied prior to zoning certification being issued.

(b) No occupancy certificate for a new use of any construction or land shall be issued until the premises has been inspected by the Zoning Administrator, or their designee, and determined to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located.

(c) An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within 14 days of the receipt of an application therefor, or after the Zoning Administrator is notified, in writing, that the structures or premises are ready for occupancy, provided, however, that the Zoning Administrator shall have 21 days to issue or refuse an occupancy certificate on all applications required to comply with the provisions of division (C)(2)(d).

(3) *Conditional occupancy certificate.*

(a) In no event shall a conditional occupancy certificate be issued from March 15 to December 1 of each year when weather conditions allow for completion of exterior improvements as determined by the city's Director of Public Works.

(b) When weather conditions do not allow for the completion of exterior improvements, the city agrees to issue conditional occupancy certificates (commonly known as temporary occupancy certificates) upon the completion of temporary winter lot improvements, which shall consist of a temporary stone driveway and apron consisting of compacted CA6 stone.

(c) A sidewalk across the frontage of a residential lot shall not be considered a temporary winter lot improvement and shall not be required for the issuance of a conditional occupancy certificate.

(d) Prior to the issuance of any conditional occupancy certificates, the developer shall deposit with the city:

1. Bond(s) or other acceptable surety in amounts as determined by the city's Director of Public Works to secure completion of outstanding private improvements the following spring; and
2. An executed indemnification by the owner in a form approved by the City Attorney for each residential building for which a conditional occupancy certificate has been requested.

(e) The bonds shall be individual bonds for each unit, and cash bonds shall not be required.

(f) No such certificate of occupancy shall be issued unless the Director of Public Works approves of the issuance of the conditional occupancy certificate, and unless the developer provides a schedule by March 10 for the completion of all outstanding items for the city's Director of Public Works to consider.

(g) If so approved by the Director of Public Works, the developer shall meet the time frame as set forth within schedule or the city shall have the right to pull the individual lot bond as defined in this division.

(E) *Fees.* Fees for applications and processes related to this section shall be as found in §156.126, Fees.

(Ord. 21-016, passed 8-18-21)

§ 156.126 FEES.

(A) *Application fee notes for Plan and Zoning Commission variation from the requirements of this chapter.* If an applicant is applying for the variation within 90 days of an administrative variation being denied for the same request, and all fees were paid in full for the administrative variation, then the fee charged is the cost of a Plan and Zoning Commission variation, less the fee paid for the administrative variation, provided the scope of the variation has not been expanded and no additional relief is requested.

(B) *Staff review fee.* Upon presentation for an application for rezoning or special use, the applicant shall pay a non-refundable staff review fee in the following amount:

[TO VIEW FEES TABLE IN PDF FORMAT CLICK HERE](#)

(C) *Reimbursement of city costs.* In addition to the above fees for amendment and special use (including PUDs) applications, the applicant shall be obligated to reimburse the city for any fees incurred by the city for mailing and copying, legal advertising costs, or hiring professional consultants (legal, engineering, land planning, financial or other professional consultants) that may be required in the review of the application. In variation cases, if the fees stated above exceed the amount charged by the application fee, the applicant shall be obligated to reimburse the city.

(1) A 15% fee of the total charges shall be added as an administrative fee.

(2) All proceedings in connection with a rezoning, a special use permit, a planned development, or a variation shall be stayed until such sum so designated is submitted to the city as required.

(3) All proceedings with regard to a rezoning, a special use permit, a planned development, or variation shall be stayed until subsequent requests for payment of fees shall

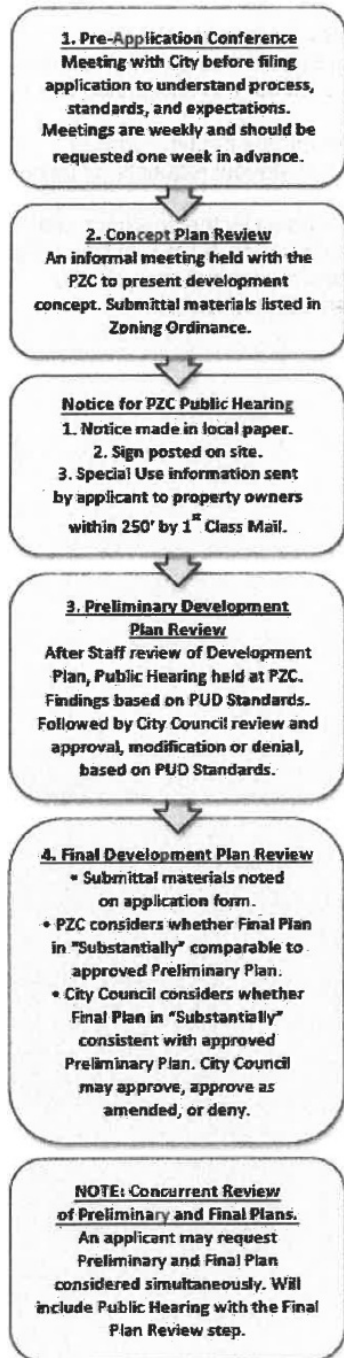
be submitted.

(4) Any request or subsequent demand of the city not paid by the applicant within ten days of the date of the demand shall, at the discretion of the City Council and upon written notice to the applicant, terminate and render null and void the proposed rezoning, special use permit, planned development, or variation application.

(Ord. 21-016, passed 8-18-21)

PLANNED DEVELOPMENTS

§ 156.140 PLANNED DEVELOPMENTS; INTRODUCTION.



A planned development may be located in any zoning district through the issuance of a special use permit, subject to the standards and procedures set forth in this chapter, when authorized by City Council upon recommendation from Plan and Zoning Commission. The development and execution of zoning regulations is based upon the division of the city into districts in which the use of land and buildings, and the bulk requirements and location of buildings and structures in relation to the land are specifically defined. The city recognizes that approaches in development forms and procedures that support mixing of uses and relief from bulk regulations within districts can produce very satisfactory, desirable and lasting results, if properly designed and planned; and can be done without adverse influence upon surrounding property. This subchapter establishes standards and procedures to provide flexibility and encourage sound and imaginative design. While a higher quality of outcomes for planned developments may include areas of increased height or density, simply allowing such intensification is not its sole, intended purpose.

(Ord. 21-016, passed 8-18-21)

§ 156.141 PLANNED DEVELOPMENTS; PURPOSE AND INTENT.

The planned development is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements designed for conventional development, but which may not facilitate desirable unconventional development, and to establish standards and procedures for the issuance of a special use permit for a planned development in order to obtain the following objectives.

(A) Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning ordinance requirements. The city desires environmentally-conscious and green development in order to enhance public welfare and create a more sustainable community. Higher quality environmental design expected in planned developments should encourage resource conservation, mitigate a development's impact on the environment, reduce waste generated by construction projects, increase energy efficiency, and promote public health.

(B) Diversification in the uses permitted and variety in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive

unified projects.

- (C) Provision for functional and beneficial use of open space.
- (D) Preservation, to the greatest extent possible, of the archeological and historic resources and natural landscape features and amenities of a development site, and utilization of those features in a harmonious fashion in the development.
- (E) Provision for a safe and desirable environment characterized by a sensitive and unified building and site development program.
- (F) Rational and economic development in relation to public services.
- (G) Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, employment and shopping environments.
- (H) Efficient use of land resulting in more economic networks of utilities, streets and other facilities.
- (I) Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

(Ord. 21-016, passed 8-18-21)

§ 156.142 APPLICATION PROCEDURES FOR PLANNED DEVELOPMENTS.

(A) A four-step procedure is prescribed for planned developments. Prior to beginning the planned development review process, the applicant is encouraged to obtain a copy of the city zoning ordinance, a copy of the development code, and relevant application forms. Applications shall be made on forms supplied by the city, and shall be made in accordance with the provisions of this chapter relating to special uses, except as specifically provided here to the contrary. The Zoning Administrator shall have the authority to combine stages of the review process. However, combining stages does not eliminate the applicant's responsibility to pay application and staff review fees for each stage.

(B) Planned developments to be considered by the city shall be in keeping with the following circumstances:

- (1) There shall be no minimum acreage requirement for a planned development;
- (2) Planned development required. Any development meeting the following conditions shall be permitted only if approved as a planned development in accordance with this chapter:

(a) Any development of ten acres or greater. Development of this size and scale can have a greater impact on the community than small developments and should be developed in an integrated manner that can be accommodated through planned development regulations.

(b) Any development requesting two or more variations from this chapter.

(3) Each planned development shall be presented and judged on its own merits. It shall not be sufficient to base justification for an approval upon an already existing planned development.

(4) The burden of establishing that a planned development is necessary, desirable, and meets all the standards of this chapter shall in all cases be the responsibility of the applicant.

(C) *Step 1: Pre-application meeting.* Before submitting an application for a planned development, the applicant shall meet with city staff to informally discuss the proposed planned development, to obtain information and guidance before entering into binding commitments regarding the property, or incurring substantial expense in preparation of a development. The request for a pre-application conference shall conform with the provisions of § 153.20.020.

(D) *Step 2: Concept plan review.* The concept plan review step shall be conducted at the sole discretion of the Director of Community and Economic Development, upon determining that the scale, complexity or potential adverse impacts merit this review step. The concept plan review provides an informal, pre-application process to assist an applicant's appraisal of the feasibility of a development concept according to the city comprehensive plan, other city development policies, existing and projected development plans, and other development activities. The process encourages discussion of basic interests, concerns and questions related to the development proposal, prior to incurring the expenses associated with a formal submission, and allows that work to be conducted more efficiently and effectively. This step also allows for citizen participation to also assist the developer and the city in defining the conditions under which permanent changes in land use may occur with minimal disruption of the natural and economic resources of the city. A determination whether to proceed with concept plan review shall be at the discretion of the Zoning Administrator, based on the completeness of the application, and whether the complexity of the project requires further information from the application or analysis by staff.

- (1) Concept plan review submittals shall include the following items.

(a) *Maps.* Maps that are part of the concept development plan may be in general form, and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, and the approximate location of proposed thoroughfares and water, sewage and drainage systems.

(b) *General statement.* A written statement shall contain a general explanation of the size and character of the planned development, including a statement of the present ownership of all the land within the planned development, and an anticipated start date of construction.

(c) *Current aerial photograph.* Aerial photography (preferably at a scale of one inch equals 400 feet), showing existing features within the proposed development's area of influence (not less than one-half mile), including the subject property, school, park, wastewater facility and fire protection district boundaries, municipal boundaries, and planning jurisdiction limits, national and local historic district boundaries, and sewer and water lines.

(d) *Existing conditions.* The existing conditions plans should be a professionally-drawn, site analysis plan, at a scale of one inch equals 100 feet, showing the boundaries of the site and the existing natural and man-made conditions on and within 150 feet of the site. It shall also include the following:

1. General information, including but not limited to, a graphic scale, north point, date of preparation, the name of the proposed development, and the name of the land surveyor, land planner or professional engineer who prepared the site analysis;

2. Natural features shall include topography (significant slopes designated), soils, wooded areas, natural areas, areas subject to flooding, bodies of water, wetlands, creeks, fens, springs and seeps, rock outcroppings, drainage patterns, vegetation, and wildlife habitat; and

3. Existing man-made features shall include interior and adjacent streets (with surface width and material noted), buildings, barns, bridges, historical and architectural sites, agriculture drain tile, underground utilities, rights-of-way, easements, neighborhood land uses, political boundaries, present zoning and planned land uses, the names of adjacent property owners, and any conditions of adjacent property that may affect the proposed development.

(e) *Concept site plan.* A professionally-drawn concept plan, at a scale of one inch equals one 100 feet, showing existing topography and vegetation, and the proposed general pedestrian and vehicular circulation, general land uses, open spaces and natural areas, and storm water control facilities. Concept site plan shall include a small location map, showing the relationship of the proposed development to the existing road network.

(f) *Evidence of ownership of the land proposed to be developed or subdivided.* Where the developer does not own the land, written notarized permission from the owner shall be provided, authorizing the development of the land under the provisions of this chapter.

(g) *Tentative engineering proposals.* Tentative engineering proposals for water supply, wastewater facilities, storm drainage and street improvements.

(h) *Completed application for concept plan review.* A completed concept plan review application as provided by the city.

(2) Following the submission of all material required by §156.142(D)(1), the Zoning Administrator shall distribute such documents to city departments, consultants or other persons as may be necessary. City staff will review each concept plan application, and any accompanying drawings, supporting documentation and statements, in order to determine the extent to which the application is consistent with all city requirements, and the standards for a planned development and a special use.

(3) After city staff has reviewed the submittal, the Zoning Administrator shall schedule the project on the next available Plan and Zoning Commission agenda and shall submit a staff report to Plan and Zoning Commission and to the applicant. The staff report will analyze the plan's compliance with the requirements of this chapter; raise any concerns that arise throughout the review process, and advise of any city plans, policies or projects that may affect the proposed subdivision or development.

(4) The Plan and Zoning Commission shall review the concept plan at a public meeting and provide feedback to city staff and the applicant as to items noted in the staff report, other potential benefits or concerns noted about the concept plan, and any additional information it considers useful and suggests being provided for the preliminary development plan review should the applicant proceed to that stage.

(E) *Step 3: Preliminary development plan review.* The preliminary development plan review step provides formal, first consideration of the planned development application. Plans considered at this stage shall reflect a significantly complete development plan that indicates clearly what form of development is proposed, and how it might impact surrounding properties and the community in general. The applicant shall provide enough information and detail about the proposal to allow the staff, the PZC, the City Council and residents to make a sound determination regarding the extent to which the proposed development meets the standards for approval specified in this chapter.

(1) Preliminary development plans shall include the following items.

- (a) All items required for a preliminary development plan as described in §153.20.041 of the city development code.
- (b) A development schedule indicating the approximate dates each phase of the planned development will commence and conclude. Phase information should indicate what development is included in each phase, including open space, site amenities, landscaping and utilities.
- (c) Proposed agreements, by-laws, provisions or covenants that govern the use, maintenance and continued protection of the planned development, and any of its planned open space or other facilities referred to in division (E)(1)(b).
- (d) A list of all modifications from the district regulations that will be necessary for the proposed planned development.
- (e) Statements of conformity, ownership and proposed use.

1. **STATEMENT OF CONFORMITY** is a statement by the applicant(s) demonstrating how the planned development conforms with the purpose and the standards and criteria of this subchapter.

2. **STATEMENT OF OWNERSHIP** is a statement and documentation by the applicant(s), verifying their ownership or control of all land included in the proposed development. If the property is held in a trust, the statement of ownership shall disclose the name of the trustee and beneficiaries of the trust.

3. **STATEMENT OF PROPOSED USE** is a statement of the applicant's (or applicants') intention with regard to the future selling or leasing of all portions of the land areas or structures, and the proposed use thereof.

(f) Additional information as may have been directed by the Plan and Zoning Commission as part of the concept plan review process or as may be required by the Zoning Administrator.

(2) Following the submission of all required material, the Zoning Administrator shall distribute that information to city departments, consultants or other persons as may be necessary. City staff will review each preliminary development plan application, and any accompanying drawings, supporting documentation and statements, in order to determine whether the application is consistent with all city requirements, and the relevant standards and criteria contained in this subchapter.

(3) After city staff has reviewed the submittal, the Zoning Administrator shall schedule the application for a public hearing (in accordance with the requirements of this chapter) at the next available Plan and Zoning Commission meeting. The staff report analyzing the proposed plan's compliance with the requirements of this chapter shall be provided to the Plan and Zoning Commission, and copy of that report shall be provided to the applicant.

(4) *Hearing.* The Plan and Zoning Commission shall hold a public hearing on the application for a preliminary development plan. Notice and hearing procedures shall be followed as set forth in § 156.120(E)(3), Notice and hearing procedure, of this chapter.

(5) *Decisions by the Plan and Zoning Commission.* Following the public hearing and review of the preliminary development plan and supporting materials for conformity to this chapter, the Plan and Zoning Commission shall, within 60 days from date of public hearing (unless agreed to otherwise with the applicant), recommend approval, modification or disapproval, and the reasons therefor, to the City Council; the recommendation shall include the Plan and Zoning Commission's findings of fact in regard to the standards for findings in this article.

(6) No application for preliminary development plan shall be approved without a satisfactory finding regarding the following standards. The Plan and Zoning Commission shall submit to the City Council a written recommendation and findings of fact for each matter it hears based on these standards.

- (a) The standards for special use, as outlined in §156.124(E) shall be met by all planned developments.
- (b) In what respects the proposed plan is or is not consistent with the stated purpose of the planned development regulations.
- (c) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk and use; and the reasons why such departures are or are not in the public interest.
- (d) The extent to which the proposed plan meets the requirements and standards of the planned development regulations.
- (e) The physical design of the proposed planned development, and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.
- (f) The compatibility of the proposed planned development with the adjacent properties and neighborhood.
- (g) The desirability of the proposed planned development to physical development and economic well-being of the entire community.
- (h) The proposed development plan's conformity with the recommendations of the comprehensive plan of the city.

(7) *Decisions by the City Council.* After receipt of the preliminary development plan from the Plan and Zoning Commission, the City Council shall approve, modify or disapprove the plan. In the case of approval, or approval with modifications and/or conditions, the City Council shall pass an ordinance approving the preliminary plan, incorporating findings of fact as recommended by the Plan and Zoning Commission, and as may be amended by the City Council.

(8) *Effect of preliminary development plan approval.* Approval of a preliminary development plan shall not constitute approval of the final plan. It is an approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be approved as the final development plan if it substantially conforms with the preliminary development plan. No plats shall be recorded and no building permits issued until a final development plan has been approved by the City Council.

(9) Preliminary plan approval shall be effective for no more than one year from the date of approval unless, upon written request by the applicant, the City Council grants an extension of time for one additional year, provided the applicant makes the request for the extension within the initial one-year period.

(a) When the preliminary plan approval is no longer effective, either by exceeding the one-year period or not receiving a time extension, the special use permit for the planned development shall lapse, upon written notice to the applicant from the Zoning Administrator, and shall be of no further effect.

(b) The expired preliminary plan may be considered and approved by the City Council upon written request from the applicant, only if the requested approval is for the same approved planned development, with no changes to that plan.

(F) *Step 3A: Concurrent review.* An applicant for planned development may request concurrent review of preliminary and final development plans. The request shall be approved at the sole determination of the Zoning Administrator. If concurrent review is authorized, the process shall include the public hearing required by this subchapter, and all materials required in for final development plan approval shall be provided prior to scheduling the hearing.

(G) *Step 4: Final development plan.*

(1) Within one year following the approval of the preliminary development plan, unless an extension was granted as described above, the applicant shall submit a final development plan for the first stage of development. Final development plans shall contain the following items.

- (a) All items required for a final development plan as enumerated in §153.20.052.
- (b) All items required for a final development plan as enumerated on the city's application for planned development, or as may be required by the Zoning Administrator to provide clarifying information.
- (c) Note of any proposed changes to or impacts from the approved, preliminary planned development submittal.
- (d) A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots, as well as the division of other lands not so treated into planned open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.
- (e) If the planned development includes subdivided lands, a subdivision plat of all subdivided lands, in the same form and meeting all the requirements of a normal subdivision. To the extent that compliance with Chapter 153 may be required, public hearings for such purposes shall be held at the same time as the hearings required under the provisions of these planned development regulations.
- (f) An accurate legal description of each separate unsubdivided use area, including planned open space.
- (g) Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.
- (h) Final agreements, by-laws, provisions or covenants that govern the use, maintenance and continued protection of the planned development, and any of its planned

open space or other facilities, conveyed to a homeowners' association or similar organization.

(i) A detailed, final development and construction schedule, indicating when each phase is expected to commence and conclude. Detailed phase information shall include open space, site amenities, landscaping and utilities.

(2) Following the submission of all materials required above, the Zoning Administrator shall distribute such documents to city departments, consultants or other persons as may be necessary. City staff will review each final development plan application and any accompanying drawings, supporting documentation and statements, in order to determine whether the application is consistent with all city requirements and the standards and criteria for final development plans as contained in § 156.142(E)(6).

(3) After city staff has reviewed the submittal, the Zoning Administrator shall schedule the project at the next available Plan and Zoning Commission meeting, and shall submit a staff report to Plan and Zoning Commission and provide a copy to the applicant. The staff report will analyze the final development plan's compliance with the requirements of this chapter, and report items of nonconformity or noncompliance. If the final plan does not substantially conform to the preliminary plan, a public hearing (with required notice) shall be held for the PZC to consider approval of the revised final plan.

(4) The Plan and Zoning Commission shall review the final development plan and shall make a recommendation to the City Council. When making its recommendation to City Council, the Plan and Zoning Commission can recommend approval, approval subject to modifications and/or conditions, or denial.

(a) The Plan and Zoning Commission shall recommend approval of the final development plan if it is in substantial compliance with the approved preliminary development plan. The Plan and Zoning Commission shall certify to the City Council that the final development plan is in conformity with the previously filed preliminary development plan, and meets all the requirements for a final development plan.

(b) A final plan is in substantial compliance with the approved preliminary plan if it includes, but is not limited to, the following:

1. Development density and intensity have not materially changed, in that:

- a. The number of buildings has not increased by more than 10%;
- b. The number of stories is the same or fewer;
- c. The height of the building(s) has not increased by more than 5%;
- d. The number of units is the same or fewer;
- e. The lot coverage and floor area ratio are the same or less;
- f. The number of bedrooms and corresponding parking spaces have increased or decreased by as much as 10%, based on the entire plan, provided the plan complies with all other requirements of this subchapter and of this chapter; and
- g. The floor area ratio may have been transferred from one building to another or from one stage of development to another, provided that the total floor area ratio has not changed;

2. Design has not materially changed, in that:

- a. The roadway patterns, particularly ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
- b. The parking area is in the same general location and configuration;
- c. The building setbacks are the same or a greater distance from perimeter property lines, except that the building setbacks for detached, single-family development; zero-lot-line, row-house, townhouse and cluster development may also have decreased; provided that the decrease is limited so that the resulting setback distance will be the greater of either the underlying zoning district regulations, or any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
- d. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
- e. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
- f. Elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans;
- g. Recreational facilities, if shown on plans approved by a prior zoning action, either remain the same or have been converted from one recreational use to another;
- h. If recreational facilities were not shown in the approved plans, they may be added; provided there is no increase in lot coverage or decrease in required open space, and they are located internally within the proposed development;
- i. Signage is no greater in number or size, and is placed in the same general location on the site as approved by zoning action;
- i. However, changes in the size or number of signs, when they are not used for advertising, but are used for direction or to facilitate services of the development, is permitted;
- ii. An entrance sign location may be moved the same proportional distance as a relocated entrance drive;
- j. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the zoning code that was not previously approved at a public hearing, or of expanding the scope of existing variations, alternative, site-development options, or other approvals pursuant to alternative development standards, such that they would differ to a greater degree from the strict application of the zoning code;
- k. Additional out-parcels may be added where there is no increase in the project's total floor area ratio or lot coverage, there is no reduction in the total amount of landscaped open space, and the addition of the out-parcel does not result in noncompliance with any other provision of this division on any other portion of the subject property;

l. Reductions in the number of parking spaces on the site are permitted, if sufficient parking spaces are provided to satisfy the requirements of this code.

3. If the Plan and Zoning Commission finds that the final development plan does not substantially conform to the preliminary development plan, or that it does not meet the requirements for a final development plan, it shall so notify the applicant and the City Council in writing,

(5) After receiving a recommendation from the Plan and Zoning Commission, the City Council shall approve, approve with modifications or disapprove the preliminary development plan, or refer the matter back to the PZC for further deliberation.

(a) The City Council shall approve the final development plan if it is in conformity with the preliminary development plan and meets all the requirements for a final development plan.

(b) The City Council may approve a final development plan the PZC does not find to be substantially concurrent with the preliminary plan, upon a finding that final plan is in keeping with the required standards for a planned development. The approval shall be considered a concurrent review of the plan, as described in § 156.142(F) of this chapter. City Council shall approve final development plans by resolution.

(H) Within five years of a planned development being approved, outlots subject to the conditions of the planned development and the review procedures set forth in Chapter 153.20, can be granted approval of one variation by Plan and Zoning Commission without amending the planned development, as long as the variation requested from the underlying zoning district was not addressed or specifically approved during approval of the planned development.

(1) Notification requirements for the public hearing must adhere to §156.120(E)(3).

(2) If two or more variations are requested or if the request is to vary something specifically approved in the planned development, then a public hearing to amend the planned development is required before the Plan and Zoning Commission.

(3) This division does not apply to an individual residential lot owner requesting variations after a residence has been constructed. Such variations are subject to § 156.122.

(Ord. 21-016, passed 8-18-21)

§ 156.143 MODIFICATION OF DISTRICT REGULATIONS FOR PLANNED DEVELOPMENTS.

Except as modified by and approved in the documents authorizing the planned development, a planned development shall be governed by the regulations of the district or districts in which it is located.

(A) (1) A planned development may provide for exceptions from the district regulations governing:

- (a) Use;
- (b) Density;
- (c) Area;
- (d) Bulk;
- (e) Parking;
- (f) Signs; and
- (g) Subdivision design standards;

as may be necessary or desirable to achieve the objectives of the proposed planned development, provided these exceptions are consistent with the standards and criteria contained in this subchapter.

(2) No modifications of the district requirements or the subdivision design standards may be allowed when the proposed modification would result in:

- (a) Inconvenient or unsafe access to the planned development;
- (b) Unsafe traffic conditions;
- (c) An undue or disproportionate burden on public parks, recreational areas, schools, fire and police protection, and other public facilities that serve, or are proposed to serve, the planned development;
- (d) A development that will be incompatible with the purpose of this chapter, and the goals and objectives of the comprehensive plan of the city;
- (e) Alteration, destruction or diminution of natural landscape features such as flood plains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs or steep slopes;
- (f) Alteration or destruction of archeological and historic features.

(B) The Plan and Zoning Commission may recommend to the City Council, and the City Council may grant a special use permit that modifies the applicable district zoning regulations and subdivision regulations, upon a written finding by the Plan and Zoning Commission that the planned development meets the applicable standards and criteria contained in § 156.142(E)(6). The written finding shall set out the reasons supporting each standard.

(C) The PZC may recommend and the City Council may require modifications to the following, including but not limited to:

- (1) Landscape quantity or size;
- (2) Parking quantity;
- (3) Transitional yard widths;
- (4) Signage, if submitted as part of the application;
- (5) Additional pedestrian circulation improvements.

(Ord. 21-016, passed 8-18-21)

§ 156.144 GENERAL GUIDELINES FOR PLANNED DEVELOPMENTS.

Planned development shall be authorized based on the standards specified in §156.142(E)(6). To further define those standards and convey in more detail the city's expectations for planned development, the guidelines below present city development goals.

(A) The proposed development will not injure or damage the use, value and enjoyment of surrounding property, nor hinder or prevent the development of surrounding property in accordance with the comprehensive land use plan of the city.

(B) The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.

(C) The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for the proposed development shall be filed jointly by all the owners.

(D) The development plan shall contain the proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the planned development, and are not inconsistent with the best interest of the city. The covenants, easements and other provisions, if part of the development as finally approved, may be modified, removed or released only with the consent of the City Council, after a public hearing before, and recommendation by, the Plan and Zoning Commission as provided in this subchapter.

(E) Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development, and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.

(F) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or accessways, is landscaped or otherwise improved.

(G) The project area is adaptable to unified development, and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness.

(H) The uses proposed in the development are necessary or desirable, and the need for the uses is clearly demonstrated by the applicant.

(I) Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan.

(J) All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned development, as assured by:

- (1) Entrance points or locations of streets and driveways to previously-existing public roadways shall be subject to approval by the city;
- (2) Traffic controls on public roadways within or adjacent to the development will be provided by the city, as and where determined necessary by the City Council. The City Council may require, as a condition of approving a proposed planned development, that the cost of installing the traffic controls be borne by the applicant;
- (3) The installation of traffic control devices shall be done in accordance with installation schedules and standards as ordinarily applied on all public streets;
- (4) If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets, and the proposed control device is not within the normal or scheduled sequence of installations, the devices may be provided by the developer upon permission by the City Council.

(Ord. 21-016, passed 8-18-21)

§ 156.145 ADDITIONAL STANDARDS FOR PLANNED DEVELOPMENTS.

(A) *Intent.* A planned development is intended to encourage innovative designs in the development of land.

(B) *Additional standards and criteria for planned developments.* In addition to the standards and criteria set forth in § 156.142(E)(6), planned developments shall comply with the following standards and criteria.

(1) *Modifications from district regulations.* Modifications from district regulations shall adhere to § 156.143, Modification of District Regulations for Planned Developments, and comply with the following standards.

- (a) Lowland yards, as required by § 156.073 of the zoning code, shall not be varied.

(b) Lot coverage can exceed the amount required by § 156.073, up to 5%, provided the Plan and Zoning Commission and the City Council find that the development has incorporated environmentally-sensitive design and energy-efficient practices that will mitigate the increased coverage.

(2) *Design standards.*

(a) *Design guidelines.*

1. Design guidelines, as contained in Appendix B, shall apply to the planned development, unless an applicant chooses to establish their own set of guidelines as part of the planned development, establishing more creative and site-specific standards.

2. When guidelines are created for a planned development, the city's guidelines will be used as a baseline for review, and similar or better standards are expected.

3. The Plan and Zoning Commission will make recommendation on, and the City Council may approve, such guidelines.

4. Planned developments following the city's design guidelines may deviate from the recommendations, provided it is determined that the deviation is justifiable and does not alter the intent of the guidelines.

(b) *Exterior building materials.* Deviations from the standards contained in Appendix A are permitted if justified by the applicant. Structures or buildings that demonstrate exceptional architectural merit and/or an intention to reflect the historic character of the city may deviate from the provisions of Appendix A, Exterior Building Materials, to allow the use of different materials, or to allow the use of a different percentage or proportion of the materials otherwise required in the exterior finish of a structure or building.

(3) *Standards for open space.* Open space provided in a planned development may be as proposed by the applicant, required under standards of the city code, or as a condition of city approval of the planned development. No open space may be delineated or accepted under the provisions of this subchapter unless it is in keeping with the following standards.

(a) All land shown on the final development plan as planned open space must either be:

1. Conveyed to a public body, if the public body agrees to accept conveyance, to maintain the planned open space and any buildings, structures or improvements that have been placed in it; or

2. Conveyed to a homeowners' association or similar organization organized for the purpose, among others, of owning and maintaining common buildings, areas and land within the planned development. The planned open space must be conveyed, subject to covenants to be approved by the city, which restrict the planned open space to the uses specified on the final development plan, and which provide for the maintenance of the planned open space in a manner that assures its continuing use for its intended purpose.

(b) No portion of a planned development shall be conveyed or dedicated by a developer, or any other person, to any public body or a homeowners' association, unless the Plan and Zoning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purposes for which it is intended. When making its determination, the Plan and Zoning Commission shall consider the size and character of the dwellings to be constructed within the planned development, the topography and existing trees, ground cover, and other natural features; the manner in which the open area is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

(4) *Signs.* The city may require, as a condition of the special use permit, more restrictive sign regulations than otherwise permitted by the city code.

(5) *Additional standards for residential planned developments.* Densities recommended by the city comprehensive plan need not be strictly adhered to, provided the development will not negatively impact neighboring development, is sufficiently buffered from adjacent properties, and closely applies the city's design principles included in the comprehensive plan.

(6) *Additional standards for planned developments with commercial uses.* For commercial uses located within a planned development, regulations other than those of the underlying district may be applied, subject to the following restrictions.

(a) Structures and uses shall be located, designed and operated so as to have direct pedestrian access to residential areas, if applicable.

(b) Layout of parking and loading areas, service areas, entrances, exits, yards, courts, landscaping and the control of signs, lighting, noise and other potentially adverse influences shall be mitigated to avoid impact on the residential areas within or adjoining the development.

(c) The structures and uses, by reason of their location, construction, manner of timing of operation, shall not have adverse effects on residential uses within or adjoining the development, or create traffic congestion or hazards to vehicular or pedestrian traffic.

(d) Design standards shall be as set forth in division (B)(2) above.

(Ord. 21-016, passed 8-18-21; Am. Ord. 21-036, passed 11-17-21)

§ 156.146 ZONING ADMINISTRATION; PERMITS FOR PLANNED DEVELOPMENTS.

(A) The Zoning Administrator may approve the issuance of permits for site or building construction for that part of the development plan that has been approved, in the area covered by the approved final development plan, for work in conformity with the approved final development plan, and with all other applicable ordinances and regulations.

(B) The Zoning Administrator shall not approve an occupancy permit for any building or structure shown on the development plan of any stage of the planned development, unless the planned open space and public facilities allocated to that stage of the development have been conveyed to the proper authorities. A certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan may be issued, if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable regulations and ordinances of the city.

(Ord. 21-016, passed 8-18-21)

§ 156.147 FAILURE TO BEGIN DEVELOPMENT; ENFORCEMENT OF DEVELOPMENT SCHEDULES FOR PLANNED DEVELOPMENTS.

(A) The Zoning Administrator shall review as necessary all permits issued for the planned developments, and examine construction that has taken place, to compare actual development with the approved development schedule.

(B) If the Zoning Administrator finds any of the following, they shall notify City Council in writing.

(1) The planned development has failed to meet the approved construction schedule.

(2) When no development schedule was approved with the planned development, and no substantial construction has begun based on the submitted construction schedule, or no use established within one year from the date final plans were approved.

(3) Construction has not commenced or been completed in accordance with the terms of the development schedule and/or phasing plan.

(4) The rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided.

(5) The planned development has failed to follow the requirements of the planned development.

(C) Within 30 days of the notice from the Zoning Administrator, the City Council may revoke the special use permit, and the land shall revert to its former classification, unless the landowner shows good cause for why the development schedule may be revised. The City Council may approve a revised development schedule extending existing approvals for a specified time frame. As part of this consideration by the City Council:

(1) Written notice shall be sent to the address of the applicant listed in the planned development application by first class mail, notifying the applicant of the meeting;

(2) At the meeting, the applicant shall be permitted to respond and present evidence on the applicant's own behalf.

(Ord. 21-016, passed 8-18-21)

§ 156.148 AMENDING THE PLANNED DEVELOPMENT FINAL PLAN.

(A) *Application required.* No changes may be made to the approved final development plan except when processed under the procedures set forth as follows.

(1) If either the developer or owner of the planned development wishes to change the planned development by deviating from the approved final development plan, they shall make written application to the city for approval of the change.

- (2) The application shall be filed with the Zoning Administrator, who will then make a written determination of whether the change is major or minor.
 - (3) Any deviations without the necessary approval shall serve automatically to revoke the original approval and to void future action pursuant to the planned development.
- (B) *Minor changes.* If the Zoning Administrator determines that the changes are minor, the Zoning Administrator may approve such minor changes, errors or omissions in the planned unit development.
- (1) **MINOR CHANGES** are defined as all changes other than those that qualify as a major change.
 - (2) At their sole discretion, the Zoning Administrator may refer minor changes to Plan and Zoning Commission for review and action.
 - (3) If heard by the Plan and Zoning Commission, a minor change to the planned unit development does not require a public hearing.
 - (4) Approved minor changes shall be reported to the City Council and filed with the City Attorney.
- (C) *Major changes.* If the Zoning Administrator finds proposed alterations to an approved final development plan are major changes, then such changes shall require approval by the City Council, upon recommendation from Plan and Zoning Commission, who shall make a determination of their recommendation under the procedure defined by this chapter for approval of the special use permit, including a public hearing at Plan and Zoning Commission. Each of the following shall be deemed a **MAJOR CHANGE**:
- (1) Any increase in density;
 - (2) Any increases in the height greater than 10% of any building or structure;
 - (3) More than a 10% increase in the footprint of any building or structure;
 - (4) Changes in the amount of parking spaces by more than 10%;
 - (5) Increases in the size or number of signs except as described in §156.141;
 - (6) Major reductions in the size of the proposed buildings;
 - (7) Any changes in the percentage of exterior building materials;
 - (8) Changes in the type of exterior building materials used, excluding those changes described in §156.141;
 - (9) Increases or major decreases in the number of buildings and/or lots;
 - (10) Any reductions in the amount of proposed open space, buffering or landscaping;
 - (11) Changes in the development schedule;
 - (12) Changes in use;
 - (13) Modifications in the proportion of housing types;
 - (14) Altering roadways;
 - (15) Changes in the final governing agreements, provisions or covenants, or other changes that change the concept or intent of the development.
- (D) *Changes recorded as amendments.* Any changes approved shall be recorded as amendments to the recorded copy of the final development plan.

(Ord. 21-016, passed 8-18-21)

§ 156.149 POST-COMPLETION REGULATION.

- (A) Upon completion of the planned development, determined as the last portion of the project has a maintenance bond released, and as a condition of the city's acceptance of the final public improvements, the Zoning Administrator shall certify the planned development has been completed in accordance with the approved final development plan. The certification shall be filed with the City Attorney.
- (B) After the certification has been issued, the uses of land and construction, modifications or alterations of any buildings or structure within the planned development shall be governed by the approved final development plan rather than by any other provision of this zoning code.
- (C) After the certification has been issued, no changes may be made in the approved final development plan except upon application to the city under the procedures for seeking amendments, special uses and variations with respect to the zoning code, as set out in this chapter.

(Ord. 21-016, passed 8-18-21)

APPENDIX A: EXTERIOR BUILDING MATERIALS

- (A) *Exceptions.* The following are not subject to the exterior material standards as contained herein.
- (1) Structures or buildings located within the city's Historic District. Such buildings or structures must receive a certificate of appropriateness from the Heritage and Architecture Commission, subject to the requirements of Chapter 150 of the Municipal Code.
 - (2) Exterior building materials approved for a development prior to November 17, 2021, when such approved materials are in conflict with the requirements contained herein.
- (B) *Prohibited materials in all districts.*
- (1) Neon tubing used to line windows, highlight architectural features on buildings or other similar uses is prohibited.
 - (2) Neon tubing integrated into signage is subject to Chapter 155 of the Municipal Code.
- (C) *In all zoning districts.*
- (1) The use of building materials that have high-recycled content, in lieu of their non-recycled equivalent (including, but not limited to, carpet, floor tiles, wall base, furniture, ceiling tiles, and the like), is encouraged.
 - (2) Whenever possible, building materials that have been processed and manufactured regionally shall be selected over equivalent products processed and manufactured outside a 500-mile radius of the development site.
 - (3) Whenever possible, only wood from Forest Stewardship Council (FSC) certified sources should be used.
 - (4) The use of white EPDM or TPO roofing membrane is required on low-slope roofs, to minimize heat gain and reduce energy costs.
- (D) *Residential districts.* The following are minimum exterior building material standards for residential buildings.
- (1) *Single-family detached.* Residential design must include a minimum of 50% masonry, exclusive of doors, windows and trim, on three distinct facades (front, side(s), rear), unless exceptional design consistent with historic architectural design and material styles found primarily in the downtown area is utilized. This approach provides flexibility to the architect and/or developer to provide home designs that may not meet the percentage requirement, but are consistent with the established architectural materials for the design styles selected. It is the applicant's responsibility to identify consistency with the community's historic character. Typical styles found in Lockport include:
 - (a) Craftsman;
 - (b) Victorian;
 - (c) Colonial;
 - (d) Bungalow;
 - (e) Arts and Crafts;
 - (f) American Foursquare;

(g) Greek and 20th Century Revival;

(h) Mid-Century Modern;

(i) Current day products, including, but not limited to, Urban Farmhouse, Modernist and Cottage Homes are acceptable, provided the presentation conveys how they reflect best-practice detailing for those styles.

(2) *Residential dwellings, except single-family detached.* Fifty percent of all elevations, exclusive of doors, windows and trim, shall be constructed of masonry material, unless exceptional design consistent with historic architectural design and material styles found primarily in the downtown area is utilized.

(3) *Masonry materials defined.* For the purposes of this section, **MASONRY MATERIALS** includes brick, stone, stucco or other similar materials, but does not include concrete or concrete masonry units. Cementitious siding (Hardie-board) is an acceptable material substitute for masonry, but only if consistent with the proposed architectural style's historical material appearances.

(4) *Other potential supplementary materials.* Architectural-grade (0.44 m or greater) vinyl or composite siding; cedar siding; architectural-grade, metal panel systems in modern design structures. Other materials can be submitted for review and approval, provided they are consistent with the architectural character of the building design.

(E) *Commercial.* The following are minimum exterior building material standards for commercial buildings.

(1) *Classes of materials.* Materials shall be divided into the following four classes:

(a) *Class I:* Face brick, stone, glass/aluminum storefront, ceramic/stone tiles, textured and architecturally finished concrete, or prefinished metal panels (in-line retail only). Other comparable materials may be approved by the city;

(b) *Class II:* Specialty concrete block such as textured, burnished or rock-faced CMU, imitation brick or stone, or stucco and synthetic stucco. Other comparable materials may be approved by the city;

(c) *Class III:* Opaque panels, ornamental metal or metal panels, or preformed insulated cornice panels. Other comparable materials may be approved by the city;

(d) *Class IV:* Smooth concrete masonry units, smooth scored concrete masonry units, glass block or wood. Other comparable materials may be approved by the city.

(2) *Relative uses of classes of materials.* Buildings shall incorporate classes of materials in the following manner.

(a) *Freestanding buildings.*

1. Freestanding buildings must use at least two Class I materials on 60% of each facade; not more than 30% Class II or Class III materials; and not more than 10% Class IV materials.

2. Exposed architectural precast panels shall be limited to not more than 10%.

(b) *In-line retail buildings.*

1. Facades facing the public right-of-way or public parking must use at least two Class I materials on 60% of each facade. The use of Class II and III materials shall not exceed 30% of the facades facing the public right-of-way and public parking. Not more than 10% Class IV materials may be used on a facade.

2. Facades that do not face the public right-of-way or public parking must use a minimum two Class I materials over a minimum 60% of the facade, and a maximum of 40% Class II, Class III or Class IV materials.

(c) *Variations in color.*

1. A distinctively different color of face brick may be considered as a second Class I material.

2. However, minor blended variations in brick color or texture shall not be considered as a separate Class I material.

(F) *Office.*

(1) Office buildings must incorporate at least two of the following materials on all elevations: face brick, architectural steel and aluminum, stone, glass, exposed aggregate panels, textured or architecturally finished concrete, steel or wood. Equivalent or better materials, or any combination of the above, may be used in a well-conceived or creative application.

(2) Common brick, concrete block, split-face block, corrugated metal or preengineered metals installed with exposed fasteners are prohibited.

(G) *Industrial and manufacturing.*

(1) Industrial and manufacturing buildings must incorporate at least two of the following materials on all elevations: face brick, architectural steel and aluminum, stone, glass, exposed aggregate panels, textured or architecturally finished concrete, steel or wood. Equivalent or better materials, or any combination of the above, may be used in a well-conceived or creative application.

(2) Split-face block is only permitted on front and side facades where architectural features (such as columns, horizontal bands, and the like) are incorporated into the facades.

(3) Corrugated metal or pre-engineered metals installed with exposed fasteners are only permitted on front facades if 50% of the front facade is masonry; and are only permitted on side facades where architectural features (such as columns, horizontal bands, and the like) are incorporated into the side facades.

(Ord. 21-036, passed 11-17-21)

APPENDIX B: DESIGN GUIDELINES

Design guidelines for the City of Lockport are hereby incorporated by reference only as if set forth in full herein. Please use the following link to access the full text of the design guidelines on the city's website: <https://www.cityoflockport.net/DocumentCenter/View/4427/Design-Guidelines>.

(Ord. 21-036, passed 11-17-21)