

CHAPTER 40

ZONING CODE

ARTICLE I – GENERALLY

40-1-1 TERRITORIAL LIMITS. The provisions of this Code shall apply to that land located within the corporate limits of the City of Benton, Illinois and the land lying within contiguous territory not more than **one and one-half (1 ½) miles** beyond the corporate limits and not included within any municipality as indicated on the official zoning map but only if the County has not adopted a Zoning Code. **(See 65 ILCS 5/11-13-1) (Sec. 1)**

40-1-2 DEFINITIONS. For the purposes of this Code, certain terms or words used herein shall be interpreted as follows:

- (A) The word **"person"** includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (C) The word **"shall"** is mandatory, the word **"may"** is permissive.
- (D) The words **"used"** or **"occupied"** include the words intended, designed, or arranged to be used or occupied.
- (E) The word **"lot"** includes the words **"plot"** or **"parcel"**, and refers to lots of record.

Abandon: The continuation of use is interrupted by the voluntary overt act of the user or owner.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Acre(s), Gross: The total acreage of:

- (A) a subdivision;
- (B) a contiguous zoning district; or
- (C) a planned development.

Computations shall include public right-of-way except: (1) boundary streets of which only **one-half (1/2)** of the right-of-way shall be used in any computation; and (2) publicly owned land used for community facilities such as parks, schools, libraries, etc.

Acre(s), Net: Same as Gross Acres but, excluding all public right-of-way and publicly owned land utilized for community facilities.

Agriculture: The use of land for agricultural purposes. This includes necessary buildings and structures which shall be used for agriculture, including, but not limited to farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for parking, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences shall not be considered to be used for agricultural purposes. **(See #8) (Ord. No. 1157; 06-20-86)**

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

Alley: A narrow service way providing a secondary public means of access to abutting properties, and not more than **twenty (20) feet** wide.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or by change in use from that of one district classification to another.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Animal Hospital: Any building or portions thereof, designated or used for the care, observation, or treatment of domestic animals.

Automobile, Abandoned: Any motor vehicle, or portion thereof, which when operated on a highway is required to be registered by the State of Illinois, whose registration has been expired for a period of **ninety (90) days** or more. Notwithstanding the foregoing definition, a motor vehicle or portion thereof stored within a permitted building or structure shall not be considered to be an abandoned automobile.

Automobile Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles, as well as other services as listed under ***Filling Station***.

Automobile Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major," except those other services listed under ***Filling Station***.

Automobile Service Station: See ***Filling Station***.

Automobile Wrecking: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: Any floor below the first story of a building unless construed to be a ***Story*** as defined herein.

Billboard: See ***Sign-Off-Site***.

Boarding House: Any dwelling which provides sleeping and/or cooking and/or eating facilities for more than **three (3)** but less than **ten (10)** unrelated individuals. A rooming house or furnished rooming house shall be deemed to be a boarding house. Sleeping rooms shall not be used for more than **two (2) persons** per room. Such dwelling shall not be open to transients.

Buildable Area: The portion of a lot remaining after required yards have been provided.

Building: A structure enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind. For structure definition refer to ***Structure***.

Building Line(s): The lines, nearest and parallel with the lot lines establishing the minimum yards to be provided between the building or structure and the lot lines.

Cellar: See ***Basement***.

Child Care Centers: Day care centers which receive preschool or school age children, or both, for short term or extended hours of care, or out of school hours, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular unit or apartment in such building. It is not confined to ownership of a residential unit such as an apartment, but its use also extends to offices and other types of space in commercial buildings.

Corner Lot: See ***Lots***.

Court: An open, unoccupied and unobstructed space other than a yard on the same lot with a building.

Day Care Center: Any child care facility receiving more than **four (4)** children for daytime care during all or part of a day. The term "day care center" includes facilities commonly called "child care centers," "day nurseries," "nursery schools," "kindergarten," "play group," and "centers or workshops for mentally or physically handicapped" with or without stated educational purposes. The term does not include (a) kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning; (b) facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available; (c) any type of day care center that is conducted on federal government premises; or (d) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Day Nurseries: Day care centers which receive preschool age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the individual children served.

Density: Pertaining to the number of dwelling units per net acre or gross acre as indicated for the appropriate zoning district in the Schedule of District Regulations. Residential District density shall not be exceeded for new subdivision or exceeded for re-subdivision of existing platted land.

District: A section or sections of the City of Benton and the territorial limits of this Code for which uniform regulations governing the use, height, area, and intensity of use by buildings and land, and open spaces about buildings, are herein established.

Dormitory: A building, not open to transients, where lodging and/or meals are provided for more than **ten (10) persons**. Kitchen facilities shall not be included for each unit. If kitchen facilities are included in any unit other than for management personnel, then the building shall be defined as a multiple family dwelling. A dormitory may have a central kitchen facility to provide means for inhabitants of the dormitory.

Drive-In Restaurant: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automotive vehicles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling: A residential building designed or used exclusively as the living quarters for one or more families.

Dwelling, Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Group: A group of **two (2)** or more one-family, two-family, or multiple dwellings occupying a lot in one (1) ownership and having any yard in common.

Dwelling, Mobile Home: A "manufactured home" which is defined as a structure, transportable in one or more sections, which, in the traveling mode is **twelve (12) body feet** or more in width or **sixty (60) body feet** or more in length, or when erected on site, is **seven hundred twenty (720)** or more square feet, and which is built on a permanent chassis, and designed to be used as a dwelling with permanent pier foundation (except when placed in a mobile home park), when connected to required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. The construction of which is regulated by the Federal Department of Housing and Urban Development (HUD). The structure must have an exterior condition rating of "very good", and have an "on site" value of **Five Thousand Dollars (\$5,000.00)** or more as per N.A.D.A. Manufacturing Guide. "Value does not include any additions, accessories, accessory structures or the location (ground or lot) where on the structure is or is to be located". **(Ord. No. 97-04; 02-24-97)**

Dwelling, Modular Housing: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems, which is closed or open construction and which is made or assembled by a manufacturer, on or off the building site for installation, or assembly and installation on the building site with a permanent foundation. A permanent foundation means a closed perimeter formation consisting of materials such as concrete or concrete block which extends in the ground below the frost line. Modular units typically come from the factory in **two (2)** or more sections (box-like configurations complete with the plumbing, electrical, mechanical, wall, floor and ceiling coverings and cabinets). **(Ord. No. 97-04; 02-24-97)**

Dwelling, Multiple Family: A residential building designed for or occupied by **three (3)** or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Two-Family: A detached residential building other than a mobile home containing two dwelling units, designed for occupancy by not more than **two (2) families**, living independently of one another.

Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities.

Employee(s): In regard to off-street parking requirements, employees mean all who work in the enterprise including owners (other than purely stockholders), partners, management and office personnel.

Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals and signs, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except by special use, or Public Utility Substations as hereinafter defined. Underground use is encouraged, overhead discouraged.

Fair Market Value: The highest price which property will bring contemplating the consummation of a sale and the passing of full title from seller to buyer by deed, under conditions whereby: buyer and seller are free of undue stimulus and are motivated by no more than the reactions of typical participants; both parties are well informed, are well advised and act prudently, each for what he considers his best interest; a reasonable exposure is given in the open market and payment is made in case or on terms reasonably equivalent to cash assuming typical financing terms available in the community for similar property.

Family: An individual or **two (2)** or more persons, related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit, in each instance with no more than **two (2)** non-related people being housed in the same dwelling unit. The word "family" shall not include groups occupying nursing homes, group houses, fraternity houses, sorority houses, dormitories, barracks; however, a portion of a building in this category may consist of one or more dwelling units occupied by a "family" or "families".

Filling (Service) Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- (A) Sale and servicing of spark plugs, batteries, and distributor parts;

- (B) Tire sales, servicing and repair, but not recapping or regrooving;
- (C) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- (D) Radiator cleaning and flushing;
- (E) Washing and polishing, and sale of automotive washing and polishing materials;
- (F) Greasing and lubrication;
- (G) Providing and repairing fuel pumps, oil pumps, and lines;
- (H) Minor servicing and repair of carburetors;
- (I) Emergency wiring repairs;
- (J) Adjusting and repairing brakes;
- (K) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- (L) Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- (M) Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop, but does include automobile service to include primary business of gasoline, oil and lubricant sales at retail plus service to customers in air conditioning, electrical, engine repair, and/or any necessary repair in maintaining customer cars, limited only by capabilities of equipment and space.

Flood Plain: The channel of a stream and adjacent land areas below the elevation of the regulatory flood (100 year flood). **(See Chapter 14)**

Floor Area: The total usable horizontal area enclosed by the exterior walls of a building exclusive of basements, cellars, attics and crawl spaces. The floor area of a residence is the total horizontal area of living space enclosed by the exterior walls measured at the outside of such exterior walls, including partitions, closets, bath and utility rooms, but not including cellars, basements, unfinished attics, garages, breezeways, porches, and patios and other spaces not used ordinarily for living, eating, and sleeping purposes. Unfinished areas above the ground floor living spaces may be included provided that subflooring is laid and windows and stairways are installed.

Floor Area Ratio (F.A.R.): A number indicative of the intensity of use of a lot determined by dividing the floor area of any principal building plus the floor area of all accessory buildings by the area of the lot upon which they are located.

$$\text{F.A.R.} = \frac{\text{FLOOR AREA}}{\text{LOT AREA}}$$

Front Lot Line: In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, a line separating the most narrow frontage of the lot from the street.

Front Yard: A yard extending across the full width of the lot, unoccupied other than by driveways, fences, poles, posts, steps, terraces, walks, walls, and other customary yard accessories, ornaments and furniture not exceeding applicable height and vision obstruction limitations of this Article. The depth of a Front Yard is the least distance between the front lot line and the building line. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yard shall be provided on all frontages. Where one of the front yards which would normally be required on a through lot, is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefor, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots, a front yard of the required depth shall be provided on either front yard, but where possible in accordance with the prevailing yard pattern; and a second front yard on one-half the depth required generally for front yards for the district shall be required on the other frontage.

In the case of corner lots with more than **two (2)** frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following requirements: (1) at least one front yard shall be provided having the full depth required generally in the district; (2) no other front yard on such lot shall have less than one-half the full depth required generally.

Garage, Private: A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises.

Garage, Public: Any building or site where automotive vehicles are stored for compensation.

Garage, Repair: Any building where automotive vehicles are painted, rebuilt, reconstructed and/or stored for compensation.

Grade: Grade is the average of the finished ground level at the center of all walls of a building. In case building walls are parallel to and within **five (5) feet** of sidewalk(s), the grade shall be the average finished elevation of such sidewalk(s) between side lot lines. See also: ***Height*** and ***Story***, and illustration at end of this Section.

Height: Building height, as permitted in each district, shall be determined from ***Grade*** as herein defined. See also ***Story*** and illustration at end of this Section.

Highway or Primary Thoroughfare: An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the Thoroughfare Plan as officially adopted and amended from time to time by the Zoning and Planning Commission.

Home Occupation, Residential District: An occupation or profession engaged in by the occupant(s) of a dwelling unit at or from such unit provided that:

(A) No one other than members of the family residing on the premises and one other person may engage in such occupations.

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(C) Occupies not more than **forty percent (40%)** of the total floor area of such dwelling unit and in no event more than **seven hundred (700) square feet** of the floor area.

(D) There shall be no visible evidence of the conduct of such occupation beyond the lot other than a permitted sign.

(E) No traffic shall be generated by such home occupation in volumes that would infringe upon the safety and welfare of the residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street other than in a required front yard.

(F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the lot. In the case of electrical interference no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers or home entertainment equipment off the premises, or causes fluctuations in line voltage off the premises.

(G) Permissible home occupations include and are limited to the following:

- (1) Professional office;
- (2) Non-professional office used as secondary office – not for the general practice of an occupation;
- (3) Instruction by a professional, not exceeding two pupils at one time;
- (4) Barbers and beauticians limited to a total of one operator.
- (5) The work of an individual artisan or craftsman.

(H) Retail sales prohibited, except for items produced on site.

(Ord. No. 1407; 09-11-95)

Immobilized Manufactured Housing: Any manufactured home structure served by individual utilities and resting on a permanent foundation. The perimeter foundation shall conform to B.O.C.A. Specifications. The wheels, axle, tongue, and hitch shall be permanently removed. The structure shall be properly secured within **thirty (30) days** in compliance with the Illinois Manufactured Housing and Mobile Home Safety Act and/or the Illinois Mobile Home Tiedown Act and the Department’s regulations for the Mobile Home Tiedown Act, and in accordance with the following criteria: The foundation shall extend into the ground below the frost line so as to attach and become part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick shall be used as supporting piers shall be no more than **eight (8) feet** apart. Roofing and siding shall be of conventional housing material and structure. **(Ord. No. 97-04; 02-24-97)**

Intensive Care Home: (See *Nursing Home*).

Interior Lot: (See *Lots*).

Junk Yards: The use of more than **seven hundred fifty (750) cubic feet** of open storage on any lot, portion of a lot or tract of land for the sale, storage, keeping or abandonment of junk, scrap metals or salvageable materials, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof.

Kennel: Any lot, structure or premises where **four (4) or more dogs** and/or cats over **four (4) months** of age are kept.

Loading Space, Off-Street: Adequate space, logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used such a trucks, tractors, trailers, etc., and accessible to such vehicles at all times. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot: For purposes of this Code, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (A) A single lot of record;
- (B) A portion of a lot of record;
- (C) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- (D) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Code.

Lot Area: The horizontal area within the lot lines of the lot, except in the case of a corner lot. On a corner lot for the purpose of determining the lot area per family, **one-half (1/2)** of the width of the abutting side street may be included in computing the area of the lot, provided that the area gained thereby should not exceed **twenty-five percent (25%)** of the lot itself.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **Yards** as defined herein.

Lot, Interior: See **Interior Lot**.

Lot Line, Front: That boundary of a lot which is along an existing or dedicated street or road. The owner of a corner lot will have **two (2)** front lot lines.

Lot Line, Rear: That boundary of a lot which is most distant from, and is, or most nearly, parallel to, the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front or rear lot line.

Lot Measurements:

(A) **Depth** of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(B) **Width** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street lot line) shall not be less than **eighty percent (80%)** of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the **eighty percent (80%)** requirement shall not apply.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Any lot within the jurisdiction of this Code shall be one of the three following types:

(A) ***Corner Lot***, defined as a lot located at the intersection of **two (2)** or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than **one hundred thirty-five (135) degrees**.

(B) ***Interior Lot***, defined as a lot other than a corner lot with only **one (1)** frontage on a street.

(C) ***Through Lot***, defined as a lot other than a corner lot with frontage on more than **one (1) street**. Through lots abutting **two (2) streets** may be referred to as double frontage lots.

See illustration at end of this Section.

Mobile Home: See *Dwelling, Mobile Home*.

Nonconforming Buildings: A building lawfully existing at the time of passage of this Code, but which fails to comply with all applicable zoning regulations after said passage.

Nonconforming Use: A use of a structure, building or land lawfully existing at the time of passage of this Code but which fails to comply with all applicable zoning regulations after said passage.

Nursery Schools: Day care centers which receive children between the ages of **two (2)** and **six (6) years** and which are established and professionally operated primarily for educational purposes to meet the developmental needs of the children.

Nursing Home: A building or portion thereof for the aged and infirmed, chronically ill, or incurable persons in which **three (3)** or more persons not of the immediate family are provided food and shelter care for compensation, but not including hospitals, clinics, or similar institutions.

Parking Space, Off-Street: For the purposes of this Code, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley (included to mean forward motion as opposed to backing out) and maneuvering room. Required off-street parking areas for **three (3)** or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at **four hundred (400) square feet**, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case.

If appropriate, curbs (or stops) shall be installed each off-street parking space to regulate traffic flow; adequate lighting facilities shall be provided.

Design for off-street parking areas shall be approved by the Zoning Administrator prior to the issuance of a Building Permit.

Planned Unit Development: A means of developing or redeveloping existing larger parcels or combinations of smaller parcels of land within the jurisdiction of this Code, by allowing more

flexibility in design to produce a more aesthetic and/or efficient environment, such as provision for common open and recreational space, and which through safeguards incorporated elsewhere in this Code will assure that any such planned development will be in harmony and compatible with the intent of this Code and the appropriate zoning district of this Code.

More specifically, a planned development is land which is under:

- (A) Single ownership, or
- (B) Unified control, and wherein such land is to be utilized for ultimate use by:
 - (1) Single ownership, or
 - (2) Unified control, or
 - (3) Separate ownership and unified control, or
 - (4) Separate ownership without unified control, and whereon such land is designed for use as one building or a group of buildings and whereon such land there may or may not be provisions for multiple purpose uses. Standards and requirements within the various zoning districts permitting a planned development are indicated in the Schedule of District Regulations, and in **Article IX** of this Code.

Any such Planned Development shall be compatible to the Comprehensive Plan for the City. Provided further, if the proposed development is only for a portion of the contiguous landholdings of the applicant(s), then a simple schematic plan showing anticipated uses, densities, and circulation (traffic or thoroughfare) patterns shall be submitted with application for any planned development.

Principal Building: A building in which a principal use is conducted.

Principal Use: The main purpose or function that a lot serves or is intended to serve.

Professional Office: Office of a member or members of a recognized profession as defined by the U.S. Bureau of Census.

Professional, Technical, and Kindred Workers as defined by the U.S. Bureau of Census.

(A) **Engineers** – Includes aeronautical and astronautical, chemical, civil, electrical and electronic, industrial, mechanical, metallurgical and materials, mining, petroleum, and sales engineers.

(B) **Physicians, dentists, and related practitioners** – Includes chiropractors, dentists, optometrists, pharmacists, medical and osteopathic physicians, podiatrists, and veterinarians.

(C) **Health workers, except practitioners** – Includes dietitians, registered nurses, therapists, clinical laboratory technologists and technicians, dental hygienists, health record technologists and technicians, radiologic technologists and technicians, and therapy assistants.

(D) **Teachers, elementary and secondary schools** – Includes pre-kindergarten, kindergarten, elementary and secondary school teachers, but excludes principals and supervisors.

(E) **Technicians, except health** – Includes agricultural, biological, chemical, electrical and electronic, and industrial engineering; mathematical, and mechanical engineering technicians; draftsmen; surveyors; airplane pilots; air traffic controllers; embalmers; flight engineers; radio operators; and tool programmers, numerical control.

(F) **Other professional workers** – Includes accountants, architects, computer programmers, computer systems analysts, farm management advisors, foresters and

conservationists, home management advisors, judges, lawyers, librarians, archivists and curators, actuaries, mathematicians, statisticians, agricultural scientists, atmospheric and space scientists, biological scientists, chemists, geologists, marine scientists, physicists and astronomers, operations and systems researchers and analysts, personnel and labor relations workers, clergymen and other religious workers, economists, political scientists, psychologists, sociologists, urban and regional planners, social workers, recreation workers, teachers, vocational and educational counselors, actors, athletes, authors, dancers, designers, editors and reporters, musicians and composers, painters and sculptors, photographers, public relations men and publicity writers, radio and television announcers, and research workers not specifying subject.

Public Utility Substation: An area where facilities are provided for the distribution of telephone, radio communications, water, gas and electricity. These facilities shall be permitted as a special use in the various zoning districts subject to conditions which will assure their harmony, especially aesthetically, with the nature of the respective district.

Rear Lot Line: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line of **ten (10) feet** in length within the lot, parallel with and at the maximum distance from the front lot line.

Rear Yard: A yard extending across the full width of the lot, unoccupied other than by driveways, fences, poles, posts, steps, terraces, walks, walls, and other customary yard accessories, ornaments and furniture not exceeding applicable height and vision obstruction limitations of this Article. The depth of a rear yard is the least distance between the rear lot line and the building line.

Recreational Equipment, Major: For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up truck campers not mounted on such pick-up truck, motorized dwellings exceeding **twenty (20) feet** in length, tent trailers, utility trailers, and the like, tents, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Rooming House: See ***Boarding House***

Service Station: See ***Filling Station*** and ***Automotive Service Station***.

Setback Line: The minimum horizontal distance permitted between the front or side of a structure and the nearest street line.

Side Lot Line: Any lot boundary line not a front lot line or a rear lot line.

Side Yard: A yard between the building line and a side lot line, unoccupied other than by driveways, fences, poles, post steps, terraces, walks, walls and other customary yard accessories, ornaments and furniture not exceeding applicable height and vision obstruction limitations of this Article. The width of a side yard is the least distance between the side lot line and the building line. A side yard extends from the front yard, or from the front lot line where no front yard is required, to the rear yard or to the rear lot line where no rear yard is required.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. For definitions and restrictions see **Article IV** of this Code.

Sign, Temporary: See **Article IV** of this Code.

Special Use: Legal authorization to undertake a special use issued by the Zoning Administration pursuant to authorization by the Zoning and Planning Commission and the City Council in compliance with procedures specified herein.

The special use permit is issued to the property and is transferable with the property except for a mobile home which is issued to the owner of the use and is not transferable with the property. **(Ord. No. 1157; 06-20-86)**

Special Use Permit: Legal authorization to undertake a special use, issued by the Zoning Administrator pursuant to authorization by the Zoning and Planning Commission and in compliance with procedures specified herein. The Special Use Permit is issued to the owner of the use and is not transferable with the property.

Story: That portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than **six (6) feet** above **Grade** as defined herein, such basement, cellar, or unused underfloor area shall be considered as a story. See also: **Grade** and **Height**, and illustration at end of this Section.

Street: A public or private way which affords the principal means of access to abutting properties.

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

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, wall, fences, signs, billboards, and poster panels.

Structural Alteration: Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Town House Development: A group of single family dwelling units, each dwelling unit structure having the following characteristics:

(A) May or may not be part of a planned development, but each zoning lot used for single family town houses shall have a distinct area which shall be described and recordable as a separate lot, or as a unit pursuant to a declaration of condominium ownership.

(B) Containing **one (1)** or more stories.

(C) Having at least **two (2)** exterior entrances.

(D) **Attached to one (1)** or more adjoining town houses by a vertical party wall extending from the footing(s) to the roof line without passageway or access between town houses, - or - **Unattached**, but abutting **one (1)** or more adjoining town houses and with a separate but complete vertical wall from footing to roof line without passageway or access between town houses.

(E) A minimum of **one (1)** off-street parking space.

(F) Area, yard, height, and F.A.R. requirements as indicated in Schedule of District Regulations.

Trailer (Mobile Home): Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by other means, which is designated to be used for living, sleeping, or commercial purposes.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding **eight (8) feet**.

Truck or Equipment Terminal: Any lot, structure or premises used for the parking or storage of capital equipment such as trucks, trailers, or other like equipment, over **three-fourths (3/4) ton** capacity.

Unified Control:

- (A) An agreement with respect to one or more parcels of land and its development and/or maintenance;
- (B) To be recorded and the covenants to run with the land;
- (C) The terms of the agreement (or covenants) to be disclosed to persons benefited or burdened thereby;
- (D) Public or common ownership of all or portions of land bound by the agreement to be in accordance with such conditions and requirements as have been approved by the appropriate local government.

Utility Substation: See ***Public Utility Substations***.

Variance: A variance is a relaxation of the terms of the zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code would result in unnecessary and undue hardship. As used in this Code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. This is not to be confused with a special use, as per State statutes.

Yard: A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from **thirty (30) inches** above the grade of the lot upward, provided, however, the fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots, a front yard of the required depth shall be provided on either front yard, but where possible in accordance with the prevailing yard pattern and a second front

yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than **two (2)** frontages, the Zoning Administrator shall determine the front yard requirements, subject to the prevailing yard pattern and the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

Depth of Required Front Yards Shall be Measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property owners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. See illustration at end of this Section.

Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In case of ***Through Lots***, side yards shall extend from the rear lines of front yards required. In the case of ***Corner Lots***, yards remaining after full and half-depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

See illustration at end of this Section.

Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

See illustration at end of this Section.

Yard, Special: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Zoning Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

See illustrations at end of this Article in **Appendix "A"**.

(Sec. 2)

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ARTICLE II – DISTRICTS ESTABLISHED

40-2-1 OFFICIAL ZONING MAP. The City is hereby divided into districts, including a Special Airport Height Control District, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code.

(A) The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in **Section 40-1-1** of this Code of the City", together with the date of the adoption of this Code.

(B) If, in accordance with the provisions of this Code and the Illinois Municipal Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "On (date), by official action of the City, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this Code which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

(C) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided under **Section 40-8-2**.

(D) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

(Sec. 3)

40-2-2 ZONING DISTRICTS. The zoning districts are established as follows:

<u>DISTRICT</u>	<u>DESIGNATION</u>
Agricultural - General	A-1
Agricultural - Limited	A-2
Agricultural – Flood Plain	A-3
Forestry	A-4
Residential – Low Density	R-1
Residential – Low-Medium Density	R-2
Residential – Medium Density	R-3
Residential – High Density	R-4
Residential – Rural Estates	R-5
Planned – Mobile Home	M-1
Planned – Travel Trailer	M-2
Planned – Business	M-3

Business – Central Business District	B-1
Business – Secondary Business District	B-2
Business – Professional Administrative	B-3
Business – Neighborhood Business	B-4
Business – Interstate Interchange	B-5
Business – Limited Secondary	B-6
Industrial – Light	I-1
Industrial – Restricted	I-2
Industrial – General	I-3
Industrial – Isolated	I-4

40-2-3 REPLACEMENT OF OFFICIAL ZONING MAP. In the event there have been any changes in the Official Zoning Map in any calendar year, or if the Official Zoning Map becomes destroyed, damaged, lost, or difficult to interpret, the Zoning Administrator hereinafter provided for shall prepare and publish a new map incorporating changes during the previous calendar year prior to the last regularly scheduled meeting of the City Council in March of the succeeding year. At the last regularly scheduled City meeting in March, the City shall by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map as part of this Code of the City.

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

40-2-4 ANNUAL PUBLICATION. In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the Village not later than **March 31st** of the following year. The map shall be published if there are any annexations. **(See 65 ILCS 5/11-13-19)**

40-2-5 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (C) Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- (D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

(E) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore lines; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;

(F) Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) above shall be construed. Distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

(G) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) through (F) above, the Board of Appeals shall interpret the district boundaries.

(H) Where a district boundary line divides a lot which was in single ownership at the time of application, the Board of Appeals may permit the extension of the boundary to include the entire lot. **(Ord. No. 1243; 10-09-89)**

(Sec. 4)

40-2-6 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

(A) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all regulations herein specified for the district in which it is located.

(B) No building or other structure shall hereafter be erected or altered:

- (1) to exceed the height or bulk;
- (2) to accommodate or house a greater number of families;
- (3) to occupy a greater percentage of lot area;
- (4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces

than herein provided; or in any other manner contrary to the provisions of this Code.

(C) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building or any other lot.

(D) No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

(E) All territory which may hereafter be annexed to the City shall be considered to be in the General Agriculture District unless and/or until otherwise classified.

(Sec. 5)

40-2-7 SCHEDULE OF DISTRICT REGULATIONS ADOPTED. District regulations shall be as set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this Code, and in **Section 40-3-6** of this Code, entitled, "Supplementary District Regulations." **(Sec. 6)**

40-2-8 SUPPLEMENTARY DISTRICT REGULATIONS.

(A) **Visibility at Intersections in Residential Districts.** On corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of **two and one-half (2 ½)** and **ten (10) feet** above the centerline grades of the intersecting streets in the area bounded by the lot lines of such corner lots and a line joining points along said lot lines **fifteen (15) feet** from the point of the intersection of the lot lines.

(B) **Fences, Walls, and Hedges.** Notwithstanding other provisions of this Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall conflict with the provisions of **Section 40-7-1** of this Code.

(C) **Accessory Structure.** Minimum side yard and rear yard depth requirements in each residential district shall apply to the principal building, any accessory building can be built within **three (3) feet** of side lot line if no closer than **ten (10) feet** to an existing building; however with a Special Use Permit an accessory building can be built on the side yard lot line or rear yard lot line that abuts a public alley, or permitting accessory or principal buildings on or across side lot lines in a common development. **(Ord. No. 1157; 06-20-86)**

(D) **Erection of More than One (1) Principal Structure on a Lot.** In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Code shall be met for each structure as though it were on an individual lot.

(E) **Exceptions to Height Regulations.** The height limitations contained in the Schedule of District Regulations do not apply to spires, elevator penthouses, belfries, cupolas, antennas, water tanks, ventilators, chimneys, farm silos in agricultural district or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(F) **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(G) **Parking, Storage, or Use of Major Recreational Equipment.** No major recreational equipment shall be parked except in accordance to parking regulations. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot, street or alley or in any location not approved for such parking.

(H) **Parking Abandoned Vehicles.** Automotive vehicles, trucks, or trailers of any kind or type without current license plates, shall not be parked or stored on any residentially zoned property other than in completely closed buildings.

(Sec. 7)

40-2-9 AIRPORT HEIGHT REGULATIONS – ADOPTION OF HEIGHT CONTROLS BY REFERENCE. In addition to those zoning districts established in the Schedule of District Regulations, an Airport Height Control District as regulated by the Benton Airport Authority (or appropriate authorized agency) and as delineated on the Official Zoning Map, is hereby adopted by reference. **(Sec. 8)**

ARTICLE III – ZONE DISTRICTS ESTABLISHED

DIVISION I - GENERALLY

40-3-1 **SCHEDULE OF DISTRICT REGULATIONS.** The column headings in this Schedule of District Regulations are self-explanatory. However, prior to any reference to this Schedule, it would be prudent to refer to the following General Statement of Intent which is to be used as a guide in any interpretation of the various Statements of Intent and Regulations for Land Use Districts established by this Code.

40-3-2 **GENERAL STATEMENT OF INTENT.** The zoning districts hereby established are to effect a plan of land use which will:

- (A) Create order out of chaos.
- (B) Be based upon existing land use.
- (C) Provide a pleasant and economical living environment for inhabitants of the community through the establishment of a variety of districts to meet individual preferences and overall community needs.
- (D) Utilize governmental and public utilities facilities in the most economical manner possible which in turn should provide the most service for the least cost.
- (E) Preserve and enhance property values throughout the community by keeping like and compatible uses together, and to separate incompatible uses from each other by designation on the Zoning District Map which is an integral part of this Code.
- (F) Discourage the perpetuation of nonconformities to the various Land Use Districts in the administration and interpretation of this Code.

40-3-3 - 40-3-4 **RESERVED.**

DIVISION II – FORESTRY DISTRICT (A-4)

40-3-5 **PERMITTED USES.**

(A) **Principal Uses and Structures.**

- (1) Forests
- (2) Woodlands
- (3) Parks

(B) **Accessory Uses and Structures.**

- (1) None

(C) **Special Uses by Permit.**

- (1) Recreational uses not incompatible with the statement of intent for this district.
- (2) Temporary food and entertainment concessions.

40-3-6 PROHIBITED USES.

- (A) Residential
- (B) Commercial
- (C) Industrial

40-3-7 - 40-3-9 RESERVED.

DIVISION III – AGRICULTURAL – GENERAL (A-1)

40-3-10 DISTRICT DESCRIPTION. To provide land for purposes devoted primarily to the production of agricultural products such as field crops, livestock, fowl, and other conventional agricultural pursuits. This district is also created to assist in the conservation of the natural resources within the jurisdiction of this Code by encouraging practices which will conserve soil, soil resources, water, water resources, and prevent soil erosion and floodwater damages. Utilities other than electricity and telephone should be provided by the land user, thereby discouraging the uneconomical extension of public water supply and sewage disposal facilities. Uses not related to Agriculture are discouraged. When the public interest will be served and only when a contribution will be made to orderly growth, portions of this district may be rezoned for alternative uses.

40-3-11 LOT REQUIREMENTS.

(A) **Minimum Lot Area. Ten (10) acres**, except for: churches, and cemeteries in which case **two (2) acres**; and special uses as determined by the Zoning and Planning Commission.

(B) **Minimum Lot Width. Three hundred (300) feet.**

(C) **Minimum Front Yard Depth. Eighty (80) feet** along Federal Highway, **sixty (60) feet** along other public roads.

(D) **Minimum Rear Yard Depth. One hundred (100) feet.**

(E) **Minimum Floor Area. One thousand (1,000) square feet.**

(F) **Maximum Height. Forty (40) feet** except barns and silos.

(G) **Maximum Stories. Three (3).**

(H) **Maximum Floor Area Ratio.** Not applicable.

(I) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Dwelling Unit	2	0
Home occupation	+1	0
Churches per 4 seats in main auditorium	1	0
Sanitary landfill or other qualified disposal Plant per 3 employees	1	0
All remaining permitted uses and special Uses permitted	Subject to Zoning and Planning Commission	

40-3-12

PERMITTED USES.

(A)

Principal Uses and Structures.

- (1) Agriculture and agriculture buildings in connection with a bona fide farm operation (1)
- (2) Cemeteries
- (3) Churches (3)
- (4) Essential services
- (5) Forest preserves
- (6) Single family dwellings

(B)

Accessory Uses and Structures.

- (1) Accessory uses and structures customarily incidental to permitted principal uses and on the same parcel including:
 - (a) Residential garages
 - (b) Private swimming pools
 - (c) Living quarters of persons employed on the premises
 - (d) Home occupations (6)
 - (e) Truck or equipment terminal
 - (f) Roadside produce stands in conjunction with a bona fide farm operation on the premises
 - (g) One artificial lake of **three (3) acres** or less
 - (h) Kennel

(C)

Special Uses by Permit.

- (1) Sale of greenhouse products grown on premises
- (2) Riding stables (1)
- (3) Penal or correctional institution (2)
- (4) Airport or heliport (5)
- (5) More than 1 artificial lake of **three (3) or more acres** with recommendation of qualified engineer
- (6) Commercial agricultural storage operations
- (7) Public utility substation
- (8) Public sewage disposal or Public Water Plant (4)
- (9) Mineral extractive operations including, but not limited to coal, oil, rock, gravel, sand, and the related processing operations storing and sale of such minerals (4)
- (10) Sanitary landfill or other qualified disposal system (7)
- (11) Commercial radio or television station
- (12) Commercial radio or television tower (12)
- (13) Mobile Homes (8)
- (14) Raising, breeding, and boarding of non-farm fowl and animals (1)
- (15) Seasonal fishing, hunting lodge, gun club, and related operations
- (16) Railroad
- (17) Horse or auto race track stadium or coliseum (1)(4)

40-3-13

PROHIBITED USES.

Any use more appropriate to another zone or zones including, but not limited to:

- (A) Travel trailers
- (B) Junk yard
- (C) Abandoned automobile

- (D) Automobile wrecking
- (E) Mobile home parks

[NOTE: See Appendix "B" at the end of this Code.]

40-3-14 RESERVED.

DIVISION IV – LIMITED AGRICULTURAL DISTRICT (A-2)

40-3-15 DISTRICT DESCRIPTION. To provide for small farm agricultural and residential purposes, and other, but limited compatible uses. To discourage commercial, industrial, and small lot residential uses, thereby encouraging the development of vacant land which is presently platted and/or within the corporate limits of the community. **One (1)** large animal or **three (3)** small animals will be permitted for each **one-half (1/2) acres** of free roaming area. Conservation of natural resources is encouraged through practices which will conserve soil erosion and floodwater damages. Utilities other than electricity and telephone should be provided by the land user thereby discouraging the uneconomical extension of public water supply and sewage disposal facilities. When the public interest will be served, and only when a contribution will be made to orderly growth, portions of this district may be rezoned for alternative uses.

40-3-16 LOT REQUIREMENTS.

- (A) **Minimum Lot Area. Three-fourths (3/4) acre** for permitted uses. As determined by Zoning and Planning Commission for special uses.
- (B) **Minimum Lot Width. One hundred fifty (150) feet.**
- (C) **Minimum Front Yard Depth. Eighty (80) feet** along Federal Highway, **sixty (60) feet** along other public roads.
- (D) **Minimum Rear Yard Depth. Sixty (60) feet.**
- (E) **Minimum Side Yard Width. Thirty (30) feet.**
- (F) **Minimum Floor Area. One thousand (1,000) square feet.**
- (G) **Maximum Height. Forty (40) feet** except barns and silos.
- (H) **Maximum Stories. Three (3).**
- (I) **Maximum Floor Area Ratio.** Not applicable.
- (J) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Kindergarten or day nursery per 5 students	1	0
Hospital or nursing home per 3 beds	1	1 – up to 200 beds 2 – 201 to 500 beds 3 – over 500 beds
Radio & television stations per 2 employees Per shift	1	0

Schools, funeral homes per 4 seats in main Auditorium	1	0
Dwelling Unit	1	0
Home occupation	+1	0
Churches per 4 seats in main auditorium	1	0
Sanitary landfill or other qualified disposal Plant per 3 employees	1	0
All remaining permitted uses and special Uses permitted		Subject to Zoning and Planning Commission

40-3-17 PERMITTED USES.

(A) Principal Uses and Structures.

- (1) Agriculture and agriculture buildings in connection with a bona fide farm operation (1)
- (2) Cemeteries
- (3) Churches (3)
- (4) Essential services
- (5) Forest preserves
- (6) Single family dwellings (8) **(Ord. No. 1157)**
- (7) Parks and playgrounds
- (8) Country clubs, conventional golf courses, swimming clubs, and similar recreational uses
- (9) Public and private schools and closely related subordinate uses
- (10) Veterinarian
- (11) Agriculture uses include, but not necessarily limited to:
 - (a) Seed farms – flower or stock nursery
 - (b) Berry farms
 - (c) Worm farms
 - (d) Commercial chicken or turkey farms (1)
 - (e) Raising and/or breeding and/or training and/or boarding of farm and/or non-farm fowl and/or animals (1)
 - (f) Orchards

(B) Accessory Uses and Structures.

- (1) Accessory uses and structures customarily incidental to permitted principal uses and on the same parcel including:
 - (a) Residential garages
 - (b) Private swimming pools
 - (c) Living quarters of persons employed on the premises
 - (d) Home occupations (6)
 - (e) Truck or equipment terminal
 - (f) Roadside produce stands in conjunction with a bona fide farm operation on the premises
 - (g) One artificial lake of **three (3) acres** or less
 - (h) Kennel

(C) Special Uses by Permit.

- (1) Sale of greenhouse products grown on premises
- (2) Riding stables (1)
- (3) Seasonal fishing, hunting lodge, gun club, and related operations

- (4) Penal or correctional institution (2)
- (5) Airport or heliport (5)
- (6) More than 1 artificial lake of **three (3) or more acres** with recommendation of a qualified engineer
- (7) Railroad
- (8) Horse or auto race track stadium or coliseum (1)(4)
- (9) Commercial agricultural storage operations
- (10) Public utility substation
- (11) Public sewage disposal or Public Water Plant (4)
- (12) Mineral extractive operations including, but not limited to coal, oil, rock, gravel, sand, and the related processing operations storing and sale of such minerals (4)
- (13) Sanitary landfill or other qualified disposal system (7)
- (14) Commercial radio or television station
- (15) Commercial radio or television tower (12)
- (16) Mobile Homes (8)
- (17) Drive-in Theater
- (18) Veterinary Hospital (1)
- (19) Kindergartens or day nurseries (2)
- (20) Medical Clinics
- (21) Funeral Homes
- (22) Modular Homes (**Ord. No. 97-04; 02-24-97**)

40-3-18 **PROHIBITED USES.** Any use more appropriate to another zone or zones including, but not limited to:

- (A) Travel trailers
- (B) Junk yard
- (C) Abandoned automobile
- (D) Automobile wrecking
- (E) Mobile home parks

[NOTE: See Appendix "B" at the end of this Code.]

40-3-19 **RESERVED.**

DIVISION V – AGRICULTURAL FLOOD PLAIN (A-3)

40-3-20 **DISTRICT DESCRIPTION.** To delineate reasonable high water marks within the jurisdiction of this Code. For reasons of health, safety, and the general welfare of the public, it is in the public interest to permit only limited types of uses within this (these) area(s) which is (are) subject to flooding and require(s) emergency services. A factor recognized in determining reasonable high water marks is that as urban land use increases, storm water runoff will also tend to increase, consequently taxing the water carrying capacity of certain low lying areas within the jurisdiction of this Code. The development of roads, streets, highways, water

and sewer lines are discouraged in this district, as such improvements would tend to encourage further developments. **(See Chapter 14)**

40-3-21 LOT REQUIREMENTS.

- (A) **Minimum Lot Area.** Four (4) acres except for: parks and playgrounds in which case one (1) acre; heliports, two (2) acres.
- (B) **Minimum Lot Width.** Two hundred (200) feet.
- (C) **Minimum Front Yard Depth.** Sixty (60) feet.
- (D) **Minimum Rear Yard Depth.** Sixty (60) feet.
- (E) **Minimum Side Yard Depth.** Thirty (30) feet.
- (F) **Minimum Floor Area.** One thousand (1,000) square feet.
- (G) **Maximum Height.** Forty (40) feet.
- (H) **Maximum Stories.** Three (3).
- (I) **Maximum Floor Area Ratio.** Not applicable.
- (J) **Minimum Off-Street Parking and Loading.**

Parking Spaces

Loading Spaces

Permitted uses and special uses permitted

Subject to Zoning and Planning Commission

40-3-22 PERMITTED USES.

- (A) **Principal Uses and Structures.**
 - (1) Agriculture and customary agricultural buildings and structures (1)
 - (2) Parks and playgrounds
 - (3) Airport or heliport (5)
 - (4) Stadium or coliseum (2)
 - (5) Horse or auto race track (1)
 - (6) Essential services
 - (7) One artificial lake of **three (3) acres** or less
- (B) **Accessory Uses and Structures.**
 - (1) Accessory uses and structures incidental to permitted principal uses and structures and on the same parcel
 - (2) One artificial lake of **three (3) acres** or less
- (C) **Special Uses by Permit.**
 - (1) Accessory uses of permitted principal uses in adjoining districts (such as parking lots, golf courses, etc.) and which are compatible with the statement of intent for this district.
 - (2) Mineral extractive operations, including, but not limited to coal, oil, rock, gravel, and the related processing operations, storing and sale of such minerals (2)
 - (3) May be used to meet area requirements of adjoining districts if on the same parcel.
 - (4) Drive-in theater
 - (5) More than one artificial lake of **three (3) acres** or less
 - (6) Artificial lake of **three (3)** or more acres depending on recommendation of qualified agricultural engineer

- (7) If it can be demonstrated to the Zoning and Planning Commission that such land is or may be adequately drained and that the water table elevation will permit successful utilization of the land, a permit may be granted for a use which is compatible, contiguous, and subject to the regulations governing the adjoining district(s). Adequate drainage and necessary supporting structures shall be installed prior to the use and occupancy of the land

40-3-23

PROHIBITED USES.

- (A) All residential dwelling
- (B) Commercial structures
- (C) Industrial structures except mineral extractions
- (D) Railroads
- (E) Mobile homes
- (F) Travel trailers

[NOTE: See Appendix "B" at the end of this Code.]

40-3-24

RESERVED.

DIVISION VI – RURAL ESTATES (R-5)

40-3-25 **DISTRICT DESCRIPTION.** To provide land outside and/or inside existing City limits for extremely large lot single family residential purposes wherein utilities other than electricity may be provided by the land user. To discourage small lot development of any type thereby encouraging the development of vacant land which is already platted and/or within the corporate limits of the community and is more likely to have the services of all utilities. Any land designated for this use shall have a minimum of **twenty (20)** contiguous and relatively compact acres which shall also include any public right-of-way for each R-5 district so established. Until such time that an R-5 district is subdivided, principal and accessory land uses as permitted under Limited Agriculture (A-2) may continue. **(Ord. No. 1157; 06-20-86)**

40-3-26

LOT REQUIREMENTS.

- (A) **Minimum Lot Area. One (1) acre.**
- (B) **Minimum Lot Width. One hundred fifty (150) feet.**
- (C) **Minimum Front Yard Depth. Sixty (60) feet.**
- (D) **Minimum Rear Yard Depth. Sixty (60) feet.**
- (E) **Minimum Side Yard Depth. Forty (40) feet.**
- (F) **Minimum Floor Area. One thousand five hundred (1,500) square feet exclusive of garages.**
- (G) **Maximum Height. Thirty (30) feet.**
- (H) **Maximum Stories. Three (3).**
- (I) **Maximum Floor Area Ratio. Not applicable.**

(J) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Schools, per 4 seats in main auditorium	1	0
Churches, per 4 seats in main auditorium	1	0
Dwelling unit	2	0

40-3-27 PERMITTED USES.

(A) **Principal Uses and Structures.**

- (1) Single family residential units
- (2) Parks and playgrounds
- (3) Essential services

(B) **Accessory Uses and Structures.**

- (1) Accessory uses and structures customarily incidental to permitted principal uses and on the same parcel including:
 - (a) Residential garages
 - (b) Private swimming pools
 - (c) Living quarters of persons employed on the premises
 - (d) One artificial lake of **three (3) acres** or less
 - (e) Kennel

(C) **Special Uses by Permit.**

- (1) Churches, public or private schools and subordinate uses related thereto
- (2) Planned unit developments
- (3) Limited Agriculture, principal and accessory uses shall be permitted in undeveloped portions of an R-5 district **(Ord. No. 1157; 06-20-86)**

40-3-28 PROHIBITED USES. Any use more appropriate in another zone or zones including, but not limited to:

- (A) Mobile homes
- (B) Junk yard
- (C) Industrial uses
- (D) Commercial uses
- (E) Mineral extractive operation
- (F) Abandoned automobile
- (G) Automobile wrecking
- (H) Truck or equipment terminal
- (I) Manufactured Housing **(Ord. No. 97-04; 02-24-97)**

40-3-29 RESERVED.

DIVISION VII – RESIDENTIAL DISTRICT – LOW DENSITY (R-1)

40-3-30 DISTRICT DESCRIPTION. To provide land within and in some cases adjacent to the corporate limits of the community for single family residential purposes. Persons residing in this district prefer and are entitled to maximum protection from the encroachment of other types of uses which are not appropriate to residential areas. Other reasons for the establishment of this district are: to maintain a quiet atmosphere within the district: to discourage incompatible uses within the district. Care has been taken and shall be taken in the delineation and expansion of this district to assure that adequate water is available and that individual sewage disposal systems will, when required, be adequate.

40-3-31 LOT REQUIREMENTS.

- (A) **Maximum Density.** Three (3) dwelling units per gross acre.
- (B) **Minimum Lot Area.** Seventeen thousand (17,000)⁹ square feet; twelve thousand (12,000)¹⁰ square feet.
- (C) **Minimum Lot Width.** Seventy-five (75) feet.
- (D) **Minimum Front Yard.** Thirty-five (35) feet.
- (E) **Minimum Side Yard.** Ten percent (10%) of lot width on each side but shall not be less than twelve (12) feet and need not be more than fifteen (15) feet.
- (F) **Minimum Rear Yard.** Twenty (20) feet.
- (G) **Minimum Floor Area.** One thousand two hundred (1,200) square feet exclusive of garage.
- (H) **Maximum Height.** Thirty (30) feet.
- (I) **Maximum Stories.** Two (2).
- (J) **Maximum Floor Area Ratio.** Not applicable.
- (K) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Residential dwellings on neighborhood streets	2	
If lots face on a secondary or primary street	4	
Fire station per 2 employees on maximum shift	1	
Schools, per 4 seats in main auditorium	1	0
All remaining permitted uses and special uses		
Permitted	Subject to Zoning and Planning Commission	

40-3-32 PERMITTED USES.

- (A) **Principal Uses and Structures.**
 - (1) Single family residential units
 - (2) Parks, public schools and recreational buildings; libraries and public buildings
- (B) **Accessory Uses and Structures.**
 - (1) Accessory uses and structures customarily incidental to permitted uses and on the same parcel
 - (2) Private swimming pools
 - (3) Residential garages

- (C) **Special Uses by Permit.**
- (1) Planned unit developments with minimum tracts of **ten (10) acres**
 - (2) Planned unit developments shall meet performance standards of **Section 40-5-2(A)** of this Code.
 - (3) Parking lots when abutting a permitted use in the commercial or manufacturing zones, when incidental to such permitted uses
 - (4) Public utility facilities
 - (5) Churches or private schools and subordinate uses related thereto
 - (6) Kindergarten or day nursery
 - (7) Fire stations
 - (8) Home occupation

40-3-33 PROHIBITED USES. Any use more appropriate in another zone or zones including, but not limited to:

- (A) Mobile homes
- (B) Commercial uses
- (C) Industrial uses
- (D) Mineral extractive operation
- (E) Abandoned automobile
- (F) Automobile wrecking
- (G) Truck or equipment terminal
- (H) Kennel
- (I) Sign off-site
- (J) Manufactured Housing (**Ord. No. 97-04; 02-24-97**)

40-3-34 RESERVED.

DIVISION VIII – RESIDENTIAL DISTRICT – LOW-MEDIUM DENSITY (R-2)

40-3-35 DISTRICT DESCRIPTION. To provide land within and in some cases adjacent to the corporate limits of the community for single family residential purposes. Persons residing in this district prefer and are entitled to maximum protection from the encroachment of other types of uses which are not appropriate to residential areas. Other reasons for the establishment of this district are: to maintain a quiet atmosphere within the district: to discourage incompatible uses within the district. Care has been taken and shall be taken in the delineation and expansion of this district to assure that adequate water is available and that individual sewage disposal systems will not be required.

40-3-36 LOT REQUIREMENTS.

- (A) **Maximum Density. Five (5) dwelling units per gross acre.**
- (B) **Minimum Lot Area. Seven thousand (7,000) square feet.**
- (C) **Minimum Lot Width. Sixty-five (65) feet except existing lots of record, fifty (50) feet.**

- (D) **Minimum Front Yard. Twenty-five (25) feet.**
- (E) **Minimum Side Yard. Eight (8) feet** for principal building and **five (5) feet** for garage and accessory building, **three (3) feet** if not closer than **ten (10) feet** to an existing building. **(Ord. No. 1157; 06-20-86)**
- (F) **Minimum Rear Yard. Twenty (20) feet.**
- (G) **Minimum Floor Area. Nine hundred (900) square feet** single family; **six hundred (600) square feet** two family exclusive of garage.
- (H) **Maximum Height. Thirty (30) feet.**
- (I) **Maximum Stories. Two (2).**
- (J) **Maximum Floor Area Ratio.** Not applicable.
- (K) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Residential dwellings on neighborhood streets	2	0
If lots face on a secondary or primary street	4	0
Fire station per 2 employees on maximum shift	1	0
Schools, per 4 seats in main auditorium	1	0
All remaining permitted uses and special uses Permitted	Subject to Zoning and Planning Commission	

40-3-37

PERMITTED USES.

(A)

Principal Uses and Structures.

- (1) Single family residential units
- (2) Parks, public schools and recreation buildings; libraries and public buildings

(B)

Accessory Uses and Structures.

- (1) Accessory uses and structures customarily incidental to permitted principal uses and on the same parcel
- (2) Private swimming pools
- (3) Residential garages

(C)

Special Uses by Permit.

- (1) Planned unit developments with minimum tracts of **ten (10) acres**
- (2) Planned unit developments shall meet performance standards of **Section 40-5-2(A)** of this Code.
- (3) Parking lots when abutting a permitted use in the commercial or manufacturing zones, when incidental to such permitted uses
- (4) Public utility facilities
- (5) Churches or private schools and subordinate uses related thereto
- (6) Kindergarten or day nursery
- (7) Fire stations
- (8) Two family residential units
- (9) Home occupation
- (10) Modular Housing **(Ord. No. 97-04; 02-24-97)**

40-3-38 **PROHIBITED USES.** Any use more appropriate in another zone or zones including, but not limited to:

- (A) Mobile homes
- (B) Commercial uses
- (C) Industrial uses
- (D) Mineral extractive operation
- (E) Abandoned automobile
- (F) Automobile wrecking
- (G) Truck or equipment terminal
- (H) Kennel
- (I) Sign off-site

40-3-39 RESERVED.

DIVISION IX – RESIDENTIAL DISTRICT – MEDIUM DENSITY (R-3)

40-3-40 DISTRICT DESCRIPTION. To provide land within the corporate limits of the community for single and multiple family residential purposes. Persons and families residing in this district are entitled to protection from the encroachment of other types of uses which are not appropriate to medium density residential areas. In relation to R-1 districts (low density residential) to provide for higher traffic flow; maintain a relatively quiet atmosphere; discourage incompatible uses; provide less but adequate open space. Care has been taken and shall be taken in the delineation and expansion of this district to assure that adequate public water is available and that individual sewage disposal systems will not be required.

40-3-41 LOT REQUIREMENTS.

- (A) **Maximum Density. Six and one-half (6.5) dwelling units per gross acre.**
- (B) **Minimum Lot Area. Seven thousand (7,000) square feet per single family dwelling unit and boarding houses; three thousand three hundred (3,300) square feet per dwelling unit in multiple family structures; seven thousand (7,000) square feet for uses other than residential.**
- (C) **Minimum Lot Width. Fifty (50) feet.**
- (D) **Minimum Front Yard. Fifteen (15) feet or the average front yard of parcels where structures exist, in the same block, on the same side of the street at the time a building permit is issued.**
- (E) **Minimum Rear Yard. Fifteen (15) feet.**
- (F) **Minimum Side Yard Width. Eight (8) feet for principal building and five (5) feet for garage and accessory buildings, three (3) feet if not closer than ten (10) feet to an existing building. (Ord. No. 1157; 06-20-86)**
- (G) **Minimum Floor Area. Residential per dwelling unit exclusive of garages: (1) 1 family, seven hundred twenty (720) each; (2) 2, 3 & 4 family - six hundred (600) each; (3) boarding houses – eight hundred (800) plus two hundred fifty (250) per lodging room. Non-residential: one hundred (100) square feet. (Ord. No. 1157; 06-20-86)**
- (H) **Maximum Height. Thirty-five (35) feet.**
- (I) **Maximum Stories. Three (3).**

(J) **Maximum Floor Area Ratio.** Not applicable.

(K) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Each dwelling unit of 900 sq. ft. or more	2	
Each dwelling unit under 900 sq. ft.	1.5	
Boarding house, plus 1 per each lodging room or Fraction thereof	2	
Fire station per 2 employees on maximum shift	1	
Libraries per 2 employees plus 1 per 6 reading or Study chairs	1	
Schools, per 4 seats in main auditorium	1	0
All remaining permitted uses and special uses Permitted	Subject to Zoning and Planning Commission	

40-3-42 PERMITTED USES.

(A) **Principal Uses and Structures.**

- (1) Single family residential units, two family dwelling units, or three family dwelling units
- (2) Parks, public schools, and recreation buildings; libraries and public buildings

(B) **Accessory Uses and Structures.**

- (1) Accessory uses and structures customarily incidental to permitted principal uses and on the same parcel
- (2) Private swimming pools
- (3) Residential garages

(C) **Special Uses by Permit.**

- (1) Planned unit developments with minimum tracts of **four (4) acres**
- (2) Planned unit developments shall meet performance standards of **Section 40-5-2(A)** of this Code.
- (3) Parking lots when abutting a permitted use in the commercial or manufacturing zones, when incidental to such permitted uses
- (4) Public utility facilities
- (5) Churches or private schools and subordinate uses related thereto
- (6) Kindergarten or day nursery
- (7) Fire stations
- (8) Hospital or nursing home
- (9) Funeral homes
- (10) Boarding houses
- (11) Four-plex, four family dwelling
- (12) Home occupation
- (13) Modular Homes **(Ord. No. 97-04; 02-24-97)**

(Ord. No. 00-24)

40-3-43 PROHIBITED USES. Any use more appropriate in another zone or zones including, but not limited to:

- (A) Commercial uses
- (B) Industrial uses
- (C) Mineral extractive operation
- (D) Abandoned automobile
- (E) Automobile wrecking
- (F) Truck or equipment terminal
- (G) Kennel

40-3-44 RESERVED.

DIVISION X – RESIDENTIAL DISTRICT – HIGH DENSITY (R-4)

40-3-45 DISTRICT DESCRIPTION. This district is created to allow the most intensive residential development in the community, but also to provide for adequate off-street parking and open space. To permit a larger variety of uses which are not inconsistent with the aims of this district which shall be dominantly residential in character. Adequate public water and sewer are available to meet the needs of this high density residential area, and shall be available in any additional area proposed for this district.

40-3-46 LOT REQUIREMENTS.

- (A) **Maximum Density. Forty (40)** dwelling units per gross acre.
- (B) **Minimum Lot Area.** There shall not be less than **five thousand (5,000) square feet** of lot area. Lot size shall be determined according to the type of dwelling unit, the number of dwelling units, and the location of required off-street parking.

Parking within the structure			Parking not within the structure		
Effic.	750 sq. ft.	) Lot area	Effic.	800 sq. ft.	) Lot area per
1 bedrm	1,000 sq. ft.	) per dwelling	1 bedrm	1,100 sq. ft.	) dwelling unit
2 bedrm	1,150 sq. ft.	) unit	2 bedrm	1,300 sq. ft.)
3 bedrm	1,400 sq. ft.	)	3 bedrm	1,600 sq. ft.)

(C) **Minimum Lot Width. Fifty (50) feet; twenty-five (25) feet** for townhouses.

(D) **Minimum Front Yard Depth. Fifteen (15) feet.**

(E) **Minimum Rear Yard Depth. Fifteen (15) feet.**

(F) **Minimum Side Yard Depth. Ten (10) feet plus two (2) feet** for each story over **three (3) stories.**

(G) **Minimum Floor Area.** Residential per dwelling unit exclusive of garages: (1) 1 family, **seven hundred twenty (720)**; (2) 2 family or more - **six hundred (600)** each; (3) boarding houses, fraternities, sororities or dorms – **eight hundred (800)** plus **two hundred (200)** per bed. Non-residential: eight hundred (800) square feet. (Ord. No. 1157; 06-20-86)

(H) **Maximum Height. Two hundred (200) feet.**

(I) **Maximum Stories. Twenty (20)** providing any structure over **three (3) stories** shall have an integral passenger elevator.

(J) **Maximum Floor Area Ratio. .75** for one story structure; **1.00** for two story; **1.5** for 3 or 4 stories; **2.0** for 5 or 6 stories; **3.0** for 7 to 10; **4.0** for 11 stories

(K) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Each dwelling unit of 900 sq. ft. or more	2	
Each dwelling unit under 900 sq. ft.	1.5	
Fraternities, sororities, dorms, boarding houses, Plus 1 per each lodging room or fraction thereof	2	
Fire station per 2 employees on working shift	1	
Kindergarten or day nursery per 5 students	1	0
Hospital or nursing home per 3 beds	1	1 – up to 200 beds 2 – 201 to 500 beds 3 – over 500 beds
Churches, schools, funeral homes per 4 seats in The main auditorium	1	0
Libraries per 2 employees plus 1 per 6 reading or Study chairs	1	
Private clubs or lodges	Subject to Zoning and Planning Commission	

40-3-47 PERMITTED USES.

(A) **Principal Uses and Structures.**

- (1) Single family dwelling units
- (2) Two family dwelling units
- (3) Multi-family dwelling units
- (4) Dormitories
- (5) Fraternity and sorority houses
- (6) Public libraries
- (7) Parks and playgrounds
- (8) Essential services
- (9) Boarding houses
- (10) Town house developments of 5 or less units

(B) **Accessory Uses and Structures.**

- (1) Accessory uses and structures customarily incidental to permitted principal uses and on the same parcel including:
 - (a) Residential garages
 - (b) Living quarters of persons employed on the premises
 - (c) Private swimming pools

(C) **Special Uses by Permit.**

- (1) Churches, or private schools and subordinate uses related thereto
- (2) Kindergarten or day nursery
- (3) Fire stations
- (4) Hospital or nursing home
- (5) Parking areas for uses in adjoining less restricted district(s)

- (6) Planned unit developments with minimum tracts of **two (2) acres** in accordance with the provisions for planned unit developments in **Section 40-5-2(A)**.
- (7) Private clubs and lodges
- (8) Dining or drinking facilities in clubs or lodges restricted to members and/or guests of members, and not operated as a public facility
- (9) Funeral home
- (10) Town house developments of **six (6)** or more units
- (11) Mobile homes
- (12) Home occupation
- (13) Modular Housing (**Ord. No. 97-04; 02-24-97**)

40-3-48

PROHIBITED USES.

- (A) Open storage of construction equipment
- (B) Kennel
- (C) Industrial uses
- (D) Commercial uses
- (E) Mineral extractive operation
- (F) Abandoned automobile
- (G) Automobile wrecking
- (H) Truck or equipment terminal

40-3-49

RESERVED.

DIVISION XI – PLANNED MANUFACTURED HOUSING DISTRICT (M-1)

40-3-50 **DISTRICT DESCRIPTION.** This district is created to preserve and enhance property values in the community by providing designated, distinctive areas in which mobile homes may be situated for residential dwelling purposes. It is the intent that this district be a desirable permanent area providing adequate open space, and essentially the same considerations given to residents of R-1 and R-2 districts. Any land so designated must necessarily be through the rezoning process, and thus will require amendment to the Zoning Code official Zoning District Map. All M-1 district shall comply with the performance standards indicated in **Section 40-5-2(C)** of this Code.

40-3-51

LOT REQUIREMENTS.

- (A) **Minimum Lot Area. Ten (10) acres.**
- (B) **Minimum Lot Width. Two hundred (200) feet.**
- (C) **Minimum Front Yard Depth. Refer to Performance Standards **Section 40-5-2(C).****
- (D) **Minimum Rear Yard Depth. Refer to Performance Standards **Section 40-5-2(C).****

- (E) **40-5-2(C).** Minimum Side Yard Width. Refer to Performance Standards **Section**
- (F) Minimum Floor Area. Five hundred (500) square feet.
- (G) Maximum Height. Twenty (20) feet.
- (H) Maximum Stories. One (1).
- (I) Maximum Floor Area Ratio. Not applicable
- (J) Minimum Off-Street Parking and Loading.

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Per mobile home	2	0
Per total all washing machines and dry Cleaning machines divided by 3	1	0

40-3-52 PERMITTED USES.

(A) Principal Uses and Structures.

- (1) Mobile home dwelling
- (2) Laundromats – including facilities for coin operated dry cleaning machines
- (3) Parks and playgrounds
- (4) Essential services

(B) Accessory Uses and Structures.

- (1) Only those accessory uses and structures customarily incidental to principal uses and structures

40-3-53 PROHIBITED USES.

- (A) Agriculture, conventional dwelling units, industrial use, mobile homes not having access to public water and sanitary sewers
- (B) Commercial uses unless part of a planned development
- (C) Abandoned automobile
- (D) Automobile wrecking
- (E) Kennel
- (F) Truck or equipment terminal

40-3-54 RESERVED.

DIVISION XII – PLANNED TRAVEL TRAILER DISTRICT (M-2)

40-3-55 DISTRICT DESCRIPTION. This district is created to provide space for the temporary (not to exceed **thirty (30) days**) location of travel trailers, mobile homes, pickup truck mounted camper type units or the like. It is intended that this district be located in relative proximity to interregional highways, and/or service type establishments as described in Districts B-5, B-2 and M-3.

This district is discouraged in the basically residential areas of the community. Any land so designated must be through the rezoning process, and this will require amendment to this Code and the official Zoning District Map.

- 40-3-56** **LOT REQUIREMENTS.**
- (A) **Minimum Lot Area. Two (2) acres.**
- (B) **Minimum Lot Width. One hundred (100) feet.**
- (C) **Minimum Front Yard Depth.** Refer to Performance Standards **Section**
- 40-5-2(D).** **Minimum Rear Yard Depth.** Refer to Performance Standards **Section**
- (D) **Minimum Side Yard Width.** Refer to Performance Standards **Section**
- 40-5-2(D).** **Minimum Floor Area.** Not applicable.
- (E) **Maximum Height. Twenty (20) feet.**
- (F) **Maximum Stories. One (1).**
- (G) **Maximum Floor Area Ratio.** Not applicable
- (H) **Minimum Off-Street Parking and Loading.**
- (I)
- (J)

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Per mobile home	1	0
Per total all washing machines and dry Cleaning machines divided by 3	1	0
Pickup truck units, etc.	1	0
Kindergarten or day nursery per 5 children	1	0

- 40-3-57** **PERMITTED USES.**
- (A) **Principal Uses and Structures.**
- (1) Mobile homes
- (2) Laundromats – including facilities for coin operated dry cleaning machines
- (3) Parks and playgrounds
- (4) Essential services
- (5) Travel trailers, pickup truck, camper type units, and the like
- (6) Swimming pools as part of a planned trailer development
- (7) Kindergarten or day nursery
- (B) **Accessory Uses and Structures.**
- (1) Only those accessory uses and structures customarily incidental to principal uses and structures
- (C) **Special Use by Permit.**
- (1) Mobile home sales and service
- (2) Travel trailer sales and service

- 40-3-58** **PROHIBITED USES.**
- (A) All except permitted uses

40-3-59 RESERVED.

DIVISION XIII – PLANNED BUSINESS DISTRICT (M-3)

40-3-60 DISTRICT DESCRIPTION. This district is created to provide for the construction of a planned shopping center offering a wide variety of goods and services, and which caters to the auto oriented shopper. This district is similar to the Secondary Business District, but the differentiation between these districts is primarily in the minimum size tract of land involved. Any land so designated must necessarily be through the rezoning process and this will require amendment to this Code and the official Zoning District Map.

40-3-61 LOT REQUIREMENTS.

(A) **Minimum Lot Area.** Minimum tract of **five (5) acres** for entire development.

(B) **Minimum Lot Width.** **Three hundred (300) feet** for entire development. For individual uses as determined by the planned development.

(C) **Minimum Front, Rear and Side Yards.** As determined by development plan.

(D) **Minimum Floor Area.** **Fifty thousand (50,000) square feet** for entire development.

(E) **Maximum Height.** **Thirty (30) feet.**

(F) **Maximum Stories.** **Three (3).**

(G) **Maximum Floor Area Ratio.** Not applicable (See Footnote (11) in

Appendix "C")

(H) **Minimum Off-Street Parking and Loading.**

(1) **Parking.** A common parking lot (or lots) is (are) permitted but provisions for parking spaces per used required shall be governed by the requirements of B-2 district.

(2) **Loading.** Off-street loading facilities and space shall be provided as distinctly separate from parking lots and designed so as there will be a minimum or no conflict with parking lot(s).

40-3-62 PERMITTED USES.

(A) **Principal Uses and Structures.**

(1) Planned unit developments only, but which may include any use as permitted in B-2 or B-5 Districts

(B) **Accessory Uses and Structures.**

(1) Only those accessory uses and structures customarily incidental to principal uses and structures

(C) **Special Use by Permit.**

(1) The following manufacturing operations providing they are of a limited nature, in conjunction with a permitted use and in harmony with other activities in this district:

(a) Bakery manufacturing

- (b) Candy manufacturing
- (c) Drapery manufacturing
- (d) Jewelry manufacturing
- (2) The following uses providing the location, nature and extent of proposed operations are compatible with other uses in the district, and that any proposed development plan provides consideration for integration with the thoroughfare system of the neighborhood and community:
 - (a) Newspaper printing plants
 - (b) Lumber yards
 - (c) Agricultural implement stores
 - (d) Truck terminals
 - (e) Warehouses
 - (f) Moving and storage operations conducted within a building
 - (g) Drive-in theaters

40-3-63 PROHIBITED USES.

- (A) Residential dwelling units
- (B) Mobile homes
- (C) Travel trailers
- (D) Agriculture
- (E) Industrial or manufacturing operations except as permitted by Zoning and Planning Commission
- (F) Abandoned automobile
- (G) Automobile wrecking
- (H) Kennel

40-3-64 RESERVED.

DIVISION XIV – PROFESSIONAL ADMINISTRATIVE OFFICE DISTRICT (B-3)

40-3-65 DISTRICT DESCRIPTION. To reserve appropriately located areas for harmonious intermediate uses to serve as buffers between residential districts and non-residential districts. To create a suitable environment for professional office buildings, specially designated for such purposes and located on sites large enough to provide room for landscaping, open space, and off-street parking facilities. To minimize traffic congestion and to avoid the overloading of utilities.

40-3-66 LOT REQUIREMENTS.

- (A) **Minimum Lot Area. Five thousand (5,000) square feet.**
- (B) **Minimum Lot Width. Fifty (50) feet.**
- (C) **Minimum Front Yard Depth. Five (5) feet.**

- (D) **Minimum Rear Yard Depth.** None. For structures over **three (3) stories: two (2) feet** at grade for each story added.
- (E) **Minimum Side Yard Width.** None. For structures over **three (3) stories: two (2) feet** at grade for each story added.
- (F) **Minimum Floor Area.** Not applicable.
- (G) **Maximum Height. Two hundred (200) feet.**
- (H) **Maximum Stories. Twenty (20)** provided any structure over **three (3) stories** shall have an integral passenger elevator.
- (I) **Maximum Floor Area Ratio.** .75 for one (1) story; **1.5** for 2; **2.0** for 3 or 4; **3.0** for 5 to 10; **4.0** for 11 or more
- (J) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Human care medical centers or medical offices		
Per employee	1	1
Per physical or dentist	1	
And/or per 5 beds	1	
Other permitted professional and administrative offices		
Per employee	1	
Plus per 500 sq. ft. gross floor area	1	
Private clubs and lodges		
Per table, booth, or 6 seats at bar or		
Main meeting room	3	1

All remaining uses unclassifiable herein shall be as reasonably determined by the Zoning and Planning Commission, based upon anticipated numbers of employees and gross floor area. Dwellings shall have the same required parking as the lowest density adjoining residential zoning district.

40-3-67 PERMITTED, PROHIBITED, ACCESSORY AND SPECIAL USES.
Specified in Business Activity/Use Schedule.

40-3-68 - 40-3-69 RESERVED.

DIVISION XV – SECONDARY BUSINESS DISTRICT (B-2)

40-3-70 DISTRICT DESCRIPTION. This zone is created primarily as a result of the ever increasing space demands of the auto-oriented shopper, and to provide space for continued growth of such commercial facilities adjacent to or near major thoroughfares.

The most important factor in this district is to promote a more efficient land use and thoroughfare plan for the community and the provision of off-street parking and loading space. It is intended that all land uses (including accessory or supplemental uses) in this district provide an appropriate amount of off-street parking and loading facilities.

40-3-71 LOT REQUIREMENTS.

- (A) **Minimum Lot Area. Ten thousand (10,000) square feet.**
- (B) **Minimum Lot Width. Eighty (80) feet.**
- (C) **Minimum Front Yard Depth. Twenty-five (25) feet.**
- (D) **Minimum Side Yard.** Setbacks are to be **six (6) feet** if a lot is not a corner lot and **twenty (20) feet** on a side street on a corner lot. **(Ord. No. 1157; 06-20-86)**
- (E) **Maximum Height. Thirty-five (35) feet.**
- (F) **Maximum Stories. Two (2).**
- (G) **Maximum Floor Area Ratio. .6**
- (H) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Banks, other financial institutions, business, and Professional offices per 400 sq. ft. gross floor area	2	(*)
Beauty shops, per hair dryer, barber shops per chair	3	(*)
Hotel and motel per guest room	1.5	(*)
Retail stores, supermarkets, department stores, And personal service shops per 600 sq. ft. Gross floor area	1	(*)
Laundromat per 4 coin operated machines	1	(*)
Filling stations per employee	1	(*)
Bowling alleys per lane	3	(*)
Restaurants, night clubs, taverns, lounges per Table, booth, or 2 seats at counter or bar	1	(*)
Furniture and appliance stores per 800 sq. ft. of Gross floor area	1	(*)
Plus employee parking	1	(*)
Theaters, auditoriums, and places of assembly per 4 seats of designed capacity	1	(*)

All remaining uses unclassifiable herein shall be as reasonably determined by the Zoning and Planning Commission, based upon anticipated employees and gross floor area.

(*) None – if any permitted principal use has access to public alley. Any permitted principal use not having access to a public alley or special uses, off-street loading facilities shall be provided or not provided as determined by the Zoning and Planning Commission.

40-3-72 PERMITTED, PROHIBITED, ACCESSORY AND SPECIAL USES.

Specified in Business Activity/Use Schedule.

40-3-73 - 40-3-74 RESERVED.

DIVISION XVI – LIMITED SECONDARY BUSINESS DISTRICT (B-6)

40-3-75 DISTRICT DESCRIPTION. This district is created to provide space for continued growth of certain commercial facilities, for the automobile oriented shopper, that are adjacent to thoroughfares and which are also adjoining Low to Medium Residential Zoning districts (R-5, R-1 and R-2).

The most important factors in this district are to limit the land use to those commercial operations which would not infringe upon the safety, morals, or general welfare of the adjoining residential districts, while also promoting the more efficient land use and thoroughfare plan for the community, including the provision of appropriate amounts of off-street parking and loading facilities.

Commercial facilities whose inventories include quantities of solid substances ranging from free or active burning and liquids which produce flammable vapors or gases shall not be permitted within this district.

40-3-76 LOT REQUIREMENTS.

- (A) **Minimum Lot Area. Ten thousand (10,000) square feet.**
- (B) **Minimum Lot Width. Eighty (80) feet.**
- (C) **Minimum Front Yard Depth. Twenty-five (25) feet.**
- (D) **Minimum Side Yard.** Setbacks are to be **six (6) feet** if a lot is not a corner lot and **twenty (20) feet** on a side street on a corner lot. **(Ord. No. 1157; 06-20-86)**
- (E) **Maximum Height. Thirty-five (35) feet.**
- (F) **Maximum Stories. Two (2).**
- (G) **Maximum Floor Area Ratio. .6**
- (H) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Banks, other financial institutions, business, and		
Professional offices per 400 sq. ft. gross floor area	2	(*)
Beauty shops, per hair dryer, barber shops per chair	3	(*)
Hotel and motel per guest room	1.5	(*)
Retail stores, supermarkets, department stores,		
And personal service shops per 600 sq. ft.		
Gross floor area	1	(*)
Laundromat per 4 coin operated machines	1	(*)
Restaurants, per table, booth, or 2 seats at counter or bar	1	(*)
Furniture and appliance stores per 800 sq. ft. of		
Gross floor area	1	(*)
Plus employee parking	1	(*)
Theaters, auditoriums, and places of assembly per		
4 seats of designed capacity	1	(*)

All remaining uses unclassifiable herein shall be as reasonably determined by the Zoning and Planning Commission, based upon anticipated employees and gross floor area.

(*) None – if any permitted principal use has access to public alley. Any permitted principal use not having access to a public alley or special uses, off-street loading facilities shall be provided or not provided as determined by the Zoning and Planning Commission.

** Where a B-6 Zoning District lot adjoins a Residential Zoning District lot, yard requirements shall be the same as requirements of the adjoining residential district. Adjoining shall be interpreted to include across any street or alley.

40-3-77 PERMITTED, PROHIBITED, ACCESSORY AND SPECIAL USES.
Specified in Business Activity/Use Schedule.

40-3-78 - 40-3-79 RESERVED.

DIVISION XVII – NEIGHBORHOOD BUSINESS DISTRICT (B-4)

40-3-80 DISTRICT DESCRIPTION. This district is created to provide areas for commercial and service uses within residential neighborhoods. This district is (to be) restricted in size and function so as to be compatible with adjoining residential districts. It is intended that the uses permitted be of a neighborhood character rather than of broad community appeal. It is intended that no neighborhood business district be closer than **one thousand three hundred (1,300) feet** of any other business district of any use, and that no neighborhood business district be closer than **two thousand six hundred (2,600) feet** of another business district comprised of the same use. It is further intended that the neighborhood business district be compact and not divided.

40-3-81 LOT REQUIREMENTS.

(A) **Maximum Size of District. One-half (1/2) net acre.**

(B) **Minimum Lot Area.** These standards shall be the same as the lowest residential zoning district adjoining the neighborhood business district. Adjoining shall be interpreted to include across any street or alley.

(C) **Minimum Lot Width.** These standards shall be the same as the lowest residential zoning district adjoining the neighborhood business district. Adjoining shall be interpreted to include across any street or alley.

(D) **Minimum Front Yard Depth*.** These standards shall be the same as the lowest residential zoning district adjoining the neighborhood business district. Adjoining shall be interpreted to include across any street or alley.

(E) **Minimum Side Yard Depth.** These standards shall be the same as the lowest residential zoning district adjoining the neighborhood business district. Adjoining shall be interpreted to include across any street or alley.

(F) **Minimum Rear Yard Depth.** These standards shall be the same as the lowest residential zoning district adjoining the neighborhood business district. Adjoining shall be interpreted to include across any street or alley.

(G) **Maximum Height.** These standards shall be the same as the lowest residential zoning district adjoining the neighborhood business district. Adjoining shall be interpreted to include across any street or alley.

(H) **Maximum Floor Area Ratio.** These standards shall be the same as the lowest residential zoning district adjoining the neighborhood business district. Adjoining shall be interpreted to include across any street or alley.

(I) **Maximum Gross Floor Area of any Single Retail Establishment. Three thousand (3,000) square feet.**

(J) **Permitted, Prohibited, Accessory and Special Uses.** Specified in Business Activity/Use Schedule.

(K) **Off-Street Parking Requirements.** Same as specific uses in B-2.

* At least **ten percent (10%)** of the required front yard must be landscaped in natural ground cover.

40-3-82 - 40-3-84 RESERVED.

DIVISION XVIII – CENTRAL BUSINESS DISTRICT (B-1)

40-3-85 DISTRICT DESCRIPTION. This district is the location of the most valuable land in the community, and in its establishment the aims are to protect this community, and in its establishment the aims are to protect this community created value by: restricting uses to primarily pedestrian oriented traffic; discouraging uses requiring large areas of land in proportion to pedestrian traffic generated; encouraging intense land development. Uses in this district should be: predominantly retail; public or private offices; appropriate types of personal and business services. Residential uses are discouraged in this district except for hotels.

Off-street parking in this district except in special uses is encouraged through the development of private and/or public parking facilities which are consolidated and/or of adequate size and lend themselves to better traffic control and more efficient use of land.

The provisions for off-street loading facilities are intended to avoid congestion in the streets which would otherwise hamper the normal flow of traffic resulting from trucks and delivery vehicles double parking. Consequently, off-street loading requirements are encouraged but not required in this district when access to public alley exists.

As a result of this statement of intent and due to the complexities of the central business district, it is in the public interest to develop a plan for the existing Central Business District which will serve as a guide to best implement this statement of intent.

40-3-86 LOT REQUIREMENTS.

(A) **Minimum Lot Area.** Not applicable.

(B) **Minimum Front, Side and Rear Yards.** None except as required by Zoning and Planning Commission.

(C) **Minimum Floor Area.** Not applicable.

(D) **Maximum Height.** As determined by floor area ratio.

(E) **Maximum Stories.** As determined by floor area ratio.

(F) **Maximum Floor Area Ratio.** 3.0 for 1 through 3 stories; 4.0 for 4 through 6 stories; 5.0 for 7 through 8 stories; 6.0 for 9 through 10 stories; 7.0 for more than 10 stories.

(G) **Minimum Off-Street Parking and Loading.**

(1) **Parking Spaces.** Off-street parking shall not be required for any permitted use except special uses and shall be provided or not provided as determined by the Zoning and Planning Commission.

(2) **Loading Spaces.** Permitted principal uses with access to public alley: None. Permitted principal uses with no access to a public alley and special uses as determined by the Zoning and Planning Commission.

(H) **Permitted, Prohibited, Accessory, and Special Uses.** Specified in Business Activity/Use Schedule.

40-3-87 - 40-3-89 RESERVED.

DIVISION XIX – INTERSTATE INTERCHANGE BUSINESS DISTRICT (B-5)

40-3-90 DISTRICT DESCRIPTION. This district is created to serve predominantly the needs of inter-regional vehicular traffic at interstate interchanges on limited access arterial thoroughfares. The uses allowed in this district should be limited to the needs of the inter-regional traveler which are: food, service, fuel, and lodging. The basic purpose of limiting the land uses in this district is to preserve and enhance the other business district(s) of the community (or nearby communities) by preventing the establishment of a shopping center which would compete with existing or proposed (and justified) shopping centers which cater or will cater to the needs of the community. The land for this district should be compact (not strip type). In any development plan, access points should be limited to minimize hazardous driving conditions.

40-3-91 LOT REQUIREMENTS.

(A) **Minimum Lot Area.** Fifteen thousand (15,000) square feet.

(B) **Minimum Lot Width.** One hundred (100) feet.

(C) **Minimum Front Yard Depth.** Sixty (60) feet.

(D) **Minimum Rear Yard Depth.** Fifteen (15) feet.

(E) **Minimum Side Yard Width.** Ten (10) feet.

(F) **Minimum Floor Area.** Not applicable.

(G) **Maximum Height.** Thirty-five (35) feet.

(H) **Maximum Stories.** Two (2).

(I) **Maximum Floor Area Ratio.** Not applicable.

(J) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Filling station: per 2 employees of maximum shift	1	
Auto or truck repair shop, per repair bay, grease Rack, wash rack, paint stall, frame rack, etc.	4	
Restaurants, space per table or booth or 3 counter spaces	1	
Hotels or motels, per guest sleeping room	1	
Gift shops, per 200 sq. ft. of floor area	1	
All permitted uses, per service entrance		1
(K) <u>Permitted, Prohibited, Accessory, and Special Uses.</u>		Specified in

Business Activity/Use Schedule.

40-3-92 - 40-3-94 RESERVED.

DIVISION XX – SCHEDULES

40-3-95 BUSINESS ACTIVITY/USE SCHEDULE.

ACTIVITY/USE	ZONING DISTRICTS					
	B-6	B-1	B-2	B-5	B-4	B-3
Accountants	P	P	P	X	X	P
Advertising Agencies	P	P	P	X	X	P
Agriculture	X	X	X	X	X	X
Agricultural Implement	X	X	S-3	X	X	X
Agricultural Products, except produce	X	X	S	X	X	X
Amusement Centers, indoor, N.E.C.	S	P	P	P	X	X
Amusement Centers, outdoor, N.E.C.	X	X	P	X	X	X
Appliance	P	P	P(11)	X	X	X
Appliance Repair	P	P	P	X	X	X
Architects	P	P	P	X	X	P
Art Galleries	P	P	P	X	X	P
Attorneys	P	P	P	X	X	P
Automobile						
Abandoned	X	X	X	X	X	X
Glass	X	S	P	P(10)	X	X
Parking Lots	A	P(1)	P	A	X	A
Parking Structures	A	P(1)	P	A	X	A
Parts, New & Rebuilt	S	P	P	X	X	X
Repair, Major	X	X	P	P	X	X
Repair, Minor	P	X	P	P	X	X
Service Station	P	X	P	P	X	X
Truck Sales	X	S	P	P	X	X
Truck Sales & Service	X	S	P(7)	P	X	X
Upholstery Shop	X	A	A	X	X	S
Washing	X	X	P	P	X	X

ACTIVITY/USE	ZONING DISTRICTS					
	B-6	B-1	B-2	B-5	B-4	B-3
Automobile (Cont'd.)						
Washing Drive-In	S	x	P	P	X	X
Wrecking	X	X	X	X	X	X
Bakery Goods	P	P	P	X	P	X
Bakery Manufacturing	S(11)	S(2)	S(2)	X	P(11)	X
Banks	P	P	P	X	X	P
Banks, Drive-In Facilities	P	S(3)	P	X	X	A(3)
Barber	P	P	P	X	X	P
Beauty Shops	P	P	P	X	X	P
Blueprinting & Photocopying	P	P	P	X	X	A
Books	P	P	P	X	X	P
Bowling Alleys	X	S(3)	P	X	X	X
Business & Professional Offices, N.E.C.	P	P	P	X	X	P
Camera Shop	P	P	P(4)	X	X	P
Candy Shop	P	P	P	X	X	X
Candy Manufacturing	S(11)	S(2)	S(2)	X	X	X
Catering	P	P	P	X	X	X
Chambers of Commerce	P	P	P	X	X	P
Chemical Supplies	X	S(3)	P	X	X	X
Church or Temple	P	S(3)	P	X	X	P
Clothes Cleaning Agency	P	P	P	X	X	X
Clothes Cleaning Plant or Laundry	X	S(2)	S(2)	X	X	X
Clubs or Lodges, Private	X	S(3)	P	X	X	X
Coin Operated Laundromat	P	S(3)	P	X	P	X
Coin Operated Dry Cleaning	P	S(3)	P	X	P	X
Commercial uses including the following when Combined with a major office building of 100,000 gross square feet or more and when such commercial uses are clearly incidental and Adjunct to the primary use; branch banks, Barber shops, beauty shops, personal accessory Shops, cigar stores, high fashion apparel shops, Florist shops, gift shops, candy shops, newspaper And magazine shops, travel bureaus and agencies, Prescription pharmacies	S	X	X	X	X	S
Community Facilities and Institutions						
Public and Parochial Schools						
Nursery	S(3)	S(3)	S(3)	X	X	S(3)
Elementary	S(3)	S	S(3)	X	X	S(3)
Junior High	S(3)	S	S(3)	X	X	S(3)
High School	S(3)	S(3)	S(3)	X	X	S(3)
Colleges	S(3)	S(3)	S(3)	X	X	S(3)
Private Non-Profit Schools & Colleges						
Art	S(3)	S(3)	S(3)	X	X	S(3)
Business	S(3)	S(3)	S(3)	X	X	S(3)
Craft	S(3)	S(3)	S(3)	X	X	S(3)
Dancing	S(3)	S(3)	S(3)	X	X	S(3)

ACTIVITY/USE	ZONING DISTRICTS					
	B-6	B-1	B-2	B-5	B-4	B-3
Community Facilities and Institutions (Cont'd.)						
Private Non-Profit Schools & Colleges (Cont'd.)						
Music	S(3)	S(3)	S(3)	X	X	S(3)
Professional	S(3)	S(3)	S(3)	X	X	S(3)
Trade	S(3)	S(3)	S(3)	X	X	S(3)
Public Facilities	P	P	P	X	X	S
Art Galleries	P	P	P	X	X	S
Community Centers	P	P	P	X	X	S
Libraries	P	P	P	X	X	S
Museums	P	P	P	X	X	S
Parks	S(3)	S(3)	S(3)	X	X	S
Playgrounds	S(3)	X	X	X	X	S
Police Stations	P	P	P	P(10)	X	S
Fire Stations	P	P	P	P(10)	X	S
Other Public Buildings, N.E.C.	S(3)	S(3)	S(3)	S(3)	X	S
Parsonages, Parish Houses, Monasteries, Convents, and Other Religious Institutions, N.E.C.	P	S(3)	P	X	X	S
Public and Private Charitable Institutions	P	P	P	X	X	S
Private Noncommercial Clubs and Lodges	P	S(3)	P	X	X	P
Hospitals, Sanitariums, and Nursing Homes	S	X	P	X	X	S
Hospitals, Sanitariums, or Nursing Homes for Mental, Drug Addict, or Liquor Addict Cases	S	X	S	X	X	S
Confectionary	P	P	P	X	P	X
Construction Company	X	X	P(6)	P(6)(10)	X	X
Credit Bureaus & Collections	P	P	P	X	X	P
Currency Exchanges	P	P	P	X	X	P
Custom Tailor & Dressmaking	P	P	P	X	X	S
Dairy Products	P	P	P	X	P	X
Delicatessen or Food, but not Grocery or Supermarket	P	P	P	X	P	X
Dentist, Orthodontists, Etc.	P	P	P	X	X	P
Department Store	P	P	P	X	X	X
Detectives	P	P	P	X	X	P
Drapery	P	P	P	X	X	S
Drapery Manufacturing	X	S(2)	S(2)	X	X	X
Drive-In Restaurants	S(10)	S(3)	P	P(10)	X	X
Drive-In Operations, N.E.C.	S(10)	S(3)	P	X	X	X
Drive-In Theaters	X	X	S(3)	X	X	X
Drug	P	P	P	X	P	X
Dry Goods	P	P	P	X	X	X
Dwelling						
Group	P(10)	X	X	X	X	X
Mobile Home	X	X	X	X	X	X
Multiple Family	P(10)	S(5)	A(8)	X	X	P(10)
Single Family	P(10)	S(8)	A(8)	X	X	P(10)
Two Family	P(10)	S(8)	A(8)	X	X	P(10)
Travel Trailer	X	X	X	X	X	X

ACTIVITY/USE	ZONING DISTRICTS					
	B-6	B-1	B-2	B-5	B-4	B-3
Employment Agencies	P	P	P	X	X	P
Engineering Offices	P(6)	P(6)	P	X	X	P
Essential Services	P(6)	P	P	P(10)	P(6)	P(6)
Exterminating Services	P(6)	S(3)	P	X	X	X
Exterminators	P(6)	S(3)	P	X	X	X
Farm & Garden Supplies, but not milling or Grain storage operations nor sale of major Agricultural implements	P	S	P	X	X	X
Filling Station	X	P	P	P(10)	X	X
Florist	P	P	P	X	X	S
Food, N.E.C.	P	P	P	A	X	X
Furniture	P	P	P	X	X	X
Funeral Home	P	P	P	X	X	S
Garage, Public	P	P	P	X	X	X
Garage, Repair	X	X	P	P(10)	X	X
General Loan or Finance	P	P	P	X	X	P
Gifts	P	P	P	A(10)	X	S
Governmental Offices, N.E.C.	P	P	P	X	X	P
Grocery or Supermarkets	P(10)	P	P	X	X	X
Hardware	P	P	P	X	X	X
Hospitals, N.E.C.	S(3)	S(3)	P	X	X	X
Hotels	P(10)	S(3)	P	P(10)	X	X
Ice Cream – Ice Milk Drive-In	S(10)	P	P	X	X	X
Ice Cream – Ice Milk Walk-In or Walk-Up	P	P	P	X	P	X
Industrial Operations	S(2)	S(2)	S(2)	S(2)	S(2)	S(2)
Insurance Agencies	P	P	P	X	X	P
Insurance Company Offices	P	P	P	X	X	P
Interior Decorator	P	P	P	X	X	S
Janitorial Services	P(6)	P	P	X	X	X
Jewelry	P	P	P	X	X	X
Jewelry Manufacturing	S(2)	S(2)	S(2)	X	X	X
Jewelry Repair	P	P	P	X	X	S
Junk Yards	X	X	X	X	X	X
Kennel	X	X	X	X	X	X
Labor Unions and Halls	S	P	P	X	X	S
Laundry Agencies	P	P	P	X	X	X
Lawn and Garden Supplies	P	S(3)	P	X	X	X
Libraries	P	P	P	X	X	P
Liquor	X	P	P	X	X	X
Locksmith	P	P	P	X	X	S
Lumber Yard	X	S(3)	S(3)	X	X	X
Mail Order Operation	P	P	P	X	X	X
Manufacturing, N.E.C.	X	X	X	X	X	X
Meat, Poultry, or Fish Market	P	B(3)	P	X	P	X
Medical Clinics	P	B(3)	P	X	X	P
Milliner	P	P	P	X	X	S
Motels	P(10)	S(3)	P	P(10)	X	X

ACTIVITY/USE	ZONING DISTRICTS					
	B-6	B-1	B-2	B-5	B-4	B-3
Motion Picture Theaters	P	P	P	X	X	X
Moving and Storage Operations	X	X	S(3)(9)	X	X	X
Museums	P	P	P	X	X	P
Newspaper Offices, but not newspaper plants	P	P	P	X	X	P
Newspaper Printing Plants	S(3)	S(3)	S(3)	X	X	X
Notions	P	P	P	X	X	X
Offices, Business & Professional, N.E.C.	P	P	P	X	X	P
Office Supply	P	P	P	X	X	X
Optical Merchandise	P	P	P	X	X	S
Paint, Wallpaper, Glass	A(2)	P	P	X	X	X
Pawn Brokers	P	P	P	X	X	X
Periodicals	P	P	P	X	X	P
Pet Shop	P(6)	S(3)	P	X	X	X
Pharmacy	P	P	P	X	X	P
Physicians, Chiropractor, Osteopaths, etc., But not Veterinarian	P	P	P	X	X	P
Photographer	P	P	P	X	X	P
Planners	P	P(6)	P	X	X	P
Pool hall	X	P	P	X	X	X
Post Office	P	P	P	X	X	X
Printers	P	P	P	X	X	X
Radio Studios	P	P	P	X	X	S
Rental Equipment	P(6)	P	P	X	X	X
Ready to Wear, Men's, Women's, Children, Infants	P	P	P	X	X	X
Restaurants, N.E.C.	P(10)	P	P	A	X	X
Savings & Loan Association	P	P	P	X	X	P
Schools, N.E.C.	S(3)	S(3)	P	X	X	X
Secretarial	P	P	P	X	X	P
Security & Commodity Brokers & Dealers	P	P	P	X	X	P
Shoes	P	P	P	X	X	X
Small Loan	P	P	P	X	X	S
Sporting Goods	P	P	P	X	X	X
Stationery	P	P	P	X	X	X
Studios, Offices, or Workrooms of a Painter Sculptor, Writer, Lecturer, Photographer, Commercial Artist, Professional Dancer or Musician, but not including Music Studios, Dance Studios, and Other Studios primarily Devoted to teaching or developing Professional or artistic skills among individual Students or groups of students	P	P	P	X	X	P
Tavern	X	P	P	X	X	X
Tire Dealers	X	P	P(9)	A	X	X
Title Abstract Offices	P	P	P	X	X	P
Trading Stamp Redemption	P	P	P	X	X	X
Trailer or Mobile Home Sales & Service	X	X	P	A	X	X
Tobacco, News	P	P	P	A	X	S

ACTIVITY/USE	ZONING DISTRICTS					
	B-6	B-1	B-2	B-5	B-4	B-3
Toys	P	P	P	A	X	X
Transportation Terminals (passenger)	P(3)	S(3)	P	A	X	X
Travel Agencies, Business and Personal Consultants, and other Similar Individual Services	P	P	P	X	X	P
Travel Trailer Sales and Service	X	X	P	A	X	X
Truck Terminals	X	X	S(3)	X	X	X
TV Studios	P	P	P	X	X	X
Upholstery Shop	P	P	P	X	X	S
Utility Company Offices	P(6)	P(6)	P(6)	X	X	X
Variety or 10¢	P	P	P	X	X	X
Veterinarians	P(9)	X	P	X	X	X
Warehouses	P	P	P	X	X	X

For other uses not listed herein, in the judgment of the Zoning Administrator, use shall be determined by the Zoning and Planning Commission and thereafter said other use shall be regarded as listed use.

- P = Permitted Use
- A = Accessory Use
- X = Prohibited Use
- S = Special Use by Permit
- N.E.C. = Not Elsewhere Classified

Footnotes are located at the end of this Code in **Appendix "C"**.

40-3-96 - 40-3-99 RESERVED.

DIVISION XXI – LIGHT INDUSTRIAL DISTRICT (I-1)

40-3-100 DISTRICT DESCRIPTION. This district is established to provide space for certain types of industrial and/or manufacturing and/or warehousing or storage operations which are compatible to adjoining districts. Such uses generally require open storage of materials or goods either before, during or after the manufacturing process, but are of a low noise or nuisance level. Such uses shall be conducted entirely within an enclosed building of substantial construction. Land designated for this district should be located in relation to the thoroughfare network of the community as well as rail and air if required, and designated so as to not disrupt normal traffic flow. Because of increased technological developments, extensive lists of permitted and prohibited uses are impractical, therefore, to safeguard the public interests performance standards are established herein as criteria for all permitted uses and as guidance for the Zoning and Planning Commission, as approved by the City Council, in permitting any special uses. Planned industrial parks are encouraged in this district.

- 40-3-101** **LOT REQUIREMENTS.**
 (A) **Minimum Lot Area.** One-half (1/2) acre.
 (B) **Minimum Lot Width.** One hundred twenty-five (125) feet.
 (C) **Minimum Front Yard Depth.** Twenty (20) feet.
 (D) **Minimum Rear Yard Depth.** Twenty (20) feet.
 (E) **Minimum Side Yard Width.** Twenty (20) feet.
 (F) **Minimum Floor Area.** One thousand (1,000) square feet.
 (G) **Maximum Height.** As determined by floor area ratio.
 (H) **Maximum Stories.** As determined by floor area ratio.
 (I) **Maximum Floor Area Ratio.** .50.
 (J) **Minimum Off-Street Parking and Loading.**

	<u>Parking Spaces</u>	<u>Loading Spaces</u>
Industrial or manufacturing operations:		
Per 2 employees of largest 2 successive shifts	1	1*
Or per 2 employees if only 1 shift	1+15%	1*
Non-industrial or manufacturing operations:		
As required for similar uses in more restrictive Zoning districts		

* Additional space may be required by the nature and size of operations.

(K) **Permitted, Prohibited, Accessory, and Special Uses.** Specified in Business Activity/Use Schedule.

40-3-102 - 40-3-104 **RESERVED.**

DIVISION XXII – RESTRICTED INDUSTRIAL DISTRICTS (I-2)

40-3-105 **DISTRICT DESCRIPTION.** This district is established to provide space for certain types of industrial and/or manufacturing and/or warehousing or storage operations which are and will be relatively compatible to adjoining districts. Such uses shall: be conducted entirely within enclosed buildings substantially constructed; not use the open area around such buildings for storage of raw materials, manufactured products, or for any other purpose other than parking for employees and loading and unloading operations. Land designated for this district should be located in relation to the thoroughfare network of the community (including primarily streets as well as rail and air if required) and designed so as to not wholly disrupt normal traffic flow. Because of increasing technological development, extensive lists of permitted and prohibited uses are impractical, therefore, to safeguard the public interest, performance standards are established herein as criteria for all permitted uses and as guidance for the Zoning and Planning Commission, as approved by the City Council, in permitting any uses. Planned industrial parks are encouraged in this district.

- 40-3-106** **LOT REQUIREMENTS.**
 (A) **Minimum Lot Area.** One-half (1/2) acre.
 (B) **Minimum Lot Width.** One hundred twenty-five (125) feet.
 (C) **Minimum Front Yard Depth.** Twenty (20) feet.
 (D) **Minimum Rear Yard Depth.** Twenty (20) feet.
 (E) **Minimum Side Yard Width.** Twenty (20) feet.
 (F) **Minimum Floor Area.** One thousand (1,000) square feet.
 (G) **Maximum Height.** As determined by floor area ratio.
 (H) **Maximum Stories.** As determined by floor area ratio.
 (I) **Maximum Floor Area Ratio.** .50.
 (J) **Minimum Off-Street Parking and Loading.**

Parking Spaces Loading Spaces

For industrial or manufacturing operations:

Per 2 employees of combined 2 largest successive shifts	1	1*
Or per 2 employees if only 1 shift	1+15%	1*

For non-industrial or manufacturing operations:

As required for similar uses in more restrictive districts

* Additional off-street loading may be required by the nature and size of operations.

(K) **Permitted, Prohibited, Accessory, and Special Uses.** Specified in Business Activity/Use Schedule.

40-3-107 - 40-3-109 **RESERVED.**

DIVISION XXIII – GENERAL INDUSTRIAL DISTRICT (I-3)

40-3-110 **DISTRICT DESCRIPTION.** This district is established to provide space for industrial and/or manufacturing and/or warehousing or storage operations which may require buildings and/or open area for fabricating, processing, extraction, repairing, dismantling, or disposal of equipment, raw materials, manufactured products or wastes. Land designated for this district should be located in relation to the thoroughfare network of the community (including primarily streets as well as rail and air if required) and designed so as to not wholly disrupt normal traffic flow. Because of increasing technological developments, extensive lists of permitted and prohibited uses are impractical, therefore, to safeguard the public interest, performance standards are established herein as criteria for all permitted uses and as guidance for the Zoning and Planning Commission, as approved by the City Council, in permitting any uses. Planned industrial parks are encouraged in this district.

- 40-3-111** **LOT REQUIREMENTS.**
 (A) **Minimum Lot Area.** One (1) acre.

- (B) **Minimum Lot Width. One hundred (100) feet.**
- (C) **Minimum Front Yard Depth. Twenty (20) feet.**
- (D) **Minimum Rear Yard Depth. Twenty (20) feet.**
- (E) **Minimum Side Yard Width. Twenty (20) feet.**
- (F) **Minimum Floor Area. One thousand (1,000) square feet.**
- (G) **Maximum Height. As determined by floor area ratio.**
- (H) **Maximum Stories. As determined by floor area ratio.**
- (I) **Maximum Floor Area Ratio. 5.0.**
- (J) **Minimum Off-Street Parking and Loading.**

Parking Spaces Loading Spaces

For industrial or manufacturing operations:

Per 2 employees of combined 2 largest successive shifts	1	1*
Or per 2 employees if only 1 shift	1	1*

For non-industrial or manufacturing operations:

Same as required for similar uses in more restricted districts

* Additional off-street loading may be required by the nature and size of operations.

(K) **Permitted, Prohibited, Accessory, and Special Uses.** Specified in Business Activity/Use Schedule.

40-3-112 - 40-3-114 RESERVED.

DIVISION XXIV – INDUSTRIAL ISOLATED DISTRICT (I-4)

40-3-115 DISTRICT DESCRIPTION. This district is established to provide space for those land uses which are generally incompatible to any adjoining land use, but which are necessary to the economy of the community. Only those uses will be permitted in this district which cannot realistically and economically meet the performance standards specified in I-2 or I-3. It is not intended that this district be an easy "catchall" for entrepreneurs to utilize rather than meeting community obligations for being compatible neighbors in community. In establishing the location of this district, (and if possible, only one such contiguous area of the community shall be created) prevailing wind, existing and anticipated adjoining developments and the public interest of the community should be taken into consideration. Every effort shall be made by permitted uses to minimize the causes for incompatibility and every use shall also meet the performance standards indicated herein. Location of this district should be provided with an adequate link or links to the thoroughfare system of the community and be so designed as to not wholly disrupt normal traffic flow.

40-3-116 LOT REQUIREMENTS.
 (A) **Minimum Lot Area. One (1) acre.**

- (B) **Minimum Lot Width. One hundred fifty (150) feet.**
- (C) **Minimum Front Yard Depth. Forty (40) feet** subject to note.*
- (D) **Minimum Rear Yard Depth. Forty (40) feet** subject to note.*
- (E) **Minimum Side Yard Width. Forty (40) feet** subject to note.*
- (F) **Minimum Floor Area. Three thousand (3,000) square feet** subject to note.*
- (G) **Maximum Height.** As determined by floor area ratio.
- (H) **Maximum Stories.** As determined by floor area ratio.
- (I) **Maximum Floor Area Ratio. .20.**

* No principal or accessory buildings or operations other than open storage shall be conducted closer than **two hundred (200) feet** from any other district. In addition, well designed and substantial fences and/or screen planting shall be provided at least **eight (8) feet** in height to obscure all operations other than offices from the view of property in adjoining districts and adjoining thoroughfares. Open and landscaped yards that face public thoroughfares and adjoining land use districts will be permitted.

(J) **Permitted, Prohibited, Accessory, and Special Uses.** Specified in Business Activity/Use Schedule in **Section 40-3-117.**

40-3-117 BUSINESS ACTIVITY/USE SCHEDULE.

ACTIVITY/USE	ZONING DISTRICTS			
	I-1	I-2	I-3	I-4
Principal and Accessory Uses and Structures including by Special Use Permit, are permitted if the performance Standards are met and certified as being met, by a registered Professional engineer of the State of Illinois.				
Assembly Operations				
Electric Devices	P	P	P	X
Electronic Appliances	P	P	P	X
Household Appliances	P	P	P	X
Phonograph Sets	P	P	P	X
Radio	P	P	P	X
Television	P	P	P	X
Commercial Uses and Other Uses N.E.C.				
Abandoned Automobile	X	X	X	X
Apparel and other finished products	P	P(3)	X	X
Automobile Rental	P	X	P	X
Automobile, New and Used Sales	P	X	P(4)	X
Bag Cleaning	X	X	P	P
Bakery Products	P	P(3)	P(3)	X
Blacksmith Shop	P	P(3)	P	X
Body and Fender Works	P	P	P	X
Bottling Works, canning soft drinks, and Carbonated waters	P	P(3)	P(3)	X
Building Material Sales Yard	P	P(3)	P(5)	X
Business, Wholesale, N.E.C.	P	P	P	X

ACTIVITY/USE	ZONING DISTRICTS			
	I-1	I-2	I-3	I-4
Business, Retail, N.E.C.	S(3)	S(3)	S(3)	X
Bus Terminal	P	P	P	X
Café	P	P	P	X
Candy	P(3)	P(3)	X	X
Cabinet Shop	P	P	P	X
Carpenter Shop	P	P	P	X
Carpet or Rug Cleaning	P	P	P	P
Carnival (transient)	P	P	P	P
Churches	X	X	X	X
Circus (transient)	P	P	P	P
Clothes Cleaning and Dyeing	P	P	P	P
Clubs	X	X	X	X
Contractors' Equipment Storage Yard or Plant	P	P	P(5)	P
Converted Paper and Paperboard Products	X	X	X	P
Dairy Products (not including whey)	P	P	P	P
Dairy Products including whey	X	X	X	P
Do-it-yourself Agency (i.e. rental shops, etc.)	S	S	S	S
Drugs	P	P(3)	P(3)	P
Engineering Services	P	P	P	P
Essential Services, Substations	P	P	P	P
Express Office	P	P	P	X
Filling Stations	P	S	S	X
Garage, Public	P	P	P	X
Garage, Repair	P	P	P	X
Groceries & Canned Products	P(2)	P(2)	P(2)	X
Hardware and Household Appliances	P	P	P	X
Hospital, large animal	P	P	P	X
Hospitals, N.E.C.	X	X	X	X
Incinerator	X	X	P(6)	P
Junk Yard	X	X	P	P
Kennel	P	X	P	X
Laboratories, dental and medical	P	P	P	X
Laboratories, research and testing	S	S	S	P
Liquor	P	P	P	P
Lumber Yards	P	X	P(5)	X
Lodges	P	X	X	X
Machine Shops	P	P	P	P
Motion Picture Studio	P	P	P(5)	X
Offices, business and professional, N.E.C.	A	A	A	A
Parking Lot	P	P	P	P
Printing, Publishing, and allied industries	P	P	P	P
Professional Employment and Supplies	P	P	P	P
Public Buildings	P	P	P	P
Public Transit Yards	P	P	P	P
Railroad Yard, Shop or Roundhouse	X	X	P	P
Rental of Equipment Commonly Used by Contractors	P	P	P(5)	P
Restaurants	P	P	P	X

ACTIVITY/USE	ZONING DISTRICTS			
	I-1	I-2	I-3	I-4
Revival Tent or other transient enterprises	P	P	P	P
Schools, N.E.C.	X	X	X	X
Service Station	P	P	P	X
Sheetmetal Products	P	P	P	P
Sign Painting; advertising outdoor	P	P	P	X
Taverns	P	P	P	X
Theater, Outdoor	P	P	P	X
Transfer Company	P	P	P	X
Trucking Terminal	P	P	P	X
Vocational & Correspondence Schools	P	P	X	X
Veterinary	P	P	P	X
Dwelling				
Group	X	X	X	X
Hotel, Motel	X	X	X	X
Mobile Home	X	X	X	X
Multiple Family	X	X	X	X
Single Family	X	X	X	X
Two Family	X	X	X	X
Travel Trailer	X	X	X	X
Food and Kindred, Processing, Wholesale				
Confections	P	P	P	X
Dairy Products (not including whey)	P	P	P	X
Dairy Products (including whey)	X	X	X	P
Eggs	P	P	P	X
Fruits and Vegetable Concentration, Preservation, and Preparation	S	S	P	P
Grain Mill Products	S	S	P	P
Honey Extraction	P	P	P	X
Meats; Sausages or Prepared Meat Products; Fish	S(7)	X	P	P
Poultry and Small Game Dressing and Packing	S	S	P	P
Processing, canning, bottling, treatment or storage of The following: Brewery, cereal or flour mill, feed, Malts, oleomargarine, pickles, salt, sauerkraut, Starch, sugar, syrup, vinegar, yeast	X	X	P	P
Laboratories Manufacturing, Compounding, Processing, Packaging or Treatment				
Atmospheric, non-atmospheric, industrial and medical Gases in their liquid or vapor state, including, but Not limited to: acetylene, argon, hydrogen, Nitrogen, and oxygen	S	S	S	S
Cosmetics	S	S	S	S
Drugs	S	S	S	S
Gasoline	X	X	S	S
LP Gas	X	X	S	S
Perfumes	S	S	S	S
Petroleum Refining and Storage	X	X	S	S
Pharmaceuticals	S	S	S	S

ACTIVITY/USE	ZONING DISTRICTS			
	I-1	I-2	I-3	I-4
Oil	S	S	S	S
Sewage Disposal or Treatment Plant	X	X	P	P
Toiletries	P	S	P	X
Manufacture, Fabrication and/or Assembly, Including Canning, Processing, or Treatment				
Acid	X	X	X	S
Airplanes and Parts	P	P	P	S
Alcohol	P	P	P	S
Automobiles and Parts	P	P	P	S
Automobile Wrecking & Storage Yards	X	X	X	P
Awnings	P	P	P	S
Batteries	S	X	P	P
Bicycles	P	P	P	P
Billboards	P	P	P	X
Blast Furnace	P	P	P	P
Boiler Works	P	P	P	P
Boats	P	P	P	P
Brass	P	P	P	P
Brick	P	P	P	P
Brooms	P	P	P	P
Brushes	P	P	P	P
Building Material, N.E.C.	S	S	S	S
Business Machines and Equipment	P	P	P	P
Buttons	P	P	P	P
Candles	P	P	P	P
Cans	P	P	P	P
Canvas	P	P	P	P
Cellophane	P	P	P	P
Celluloid	P	P	P	P
Cement	X	X	P	P
Ceramic	P	P	P	P
Chemical	S	S	S	P
Cinder	X	X	P	P
Clay	X	X	P	P
Cloth	P	P	P	P
Concrete Coke Oven and by-products	X	X	P	P
Copper	P	P	P	P
Cork	P	P	P	P
Cutlery	P	P	P	P
Dyestuffs	X	X	P	P
Electric and Neon Signs	P	P	P	P
Electric Lighting and Wiring Equipment	P	P	P	P
Emery Cloth	P	P	P	P
Explosives	X	X	X	S
Excelsior	P	P	P	P
Feather	P	P	P	P
Felt	P	P	P	P

ACTIVITY/USE	ZONING DISTRICTS			
	I-1	I-2	I-3	I-4
Fertilizer Manufacturing	S	S	S	S
Fibers	P	P	P	P
Foundry Casting, light-weight, non-ferrous metals	P	P	P	P
Foundry, N.E.C.	S	S	P	S
Fur	S	S	S	S
Furniture and Fixtures	P	P	P	S
Gas and Electrical Welding Rods	P	P	P	P
Glass Products	P	P	P	P
Glue	X	X	X	S
Glucose	S	S	S	S
Gravel Rock, Pumice Stone, and Stone	X	X	P	P
Gypsum	X	X	P	P
Hair	S	S	S	S
Hand Tools	P	P	P	P
Hardware	P	P	P	S
Horn	P	P	P	P
Ink	S	S	S	S
Instruments				
Professional, Scientific, and Controlling	P	P	P	P
Musical	X	P	P	P
Jewelry, Silverware, and Kindred Plated Wares	P	P	P	P
Leather	P	P	P	P
Lampblack	S	S	S	S
Lamp Shades	P	P	P	P
Lime	X	X	P	P
Linoleum	P	P	P	P
Machinery and Machine Parts	P(1)	P	P	P
Matches	X	P	P	P
Meatpacking Plants	X	X	S	P
Metal Cans	P	P	P	P
Metal Plating	P	P	P	P
Metal Product Treatment and Processing	P	P	P	P
Metal Stamping	X	X	P	P
Mortar	X	X	P	P
Notions	S	S	S	S
Novelties	P	P	P	P
Oilcloth	P	P	P	P
Oiled Rubber Goods	P	P	P	P
Oil or Grease Compounding	S	P	P	P
Optical Goods	P	P	P	P
Paint & Kindred Operations	S	S	P	P
Paving Material	X	X	P	P
Paper	P	P	P	P
Pencils and Other Office and Artists' Materials, N.E.C.	P	P	P	P
Pens	P	P	P	P
Photographic Equipment	P	P	P	P
Planing Mill	P	P	P(5)	P

ACTIVITY/USE	ZONING DISTRICTS			
	I-1	I-2	I-3	I-4
Plaster of Paris	X	X	P	P
Plaster	X	X	P	P
Plastic	P	P	P	P
Pottery	P	P	P	P
Precious or Semi-precious Metals	P	P	P	P
Pump	P	P	P	P
Rivets	P	P	P	P
Sand Blasting	P	P	P	P
Screw Machine Products and Bolts, Nuts, Screws and Washers	P	P	P	P
Shipbuilding	X	X	P	P
Shell	P	P	P	P
Shellac	S	S	P	P
Shoe Polish	P	P	P	P
Slaughterhouses	X	X	X	P
Soap and Detergent	X	X	P	P
Soda	S	S	S	S
Sporting and Athletic Goods	P	P	P	P
Stamps, Rubber and/or Metal	P	P	P	P
Stockyards, Livestock Sale Barns	X	X	X	P
Stone, Cast	X	X	P	P
Stone Monument Works	P	P	P	P
Stone Masonry Shop	P	P	P	P
Stove Polish	P	P	P	P
Straw	P	P	P	X
Tannery	X	X	X	P
Tar or Asphalt Plants	X	X	P	P
Tobacco Products	P	P	P	P
Tools, motor powered	P	P	P	P
Toys, Amusement	P	P	P	P
Trailers	P	P	P	P
Turpentine	X	X	P	P
Umbrellas	P	P	P	P
Utilities, including central plants	P	P	P	P
Varnish	X	X	P	P
Venetian Blinds	P	P	P	P
Watches and Clocks	P	P	P	P
Wood	P	P	P	P
Wool	P	P	P	P
Wire Products	P	P	P	P
X-Ray apparatus and tubes	P	P	P	P
Mineral Extraction Operations				
Coal, Deepshaft	X	X	S	S
Coal, Strip	S	S	S	S
Oil, Well	S	S	S	S
Rock, Gravel, Sand, Strip	S	S	S	S
Other Minerals, Deep Shaft, N.E.C.	S	S	S	S

ACTIVITY/USE	ZONING DISTRICTS			
	I-1	I-2	I-3	I-4
Other Minerals, Strip, N.E.C.	S	S	S	S
Warehousing and Storage, N.E.C.				
Explosives	S	S	S	S
Flammable Liquids	S	S	S	S
Other Uses, N.E.C.	S	S	S	S

For other uses not listed herein, in the judgment of the Zoning Administrator, use shall be determined by the Zoning and Planning Commission and thereafter said other use shall be regarded as a listed use.

- P = Permitted Use
- A = Accessory Use
- X = Prohibited Use
- S = Special Use by Permit
- N.E.C. = Not Elsewhere Classified

Footnotes are located at the end of this Code in **Appendix "D"**.

40-3-118 - 40-3-119 RESERVED.

(This Article Sec. 9)

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ARTICLE IV – SIGN DEFINITIONS AND ILLUSTRATIONS

40-4-1 SIGN DEFINITIONS.

(A) **Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

- (1) Signs not exceeding **one (1) square foot** in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification or premises not having commercial connotations;
- (2) Flags and insignia of any government except when displayed in connection with commercial promotion;
- (3) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(B) **Sign Structure.** A structure constructed for the purpose of displaying a sign. Any sign structure shall be designed and constructed in a manner that is safe, not aesthetically offensive, and shall be free of any exposed: extra bracing; angle iron; guy wires; cables; etc.

(C) **Sign, Surface Area of.** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area and frame (or border) of the sign surface area and including all of the elements of the matter displayed. Structural members not bearing advertising matter shall not be included in computation of surface area.

(D) **Sign, Number of.** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

(E) **Flush Wall.** A sign, mounted, attached to or painted on the exterior of a structure other than a Sign Structure where the plane of the sign surface area is parallel to the plane of the structure to which it is attached. A flush mounted wall sign may be an on-site or an off-site sign. A flush mounted wall sign may not project more than **one (1) foot** from the plane of the structure to which it is attached.

(F) **Perpendicular Wall.** A sign mounted or attached to the exterior of a structure where the plane(s) of the sign surface area(s) (is) (are) not parallel to the plane of the structure to which it is attached. A perpendicular wall mounted sign is generally an on-site sign. Maximum distance between sign faces shall not exceed **three (3) feet**. A perpendicular wall mounted sign shall not be construed to be a marquee sign.

(G) **Marquee.** A canopy structure projecting over public right-of-way, attached to and supported by a larger structure on land not within public right-of-way. Minimum distance between perpendicular ends of marquee shall be not less than **three (3) feet**. A marquee may also be a sign structure.

(H) **Sign, Marquee.** Any sign attached to or constructed in or upon a Marquee. See also: Sign Structure.

- (I) **Time and/or Temperature.**
- (1) **Temperature** signs shall not change except when the temperature changes one degree.
 - (2) **Time** signs shall be permitted to change no more frequently than **sixty (60) second** intervals.
 - (3) **Temperature and Time** signs in combination. If separate space is provided on sign surface area for time and temperature, (1) and (2) above shall apply. If same surface area is provided for both time and temperature, the frequency of change shall be no more frequently than **five (5) second** intervals.

(J) **Roof.** A sign which is supported by **one (1)** or more columns, uprights or braces anchored in or upon the roof of a structure other than a Sign Structure. See also Sign Structure.
(Sec. 10)

40-4-2 SIGN REGULATIONS. The sign regulations set by this Code include regulations for maximum number of signs, permitted sign types, and maximum height of signs. Standards are established for each zoning district and are set forth in the Schedule of District Sign Regulations, **Appendix "E"** of this Code. Signs may be erected, altered, and maintained only for a permitted use in the district in which the signs are located. Except for permitted off-site signs, all signs shall be located on the same parcel of land as the permitted use which they identify.

(A) **Permits.** Before any sign that is subject to a permit is erected, enlarged, altered, rebuilt, or relocated, a permit shall be obtained from the Zoning Administrator. Routine maintenance or changing of parts designed for changes shall not be considered an alteration provided such change does not alter the surface area, height, or otherwise make the sign nonconforming. Fees for said permit shall be as established by the City Council.

(B) **Signs Not Subject to a Permit.** The following signs shall not be subject to a permit (see also the definition of "sign" for those objects not considered to be a sign):

- (1) Temporary real estate sign
- (2) Window promotional signs
- (3) Political signs
- (4) Pennants – must get temporary permit
- (5) These signs shall, however, meet all other sign regulations of this Code. All other signs not listed above shall be subject to a permit.

(C) **Prohibited Signs.** The following signs are prohibited within the jurisdiction of this Code:

- (1) Moving signs
- (2) Flashing signs
- (3) Propellers, paddle wheels, or other attraction devices designed to be set in motion by the wind

(D) **Removal of Certain Signs.** Any sign now or hereafter existing which advertises a business no longer being conducted or a product no longer being sold on the premises upon which the sign is located shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which it may be found within **sixty (60) days** after written notification from the Zoning Administrator and, upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign and any expense incident

thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises to which the sign is attached.

(Sec. 11)

40-4-3 **SCHEDULE OF SIGN REGULATIONS.** See Appendix "E" at end of this Code.

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ARTICLE V – PERFORMANCE STANDARDS

40-5-1 MOBILE (MANUFACTURED) HOMES. Mobile homes, single wide and double wide, are permitted in R-4, residential zoning districts, by special use permit, providing that all minimum requirements, including minimum floor area, are met as set forth in the Schedule of District Regulations within **Article III, Division XI** of this Code.

All mobile homes within all zoning districts shall be anchored in accordance with recommendations set by the United States Department of Defense, Defense Civil Preparedness Agency's publication "Protecting Mobile Homes from High Winds" (008-030-00013). In addition mobile homes within these zoning districts shall also be underpinned or skirted.

Prior to the performing of any work, or beginning of any construction upon the lot of the proposed location of a mobile home, a building permit shall be secured from the Zoning Administrator as in accordance with **Section 40-7-2** and **40-7-3** of this Code.

A certificate of zoning compliance shall be secured from the Zoning Administrator prior to use or occupancy as in accordance with **Section 40-7-4** in this Code.

Failure to comply with these regulations shall constitute a nonconforming use, and if applicable, shall also constitute a violation of this Code as in accordance with **Section 40-9-2** of this Code.

(Sec. 13)

40-5-2 PLANNED UNIT DEVELOPMENTS. This Section is to provide guidelines for the administration of this Code and for developers for specified types of development permitted by this Code.

(A) **Low and Medium Density Planned Unit Developments (R-5), (R-1), (R-2) and (R-3).** A building or group of buildings situated on land which is under single ownership or unified control and which is wholly residential in nature. Any Planned Unit Development shall be compatible to the Comprehensive Plan, especially the Thoroughfare Plan for the City. Provided further, if the proposed development is only for a portion of contiguous land-holding of the applicant, then a plan showing anticipated uses, densities, and circulation (traffic or thoroughfare) patterns shall be submitted with the application. Planned Unit Developments for district R-1, R-2, R-3 and R-5 shall further meet the following criteria:

- (1) Wholly residential development may be permitted a waiver of lot area, yard requirements and height restrictions, providing: The general intent of the district is not circumvented; yards along the development perimeter conform to yards of adjacent districts; further consideration is given to adjoining property including the provision and lighting when necessary; adequate vehicle circulation and off-street parking meeting the requirements of the regulations for this district are provided; the density of development does not exceed the density as indicated in the statement of intent for this district; covenants to provide maintenance of commonly owned land and any improvements or facilities thereon are found to be acceptable to the Zoning and Planning Commission, with special attention directed toward the accessibility and adequacy of common open space. Maps, charts, statements of policy, etc., should be prepared by the Board of Appeals or Zoning and Planning Commission to illustrate the requirements listed above.

- (2) Accessory uses including, but not limited to swimming pools, tennis courts, golf courses, community centers and other recreational uses will be permitted, but shall be limited to the residents of the planned unit development and subject to their control. Any such accessory uses shall not be of a commercial nature which are open to the general public.
- (3) Planned unit developments shall meet the requirements of special subdivision regulations as formulated by the Board of Appeals or Zoning and Planning Commission for the developments. Development may be staged, permits issued for each stage.
- (4) The granting of a special use permit for a planned unit development shall be valid for a period of **twenty-four (24) months** from date of approval. If substantial progress has not been made toward exercising the permit it shall become null and void.

(B) **High Density Planned Unit Developments (R-4).** A building or group of buildings situated on land which is under single ownership or unified control and which is either: (1) entirely residential in nature, or (2) predominantly residential in nature, but wherein various compatible uses hereinafter indicated may be conducted. Planned unit developments for this district (R-4) shall further meet the following criteria:

- (1) A waiver of lot area, yards, height and stories requirements may be granted providing: total land area for wholly or predominantly residential uses shall be equal to or more than the sum of: the total of minimum lot areas required per dwelling unit and minimum lot area per non-residential uses permitted in this district. To insure that adequate open space is provided, the total land for residential purposes required may not be infringed upon for parking for non-residential purposes although common parking areas will be permitted.
- (2) Yards along the development perimeter conform to yards of adjacent districts and further consideration is given to adjoining property owners including the provision of screening and lighting when necessary.
- (3) Adequate vehicular circulation and off-street parking meeting the requirements of the regulations for this district are provided.
- (4) The dwelling unit density for this district is not exceeded, and that such density shall be based upon computations in (1), above, as distinct from non-residential uses.
- (5) Covenants to provide maintenance of commonly owned land and any improvements thereon are found to be acceptable to the Zoning and Planning Commission.
- (6) At least **two hundred fifty (250) square feet** of recreational area per dwelling unit shall be provided for recreational and playground purposes including but not limited to swimming pools, tennis courts, golf putting green, tot lot, badminton, community centers and other recreational uses, but shall be limited to the residents of the planned unit development and subject to their control. Any such accessory uses shall not be of a commercial nature which are open to the general public. This required

recreational area may be part of the open space computed in (1) above.

- (7) Planned unit developments shall meet the requirements of special subdivision regulations as formulated by the Board of Appeals or Zoning and Planning Commission for the developments. Development may be staged, permits issued for each stage.
- (8) Permitted non-residential uses shall be limited to the following, and shall be situated so as not to conflict with the residential portion(s) of the development: parking areas for uses in less restricted districts; kindergarten or day nursery; professional or secondary offices, welfare and charitable services, and other offices deemed to be compatible by the Zoning and Planning Commission. Museum and art galleries; laundromat; coffee shop or restaurant; drug stores.
- (9) The granting of a special use permit for a planned unit development shall be valid for a period of **twenty-four (24) months** from the date of approval. If substantial progress has not been made toward exercising the permit, it shall become null and void.

(C)

Planned Mobile Home Development (M-1).

- (1) Planned mobile home developments are as a matter-of-right in districts zoned as Planned Mobile Home Districts (M-1). However, to implement the Statement of Intent for this district in the Schedule of District Regulations the following standards shall be met by any applicant for rezoning.
 - (a) The proposed property shall be located so that it shall not be necessary for excessive traffic movement from the park to pass through an existing single-family residential area or area suitable for future single-family residential development. Consequently, any such proposed development shall have access limited to the following types of streets as indicated in the Thoroughfare Plan for the City: Arterial; Primary; or Secondary.
 - (b) The property shall be convenient to schools, parks, shopping facilities.
 - (c) The property is not within an area used nor planned for industrial development, nor will the occupants of the proposed park be in any way adversely affected by nearby existing or planned industrial uses.

(2) **Site Requirements.**

- (a) Recreation, or open spaces, shall be provided for each mobile home park containing **twenty-five (25)** mobile home sites or more of an area of at least **five thousand (5,000) square feet**, plus **one hundred (100) square feet** for each mobile home site. For mobile home parks with less than **twenty-five (25) spaces**, **two thousand five hundred (2,500) square feet** shall be provided, plus **seventy-five (75) square feet** for each mobile home site. This open space may be used in more than one location, but no location shall contain less than **two**

thousand (2,000) square feet. Each recreational space shall be accessible to all of the mobile home sites in the park, and shall not be used for any other purpose.

- (b) All mobile home sites shall have a minimum of **two thousand three hundred (2,300) square feet** of usable open space over and above the space covered by the mobile home.
- (c) The minimum distance required for the separation of a mobile home from any other mobile home shall be: **fifteen (15) feet** from side to side, **fifteen (15) feet** from side to rear, and **ten (10) feet** from rear to rear; front setback from private drive **ten (10) feet**.

(3) **Access and Street Requirements.**

- (a) All mobile home sites must be served from internal private streets within the mobile home park and there shall be no direct access from a mobile home site to a public street or alley.
- (b) A minimum of **two (2)** off-street parking spaces shall be provided for each mobile home site; guest parking in the ratio of one parking space per **five (5)** mobile home spaces shall be interspersed throughout the mobile home park.
- (c) All internal private streets shall be a minimum of **twenty-five (25) feet** in width, exclusive of the required parking areas. All areas used by automobiles shall be of an improved surface and meet the requirements of the City.
- (d) No internal private street access to public streets shall be located closer than **one hundred (100) feet** to any public street intersection.
- (e) All interior cul-de-sac streets shall have a minimum outside turning radius of **thirty-eight (38) feet**.
- (f) All corners shall have a minimum **fifteen (15) feet** radii.
- (g) All streets shall be lighted in accordance to the standards of the City.
- (h) Stop signs shall be placed at all public street intersections. Yield signs placed appropriately on internal private streets.
- (i) Dedication of all necessary rights-of-way to conform to the requirements of the Thoroughfare Plan shall be offered free of charge to the proper jurisdiction.

(4) **Fencing Required.**

- (a) A **six (6) foot** ornamental wall, evergreen hedge, a **six (6) foot** chain link fence with vertical slats, a grape stake or other ornamental wood fence or a combination of the above shall be constructed along property lines contiguous to areas of existing conventional construction, subject to the provision of architectural review by the Zoning and Planning Commission.
- (b) Except for connection of internal private street to public street, a wall, hedge or fence of a minimum of **four (4) feet** in height shall be constructed along all public streets.

- (5) **Landscaping Required.** A landscaping plan of the proposed park including at least **one (1) tree** per mobile home space shall be submitted for approval by the Zoning and Planning Commission. All open spaces shall be landscaped and include a permanent means of maintenance. No more than **thirty percent (30%)** of the landscaped area may be maintained in ornamental rock or gravel.
 - (6) **Sign Requirements.** Signs proposed for any mobile home park shall be subject to architectural review of the Zoning and Planning Commission and may be indirectly or internally lighted, but shall not be flashing, moving, or have the illusion of flashing or moving.
 - (a) Incidental signs not to exceed **one (1) square foot** in area per sign, with a height limit of **four (4) feet**; and
 - (b) **One (1) sixteen (16) square foot** park directory for each **five (5) acres**.
 - (7) **Other Requirements.**
 - (a) Applicant shall comply with appropriate requirements of the Subdivision Regulations.
 - (b) Each mobile home park shall provide screened areas for refuse disposal of an adequate size for the number of units served, and shall provide for the disposal of such refuse on a regularly scheduled basis.
 - (c) Additional development requirements may be prescribed as conditions when such requirements are determined to be necessary to ensure the protection of the character of the neighboring properties, the compatibility of land uses, and the health and safety of mobile home park occupants.
 - (d) Streets shall be named and lots shall be numbered.
- (D) **Planned Travel Trailer Developments (M-2).**
- (1) Planned Travel Trailer developments are permitted as a matter-of-right in districts zoned as Planned Travel Trailer Districts (M-2). However, to implement the Statement of Intent for this district in the Schedule of District Regulations, the following standards shall be met by any applicant for re-zoning:
 - (a) The property is within or near an area zoned or used for interchange business or is located near recreational facilities requiring such a service.
 - (b) The proposed property shall be located so that it shall not be necessary for the excessive traffic movement from the park to pass through an existing single-family residential area or area suitable for future single-family residential development. Consequently, any such proposed development shall have access limited to the following types of streets as indicated in the Thoroughfare Plan for the City: Arterial; Primary; or Secondary.
 - (2) **Site Requirements.**
 - (a) Recreation, or open spaces, shall be provided for each travel trailer park containing **twenty-five (25) spaces** or more of an area of at least **five thousand (5,000) square feet**, plus **one hundred (100) square feet** for each

travel trailer space. For travel trailer parks with less than **twenty-five (25) spaces, two thousand five hundred (2,500) square feet** shall be provided, plus **seventy-five (75) square feet** for each travel trailer site. This open space may be used in more than one location, but no location shall contain less than **two thousand (2,000) square feet**. Each recreational space shall be accessible to all the travel trailer spaces in the park, and shall not be used for any other purpose.

- (b) All travel trailer sites shall have a minimum of **two thousand three hundred (2,300) square feet**.
- (c) The minimum distance required for the separation of a travel trailer shall be: **fifteen (15) feet** from side to side; **fifteen (15) feet** from side to rear, and **ten (10) feet** from rear to rear; front setback from private drive **ten (10) feet**.

(3) **Access and Street Requirements.**

- (a) All travel trailer spaces must be served by internal private streets within the travel trailer park and there shall be no direct access from a travel trailer space to a public street or alley.
- (b) All internal private streets shall be a minimum of **twenty-five (25) feet** in width, exclusive of the required parking areas, and shall contain acceptable curbs and gutters on both sides of the street. All areas used by automobiles shall be an improved surface and meet the requirements of the City.
- (c) No internal private street access to public street shall be located closer than **one hundred (100) feet** to any public street intersection.
- (d) All interior cul-de-sac streets shall have a minimum outside turning radius of **thirty-eight (38) feet**.
- (e) All corners shall have a minimum **fifteen (15) feet** radii.
- (f) All streets shall be lighted in accordance to the standards of the City.
- (g) Stop signs shall be placed at all public street intersections. Yield signs shall be placed appropriately on internal private streets.
- (h) Dedication of all necessary rights-of-way to conform to the requirements of the Thoroughfare Plan shall be offered free of charge to the proper jurisdiction.

(4) **Fencing Required.**

- (a) A **six (6) foot** ornamental wall, evergreen hedge, a **six (6) foot** chain link fence with vertical slats, a grape stake or other ornamental wood fence or a combination of the above shall be constructed along property lines contiguous to areas of existing conventional construction subject to the provision of architectural review by the Zoning and Planning Commission.

- (b) Except for connection of internal private street to public street, a wall, hedge, or fence of a minimum of **four (4) feet** in height shall be constructed along all public streets.
- (5) **Landscaping Required.** A landscaping plan of the proposed park including at least **one (1) tree** per travel trailer space shall be submitted for approval by the Zoning and Planning Commission. All open spaces shall be landscaped and include a permanent means of maintenance. No more than **thirty percent (30%)** of the landscaped area may be maintained in ornamental rock or gravel.
- (6) **Sign Requirements.** Signs proposed for any travel trailer park shall be subject to architectural review of the Zoning and Planning Commission and may be indirectly or internally lighted, but shall not be flashing, moving, or have the illusion of flashing or moving.
 - (a) Incidental signs not to exceed **one (1) square foot** in area per sign, with a height limits of **four (4) feet**.
- (7) **Other Requirements.**
 - (a) Applicant shall comply with appropriate requirements of the Subdivision Regulations.
 - (b) Each travel trailer park shall provide screened areas for refuse disposal of an adequate size for the number of units served, and shall provide for the disposal of such refuse on a regularly scheduled basis.
 - (c) Additional development requirements may be prescribed as conditions when such requirements are determined to be necessary to ensure the protection of the character of the neighboring properties, the compatibility of land uses, and the health and safety of travel trailer park occupants.

(Sec. 14)

40-5-3

(A)

INDUSTRIAL.

Light Industrial (I-1) Uses.

- (1) **Fire Hazards¹.** Solid substances ranging from free or active burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization, or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the Rules and Regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's Office, stating that the plan and specifications for a light or general industrial use comply with the Rules and Regulations of the State Fire Marshall shall accompany the application for a certificate of zoning compliance.

¹ Free burning means a rate of combustion described by a substance that burns actively and easily supports combustion; and intense burning means a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

- (2) **Detonation Materials.** No activity involving the storage, use or manufacturing of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Fire Marshall. These materials include primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds, such as acetylides, tetrazones, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than **twenty-four percent (24%)**; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
- (3) **Exceptions.** These performance standards do not apply to: site preparation or construction, maintenance, repair, alteration or improvement of buildings, structures, equipment, or other improvements on or within the lot line;
 The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products;
 Conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown;
 Safety or emergency warning signals or alarms necessary for the protection of life, limb or property; or
 Processes for which there are no known means of control.
 Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.
- (4) **Open Storage.** Open storage of materials shall be kept in a neat and orderly manner. Open storage shall be limited to no more than **fifty percent (50%)** of the open storage area, and shall not exceed **five (5) feet** in height. All open areas shall be screened from public view by a fence of at least **six (6) feet** in height. All open storage areas shall be paved with a dust-free surface.

(B) **Restricted Industrial (I-2) Uses.** All restricted industrial uses shall meet the performance standards for light industrial uses, except that no open storage shall be permitted, and all assembly, manufacturing or storage of materials and equipment shall be within an enclosed structure.

(C) **General Industrial (I-3) Uses.**

- (1) **Fire Hazards².** Solid substances ranging from free or active burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

² See footnote Number 1 under Light Industrial Performance Standards.

The storage, utilization, or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the Rules and Regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's Office, stating that the plans and specifications for a light or general industrial use comply with the Rules and Regulations of the State Fire Marshall shall accompany the application for a certificate of zoning compliance.

(2) **Detonation Materials.** No activity involving the storage, use or manufacturing of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Fire Marshall. These materials include primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as nitrocellulose, hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds, such as acetylides, tetrazones, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than **thirty-five percent (35%)**; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

(3) **Exceptions.** These performance standards do not apply to: site preparation or construction, maintenance, repair, alteration or improvement of buildings, structures, equipment, or other improvements on or within the lot line;
 The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products;
 Conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown;
 Safety or emergency warning signals or alarms necessary for the protection of life, limb or property; or
 Processes for which there are no known means of control.
 Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

(Sec. 15)

ARTICLE VI – NONCONFORMING USES

40-6-1 **INTENT.** Within the districts established by this Code or amendments that may later be adopted there exist:

- (A) lots,
- (B) structures,
- (C) uses of land and structures,
- (D) characteristics of use, and
- (E) signs

which were lawful before this Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendment. It is the intent of this Code to provide for the elimination of certain nonconformities. It is also the intent to permit some nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Code to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

40-6-2 **NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Code, notwithstanding limitations imposed by other provisions of this Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals and City Council.

In any district, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Code, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Code, and no portion of said parcel shall be used or sold in a manner which diminishes

compliance with lot width and area requirements established by this Code, nor shall any division of any parcel be made which creates a lot with width or area below requirements stated in this Code.

40-6-3 TERMINATION OF NONCONFORMING USE OF LAND. Where at the time of passage of this Code lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no individual structure with a reasonable fair market value exceeding **One Thousand Dollars (\$1,000.00)**, the use may be continued so long as it remains otherwise lawful for a period of **five (5) years** from the date of adoption of this Code provided:

(A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;

(B) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code;

(C) If any such nonconforming use of land ceases for any reason for a period of more than **one hundred eighty (180) days**, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

(D) No additional structure not conforming to the requirements of this Code shall be erected in connection with such nonconforming use of land.

At the end of **five (5) years** from the date of adoption of this Code, all nonconforming uses of land with structures having a reasonable fair market value of **One Thousand Dollars (\$1,000.00)** or less shall be terminated, and the land cleared of such nonconforming structures.

For purposes of **Section 40-6-3** of this Code, a determination of value shall be made in accordance with **Section 40-1-2** of this Code, this value shall be maintained during the **five (5) year** period.

40-6-4 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions of area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(B) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than **fifty percent (50%)** of its reasonable fair market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.

(C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

40-6-5 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURE AND PREMISES IN COMBINATION. If lawful use involving individual structures with reasonable fair market value of **One Thousand Dollars (\$1,000.00)** or less, or of structure

and premises in this Code, that would not be allowed in the district under the terms of this Code, the lawful use may be continued for a period of **five (5) years** from the date of adoption of this Code so long as it remains otherwise lawful, subject to the following provisions:

(A) No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(B) Any nonconforming use in a building shall not be extended to occupy any land outside such building;

(C) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as special use be changed to another nonconforming use provided the Zoning and Planning Commission either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning and Planning Commission may require appropriate conditions and safeguards in accord with provisions of this Code but in any event the conversion of such nonconforming use shall be completed prior to the expiration of the **five (5) year** period;

(D) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(E) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for **six (6)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, (except when government action impedes access to the premises) and upon receipt of written notice from the Zoning Administrator, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(F) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than **fifty percent (50%)** of the reasonable fair market value at time of destruction.

40-6-6 **SPECIAL USE SHALL NOT BE NONCONFORMING USES.** Any use which is permitted as a special use in a district under the terms of this Article (other than a change through Zoning and Planning Commission action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming special use at the date of adoption of this Article.

(This Article Sec. 16)

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

40-7-1 ADMINISTRATION AND ENFORCEMENT. An administrative official designated by the City Council, hereinafter referred to as the Zoning Administrator, shall administer and enforce this Code. He may be provided with the assistance of such other persons as the City Council may direct.

The Zoning Administrator shall establish within **twelve (12) months** after passage of this Code a master map and supporting tables and/or lists of nonconformities to this Code indicating the nature thereof which lies within the jurisdiction established heretofore. Within **twenty-four (24) months** after passage of this Code, the Zoning Administrator shall notify the land owners of such nonconformity(s). Within **twenty-four (24) months** after passage of this Code, the Zoning Administrator shall record these nonconformities as facts with the County Recorder. Thereafter, the aforementioned map, and supporting information shall be kept on file as the basis for future administration. The unintentional omission of any nonconforming use or structure from the list of nonconformities shall not void or change the intent of this paragraph or the list.

To further facilitate the administration of this Code, the Zoning Administrator shall establish a working arrangement with electric, gas, water and sewer companies as well as the appropriate health department to more effectively administer this Code.

Further, the Zoning Administrator shall carry out the provisions of **Section 40-2-1(B)** of this Code, and in addition shall cause to be prepared and published a revised Schedule of District Regulations before **March 31** of each year indicating thereon amendments to such Schedule of District Regulations made in the preceding calendar year.

If the Zoning Administrator shall find that any of the provisions of this Code are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions. The property owner shall be given **thirty (30) days** to comply, or the case shall be turned over to the City Attorney for prosecution.

40-7-2 BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Zoning Administrator. No building permit shall be issued by the administrative official except in conformity with the provisions of this Code, unless he receives a written order from the City Council, indicating approval of a special use permit or variance granted by the City Council.

40-7-3 APPLICATION FOR BUILDING PERMIT. All applications for building permits shall be accompanied by plans in triplicate showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing if any; and the location and dimensions of the proposed building or alteration. The application shall include other information as lawfully may be required by the Zoning Administrator including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate;

conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Code.

(A) **One (1) copy** of the plans shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and **one (1) copy** of the plans, similarly marked, shall be retained by the Zoning Administrator.

40-7-4 CERTIFICATES OF ZONING COMPLIANCE. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Code.

(A) No nonconforming structure or use shall be renewed, changed or extended until a certificate of zoning compliance shall have been issued by the Zoning Administrator. The certificate of zoning compliance shall state specifically wherein the nonconformity differs from the provisions of this Code.

(B) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Code upon completion of the work.

(C) A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding **six (6) months** during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

(D) The Zoning Administrator shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

(E) Failure to obtain a certificate of zoning compliance shall be a violation of this Code and punishable under **Section 40-9-2** of this Code.

40-7-5 EXPIRATION OF BUILDING PERMIT. If the work described in any building permit has not begun within **one hundred eighty (180) days** from the day of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Administrator and written notice thereof shall be given to the persons affected.

(A) If the work described in any building permit has not been substantially completed within **two (2) years** of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

40-7-6 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES OF ZONING COMPLIANCE. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed in violation of this Code, and punishable as provided by **Section 40-9-2** hereof.

(This Article Sec. 17)

ARTICLE VIII – ADMINISTRATIVE RESPONSIBILITIES**DIVISION I - BOARD OF APPEALS**

40-8-1 **ESTABLISHMENT, MEMBERSHIP, TERMS.** A Board of Appeals is hereby established which shall consist of the same **seven (7) members** of the Zoning and Planning Commission of the City of Benton, Illinois with the members serving for the same duration of term as established for the members of the Zoning and Planning Commission. **(Ord. No. 2016-06; 02-22-16)**

40-8-2 **PROCEEDINGS OF THE BOARD OF APPEALS.** The Board of Appeals shall adopt written rules necessary to the conduct of its affairs and in keeping with the provisions of this Code. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, every regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. In the performance of its duties, the Board of Appeals may incur such expenditures as are authorized by the City Council. Meetings shall be held at the call of the chairman and at such times and places within the City as the Board of Appeals may determine. All meetings shall be open to the public.

40-8-3 **HEARINGS, APPEALS, DECISIONS, NOTICE.** Appeals to the Board of Appeals concerning interpretation or administration of this Code may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time, not to exceed **forty-five (45) days** or such less period as the Board of Appeals may provide by the rules of the Board of Appeals, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit all papers constituting the record upon which the action appealed from was taken.

(A) **Time Parameters.** The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give the notice thereof to the parties interested and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

(B) **Required Vote.** The concurring vote of **four (4) members** of the Board of Appeals is necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant, any matter upon which it is required to pass under this Code, or to effect any variation in this Code, or to recommend any variation or modification to this Code to the City Council.

40-8-4 **STAY OF PROCEEDINGS.** An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal has been filed with him, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(This Division Sec. 18)

40-8-5 **RESERVED.**

DIVISION II – THE BOARD OF APPEALS: POWERS AND DUTIES

40-8-6 **BOARD OF APPEALS.** The Board of Appeals shall have the following powers and duties:

(A) **Administrative Review.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Code, subject to final review by the City Council.

(B) **Variances.** The Board of Appeals may recommend such variances from the terms of this Code as will not be contrary to the public interest. Variances may be recommended only in those specific instances enumerated in **Section 40-8-6(F)(1)**, and then only when the Board has made findings of fact, based upon the standards set out in this Section, subsection (G)(1), that owing the special conditions a literal enforcement of the provisions of this Code will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee, or occupant of land or a structure.

(C) No nonconforming use of neighborhood lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(D) An application for a variance shall be filed in duplicate with the Zoning Administrator, who shall forward a copy to the secretary of the Board of Appeals without delay. The application shall contain the following information, as well as such additional information as may be prescribed by rule of the Board:

- (1) The particular requirements of this Code which prevent compliance with said requirements of this Code;
- (2) The characteristics of the subject property which prevent compliance with said requirements of this Code;
- (3) The reduction of the minimum requirements of this Code which would be necessary to permit the proposed use or construction; and
- (4) The practical difficulty or particular hardship which would result if said particular requirements of this Code were applied to the subject property.

(E) The Board shall select a reasonable time and place for a hearing. Public notice of such hearing shall be published at least once, not less than **fifteen (15) days** nor more

than **thirty (30) days** before such hearing, in a newspaper. The owner of the property for which variance is sought, or his agent, shall be notified by mail. Notice of such hearings shall include the date, time, place and nature of the proposed variance. Any person having an interest may appear and be heard at the hearing in person, by agent or by attorney. Deposit of said notice in the U.S. Postal Service shall constitute sufficient notice.

(F) Variations from the regulations of this Code shall be granted only in accordance with the standards set out in this subsection and may be granted only in the following instances, and in no others.

- (1) To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:
 - (a) The minimum lot width and lot depth requirements shall not be reduced more than **ten percent (10%)**.
 - (b) The minimum lot area for a single-family or two-family dwelling shall not be reduced more than **twenty percent (20%)**.
- (2) To vary the applicable bulk regulations, including maximum height, maximum lot coverage, maximum floor area ratio, and minimum yard requirements.
- (3) To vary the applicable off-street parking and off-street loading requirements contained in **Section 40-3-1** of this Code, Schedule of District Regulations.
- (4) To vary the regulations relating to restoration of damaged or destroyed nonconforming structures or uses, contained in **Section 40-2-5** of this Code.
- (5) To permit the expansion of structural alteration of a nonconforming structure or use.
- (6) To permit the continuance of a nonconforming use beyond the use life fixed for such use by **Section 40-2-5** of this Code.

(G) The Board of Appeals shall not recommend to vary the regulation of this Code unless it shall make findings of fact based upon the evidence as presented that:

- (1) 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.
- (2) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations is carried out, and which is not generally applicable to property within the same district.
- (3) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.
- (4) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- (5) 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.
- (6) The proposed variation will not alter the essential character of the neighborhood.

(7) The proposed variation is in harmony with the spirit and intent of this Code.

(H) The Board of Appeals will not recommend that a variation be granted unless the evidence presented sustains each of the above conditions, in the judgment of the Board.

(I) The Board may recommend such conditions and restrictions upon the location, construction, design, and use of the property benefited by variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

Under no circumstances shall a variance be granted to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Code in said district.

(J) **Board Has Powers of Zoning Administrator on Appeals – Reversing Decisions of Zoning Administrator.** In exercising the above-mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Code, recommend reversing or affirming, wholly or partially, or may recommend modifying any order, requirement, decision, or determination appealed from, and may recommend how such order, requirement, decision, or determination ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of **four (4) members** of the Board of Appeals shall be necessary to make any decision, whether by way of recommending reversal of any order, requirement, or determination of the Zoning Administrator or whether recommending in favor of the applicant on any matter upon which the Board is required to pass under this Code, or to affect any variation in the application of this Code.

(K) **Special Uses; Conditions Governing Applications; Procedures.** To hear and recommend the granting of special uses as indicated in the Schedule of District Regulations; to decide such questions as are involved in determining whether special uses should be granted; and to recommend the granting of special uses with such conditions and safeguards as are appropriate under this Code, or to recommend the denial of special uses when not in harmony with the purpose and intent of this Code. A special use shall not be granted unless and until:

- (1) A written application for a special use is submitted, indicating the section of this Code under which the special use is sought and stating the grounds on which it is requested.
- (2) Notice shall be given not less than **fifteen (15)** and not more than **thirty (30) days** in advance of public hearing. The owner of the property for which special use is sought, or his agent, shall be notified by mail. Notice of such hearings, indicating date, time, place, and nature of proposed special use, shall be posted in a prominent place on the property for which special exception is sought, at the City Hall, and in one other appropriate public place at least **fifteen (15) days** prior to the public hearing.
- (3) The public hearing shall be held. Any party may appear in person, by agent, or by attorney.
- (4) The Board of Appeals shall make a finding that it is empowered under the section of this Code in the application, to recommend the granting of a special use, and that the granting of the special use will not adversely affect the public interest.

- (5) Before any special use shall be recommended, the Board of Appeals shall make written findings certifying compliance with the specific rules governing individual special uses and certifying that satisfactory provision and arrangement has been made concerning the following, where applicable:
- (a) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the special use on adjoining properties and properties generally in the district;
 - (c) Refuse and service areas, with particular reference to the items in (a) and (b) above;
 - (d) Utilities, with reference to locations, availability, and compatibility;
 - (e) Screening and buffering, with reference to type, dimension, and character;
 - (f) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (g) Required yards and other open space;
 - (h) General compatibility with adjacent properties and other property in the district.

40-8-7 **SECRETARY.** The Secretary of the Board of Appeals shall submit to the City Council its findings and recommendations as set out in **Section 40-8-6**, for a final decision to be made by the City Council. The City Council shall have the sole authority to grant variances and special uses based on the recommendations of the Board of Appeals. The authority of the City Council to grant variations and special uses shall be in conformity with the requirements and guidelines established in this Zoning Code. **(Ord. No. 2016-06; 02-22-16)**

(This Division Sec. 19)

40-8-8 - 40-8-9 **RESERVED.**

DIVISION III – GENERALLY

40-8-10 **APPEALS FROM THE BOARD OF APPEALS, CITY COUNCIL.** Any person or persons, or any board, taxpayer, department, board, or bureau of the City aggrieved by any decision of the City Council reviewing decisions of the Board of Appeals, may seek review by Court of record of such decision in the manner provided by law. **(Ord. No. 2016-06; 02-22-16) (Sec. 20)**

40-8-11 **DUTIES OF ZONING ADMINISTRATOR, BOARD OF APPEALS, AND CITY COUNCIL.** It is the intent of this Code that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Appeals shall be to the City Council and that recourse from decisions of the City Council shall be to a court of law.

It is also the intent of this Code that special uses shall be decided by the City Council after hearing before the Zoning Board of Appeals, and that recourse from decisions of the City Council shall be to a court of law. **(Ord. No. 2016-06; 02-22-16) (Sec. 21)**

40-8-12 **SCHEDULE OF FEES, CHARGES AND EXPENSES.** The City Council, upon consideration of recommendation of the Zoning and Planning Commission, shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, special uses, variances, amendments to the official zoning map and other matters pertaining to this Code. The Schedule of Fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. **(See Schedule "A" at the conclusion of this Code.) (Sec. 22)**

ARTICLE IX - MISCELLANEOUS

40-9-1 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Code. **(Sec. 23)**

40-9-2 PENALTIES FOR VIOLATION. 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 Code shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Fifty Dollars (\$250.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, violator shall pay all costs and expenses involved in the case. **(See Section 1-1-20)**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. **(Sec. 24)**

40-9-3 PROVISIONS OF CODE DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. **(Sec. 25)**

40-9-4 AMENDMENTS. The regulations imposed and the districts created by this Code may be amended from time to time by ordinance after this Code has gone into effect, but no such amendments shall be made without a hearing before the Zoning and Planning Commission of the City. Notice shall be given of the time and place of the hearing, not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing, by publishing a notice thereof at least once in one or more newspapers published in the City, or, if no newspaper is published herein, then in one or more newspapers with a general circulation within the City.

Any person desiring a change in zoning of property shall make written application with the Zoning Administrator. The application shall be accompanied by a fee of **Four Hundred Dollars (\$400.00)**. Property owners within **two hundred (200) feet** of the property line will be notified by certified return signature mail prepared and processed by the Zoning Administrator. The fee, less costs incurred by the Zoning Administrator, shall be refunded if the legal notice has not been published, or the application is rejected by the City Council. **(Ord. No. 00-18; 07-24-00)**

In case of written protest against any proposed amendment signed and acknowledged by the owners of **twenty percent (20%)** of the frontage:

- (A) Immediately adjoining or across an alley therefrom;
- (B) Directly opposite the frontage proposed to be altered; or

(C) Proposed to be altered.

Such written protest shall be filed with the Clerk of the City, and the amendment shall not be passed except by a favorable vote of **two-thirds (2/3)** of all the City Council of the City.

(Sec. 26)

40-9-5 ANNEXATION AGREEMENTS. The best interests of the City will be served by the annexation of any land in the extraterritorial jurisdiction of this Code which is proposed for development. The best interests of the inhabitants of any such proposed development will be served by the provision of municipal services (fire protection, police protection, trash collection, water supply, sewer facilities, etc.) which the City is in a better position to provide, but only within the corporate limits of the City. The City will not be equipped to provide such services without a concomitant increase of revenue, which can only be gained through annexation. Therefore, a condition of this Code shall be that a mutually acceptable agreement shall be entered into between (a) the owner of property in the extraterritorial jurisdiction proposed for rezoning, use, or variance and (b) the City Council of the City that the land proposed for rezoning, special use or variance will be annexed to if: (1) it is contiguous to the corporate boundaries at present, or (2) it provides a means to annex the property proposed for rezoning, special use, or variance to the City when it does become contiguous to the corporate boundary. In the latter case (2), the terms of such agreement shall become a covenant to run with the land within the limits of such proposed rezoning, special use or variance. **(Sec. 27)**

40-9-6 SEPARABILITY CLAUSE. Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. **(Sec. 28)**

40-9-7 REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE. All ordinances or parts of ordinances in conflict with this Zoning Code, or inconsistent with the provisions of this Code, are hereby repealed to the extent necessary to give this Code full force and effect. This Code shall become effective from and after its passage, approval and publication as provided by law. **(Sec. 29)**

40-9-8 COMPREHENSIVE PLAN AND OFFICIAL MAP. City has adopted a Comprehensive Plan Update, and an official map by Ordinance No. 1068. This ordinance is recorded in the Office of the County Clerk of Franklin County, Illinois. Attached to this Ordinance and made a part hereof is the official zoning map of the City of Benton, Illinois, entitled Zoning District Map, City of Benton, Franklin County, Illinois passed by the City Council of the City of Benton, Illinois this 23rd day of February, 1981. It is the intent of this Zoning Code that the Comprehensive Plan Update and the Zoning District Map be the guides for and the development of the jurisdiction of this Code. In the event of any proposed amendment to this Zoning Code which is in contradiction to the Comprehensive Plan or the Official Zoning District Map, any such amendment shall be preceded by an amendment to the Comprehensive Plan or Official Zoning Map as the case may be.

It is further intended that in the extraterritorial jurisdiction of this Zoning Code that the open space district(s) be utilized as far as it is practical until residential, commercial or industrial development is proposed as the case may be. It is also intended that any development proposed in the extraterritorial jurisdiction be considered in conjunction with annexation agreements. **(Sec. 30)**

(Ord. No. 1062; 02-23-81)

SCHEDULE "A"

MISCELLANEOUS PERMIT FEES

Special Use Permit. Each application for the issuance of a special use permit shall be accompanied by a fee of **Two Hundred Fifty Dollars (\$250.00)** Non-residential, and **Three Hundred Fifty Dollars (\$350.00)** Residential, payable at the time when filing the application for said special use permit. Notification by written certified return signature will be prepared and processed by the Zoning Administrator to property owners within **two hundred (200) foot** of the property line.

Re-Zoning Fees. Any person desiring a zoning change shall make written application with the Zoning Administrator. The application shall be accompanied by a fee of **Four Hundred Dollars (\$400.00)**. Property owners within **two hundred (200) feet** of the property line will be notified by certified return signature mail prepared and processing by the Zoning Administrator.

The fee, less costs incurred by the Zoning Administrator, shall be refunded if the legal notice has not been published, or the application is rejected by the City Council.

(Ord. No. 00-17; 07-24-00)