TITLE 14 LAND DEVELOPMENT CODE OF OGLESBY, ILLINOIS

Chapter 1 INTRODUCTORY PROVISIONS [®] □

- 14-1-1: TITLE:
- 14-1-2: EFFECTIVE DATE:
- **14-1-3: AUTHORITY:**
- 14-1-4: APPLICABILITY AND JURISDICTION:
- **14-1-5: MINIMUM REQUIREMENTS:**
- 14-1-6: PURPOSE AND INTENT:
- 14-1-7: FLOOD WARNING AND DISCLAIMER OF LIABILITY:
- **14-1-8: ZONING MAP:**
- 14-1-9: INTERPRETATION OF ZONING DISTRICT BOUNDARIES:
- 14-1-10: WORD USAGE AND CONSTRUCTION OF LANGUAGE:
- **14-1-11: CONFLICTING PROVISIONS:**
- **14-1-12: TRANSITIONAL PROVISIONS:**
- **14-1-13: SEVERABILITY:**

14-1-1: TITLE: 🕯 🖃

This title will be known and cited as the *LAND DEVELOPMENT CODE OF OGLESBY*, *ILLINOIS*. References herein to "this title" will be interpreted as referring to the land development code.

14-1-2: EFFECTIVE DATE: © 🖃

The provisions of this title become effective on October 1, 2018

14-1-3: AUTHORITY: 🚭 🖃

This title is adopted under the statutory authority conferred by 65 Illinois Compiled Statutes 5/11.

14-1-4: APPLICABILITY AND JURISDICTION: © 🖃

This title applies to all lands and waters within the corporate limits of the City of Oglesby . All structures and land uses constructed or commenced and all enlargements of, additions to, changes in and relocations of existing structures and uses are subject to the requirements of this title.

14-1-5: MINIMUM REQUIREMENTS: © 🖃

The standards in this title are minimum requirements. Other local, state and federal regulations may also apply. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this title does not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements.

14-1-6: PURPOSE AND INTENT: © 🖃

The purpose of this title is to promote the public health, safety and general welfare of existing and future residents of the City of Oglesby by:

- (A) Implementing the Comprehensive Plan to the extent possible;
- (B) Classifying land within the city into zoning districts;
- (C) Regulating the location and use of all structures, lands and waters;
- (D) Regulating the intensity of uses and structures through building coverage, density and dimensional standards:
- (E) Ensuring protection from fire, flood and other dangers:
- (F) Lessening congestion and promoting the safety and efficiency of streets and highways;
- (G) Improving pedestrian safety;
- (H) Providing adequate privacy, light, air, sanitation, and drainage;
- (I) Preventing overcrowding and avoiding undue population concentration;
- (J) Facilitating the adequate provision of public facilities and utilities;
- (K) Providing adequate and aesthetically pleasing stormwater management facilities;
- (L) Stabilizing and protecting property values;
- (M) Furthering the appropriate use of land and conservation of natural resources;
- (N) Maintaining and enhancing the aesthetic appearance and physical design of the city;
- (O) Encouraging the effective use of signs as a means of communication for businesses, organizations and individuals, and minimizing the possible adverse effects of signs on nearby public and private property;
- (P) Ensuring sound development and community growth by establishing minimum standards for subdivision design;
- (Q) Promoting aesthetically pleasing development by establishing minimum standards for installation of landscaping and screening materials;
- (R) Minimizing the adverse impacts of noise, dust, glare and other objectionable activities or impacts:
- (S) Promoting the development of land for the highest possible use and protecting against deterioration and obsolescence that would adversely affect the living environment or tax base;

- (T) Providing common grounds of understanding and a sound working relationship between the city and developers and to safeguard the interests of the homeowner, the sub-divider, the investor and the city;
- (U) Managing growth within the city by concentrating development within the effective operating range of existing public utilities and improvements;
- (V) Causing the cost of design and installation of improvements in new, platted subdivisions to be borne by the persons purchasing the lots rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision;
- (W) Coordinating new subdivision design with the design of the city as a whole to allow for the proper capacity of all types of improvements on the basis of an orderly sequence of subdivisions as a part of neighborhoods and neighborhoods as a part of the community;
- (X) Securing the rights of the public with respect to public lands and waters;
- (Y) Improving land records by establishing standards for surveys and plats; and
- (Z) Providing for the administration and enforcement of this title and providing penalties for its violation.

14-1-7: FLOOD WARNING AND DISCLAIMER OF LIABILITY: 14-1-7:

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes. This title does not imply that development either inside or outside of floodplain areas will be free from flooding or flood damage. This title does not create liability on the part of the city or any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that may result from reliance on this title or any administrative decision made lawfully thereunder.

14-1-8: ZONING MAP: © 🖃

- (A) Adoption: The location and boundaries of the zoning districts established by this title are shown on the map entitled "Zoning Map Of The City Of Oglesby, Illinois". That map, together with all notations, references, data and other information shown on the map, is hereby adopted as part of this chapter. The map must remain on file and available to the public in the office of the City Clerk of the City of Oglesby.
- (B) Annual Revision: The City Council will publish a revised zoning map no later than March 31 of each year clearly showing the zoning district classifications of the city for the preceding calendar year. If in any calendar year no changes are made to zoning classifications or city boundaries, the city is not required to publish a zoning map for that calendar year.

14-1-9: INTERPRETATION OF ZONING DISTRICT BOUNDARIES: 🕯 🖃



Rules for the interpretation of zoning district boundaries are as follows:

- (A) Zoning district boundaries will be construed to follow:
 - 1. Corporate limits;
 - 2. United States public land survey lines:
 - 3. Property lines:
 - 4. Centerlines of streets, highways, alleys, easements, railroad rights of way or extensions of such lines;
 - 5. Soil mapping unit lines.
- (B) Vacation of public streets and alleys will cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (C) Annexations to or consolidations with the city subsequent to the effective date specified in section 14-1-2 of this chapter will be classified in the most restrictive zoning district of contiguous property within the City of Oglesby. However, parcels consisting of twenty (20) or more acres. and presently used for agricultural purposes, may, at the petitioner's election, be zoned agricultural district upon annexation.

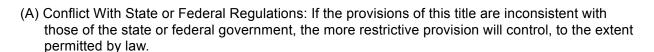
14-1-10: WORD USAGE AND CONSTRUCTION OF LANGUAGE: © 🖃



- (A) Meanings And Intent: All provisions, terms, phrases and expressions used in this title will be construed according to the purpose and intent set out in section 14-1-6 of this chapter.
- (B) Headings, Illustrations And Text: In case of any difference of meaning or implication between the text of this title and any heading, drawing, table, figure, or illustration, the text controls.
- (C) Lists And Examples: Unless otherwise specifically indicated, lists of items or examples that use terms such as "including", "such as", or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.
- (D) Computation Of Time: The time in which an act is to be done will be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the city, that day will be excluded.
- (E) References To Other Regulations, Publications And Documents: Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference will be construed as referring to the most recent edition of such resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

- (F) Delegation Of Authority: Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.
- (G) Technical And Nontechnical Terms: Words and phrases will be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law will be construed and understood according to such meaning. (See also chapter 14, "Terminology", of this title.)
- (H) Public Officials And Agencies: All public officials, bodies, and agencies to which references are made are those of the City of Oglesby, unless otherwise expressly provided.
- (I) Mandatory And Discretionary Terms: The words "shall", "will" and "must" are mandatory. The words "may" and "should" are discretionary and advisory terms.
- (J) Conjunctions: Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions or events apply; and
 - 2. "Or" indicates that one or more of the connected items, conditions, provisions or events may apply.
- (K) Tenses And Plurals: Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural includes the singular.

14-1-11: CONFLICTING PROVISIONS: [€] □



- (B) Conflict With Other City Regulations: If the provisions of this title are inconsistent with one another, or if they conflict with provisions found in other adopted city ordinances, the more restrictive provision will control. No text amendment, variance or condition on a special use permit or any other development approval under this title may diminish the provisions of any other more restrictive city ordinance.
- (C) Conflict With Private Easements, Agreements, Covenants or Restrictions: This title is not intended to annul or interfere with any private easement, agreement, covenant, restriction or other private legal relationship. The city is responsible for enforcing this title; it does not enforce private agreements, easements, covenants or restrictions except those specifically required for the administration and enforcement of this title, even where the private agreements are more restrictive than the provisions of this title.

14-1-12: TRANSITIONAL PROVISIONS: 1



(A) Violations Continue: Any violation of the previous zoning or subdivision regulations of the city will continue to be a violation under this title and will be subject to penalties and enforcement under chapter 13 of this title, unless the use, development, construction or other activity is consistent with the express terms of this title, in which case enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in section 14-1-2 of this chapter.

(B) Completion Of Development:

- 1. Permits issued Before Effective Date: Any building, development or sign for which a permit was lawfully issued before the effective date specified in section 14-1-2 of this chapter may be completed in conformance with the issued permit. If the building, development or sign is not completed within the time allowed under the original permit, then the building, development or sign may be constructed, completed or occupied only in strict compliance with this title.
- 2. Preliminary Plats Approved Before Effective Date: If a preliminary plat was approved before the effective date specified in section 14-1-2 of this chapter, final plat approval may be granted in accordance with the preliminary plat. If a final plat is not approved within the time requirements specified by prior ordinance or a schedule included with the preliminary plat approval, the Plan Commission may grant one or more extensions. If a final plat is not approved within the time required, including any extensions, then the completion of the subdivision and construction of buildings may only occur if the final plat complies with all requirements of this title. If the final plat is not in compliance with this title, then a modified final plat must be submitted and approved pursuant to the procedures of chapter 11 of this title.

(C) Special (Conditional) Uses:

- 1. Any use that was legally established before the effective date specified in section 14-1-2 of this chapter without a conditional use permit and which after the effective date is located within a zoning district that requires a special use permit for the subject use under this title, will be issued a special use permit without following the procedures of section 14-11-5 of this title. Any use that was legally established prior to the special use permit requirement of this title for the subject use in the zoning district in question will similarly be issued a special use permit without following the procedures of section 14-11-5 of this title. Expansions and modifications of such uses will be subject to section 14-11-5 of this title. Even if a special use permit is issued pursuant to this section, those uses or structures that do not comply with applicable standards of this title, including the use regulations of chapter 3 of this title, will be deemed nonconforming and be subject to the regulations of chapter 12 of this title.
- 2. Any use that was legally established before the effective date specified in section 14-1-2 of this chapter with a conditional use permit and which after the effective date is located within a zoning district that requires a special use permit for the subject use, may continue to be operated under the terms of the original conditional use permit and will hereby be referred to as a special use. The use will be subject to all applicable standards of this chapter, including the use standards of chapter 3 of this title and the nonconformity regulations of chapter 12 of this title. Expansions and modifications of such uses will be subject to section 14-11-5 of this title.
- 3. Any use that was legally established before the effective date specified in section 14-1-2 of this chapter with a conditional use permit and which after the effective date is located within a zoning district that does not require a special use permit for the subject use, will continue to be subject to all applicable standards of this title, including the use standards of chapter 3 of this title and the nonconformity regulations of chapter 12 of this title.

If any court of competent jurisdiction rules any provision of this title invalid, that ruling will not affect any provision of this title not specifically included in the judgment. If any court of competent jurisdiction rules invalid the application of any provision of this title to a particular property, building, other structure, or use, that ruling will not affect the application of this title to any property, building, other structure, or use not specifically included in the judgment.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 2 ZONING DISTRICTS® =

14-2-1: RESIDENTIAL DISTRICTS:

14-2-2: COMMERCIAL DISTRICTS:

14-2-3: INDUSTRIAL DISTRICTS:

14-2-4: AGRICULTURAL DISTRICT:

14-2-5: OPERATIONAL PERFORMANCE STANDARDS:

14-2-1: RESIDENTIAL DISTRICTS: © 🖃



(A) Establishment Of Districts: The following residential districts are established in the City of :

Abbreviation	District Name
RE	Estate residential district
R1A	Single-family residential district
R1	Single-family residential district
R2	Single-family residential district
R3	General residential district

(B) District Descriptions:

- 1. RE, Estate Residential District: The RE district is intended to accommodate the development of detached single-family houses on large, individual lots.
- 2. R1A, R1, And R2, Single-Family Residential Districts: The R1A, R1 and R2 districts are intended to accommodate the development of single-family houses on lots of various sizes.
- 3. R3, General Residential District: The R3 district is intended to accommodate a variety of housing types, including multi-family dwellings, attached residential dwellings such as townhouses, and detached single-family dwellings.
- (C) Allowed Uses: Uses are allowed in accordance with the use table in section 14-3-1 of this title.
- (D) Dimensional Standards: All development in residential districts must comply with the dimensional standards in section 14-4-1 of this title.

(E) Additional Requirements:

- 1. Only One Principal Building: Only one principal building may be located, erected, or moved onto any lot of record in any single-family residential district.
- 2. Operational Performance Standards: All uses in the residential districts must comply with the operational performance standards in section 14-2-5 of this chapter.
- 3. Outdoor Storage, Display And Work Areas: All allowed uses in all residential districts must be conducted within completely enclosed buildings unless otherwise expressly stated in this title.

14-2-2: COMMERCIAL DISTRICTS: © =

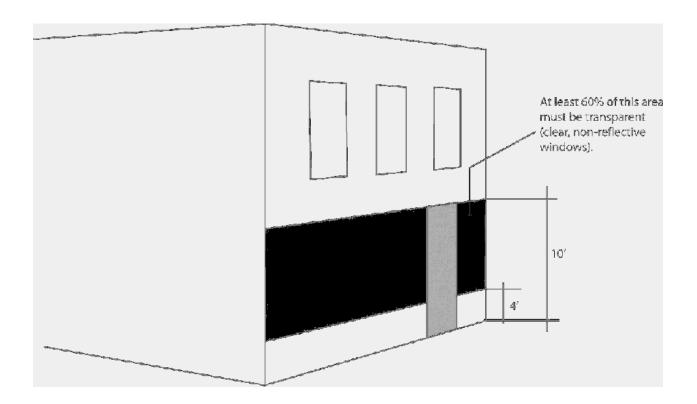
(A) Establishment Of Districts: The following commercial districts are established in the City of:

Abbreviation	District Name
B1	Downtown commercial district
B2	Community retail and service district
B3	Professional services district
B4	General commercial district

(B) District Descriptions:

- 1. B1, Downtown Commercial District: The B1 district is intended to accommodate retail and service businesses in pedestrian oriented, storefront style buildings with residential dwelling units above the ground floor.
- 2. B2, Community Retail And Service District: The B2 district is intended to accommodate a wide variety of retail, service, and limited wholesale businesses of varying sizes that are primarily accessible to customers by motor vehicle.
- 3. B3, Professional Office District: The B3 district is intended to accommodate professional office uses primarily in residential style structures and to serve as a transitional district between commercial areas and adjacent residential neighborhoods.
- 4. B4, General Commercial District: The B4 district is intended to accommodate retail, service and limited wholesale businesses, including those with extensive outdoor sales areas or outdoor display of heavy equipment for sale or rent.
- (C) Allowed Uses: Uses are allowed in accordance with the use table in section 14-3-1 of this title.
- (D) Dimensional Standards: All development in commercial districts must comply with the dimensional standards in section 14-4-2 of this title.
- (E) Additional Requirements:
 - 1. B1 District Character Standards:
 - (a) Building Location: All street facing building facades must be located within five feet (5') of the sidewalk, with the exception that a maximum of fifty percent (50%) of any street facing facade may be set back farther than five feet (5') from the sidewalk where the setback area is utilized for outdoor dining, public seating or other usable pedestrian oriented public space. Similarly, the first floor of the building may be set back if the public sidewalk is covered by a recessed entryway that is supported by structural elements of the building or overhanging upper stories that maintain the presence of the building up on the street.
 - (b) Doors And Entrances: Buildings must have a primary entrance facing the street. Building entrances may include direct entrances to individual businesses, lobby entrances, or pedestrian oriented courtyards or plazas leading to multiple businesses.

(c) Building Transparency: A minimum of sixty percent (60%) of the street facing facade between four feet (4') and ten feet (10') in height must consist of clear, nonreflective windows that allow views into the interior of the building.



- (d) Parking And Access: Off street parking must be located to the side or rear of the principal building on the lot. No curb cuts or driveway openings are permitted along the front property line when alternative access is possible, such as from an alley or side street.
- (e) Building Materials: The front exterior facade of buildings must be primarily clad with brick, stone, drivit, decorative concrete block or other natural materials. Plain concrete block and metal are prohibited on front facades, but may be used on interior, side and rear walls.
- 2. B3 District Character Standard: The front exterior facade of buildings within the B3 district must be primarily clad with brick, stone, drivit, decorative concrete block or other natural materials. Plain concrete block and metal are prohibited on front facades, but may be used on interior, side and rear walls.
- 3. Operational Performance Standards: All uses in the commercial districts must comply with the operational performance standards in section 14-2-5 of this chapter.
- 4. Outdoor Storage, Display And Work Areas:
 - (a) B1 And B3 Districts: All allowed uses in the B1 and B3 districts must be conducted within completely enclosed buildings unless otherwise expressly stated in this chapter.
 - (b) B2 And B4 Districts: Outdoor storage, display and work areas are permitted, subject to the following requirements:

(1) Maximum Size: Outdoor storage, display and work areas may cover no more than the following area on a lot:

	B2	B4
Maximum percent of lot area	10	50

- (2) Screening: Outdoor storage areas must be screened in accordance with the requirements of chapter 6 of this title.
- (F) Agricultural Uses Permitted: Agricultural activities are a permitted use in all commercial districts under the Land Development Code until property located within the commercial district is developed for its intended zoning use.
- (G) Medical Cannabis Dispensaries: Additionally, medical cannabis dispensaries shall be allowed as a special use in any commercial district classification under the , Illinois, Land Development Code, subject to the following special use conditions:
 - 1. The medical cannabis dispensary organization operating in strict compliance with the Compassionate Use of Medical Cannabis Pilot Program Act¹, as amended, and the regulations promulgated thereunder.
 - 2. A dispensary may not be located within one thousand feet (1,000') of the property line of a preexisting public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility or another dispensary. A registered dispensing organization may not be located in a house, apartment, condominium or any area zoned for residential use.
 - 3. A dispensary may not be located in the offices of a physician.
 - 4. A dispensary may only be open to the public between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. any day of the week, including holidays.
 - 5. A dispensary may not utilize amplified music outdoors.
 - 6. Medical cannabis inventory and cannabis infused products may not be displayed or stored in an area accessible to the public.
 - 7. A dispensary shall have appropriate security measures, in accordance with state regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
 - 8. Medical cannabis may not be consumed on the site of a dispensary.
 - 9. Exterior signage shall comply with the zoning ordinance, except that signs or exterior building surfaces depicting or simulating cannabis, cannabis infused products, smoking or cannabis paraphernalia shall not be permitted.
 - 10. The Mayor and City Council may condition a special use permit on a requirement that the dispensary organization defend and indemnify the City of , and its officers and employees, from and against any claim arising from the organization's operations.

14-2-3: INDUSTRIAL DISTRICTS: © 🖃

(A) Establishment Of Districts: The following industrial districts are established in the City of:

Abbreviation	District Name
M1	Limited manufacturing district
M2	General manufacturing district

(B) District Descriptions:

- 1. M1, Limited Manufacturing District: The M1 district is intended to provide for a wide range of light manufacturing, warehousing, wholesaling, office and support service uses whose operations have minimal impact on adjacent properties.
- 2. M2, General Manufacturing District: The M2 district is intended to provide for those manufacturing, warehousing, wholesaling or transportation terminal uses whose operations have a greater impact on the surrounding area than those in the M1 district, including extensive outdoor storage and operations. It is also the intent of this district to ensure that intensive industrial operations are not conducted near residential areas.
- (C) Allowed Uses: Uses are allowed in accordance with the use table in section 14-3-1 of this title and any non-residential use allowed in commercial districts as defined in section 14-2-2 of this chapter is also allowed as a special use in any M1 or M2 district in accordance with the special use provisions set forth in section 14-11-4 of this title.
- (D) Dimensional Standards: All development in manufacturing districts must comply with the dimensional standards in section 14-4-2 of this title.
- (E) Additional Requirements:
 - 1. Operational Performance Standards: All uses in the industrial districts must comply with the operational performance standards in section 14-2-5 of this chapter.
 - 2. Outdoor Storage, Display And Work Areas: Outdoor storage, display and work areas are permitted in the M1 and M2 districts, subject to the following requirements:
 - (a) Maximum Size: Outdoor storage, display and work areas may cover no more than the following area on a lot:

	M1	M2
Maximum percent of lot area	20	80

- (b) Screening: Outdoor storage areas must be screened according to the requirements of chapter 6 of this title.
- (F) Permitted Uses In Industrial Districts: Agricultural activities are permitted in any industrial district under the Land Development Code of Oglesby, Illinois until such times as all or a portion of the land is developed for an industrial use in accordance with the Land Development Code of Oglesby, Illinois..

- (G) Medical Cannabis Cultivation Centers: A medical cannabis cultivation center operating in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act¹ as amended, and pursuant to the regulations promulgated thereunder, shall be deemed a special use in any M2 limited manufacturing district, subject to the following additional requirements which must be met in order to obtain a special use permit for a cannabis cultivation center:
 - 1. The cultivation center must be currently registered with the Illinois Department of Agriculture (or a successor agency) and be in good standing;
 - 2. A cultivation center may not be located within two thousand five hundred feet (2,500') of the property line of a preexisting public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility or an area zoned for residential use;
 - 3. Medical cannabis inventory and cannabis infused products may not be displayed or stored in an area accessible to the public;
 - 4. A cultivation center shall have appropriate security measures, in accordance with state regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis;
 - 5. All cultivation of cannabis must take place in an enclosed, locked facility accessed by the Department of Agriculture during the registration process. The cultivation center location shall only be accessed by the cultivation center, Department of Agriculture staff performing inspections, Department of Public Health staff performing inspections, law enforcement or other emergency personnel, and contractors working on jobs unrelated to medical cannabis, such as installing or maintaining security devices, performing electrical wiring, or other maintenance activities;
 - 6. Medical cannabis may not be consumed on the site of a cultivation center;
 - 7. Exterior signage shall comply with the Land Development Code, except that signs or exterior building surfaces depicting or simulating cannabis, cannabis infused products, smoking or cannabis paraphernalia shall not be permitted; and
 - 8. The Mayor and City Council may condition a special use permit on a requirement that the cultivation center organization defend and indemnify the City of Oglesby, and their officers and employees, from and against any claim arising from the organization's operation.

14-2-4: AGRICULTURAL DISTRICT: Telephone

- (A) Establishment: The A agricultural district is hereby established in the City of Oglesby.
- (B) District Description: The A district is established to provide for agricultural activities and to serve as a "holding designation" for lands, pending rezoning to another zoning district.
- (C) Allowed Uses: Uses are allowed in accordance with the use table in section 14-3-1 of this title.
- (D) Dimensional Standards: All development in the agricultural district must comply with the dimensional standards in section 14-4-2 of this title.

(E) Additional Requirements: All uses in the agricultural district must comply with the operational performance standards in section 14-2-5 of this chapter.

14-2-5: OPERATIONAL PERFORMANCE STANDARDS: © 🖃

All uses in all districts must comply with the following standards unless any local, state or federal regulation establishes a more restrictive standard, in which case the more restrictive standard applies.

(A) Noise:

- 1. Applicability: No activity or use may be conducted in a manner that generates a level of sound greater than that allowed by this subsection. These regulations do not apply to the following:
 - (a) Noises not directly under the control of the property owner or tenant;
 - (b) Noises from safety signals, warning devices or emergency pressure release valves;
 - (c) Noises from construction and maintenance activities between seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M.; and
 - (d) Noises from moving sources such as automobiles, trucks, railroads and airplanes.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

2. Maximum Noise Levels:

Center Frequency (Cycles Per Second)	Maximum Permitted Sound Pressure Level (Decibels)
31 .5	76
63	71
125	67
250	65
500	50
1,000	45
2,000	39
4,000	34
8,000	32

- (B) Heat And Vibration: No heat or vibration from any use may be detectable at any point beyond the property line of the lot where the use is located.
- (C) Dust And Air Pollution:
 - 1. Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, roads and conveying equipment must be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting or other means. No particulate matter may be visible to an observer looking directly upward at any point beyond the property line.
 - 2. This requirement does not apply when the wind speed is greater than twenty five (25) miles per hour. Determination of wind speed will be by a one hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site.
- (D) Discharge And Disposal Of Radioactive And Hazardous Waste: The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with all applicable local, state and federal regulations. No operation that produces radioactive or hazardous waste material may occur without prior notice to the zoning administrator. Notice must be given at least three (3) weeks before the operation begins. Radioactive and hazardous material waste must be transported, stored and used in conformance with all applicable local, state and federal regulations.
- (E) Electromagnetic Interference: Electromagnetic interference may not adversely affect the operation of any equipment located beyond the property line of the lot where the interference originates.

- (F) Odors: The release of odorous or potentially odorous matter, either by bacterial decomposition or chemical reaction, that is perceptible from beyond the property line is prohibited.
- (G) Toxic Substances: The storage, handling or transport of toxic substances must comply with all State of Illinois Pollution Control Board requirements and all applicable local, state and federal regulations.
- (H) Water Pollution: All uses must comply with the State of Illinois Pollution Control Board Rules and Regulations, 35 Illinois Administrative Code, Subtitle C, "Water Pollution", and all applicable local, state and federal regulations.
- (I) Fire And Explosion Hazards: Materials that present potential fire and explosion hazards must be transported, stored and used only in conformance with all applicable local, state and federal regulations.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 3 USE REGULATIONS[®] □

14-3-1: USE TABLE:

14-3-2: USE SPECIFIC STANDARDS:

14-3-3: ACCESSORY USES AND STRUCTURES:

14-3-4: TEMPORARY USES:

14-3-1: USE TABLE: 🕯 🖃

- (A) Use Groups: The use table classifies land uses into major groupings: residential, public and civic, commercial, industrial, agricultural and other. These are referred to as "use groups".
- (B) Use Categories: Each use group is further divided into "use categories". These categories classify land uses based on common characteristics, such as the type of products sold, site conditions, or the amount of activity on the site. Use categories are described in detail in section 14-14-1 of this title. Some use categories are further divided into specific use types, which are also described in section 14-14-1 of this title.
- (C) Determination Of Land Use Category: When a land use cannot be classified into a use category or appears to fit into multiple categories, the zoning administrator is authorized to determine the most appropriate use category and to report to the City Council the zoning administrator's determination for review and approval by the City Council.
- (D) Permitted Uses: Uses identified with a "P" in the use table are permitted by right in the designated zoning districts, subject to compliance with all other applicable provisions of this chapter.
- (E) Special Uses: Uses identified with an "S" in the use table may be allowed in the designated zoning districts if approved in accordance with the special use approval procedure of section 14-5 of this title. Approved special uses are subject to compliance with all other applicable provisions of this chapter.
- (F) Prohibited Uses: Uses identified with a "-" in the use table are expressly prohibited. Uses not listed in the use table are also prohibited.
- (G) Use Standards: The "Use Standard" column in the use table provides a cross reference to additional standards that apply to some uses, whether or not they are allowed as a permitted use or special use.

THE USE TABLE BEGINS ON THE FOLLOWING PAGE

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

		R E	R1A	R1	R2	R3	B 1	B2	В3	В4	M 1	M2	Α	Use Standard
Res	sidential uses:													
I	Household living:													
	Dwelling units located above the ground floor	-	-	-	-	Р	Р	Р	Р	-	-	-	-	
	Employee living quarters	-	-	-	-	-	-	-	-	-	-	-	Р	
	Manufactured home park	-	-	-	-	S	-	-	-	-	-	-	-	Subsection <u>14-3-2(G)</u> of this chapter
	Multi-family dwelling (3+ units)	-	-	-	-	P ¹	-	-	Р	-	-	-	-	
	Single-family dwelling, attached	-	-	-	-	P ¹	-	-	Р	-	-	-	-	Subsection 14-3-2(A) of this chapter
	Single-family dwelling, detached	Р	Р	Р	Р	Р	-	-	Р	-	-	-	S	
	Two-family conversion of single-family dwelling	-	S	S	S	S	_	-	-	-	-	-	-	Subsection 14-3-2(B) of this chapter
	Two-family dwelling (duplex)	_	-	-	Р	Р	-	-	Р	-	-	-	-	
(Group living:													
	Assisted living	-	-	-	S	S	-	Р	Р	-	-	-	-	
	Community residence, large	S	S	S	S	S	-	-	S	-	-	-	-	Subsection 14-3-2(F) of this chapter
	Community residence, small	Р	Р	Р	Р	Р	_	-	Р	-	-	-	-	Subsection 14-3-2(F) of this chapter
	Group living not otherwise classified	S	S	S	S	S	_	_	-	-	-	-	-	
	Nursing care facility	-	-	-	-	S	-	Р	Р	-	-	-	-	
	Transitional living	_	-	-	-	S	-	S	_	-	-	-	-	
Pub use	olic and civic s:						_	_						
(College or	_	-	-	-	S	S	S	S	S	S	S	-	

	university													
	Cultural exhibit or library	S	S	S	S	S	Р	Р	Р	Р				
	Daycare:													
	Daycare center	-	-	-	-	-	Р	Р	Р	Р	Р	Р	-	
	Daycare home	Р	Р	Р	Р	Р	-	-	-	-	-	-	-	
	Hospital	-	-	-	-	S	S	S	S	S	-	-	-	
	Parks and recreation	Р	Р	Р	Р	Р	Р	Р	Р	Р	-	-	S	
	Place of public assembly	-	-	-	-	-	S	S	S	S	-	-	-	
	Post office	S	S	S	S	S	S	Р	Р	Р	Р	Р	S	
	Public safety services	S	S	S	S	S	S	Р	Р	Р	Р	Р	S	
	Religious assembly	S	S	S	S	S	S	S	S	S	-	-	-	
	School	S	S	S	S	S	-	S	S	S	-	-	-	
	Social club or lodge	-	-	-	-	-	S	S	S	S	-	-	-	
	Utilities:													
	Major	S	S	S	S	S	S	S	S	S	S	S	s	
	Minor	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Со	mmercial uses:													
	Adult use	-	-	-	-	-	-	S	-	S	S	S	-	Subsection <u>14-3-2(C)</u> of this chapter
	Animal services:													
	Kennel	-	-	-	-	-	-	-	-	S	S	S	S	
	Veterinary services	-	-	-	-	-	Р	Р	-	Р	Р	S	-	
	Art gallery	-	-	-	-	-	S	S	S	ı	S	S	-	
	Bank and financial services:													
	Banks	-	-	-	-	-	Р	Р	Р	Р	S	S	-	

Consumer loan establishment	-	-	-	-	-	Р	Р	_	Р	S	S	-	
Pawnshop	-	-	-	-	-	S	S	-	S	S	S	-	
Payday loan store	-	-	-	-	-	Р	Р	-	Р	S	S	-	
Body art services	-	-	-	-	-	S	S	-	S	S	S	-	
Business support service	-	-	-	-	-	Р	Р	Р	Р	S	S	-	
Construction sales and service	-	-	-	-	-	_	_	_	Р	Р	Р	-	
Eating and drinking establishments:													
Restaurant	-	-	-	-	-	Р	Р	Р	Р	S	S	-	
Tavern	-	-	-	-	-	Р	Р	-	Р	S	S	-	
Entertainment and spectator sports:													
Indoor	-	-	-	-	-	Р	Р	-	Р	Р	S	-	
Outdoor	-	-	-	-	-	S	S	_	S	S	S	-	
Funeral and interment services:													
Cemetery	S	S	S	S	S	-	-	-	-	-	-	-	
Cremating	-	-	-	-	-	S	S	S	S	S	S	-	
Funeral home	-	S	S	S	S	Р	Р	Р	Р	S	S	-	
Gas station	-	-	-	-	-	-	Р	-	Р	S	S	-	Subsection <u>14-3-2(E)</u> of this chapter
Lodging:													
Bed and breakfast	-	S	S	S	Р	Р	Р	Р	ı	-		S	Subsection 14-3-2(D) of this chapter
Boarding house	-	-	i	-	Р	Р	Р	Р	ı	-	-	ī	
Hotel or motel	-	-	-	-	-	Р	Р	-	Р	S	S	-	
Medical cannabis dispensary	-	-	-	-	-	S	S	S	S	-	-	-	

	Medical or dental	-	-	T -	l -	-	Р	Р	Р	Р	-	-	-	
	clinic													
	Miniwarehouse	-	ı	-	-	-	-	S	-	S	Р	Р	-	
	Office	1	-	-	-	-	Р	Р	Р	Р	Р	Р	-	
	Personal and consumer services	-	-	-	-	-	Р	Р	Р	Р	S	S	-	
	Retail sales	-	-	-	-	-	Р	Р	-	Р	S	S	-	
	Sports and recreation, participant:													
	Indoor	-	-	-	-	-	-	Р	-	Р	Р	Р	-	
	Outdoor	-	-	-	-	-	S	S	-	S	S	S	-	
	Shooting ranges	-	-	-	-	-	S	S	-	S	S	S	S	Subsection 14-3-2(I) of this chapter
	Vehicle sales and service:													
	Car wash	-	-	-	-	-	_	Р	-	Р	S	S	_	
	Heavy equipment sales or rental	-	-	-	-	-	-	_	-	Р	Р	Р	-	
	Light equipment and vehicle sales or rental	-	-	-	-	-	-	Р	-	Р	Р	Р	-	
	Motor vehicle repair, major	-	-	-	-	-	-	-	-	S	S	Р	-	
	Motor vehicle repair, minor	-	-	-	-	-	-	Р	-	Р	Р	Р	-	
	Vehicle, recreational vehicle or boat storage/towing	-	-	-	-	-	-	-	-	Р	Р	Р	-	
Inc	dustrial uses:													
	Manufacturing, production, and industrial services:													
	Commercial uses	-	-	-	-	-	Р	Р	Р	Р	S	S	-	
	General	-	-	-	-	-	_	-	-	-	Р	Р	-	

	Limited	-	-	-	-	-	-	-	_	S	Р	Р	-	
	Research laboratory	-	-	-	-	-	_	Р	-	Р	Р	Р	-	
	Trucking/freight terminal	-	-	-	-	-	-	-	-	-	S	S	-	
	Warehousing and wholesaling	-	-	-	-	-	_	-	-	S	Р	Р	-	
	Waste related use:													
	Junkyard	-	-	-	-	-	-	-	-	-	-	S	-	
	Recycling facility	-	-	-	-	-	_	-	_	-	-	Р	-	
	Sanitary landfill	-	-	-	-	-	-	-	-	-	-	S	-	
Agri	icultural uses:													
	Farming	-	-	-	-	-	-	-	-	-	-	-	Р	
Oth	er uses:													
A	Accessory use	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Section 14-3-3 of this chapter
[f	Orive-through acilities	-	-	-	-	-	-	Р	S	Р	S	-	-	Subsection 14-3-3(B) of this chapter
	Home occupation	Р	Р	Р	Р	Р	-	-	Р	-	-	-	Р	Subsection 14-3-3(C) of this chapter
F	Parking:													
	Accessory parking	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
	Nonaccessory parking	-	-	-	-	-	S	S	-	S	-	-	-	
	Planned developments	S	S	S	S	S	S	S	S	S	S	S	s	
(Wireless communication acility:													
	Collocated	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Subsection 14-3-2(H) of this chapter
	Freestanding	-	-	-	-	-	_	S	_	S	S	S	S	Subsection 14-3-2(H) of this chapter

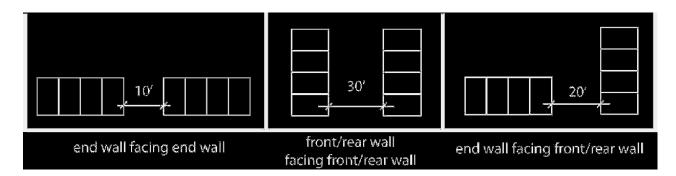
Note:

1. Subject to the design review procedures of section <a>14-11-8 of this title.

14-3-2: USE SPECIFIC STANDARDS: © 🖃

- (A) Single-Family Dwelling, Attached: Attached single-family dwelling units must comply with the following requirements:
 - 1. Number Of Units Per Building: No more than eight (8) attached single-family dwelling units are permitted within a single building.
 - 2. Number Of Buildings Per Lot: Multiple buildings containing attached single-family dwellings are permitted on a single lot.
 - 3. Building Separation: Attached dwellings must meet the requirements for permitted encroachments in subsection 14-4-3(J) of this title. Minimum separation between multiple buildings on a lot is required as follows:

Attached Single- Family Residential Building Separation Standard	Dimension
Between 1 end wall and another end wall	10 feet
Between 1 front or rear wall and another front or rear wall	30 feet; driveways, parking areas, walkways, and landscaping and permitted encroachments are allowed within the required separation area. This may be reduced to 20 feet on the ground floor where garage doors face garage doors and are separated by an interior drive, provided that upper story living spaces are separated by 30 feet
Between 1 end wall and 1 front or rear wall	20 feet; driveways, parking areas, walkways, and landscaping, and permitted encroachments are allowed within the required separation area



- 4. Building Design: Attached single-family dwellings must:
 - (a) Be designed with windows and/or doors on all building facades that face a street to avoid the appearance of blank walls; and
 - (b) Be designed with garage doors facing an alley, where there is an alley serving the site, or facing an interior driveway whenever possible. Where garages face a public street, they may not extend beyond the street facing facade.

5. Driveway Access:

- (a) Attached single-family dwellings must be served by a common access drive, rather than separate driveway curb cuts where garages face a public street.
- (b) Driveways leading from a street to a garage must be of sufficient depth to ensure that parked vehicles do not overhang the sidewalk or public street. The distance between the sidewalk and the garage must be at least twenty feet (20').

6. Private Yards:

- (a) Attached single-family dwellings must provide private yards a minimum of two hundred (200) square feet in area for each attached single-family dwelling unit.
- (b) A private yard may be located next to a front wall, rear wall, or end wall, provided that it is immediately adjacent to the attached single-family dwelling unit it serves and is directly accessible from the unit by way of a door or steps.
- (c) Required private yards must be landscaped with turf, ground cover, shrubs, trees or other landscape improvements, such as walkways or patios.
- (d) Private yards may be enclosed with fences.

7. Common Open Space:

- (a) In developments with thirty (30) or more attached single-family dwelling units, one hundred fifty (150) square feet of common open space must be provided per unit.
- (b) Common open space must be accessible to all attached single-family dwelling units and improved with landscaping, recreational facilities, and/or pedestrian walkways.
- (c) Common open space must be maintained by a homeowners' association.

(B) Single-Family Dwellings Converted To Two-Family Dwellings:

- 1. A single-family dwelling may be converted to a two-family dwelling subject to the following criteria:
 - (a) Converted dwellings must maintain the appearance of single-family dwellings.
 - (b) Converted dwellings must meet the parking requirements of <u>chapter 5</u> of this title through existing garages and driveways.
 - (c) Two (2) separate entrances may be permitted when the dwelling is located on a
- 2. Before any single-family dwelling can be converted to a two-family dwelling, the resulting two-family dwelling must meet the square footage requirements of section 14-4-1 and be properly zoned R3 under the provisions of subsection 14-2-1(B)3 of this title.

(C) Adult Use:

- 1.Locational Criteria: Adult uses cannot be located on any site that is:
 - (a) Within five hundred feet (500') of another existing adult use;
 - (b) Within three thousand feet (3,000') of the boundary of a residential zoning district or existing residential use; or
 - (c) Within three thousand feet (3,000') of any existing school or religious assembly use or cemetery.
- 2. Measurement: For the purposes of this subsection, distances will be measured in a straight line, without regard to intervening structures or objects from the nearest point on the property line on the site on which the adult use exists or is proposed to the nearest point of any property line of a residential use, residential district, school, religious assembly establishment and/or any other adult use, as the case may be.

(D) Bed And Breakfast: Bed and breakfast establishments must:

- 1. Be owner occupied;
- 2. Have a maximum of eight (8) guestrooms;
- 3. Only serve meals to overnight guests, unless the bed and breakfast is located on an arterial or collector street as defined by this title, then meals can be served to a maximum of twenty five (25) people at any one time;
- 4. Provide sufficient off street parking as required by chapter 5 of this title in a parking area located behind the front building line; and
- 5. Not include retail or other sales on the premises.

(E) Gas Station: Gas stations must:

- 1. Have a minimum lot area of twenty thousand (20,000) square feet;
- 2. Limit open storage to no more than four (4) vehicles stored for minor repairs bearing current license plates. Such storage may not exceed seventy two (72) hours' duration and may not permit the storage of wrecked vehicles;
- 3. Install lighting fixtures that are directed downward and shielded to prevent glare on adjoining properties and roadways;
- 4. Install canopy lighting designed with recessed fixtures to prevent glare on adjoining properties and roadways;
- 5. Locate and design curb cuts to ensure that they will not adversely affect the safety and efficiency of traffic and pedestrian circulation on adjoining streets. Curb cuts for new or expanded gas stations cannot be wider than thirty-six feet (36') and must be a minimum of one hundred feet (100') apart on each street frontage; and
- 6. Only have accessory drive-through facilities subject to subsection 14-3-3(B) of this Chapter.

(F) Community Residences:

- 1. Community residences must be located at least one thousand feet (1,000') from any other community residence, large or small, unless the spacing requirement is waived in accordance with the special use procedure of section 14-11-5 of this title.
- 2. When requested, waivers must be granted when the decision making body determines that the proposed community residence will not adversely affect or be incompatible with the residential character of the neighborhood.
- (G) Manufactured Home Parks: Manufactured home parks must comply with the following requirements:
 - 1. More Restrictive Requirements Apply: Each park to be constructed, altered, or expanded under the provisions of this chapter must provide facilities as required by the Mobile Home Park Act¹ of the State of Illinois and all applicable rules of the Illinois Department of Public Health and other state agencies. Where the requirements of this subsection conflict with the requirements of the State of Illinois, the more restrictive requirements will control. This subsection applies only to construction, alteration, or expansion of manufactured home parks and does not determine state licensing or govern the operation of manufactured home parks.
 - 2. Single Ownership Of Manufactured Home Parks: A manufactured home park must be entirely owned by an individual, firm, trust, partnership, public or private association or

corporation. No lots may be individually sold.

- 3. Applications And Licensing Requirements; Inspections:
 - (a) No person may construct, alter, or expand a manufactured home park unless they hold a valid permit from the State of Illinois that authorizes the construction of a new, altered or expanded manufactured home park in accordance with the Mobile Home Park Act.
 - (b) A mobile home park may not be constructed, altered or expanded without first obtaining a special use permit and a mobile home park permit, according to the requirements of chapter 11 of this title.
 - (c) No person may operate a manufactured home park unless they hold a valid license issued by the City Council upon completion of the park. The operator of the manufactured home park must also maintain a valid license from the State of Illinois.
 - (d) The zoning administrator has the authority to conduct inspections of the manufactured home park during and after construction to ensure compliance with all requirements.
 - (e) All state and local permits and licenses must be prominently displayed in the office of the manufactured home park for which the permits and licenses were issued
- 4. Permitted Manufactured Homes: After the effective date specified in section 14-1-2 of this title only manufactured homes that were constructed after June 30, 1976, in accordance with the federal "National Manufactured Housing Construction and Safety Standards Act of 1974" are permitted to locate in a new or existing manufactured home park.
- 5. Minimum Park Size: Manufactured home parks must be at least five (5) acres in size. Any expansion of an existing manufactured home park that is smaller than five (5) acres must bring the total area of the park up to five (5) acres.
- 6. Dimensional Requirements:
 - (a) All manufactured home parks must meet the following dimensional requirements:

Standard	Dimension
Minimum manufactured home space area	4,000 square feet
Minimum manufactured home space width	50 feet
Minimum setback from public street right of way lines	35 feet
Minimum setback from other property lines	15 feet
Separation between manufactured homes	30 feet
Separation between manufactured homes and unattached accessory structures (on the same or another site)	10 feet
Separation between manufactured homes and accessory structures to other manufactured home park structures such as service or community buildings, laundry buildings, and park offices	30 feet
Separation between manufactured home and internal street pavement, parking areas or common areas	15 feet

(b) In measuring the minimum separation between manufactured homes, measurements will be taken from the outermost projection of the manufactured home or from any attached accessory structure, such as decks, stairs, stoops, porches,

attached carports, and any other structure that is not separated from the manufactured home by at least ten feet (10').

7. Manufactured Home Stands:

- (a) Each manufactured home stand must consist of four inch (4") reinforced concrete and be a minimum of fifteen feet (15') wide by fifty five feet (55') long.
- (b) Wheels and hitches must not be removed from manufactured home units.
- (c) All manufactured homes must be anchored in accordance with the Mobile Home Tiedown Act, 210 Illinois Compiled Statutes 120, and all applicable state requirements.

8. Resident Storage:

- (a) In manufactured home parks constructed after the effective date specified in section 14-1-2 of this title, a minimum of eighty (80) square feet/three hundred (300) cubic feet of storage space must be provided by the owner or operator for each manufactured home within the park. This required storage space may be located within a central, community storage building, or in enclosed individual storage structures on each manufactured home site. On site storage structures must meet the setback and separation requirements for accessory structures and may not exceed eight feet (8') in height. All accessory storage structures must be constructed of a fireproof material. Additional storage buildings are not permitted on manufactured home sites when the required storage space is provided either within a community building or on site storage structure.
- (b) In manufactured home parks constructed prior to the effective date specified in section 14-1-2 of this title, each manufactured home resident may construct his/her own storage space. Manufactured home spaces within parks that were not provided with the required storage space may construct one storage structure up to eighty (80) square feet in area, three hundred (300) cubic feet in volume, and eight feet (8') in height. The structure must be completely detached from the manufactured home, portable, and only used for storage purposes. All other enclosed or unenclosed accessory storage structures are prohibited.

9. Internal Street System:

- (a) General Requirements: All internal streets must be privately owned and maintained by the park owner. For the purposes of this section, all streets providing vehicular access within the park will be referred to as the "park street system".
- (b) Primary Entrance Road: The primary entrance road connecting the park street system with a public street must have a minimum pavement width of twenty seven feet (27').
- (c) Secondary Entrance Road: All parks of twenty (20) or more acres in size and/or parks that can accommodate one hundred fifty (150) or more manufactured homes must also have at least one secondary entrance road connecting the park street system with a public street. All secondary roads must have a minimum pavement width of twenty four feet (24').
- (d) Separation Between Park Entrances: Where primary and secondary entrance roads connect to the same public street, they must be at least one hundred fifty feet (150') apart.
- (e) Interior Streets: All interior streets in the park street system must have a minimum pavement width of twenty four feet (24') if on street parking is prohibited on both sides and thirty six feet (36') if on street parking is permitted. Cul-de-sacs may not exceed three hundred feet (300') in length and must be designed at the closed end with a turnaround having an outside roadway diameter of at least fifty

- (f) Street Construction And Design Standards:
 - (1) Pavement Materials: All streets must be surfaced with seven inch (7") reinforced concrete or asphalt mix three inches (3") thick on top of eight inches (8") of crushed stone or gravel.
 - (2) Pavement Design: Primary and secondary entrance roads must be constructed in accordance with city construction specifications for public streets, including those for curb and gutter systems. The internal park street systems may be built to the city's construction standards for alleys.
 - (3) Grade: The grades of all streets must be sufficient to ensure adequate surface drainage, but may not be more than eight percent (8%). Short runs with a maximum grade of twelve percent (12%) may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.
 - (4) Intersections: Streets within the park street system must be at approximately right angles within one hundred feet (100') of an intersection. Offset streets must be at least one hundred fifty feet (150') apart. Intersections of more than two (2) streets at one point should be avoided.
 - (5) Other City Standards: All streets within the park street system must be designed and constructed in accordance with all other applicable city standards for sight distance and horizontal and vertical curve systems.
- 10. Parking: A minimum of two (2) off street parking spaces must be provided per manufactured home site. The size and paving of each parking space must comply with the requirements of chapter 5 of this title.
- 11. Pedestrian Access:
 - (a) General Requirements: All parks must provide a safe, convenient system of walkways that connect individual manufactured home spaces, the park street system and community facilities. In this section, all walkways that provide pedestrian access within the park will be referred to as the "park walkway system".
 - (b) Common Walkways: Common walkways that generally follow the park street system and provide connections to recreation areas and community facilities must be provided in all parks. Common walkways must be a minimum of five feet (5') wide. These walkways must connect to the public sidewalk system at park entrances (where there are public sidewalks). The city may only require common walkways on one side of the streets in the park street system.
 - (c) Walkways Connecting Manufactured Home Spaces: All manufactured home spaces must be connected to the park walkway system by one or more walkways. Walkways that connect manufactured home spaces to common walkways within the park must have a minimum width of two feet (2').
 - (d) Surface Materials: The park walkway system must be constructed of four inch (4") concrete.
- 12. Lighting: All parks must be constructed with sufficient electrical systems and lighting units that allow for the safe movement of pedestrians and vehicles at night. Lighting of streets and community buildings and facilities within the park must provide an average illumination level of at least 0.6 foot-candle and a minimum illumination level of 0.3 foot-candle. All exterior lighting within the manufactured home park must be installed and

maintained by the operator of the park.

- 13. Street Trees: Street trees must be planted within ten feet (10') of the street pavement edge. They may be located either between a common walkway and the street or inside the common walkway where it abuts the street. Required street trees must be planted at a rate of at least one tree per manufactured home space. Trees must be a minimum two inch (2") caliper in size. Regardless of location, all street trees must be installed and maintained by the operator of the park, upon completion of the park street and walkway system.
- 14. Recreation Areas: All parks must contain one or more recreation areas that are as centrally located as possible, free of traffic hazards, and easily accessible to all park residents. In larger manufactured home parks, some decentralization of recreation areas may be permitted. The size of the recreation areas is based upon a minimum of five hundred (500) square feet for each manufactured home space in the park. Each park must provide a minimum of one acre of outdoor recreation area, regardless of the number of manufactured home spaces. Recreation areas may consist of the following:
 - (a) Sufficient space for community buildings, facilities, playing fields, and open space for active and passive adult, senior citizen and child oriented recreational uses.
 - (b) Suitable landscaping, fencing, and seating areas.
 - (c) Pedestrian walkways that connect recreation areas to the park walkway system.
 - (d) Swimming pools, provided they are fenced and secured when not in active use to prevent unauthorized entry. Fencing or other artificial enclosures must completely enclose the pool area.
 - (e) Swimming pools must be constructed and maintained in accordance with the requirements of the State of Illinois Department of Public Health.
- 15. Service Buildings And Community Facilities: Management offices, repair shops, common storage areas, laundry facilities, indoor recreation buildings, and commercial uses that provide essential goods and services exclusively to park residents are allowed as accessory uses and must be constructed to meet all applicable city building code requirements.
- 16. Site Drainage And Stormwater Management: Every park to be constructed under the provisions of this chapter must meet the following standards:
 - (a) Sites proposed to be utilized for manufactured home parks must be adequately protected against flooding. Manufactured homes in floodplain areas must be constructed in accordance with section 14-8-8 of this title.
 - (b) The ground surface of every park must be graded and equipped to drain all surface water in a safe, efficient manner. Manufactured home parks are required to meet the stormwater management requirements of section 14-9-14 of this title.
 - (c) Adequate provisions must be made for sewer facilities as specified in this section.
- 17. Slope Protection: Adequate protective barriers must be provided and maintained where there is a slope in excess of forty five degrees (45°) and a change in elevation of six feet (6') or more. Such barriers may include, but are not limited to, continuous shrubs or fencing.
- 18. Erosion Control:
 - (a) Exposed ground surfaces in all parts of every park must be landscaped, paved, or covered with other solid material that is capable of preventing soil erosion and the emanation of dust during dry weather.
 - (b) Where the topography has a slope of twenty five percent (25%) or more, a rip

wall, cribbing, or other approved system of soil and slope stabilization must be installed and maintained.

19. Landscaping And Screening: All manufactured home parks must be screened with a ten foot (10') wide buffer strip along all property lines, except those abutting the public right of way. Where effective visual barriers do not already exist along property boundary lines, the required buffer strip must be furnished with screening that is at least six feet (6') in height. Screening elements can consist of landscaping, berming, fences, and/or walls. Where a fence, wall, or berm is proposed, landscaping must be used to soften its appearance within the required buffer strip. Where only landscaping is utilized, it must consist of a dense planting of deciduous trees, evergreens, and shrubs that will provide year round screening at a minimum height of six feet (6'). Fences or walls must not contain electrical charges, barbed wire, broken glass, or other material designed to inflict bodily harm.

20. Water Supply:

- (a) General: All manufactured home parks must be served by public water supplies. All such public water supplies must be capable of providing a sufficient supply of potable water under adequate pressure, to facilities for manufactured homes, service buildings, fire hydrants, drinking fountains, and other accessory facilities required by the city. The public water supply system must be designed, constructed, and maintained in accordance with the requirements of the Illinois Department of Public Health, Illinois Environmental Protection Agency and all applicable city requirements.
- (b) Water Distribution System: The water distribution system must be constructed of piping, fixtures and other equipment of approved materials. The system must be designed and maintained to provide water pressure of not less than twenty (20) pounds per square inch to each manufactured home, service building, and other locations requiring potable water supply.
- (c) Individual Water Connections:
 - (1) Individual water service connections must be provided to each manufactured home space in the park. All water service connections must be watertight and located at a minimum distance of five feet (5') from sanitary sewer connections underground. The minimum pipe size of connections is one inch (1"). Outlets must be constructed to be free of possible contamination from surface drainage and damage during installation of a manufactured home. Outlets must be four inches (4") above grade.
 - (2) Adequate provisions must be made to prevent freezing of service lines, valves and riser pipe, and to protect risers from ground heaving and thawing actions during freezing weather.
 - (3) Underground stop and waste cocks must not be installed on any connection.
- (d) Water Supply For Fire Protection: All parks must provide water supply facilities. Hydrants must be located within two hundred feet (200') of any manufactured home, service building, and accessory structure and designed in accordance with city specifications.

21. Sewage Disposal:

(a) An adequate and safe sewage system must be provided in all manufactured home parks for the conveying, treatment, and disposal of sanitary sewage. The facilities on the site must be designed and installed to connect to the public sewer system with the approval of the city engineer. All sewage systems must be constructed in accordance with the requirements of the Illinois Department of

Public Health, Illinois Pollution Control Board, and all other applicable state and city requirements.

- (b) Each manufactured home site must be provided with a sewer connection for the combined liquid waste outlet or outlets of each manufactured home. It is the duty of the owner or operator of the manufactured home park to provide an approved watertight and odor tight connection from the water drainage to the sewer connection of each manufactured home, to make such connection, and keep all occupied manufactured homes connected to the sewer while located in the park. Sewer connections on unoccupied manufactured home sites must be closed so that they will not emit odors or create a breeding place for flies. No water or waste is allowed to fall on the ground from a manufactured home.
- 22. Electrical Distribution System: Electrical wiring systems in all parks must consist of approved wiring, fixtures and equipment that are installed and maintained in compliance with all applicable state and national electrical codes. All electrical wires must be located underground.
- 23. Natural Gas System: Natural gas piping systems in all parks must be installed and maintained in accordance with accepted engineering practices and applicable requirements of the City of Oglesby.
- 24. Fuel Oil Supply Systems: Fuel oil supply systems provided for manufactured homes, service buildings, and other structures must be installed and maintained in accordance with applicable requirements of the City of . Underground fuel oil systems must be located a minimum of ten feet (10') horizontally from water lines and at necessary crossings must be placed in pipe sleeves extending ten feet (10') from each side of the water pipe.
- 25. Modifications And Additions To Manufactured Homes:
 - (a) General Requirements: All building, plumbing, heating, air conditioning and electrical connections, alterations or repairs in manufactured home parks and on individual manufactured homes must be conducted in accordance with the applicable requirements of the City of Oglesby.
 - (b) Permanent Additions: Permanent building additions to a manufactured home unit are prohibited. Roofed patios are permitted, provided they are not physically attached to the manufactured home unit.
- 26. Occupancy Of Manufactured Homes: Occupancy of a manufactured home is limited to the design capacity of the manufactured home. This is established by the number of sleeping spaces provided in the manufactured home.
- 27. Refuse Storage And Collection: The owner or operator of the park must provide adequate areas for refuse storage, collection, and disposal. The location of refuse storage areas and method of collection and disposal must be provided at the time special use approval is granted.
- 28. Park Maintenance:
 - (a) Pursuant to the regulations of this title, it is the responsibility of the owner or operator of the manufactured home park to maintain streets, curbing, pedestrian walkways and all community facilities.
 - (b) It is to be the responsibility of the owner or operator of the manufactured home park to provide for and enforce the general cleanliness of the manufactured home park.
 - (c) Abandoned vehicles must be removed from any manufactured home park, at the park owner's expense. An abandoned vehicle is an automobile or other vehicle that is unlicensed or inoperative.
- 29. Enforcement: The zoning administrator is hereby granted the power and authority to enter upon the premises of each manufactured home park at any reasonable time for the

purpose of enforcing this chapter. Failure to conform to the regulations of this title will be cause for revocation of the manufactured home park license and enforcement action in accordance with chapter 13 of this title.

(H) Wireless Communication Facilities:

- 1. General Standards:
 - (a) All wireless communications facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and any other agency of the federal government authorized to regulate wireless communications facilities.
 - (b) Wireless communications facilities must be designed so as not to cause interference with radio, TV, or other electrical appliances.
 - (c) Wireless communications facilities must be designed, constructed and installed to minimize their aesthetic impact on adjoining properties. The design of wireless communications facilities must, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower and associated equipment with the surrounding area.
 - (d) All wireless communications towers must be painted a neutral color to avoid visual obtrusiveness.
 - (e) Towers and antennas may not be artificially lighted unless mandated by the FAA or other applicable authority.
 - (f) No off premises signs are permitted on a wireless communications facility, except for collocated facilities attached to an existing and approved sign or its support structure. Wireless communications facilities may have safety or warning signs in appropriate locations.
- 2. Preferred Sites: When a wireless provider is considering locations for wireless communications facilities, city owned sites are considered preferred sites. Prior to applying for a building permit or special use permit, the provider must contact the city to determine whether there is a city owned site or facility available that would meet its locational criteria.
- 3. Collocation Of Antenna On Existing Structures:
 - (a) Antenna Design: The antenna and associated equipment of such a collocated facility must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure or building so as to make the antenna and associated equipment as visually unobtrusive as possible.
 - (b) Collocation On An Existing Wireless Communication Facility: Installation of a wireless antenna and associated equipment on an existing wireless communication facility is a permitted use in all zoning districts.
 - (c) Collocation By Attachment To An Existing Structure: This subsection addresses the installation of a tower or antenna on an existing structure, other than a wireless communication facility tower, including, but not limited to, buildings, light poles, water towers, commercial signs, church steeples, and any other freestanding structures. Installation of a wireless antenna and associated equipment on an existing structure, other than an existing wireless communication facility, is a permitted use in all zoning districts, subject to site plan review. Where the facility is proposed on a city owned structure, the development review committee has the authority to forward the site plan to the City Council for review and approval. Such collocated facilities, including associated equipment and accessory structures, are subject to the following minimum standards:

- (1) R, B1 And B3 Districts: In the residential (R) districts and the B1 and B3 districts, such collocated facilities may not extend above the highest point of the existing structure by more than:
 - A. Ten feet (10'), if the structure is up to forty feet (40') in height; or
 - B. Fifteen feet (15'), if the structure is more than forty feet (40') in height.
- (2) Other B, M, And A Districts: In all business (B) districts other than those specified in subsection (H)3(c)(1) of this section; the manufacturing (M) districts; and the agricultural (A) district; such collocated facilities may not extend above the highest point of the existing structure by more than fifteen feet (15').
- (3) City Owned Sites: The height of collocated facilities on city owned sites or facilities may not extend above the highest point of the existing structure by more than fifteen feet (15').
- 4. Freestanding Facilities: Freestanding facilities require special use approval. An application for a freestanding facility must include an affidavit of intent committing the site owner, his successors and assigns, the operator, and his successors and assigns to allow the shared use of the proposed tower and to offer at least one potential additional user reasonable terms and conditions for collocation. Failure to abide by such commitment constitutes a violation of this chapter and may result in revocation of the building permit associated with the facility.
 - (a) Demonstration Of Need: Special use approval may not be granted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission and City Council that no existing facility or structure can accommodate the applicant's proposed facility. Evidence submitted to demonstrate that no existing facility or structure can accommodate the applicant's proposed facility may consist of any of the following:
 - (1) No existing wireless communication facilities are located within the geographic area required to meet applicant's engineering requirements.
 - (2) Existing wireless communication facilities are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing wireless communication facilities do not have sufficient structural strength to support applicant's proposed antenna and associated equipment.
 - (4) The applicant's proposed facility would cause electromagnetic interference with an antenna on the existing tower, or vice versa.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication facility, or to adapt an existing wireless communication facility for sharing, are unreasonable. Costs exceeding new facility development are presumed to be unreasonable.
 - (b) Maximum Height: No freestanding facility may have a maximum height that is more than two hundred feet (200'). Within the two hundred foot (200') height limit, the facility must accommodate collocation of other facilities. Freestanding facilities located on city owned sites will have a height limit that is imposed by the City Council.
 - (c) Setbacks:
 - (1) In business and agriculture districts, freestanding facilities must be set back a minimum of thirty feet (30') from the rear property line and

- twenty feet (20') from the front and side property lines. On a corner lot, the twenty foot (20') setback requirement applies to both property lines fronting on the public right of way.
- (2) In manufacturing districts, freestanding facilities must be set back a minimum of thirty feet (30') from a property line that serves as a common boundary line between an M and an R district, ten feet (10') from side property lines, and twenty feet (20') from any public right of way lines. On a corner lot, the twenty foot (20') setback requirement applies to both property lines fronting on the public right of way.
- (d) Number Of Towers Per Zoning Lot: There may be no more than one freestanding facility per zoning lot.
- (e) Tower Design: Towers must be of monopole construction (cylindrical, tapering steel tubes without guywires or lattice design). Towers must be constructed so that if a failure does occur, the tower will collapse into itself and will not fall onto structures near the site.
- (f) Security Fencing: Freestanding facilities must be enclosed by security fencing not less than six feet (6') in height and must also be equipped with an appropriate anti-climbing device. The anti-climbing device may not include barbed wire, razor wire, or similar sharp barrier.

(g) Landscaping:

- (1) Wireless communication facilities must be landscaped with a buffer of plant materials that effectively screens the view of the base of the tower and associated equipment from residential properties that are adjacent to or across the street from the site.
- (2) The standard buffer must consist of a landscape strip at least five feet (5') wide outside the perimeter of the facility. In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived altogether.
- (3) Existing mature trees (more than 3 inches in diameter) and natural landforms on the site must be preserved to the maximum extent possible. If mature trees are removed, the same number of trees must be planted on the site within six (6) months following completion of the tower. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(h) Abandonment Or Discontinuation Of Use Of Facilities:

- (1) At such time as the operator of a wireless communication facility plans to abandon or discontinue operation of the facility, the operator must notify the zoning administrator by certified mail of the proposed date of abandonment or discontinuation of operation. Such notice must be given no less than thirty (30) days before abandonment or discontinuation of operation.
- (2) In the event that the operator fails to give such notice, the facility will be deemed abandoned upon such discontinuation of operation.
- (3) Upon such abandonment or discontinuation of use, the operator must physically remove the wireless communication facility within one hundred twenty (120) days from the date of abandonment or discontinuation of use. "Physically remove" includes, but is not limited to:

A. Removal of tower, antennas, mount, equipment shelters or platforms and security barriers from the subject property;

- B. Proper disposal of the waste materials from the site in accordance with applicable solid waste disposal regulations; and
- C. Restoration of the location of the wireless communication facility to its natural condition, except that any landscaping and grading must remain.
- (4) In the event that the operator fails to remove a wireless communication facility in accordance with the provisions of this subsection, upon the city's provision of thirty (30) days' written notice to the operator, the city or its agents have the authority to enter the subject property and physically remove the facility. The operator of the facility, or the owner if different from the operator, is liable to the city for all costs associated with entry and removal. This liability will be collectible in the same manner as any other personal liability.
- (i) Review And Approval Procedures:
 - (1) A building permit is required for each wireless communication facility installation.
 - (2) When a wireless communication facility requires special use approval, such approval must be obtained before any building permit may be issued.
 - (3) Each applicant requesting a permit for a wireless communication facility must submit with the application a scaled site plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by appropriate licensed professionals, showing:
 - A. The location and dimension of all improvements;
 - B. Information concerning topography;
 - C. Radio frequency coverage;
 - D. Tower height requirements and setbacks;
 - E. Drives, parking, fencing, landscaping, and adjacent uses; and
 - F. Any other information deemed by the zoning administrator to be necessary to assess compliance with this title.
 - (4) Approved wireless communication facilities may be transferred to successors and assigns of the approved party, subject to all of the conditions that apply to initial approval.
- (j) Waiver: In reviewing a special use request, the Plan Commission and City Council may waive any of the nonfederal mandated requirements of this subsection pertaining to height limitations, setback requirements, and landscaping if it determines that the goals of this subsection are better served thereby.
 - (1) The setback requirements may be modified if the applicant shows, to the satisfaction of the Plan Commission and City Council, that such modification will result in a reduction of the visual impact of the wireless communication facility.
 - (2) The height requirements may be modified if the applicant shows, to the satisfaction of the Plan Commission and City Council, that additional height is necessary to enable the applicant to meet its service coverage requirements, and the facility will be constructed to safely and effectively accommodate collocation of one or more wireless communication facilities.
 - (3) The landscaping requirements may be modified if the applicant shows, to the satisfaction of the Plan Commission and City Council,

that the required landscaping is unnecessary for screening purposes, due to the proposed location of the facility and lack of visibility from neighboring properties and/or public right of way.

(I) Shooting Ranges:

- 1. Shooting ranges must have the approval of the chief of police, the building inspector, the fire chief, the fire marshal, and the city engineer and further subject to the following criteria:
 - (a) The gun range shall be for the sole purpose of discharging guns. There shall be no alcohol, no food and no drinks present on the property where the range is located. There shall be no alcohol present in any building where the range is located.
 - (b) There shall be an annual license fee of one hundred dollars (\$100.00), issued by the chief of police, with a required thirty (30) day notice before expiration of an intent to renew.
 - (c) The gun range is subject to inspection by the chief of police along with anyone else he chooses to accompany him at any time. The chief of police shall review each application for renewal and shall inspect said premises each year.
 - (d) The gun range must be constructed in a fashion that would allow it to comply with the noise standards set forth below and the walls, ceiling and floor must maintain their integrity without allowing rounds to escape. This is applicable no matter the kind, size, or caliber of gun that is shot, notwithstanding who owns the gun.
 - (e) All ammunition that is discharged at the range must be purchased from the range operator unless the range operator physically inspects the ammunition and determines that the rounds are factory loads with no steel core.
 - (f) The range may be open from eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M., seven (7) days a week.
 - (g) There shall be no one present during shooting except one customer and, if necessary, an instructor per shooting stall and no more than a total of fifty (50) people in the building or on the range at any time.
 - (h) The range shall be maintained in a clean, safe and neat condition at all times.
 - (i) The entire staff of the shooting range must be trained and certified by National Rifle Association (NRA) trainers and must meet NRA standards. The certification must be maintained.
 - (j) The range shall comply with external noise criteria set forth in the EPA Title 35, Environmental Subtitle H: Noise Chapter I, Part 901 and with NRA standards for internal noise levels. Before an occupancy permit may be issued, the owner of the range shall supply to the city engineer a written report from an independent certified auditory engineer that states that the engineer has tested the range and that it complies with EPA Title 35 Environmental Subtitle H: Noise Chapter I, Part 901 and NRA standards. The exterior noise shall be measured no more than five feet (5') from all the exterior walls of the range.
 - (k) Written rules for shooter and spectators shall be provided by the owner of the range to all shooters and spectators. These rules shall be submitted to the chief of police annually for his review and approval and before an occupancy permit is issued. Alcohol, illicit drugs shall be prohibited. Shooter shall comply with FOID act and the best practices of NRA guidelines shall be complied with by coaches, supervisor and anyone inside range.

- (I) All shooters must wear protective gear that complies with NRA standards for their eyes and ears.
- (m) The contractor for heating, air conditioning and ventilation must construct these systems so they comply with noise standards set forth above and do not amplify the noise. If the range is built for a capacity of more than fifty (50) people, a fire sprinkler system shall be required.
- (n) The range shall comply with all National Institute For Occupational Safety And Health standards of the U.S. Department of Health Education and Welfare including those relating to exhaust of lead particles and proper ventilation. The range shall comply with the Land Development Code and LaSalle County Health Department.
- (o) Every person licensed shall, at the time of the receiving of such license, present to the clerk evidence that he has a liability insurance policy in the amount of one million dollars (\$1,000,000.00) in effect. Such policy shall name the City of as a coinsured.
- (p) The range shall comply with all NRA safety material, and practices, including having a proper first aid kit on hand.
- (q) If the chief of police determines that the operation or constitution of the gun range violates this code provision or in any other fashion creates a danger to persons or property, the chief of police may close the facility on an emergency basis. The owner of the range has the right to request a hearing before the City Council to consider the closure. The hearing shall occur within twenty one (21) days of the demand.
- (r) In addition to the previous paragraph, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this subsection (I) violation may be issued and the owner or operator or other violator shall be fined not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for each offense. Each and every day that a violation of the license provisions is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the city may take such other action as they deem proper to enforce the terms and conditions of the ordinance, including suspending or revoking the license to operate the range.
- (s) The range shall comply with the Americans with Disabilities Act.
- (t) All internal construction specifications shall comply with or exceed NRA standards.

(J) Solar Energy Systems:

1. Scope This subparagraph applies to all solar energy installations in the City of Oglesby.

Definitions

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

- Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
- Ground-Mount: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.
- Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
- Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.
- Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
- Renewable Energy System: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
- Roof-Mount: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.
- Roof Pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
- Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
- Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.
- Solar Garden: A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to individual or multiple households or businesses residing or located either on-site or off-site from the location of the solar energy system. A community solar system may be either an accessory or a principal use.
- Solar Resource: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.
- Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical,

- chemical, or electrical energy.
- Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
- Solar Daylighting: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
- Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.
- Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
- Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.
- Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
- Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
- Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.
- 3. Permitted Accessory Special Use. Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in C below will require a special use permit pursuant to Section 14-11-5 of the Oglesby Illinois Land Development Code.
 - A. *Height:* Active solar energy systems must meet the following height requirements:
 - Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than buildingintegrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
 - 2. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

- B. Set-back: Active solar energy systems must meet the accessory structure set-back for the zoning district and primary land use associated with the lot on which the system is located.
 - 1. Roof or Building-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
 - 2. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- C. Visibility: Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provide that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.
 - 1. Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 - 2. Solar Energy Systems with Mounting Devices. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
 - 3. Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- D. Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-

fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

- E. *Historic Buildings:* Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
- F. *Plan Approval Required:* All solar energy systems shall require administrative plan approval by the City of Oglesby Zoning Administrator via the review of the application for a building permit.
 - 1. Plan Applications. Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - a. Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - b. Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 - 2. Plan Approvals. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Zoning Administrator and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
- G. Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.
- H. Compliance with Building Code: All active solar energy systems shall meet approval of local building code officials, consistent with the State of Illinois Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- I. Compliance with State and National Electric Codes: All photovoltaic systems shall comply with the National Electric Code and the Illinois State Electric

Code.

- J. Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.
- K. *Utility Notification:* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- 4. Special Uses. The City of Oglesby encourages the development of commercial or utility scale solar energy systems as special uses in all Commercial Districts, all Industrial Districts, all Agricultural Districts and on Publicly-owned Property in any Residential District, subject to the property owner or operator obtaining a special use permit in accordance with Section 14-11-5 of the Oglesby Illinois Land Development Code and subject to the additional provisions set forth in this paragraph.
 - A. *Solar gardens:* City of Oglesby permits the development of community solar gardens, subject to the following standards and requirements:
 - Rooftop Gardens Permitted. Rooftop community systems are permitted in all Commercial Districts, all Industrial Districts, and Publicly-owned Property in any Residential District where buildings are permitted.
 - 2. Ground-Mount Gardens Conditional. Ground-mount community solar energy systems must be less than five acres in total size, and are special uses in all Commercial Districts, all Industrial Districts, and on Publicly-owned Property in Residential Districts. Ground-mount solar developments covering more than five acres shall be considered solar farms.
 - 3. *Interconnection.* An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 - 4. *Dimensional Standards.* All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - 5. Other Standards. Ground-mount systems must comply with all required standards for structures in the district in which the system is located.
 - 6. Nuisance/Aesthetic Standards. If any solar garden abuts other residential uses, the special use permit must take into consideration reflective glare, weed control and potential aesthetic screening so as to minimize the diverse impact upon surrounding residential uses.
 - B. Solar farms: Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:
 - Special Use Permit. Solar farms are special uses in all Industrial Districts, Agricultural Districts and on Publicly-owned property in any district.
 - 2. Stormwater and NPDES. Solar farms are subject to City of Oglesby's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
 - 3. Ground Cover and Buffer Areas. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation

- to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers native to the region of the project site. Plant material must not have been treated with systemic insecticides, particularly neonics.
- 4. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
- 5. Other Standards and Codes. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.
- 6. Power and Communication Lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by City of Oglesby in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.
- 7. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by City of Oglesby. The site plan should also show all zoning districts, and overlay districts.
- 8. Aviation Protection. For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- 9. Agricultural Protection. Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.
- 10. Nuisance/Aesthetic Standards. If any solar garden abuts other residential uses, the special use permit must take into consideration reflective glare, weed control and potential aesthetic screening so as to minimize the adverse impact upon surrounding residential uses.
- 11. Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the City of Oglesby Solid Waste Ordinance. City of Oglesby shall require the posting of a bond, letter of credit or the establishment

- of an escrow account to ensure proper decommissioning unless specifically waived by the Oglesby City Council in the ordinance authorizing the issuance of the special use permit.
- 5. Conditional Accessory Uses. City of Oglesby encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in Section 3. A., B., or C. cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request and the City of Oglesby may grant a special use permit to the applicant as part of the permitting process. A special use permit may be granted, if the following standards are met.
 - A. *Minimum Performance, Defined:* The following design thresholds are necessary for efficient operation of a solar energy system:
 - 1. Fixed-Mount Active Solar Energy Systems. Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).
 - 2. Solar Electric (photovoltaic) Systems. Solar collectors must have a pitch of between 20 and 65 degrees.
 - 3. Solar Hot Water Systems. Solar collectors need to be mounted at a pitch between 40 and 60 degrees.
 - 4. System Location. The system must be located where the lot or building has a solar resource, as defined in this ordinance.
 - B. Standards for a Special Use Permit: A special use permit shall be granted if the applicant meets the following safety, performance and aesthetic conditions:
 - Aesthetic Conditions. The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.
 - 2. Safety Conditions. All applicable health and safety standards are met.
 - 3. Non-Tracking Ground-Mounted Systems. Pole-mounted or ground-mounted active solar energy systems must be set back from the property line by one foot.
- 6. Restrictions on Solar Energy Systems Limited. Consistent with 765 ILCS 1 65/, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of City of Oglesby shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than City of Oglesby's solar energy standards.
- 7. Renewable Energy Condition for Certain Permits.
 - A. Condition for Rezoning or Special Use Permit: The City of Oglesby may, in an area where the local electric distribution system was installed more than twenty years ago, or where the local electric utility has documented a near-term need for additional distribution substation or conductor capacity, require on-site renewable energy systems as a condition for a rezoning or a special use permit subject to the following conditions:
 - 1. The renewable energy condition may only be exercised for new construction or major reconstruction projects.

- 2. The renewable energy condition may only be exercised for sites that have 90% unimpeded solar or wind energy access, and for which the renewable energy system can reasonably meet all performance standards and building code requirements.
- B. Condition for Planned Unit Development (PUD) Approval: City of Oglesby may require on-site renewable energy systems as a condition for approval of a PUD permit, in order to mitigate for:
 - 1. Risk to the performance of the local electric distribution system,
 - 2. Increased emissions of greenhouse gases otherwise resulting from the PUD.
 - 3. Other risks or effects inconsistent with City of 's Comprehensive Plan.

(K) Small Wind Energy Systems

The provisions of this subsection (K) apply to electric generating wind devices hereinafter referred to as small wind energy systems. These small wind energy systems shall be special uses in all Commercial Districts, all Industrial Districts, all Agricultural Districts and in Publicly-owned Property located in Residential Districts. For the purpose of this Ordinance, a small wind energy system is defined as: one (1) wind turbine generator, including the generator, tower and associated controls and/or conversion electronics, which converts wind energy into electricity, has a rated capacity of one hundred (100) kilowatts or less and is intended to primarily reduce on-site consumption of utility power for onsite municipal, educational, business, commercial or industrial use. Wind energy systems with a rated capacity of more than one hundred (100) kilowatts shall be governed by Section 14-3-2(L) of the Oglesby Illinois Land Development Code.

All small wind energy systems shall be in compliance with all applicable county, state and federal regulatory standards (including applicable building codes and electrical codes). No appurtenances shall be connected to any small wind energy system except in accordance with the Oglesby Illinois Land Development Code.

All small wind energy systems shall be mounted on amonopole tower specifically designed for the unit it supports. Guyed towers are not allowed. Applicants shall submit certificates from equipment manufacturers documenting that the proposed equipment has been manufactured in compliance with industry standards.

All applications for a building permit to construct a small wind energy system shall contain, as part of the application, the following information, whether on the application itself or as attachments thereto:

1. Description of Project. This shall include a legal description for the location of the small wind energy system, the location of property lines of adjoining property owners (in the case of leased property, the location of property lines of property owners adjoining the landlord's property), the capacity of the proposed small wind energy system, height, type and color of proposed tower, the diameter of rotor and the direction in which it rotates. All small wind energy systems shall be new or manufacturer reconditioned and recertified equipment; no experimental or prototype homemade equipment shall be approved unless a Variation is granted by the Oglesby City Council.

2 Site Plan:

The site plan shall detail the location of the project area boundaries and must detail

compliance with the following:

- (a) Setback Requirements. All parts of a small wind energy system shall be subject to setback requirements and this section of the Ordinance:
 - (1.) Setbacks from all property lines of the parcel of land on which the small wind energy system is located and the right-of-way of all public roads shall be a minimum of 1.1 times the total height. Total height is defined as the distance above grade to the tip of the blade in its highest, twelve (12) o'clock position.
 - (2.) Setbacks from dwellings shall be a minimum of 1.1 times the total height.

Distance shall be measured from the foundation at the base of the tower.

Applicant is responsible for ensuring that the project meets any and all setback requirements from utilities in the vicinity of the proposed small wind energy system, including, but not limited to gas lines and other utilities.

(3.) Small wind energy systems may be located as a special use in any Commercial District, any Industrial District, any Agricultural District and on Publicly-owned property in any Residential District, subject to the provisions of this ordinance and the special use procedures pursuant to Section 14-11-5 of the Oglesby Illinois Land Development Code.

(b) Noise Standards.

Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations and applicant shall supply manufacturer certification that the proposed small wind energy system is in compliance with same.

(c) Waste Management.

Solid Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the small wind energy system, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner.

Hazardous Waste. All hazardous waste generated by the operation and maintenance of the small wind energy system, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal rules and regulations.

(d) Signage.

No small wind energy system, building, or other structure associated with a small wind energy system shall be used to advertise or promote any product or service. No wording or graphic representation, other than appropriate warning signs, shall be placed on a small wind energy system so as to be visible from any public road.

(e) Aesthetics.

The following items are recommended standards to mitigate visual impact:

1. Coatings and Coloring: Small wind energy systems shall be of a non-reflective, unobtrusive color that blends into the

- surrounding landscape to the greatest extent possible. Black is acceptable for mitigation of icing.
- 2. Tower Height: For agricultural zoned property between one (1) acre and three (3) acres in size, the tower height shall be limited to fifty (50) feet. For property sizes of three (3) acres or more, the tower height shall be limited to eighty-five (85) feet. The tower height is defined as the distance above grade of the fixed portion of the tower, excluding the turbine itself.
- 3. Total Height: Total height is hereby defined as the distance above grade to the tip of the blade in its highest, twelve (12) o'clock position. The maximum total height allowed for a small wind energy system shall be no more than one hundred forty-five (145) feet.
- 4. Rotor Size: The rotor diameter allowed for a small wind energy system shall be a maximum of sixty (60) feet in diameter. In all cases, there shall be a minimum of twenty-five (25) foot of ground clearance, which is defined as the distance above grade to the tip of the rotor blade in its lowest, six (6) o'clock position.
- 5. Lighting: Projects shall utilize minimal lighting. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Required lighting must comply with FAA minimum requirements and, whenever possible, be the lowest intensity allowed using red lights at night. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.
- 6. Power Lines: All electrical wires and power lines associated with a small wind energy system shall be buried underground unless a Variation is granted by the Oglesby City Council.

(f) Lot Size.

No small wind energy system shall be allowed on a lot of less than one acre in size unless a Variation is granted by the Oglesby City Council.

(g) Utility Notification.

Applicant is responsible for applying for an interconnect agreement with their utility company notifying them of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement. Said interconnect agreement is subject to verification at any time by the Zoning Administrator.

(h) Interference.

When applying for a building permit, the owner of a small wind energy system shall submit information from the manufacturer that certifies that the proposed system will not interfere with microwave transmissions, residential television or radio reception.

(i) Violations.

It shall be unlawful for any person to construct, install, maintain, modify or operate a small wind energy system that is not in compliance with this Ordinance or the building permit issued for a small wind energy system pursuant to this Ordinance.

(j) Building Permits.

All small wind energy systems require a building permit to be issued prior to the initiation of construction. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Building permit applications shall also be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. This information is frequently supplied by the manufacturer. The property owner is responsible for ensuring that the foundation is installed according to the manufacturer's specifications and is in compliance with the Uniform Building Code.

(k) Decommissioning Plan.

Cost of decommissioning a small wind energy system shall be borne by the property owner of the land upon which said small wind energy system was constructed.

(I) Abandonment.

If a small wind energy system is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower would then be subject to the Public Nuisance provisions of the Oglesby Illinois Land Development Code. A tower without an operating turbine shall be considered a nuisance unless it is repurposed for a permitted use.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

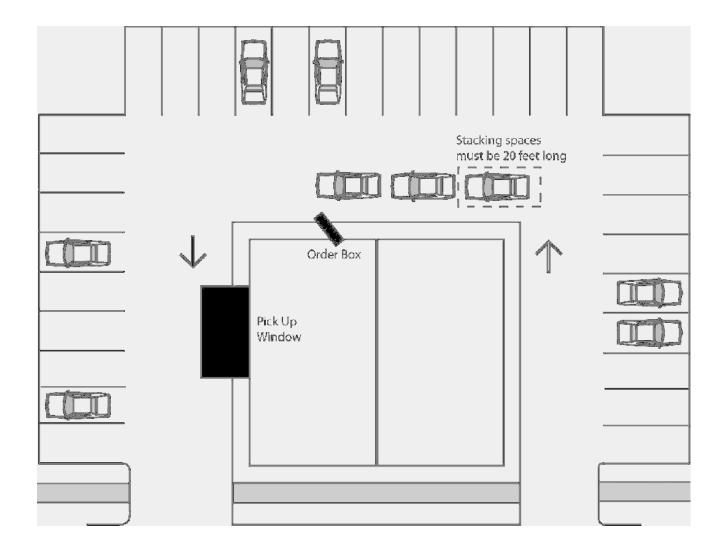
14-3-3: ACCESSORY USES AND STRUCTURES: © 🖃



(A) General:

- 1. Unless otherwise expressly stated in this title, accessory uses and structures are permitted in conjunction with allowed principal uses.
- 2. Accessory uses and structures are permitted only after the principal structure is present or under construction.
- 3. Accessory uses and structures must be located on the same lot as the principal building or use; be subordinate to the principal use or structure in terms of area, extent and purpose; and contribute to the comfort, convenience or necessity of the principal use or structure. The zoning administrator is authorized to determine whether a use or structure meets the definition of accessory use or structure.
- 4. No accessory use or structure may occupy more than sixty percent (60%) of any required rear and side setbacks. Garages may not cover more than thirty percent (30%) of the combined area of rear and side yards.
- 5. Accessory structures must be set back at least five feet (5') from all property lines.
- 6. No accessory structure located in a required rear setback may exceed fifteen feet (15') in heiaht.
- 7. Accessory structures must comply with all dimensional requirements of this chapter and chapter 4 of this title.
- (B) Drive-Through Facilities: Drive-through facilities are permitted as an accessory use in the districts indicated in the use table of section 14-3-1 of this chapter, subject to the following standards:
 - 1. Vehicle Stacking Areas: Each drive-through facility must provide a minimum of three (3) vehicle stacking spaces, a minimum of twenty feet (20') in length per vehicle, in advance of the order box or service window, where a separate order box is not present. Vehicle stacking areas may not interfere with parking areas or the onsite circulation of vehicles.

TABLE SHOWN ON NEXT PAGE



2. Adjacent To Residential Districts:

- (a) Drive-through facilities, including stacking areas, must be separated from residentially zoned property by at least forty feet (40').
- (b) Speaker systems used in conjunction with drive-through facilities must be designed so that they are not audible at the property line abutting residentially zoned property.

(C) Home Occupations:

1. General: The following regulations are intended to ensure that businesses conducted as subordinate to residential uses are not detrimental to the surrounding neighborhood, and that the residential character of the dwelling is maintained.

2. Requirements:

- (a) The home occupation must be secondary and subordinate to the use of the dwelling unit for residential purposes, and the residential character of the dwelling must be maintained.
- (b) No alteration is permitted that would change the residential character of the dwelling.
- (c) The activities conducted by the home occupation may not be visible from outside the dwelling.
- (d) No signs are permitted, except as allowed by chapter 7 of this title.

- (e) No commodities may be sold or services rendered that require receipt and delivery of merchandise, goods or equipment other than by a passenger motor vehicle, first class mail, or delivery services that commonly serve residential neighborhoods.
- (f) No more than one person other than one additional member of the immediate family of the owner and residing on the premises may be employed by the home occupation use.
- (g) The home operation and all realtered activities must be conducted within the dwelling unit. No accessory buildings may be used in whole or in part.
- (h) No home occupation may produce any noise, heat, vibration, dust, air pollution, electromagnetic interference, odors, or other hazards that are detrimental to the safety and comfort of neighboring residences.
- (i) The following uses are prohibited as home occupations:

Animal services, including kennels and veterinary services;

Any repair of motor vehicles;

Any use where commercial vehicles must be stored on the premises;

Body art services and tattoo parlors;

Construction or landscaping businesses where equipment or materials must be stored on the premises;

Funeral and interment services such as cremating or funeral homes;

Restaurants;

Warehousing.

14-3-4: TEMPORARY USES: © 🖃

- (A) Temporary Use Permits:
 - 1. Permit Required: No temporary use may be established unless a temporary use permit has been issued by the zoning administrator, demonstrating the compliance with all of the temporary use requirements in this title.
 - 2. Application: Applications for temporary use permits must be submitted to the zoning administrator at least thirty (30) days before the date of the event or start of the temporary use, unless this time frame is reduced by the zoning administrator. The application must be accompanied by:
 - (a) Signed, written permission from the owner of or the agency having jurisdiction over the subject property; and
 - (b) Any other information required by the zoning administrator to ensure compliance with the requirements of this title and to otherwise ensure that the proposed use will not have a significant adverse impact on the surrounding area.
 - 3. Approval And Revocation Of Permit: All temporary use permits are subject to any conditions required by the zoning administrator, are revocable, and compliance with all other provisions of this chapter is required.

- (B) Outdoor Seasonal Sales: Outdoor seasonal sales of products such as pumpkins, Christmas trees, or produce are permitted subject to the following requirements:
 - 1. Outdoor seasonal sales may not operate more than a total of forty five (45) days per calendar year. The owner or operator is required to keep a record of days of operation, and make the record available upon request of the zoning administrator.
 - 2. The use may not involve the construction of a permanent structure.
 - 3. Signs may be provided, subject to the regulations of the zoning district in which the use is located.
 - 4. All parking and sales activities must be located outside of the public right of way.
- (C) Outdoor Events: Outdoor events may be conducted in any zoning district permitting public assembly uses, or on any lot occupied by a public or civic use, subject to the following requirements:
 - 1. Outdoor events are limited to seven (7) days per parcel per calendar year. The owner or operator is required to keep a record of days of operation, and make the record available upon request of the zoning administrator.
 - 2. The use may not involve the construction of a permanent structure.
 - 3. Signs may be provided, subject to the regulations of the zoning district in which the use is located.
 - 4. All event related activities must be located outside of the public right of way.
- (D) Temporary Offices And Construction Equipment Storage: Real estate sales offices, contractors' offices and shelters for construction equipment and building materials are permitted during construction projects, provided that they are located on the same lot as the building under construction, sleeping or cooking facilities are not provided, and the offices or shelters are removed within fourteen (14) days of the completion of the construction project.

THIS REMAINER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 4 DIMENSIONAL STANDARDS © =

14-4-1: RESIDENTIAL DISTRICTS:

14-4-2: NONRESIDENTIAL DISTRICTS:

14-4-3: MEASUREMENTS AND EXCEPTIONS:

14-4-1: RESIDENTIAL DISTRICTS: 4 ==



	RE	R1A	R1	R2	R3
Minimum lot area, total	43,560 sq. ft. (1 acre)	12,000 sq. ft.	7,200 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
Minimum lot area per dwelling unit:					
Single-family dwelling, detached	43,560 sq. ft.	12,000 sq. ft.	9,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
Single-family dwelling, attached	n/a	n/a	n/a	n/a	2,500 sq. ft.
Two-family dwelling	n/a	6,000 sq. ft.	4,500 sq. ft.	3,750 sq. ft.	3,000 sq. ft.
Multi-family dwelling	n/a	n/a	n/a	n/a	2,500 sq. ft.
Minimum lot width	150'	90'	75'	60'	45' ¹
Minimum setbacks:					
Front (see also subsection 14-4-3(E) of this chapter)	50'	35'	30'	25'	25'
Rear	50'	30'	30'	25'	25'
Interior side (percent of lot width, both sides combined/any single side, in feet)	20%/10'	20%/7.5'	20%/7.5'	20%/6'	20%/4.5' 2
Corner side	35'	20'	20'	15'	12' plus 1' per 2' of height above 35'
Maximum height, principal buildings ³	35'	35'	35'	35'	55'
Maximum height, accessory buildings	15'	15'	15'	15'	15'
Maximum building coverage	25%	25%	30%	35%	50%

- 1. Minimum lot width for individual townhouse (attached single-family) lots is 20 feet.
- 2. No interior side setback required for attached single-family units; see subsection 14-3-2(A) of this title for other rules governing attached single-family dwellings.

3. Certain public and civic buildings are permitted to exceed maximum height requirements pursuant to subsection 14-4-3(L)3 of this chapter.

14-4-2: NONRESIDENTIAL DISTRICTS: © 🖃

(A) Dimensional Standards:

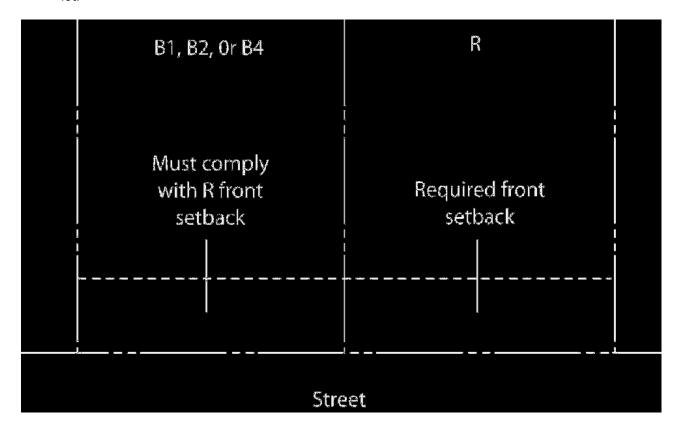
	B1	B2	В3	B4	M1	M2	Α
Minimum lot area, total	-	-	6,000 sq. ft.	10,000 sq. ft.	-	-	20 acres
Minimum lot area per dwelling unit	1,250 sq. ft.	1,250 sq. ft.	1,250 sq. ft.	-	-	-	-
Minimum lot width	-	-	50'	-	-	-	-
Minimum setbacks:	-	-	-	-	-	-	-
Front	0' ^{1,2}	0'2	Same as R2 (see also subsection 14-4-3(E) of this chapter)	0'2	35' ³	25' ³	35'
Rear	0'	0'2	Same as R2	0' ²	30' ³	0'3	50'
Interior side	0'	0'2	Same as R2	0'2	20' ³	0'3	20'
Corner side	0'	0'2	Same as R2	0'2	20' ³	25' ³	35'
Maximum height, principal and accessory buildings ⁴	45'	50'	35'	40'	45'	45'	70'
Maximum building coverage	-	50%	50%	75%	50%	60%	25%

Notes:

- 1. All buildings in the B1 district must comply with the building location standards of subsection 14 -2-2(E)1 of this title.
- 2. When a B zoned lot abuts a residentially zoned lot, special rules apply. See subsection (B) of this section
- 3. When an M zoned lot abuts or is across the street from a residentially zoned lot, special rules apply. See subsection (C) of this section.
- 4. Certain public and civic buildings are permitted to exceed maximum height requirements. See subsection 14-4-3(L)3 of this chapter.

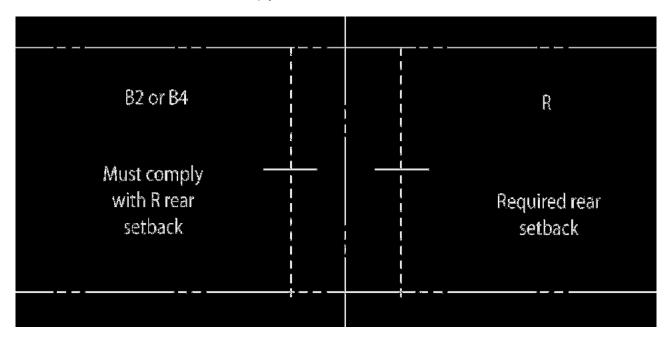
(B) B Zoned Lots Abutting R Zoned Lots:

1. Front Setback: Where a B1, B2 or B4 zoned lot shares a side property line with an R zoned lot, the B1, B2 or B4 zoned lot must comply with the front setback standards of the R zoned lot.

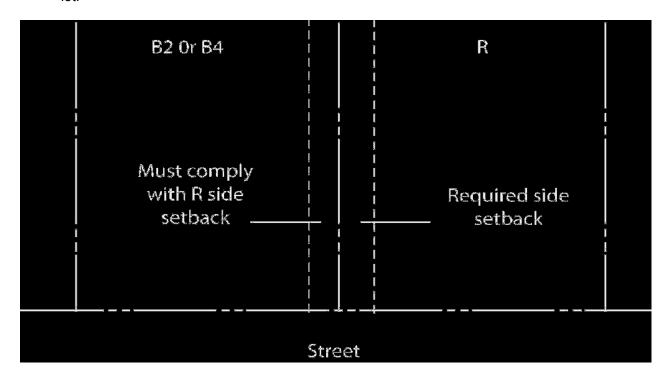


THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

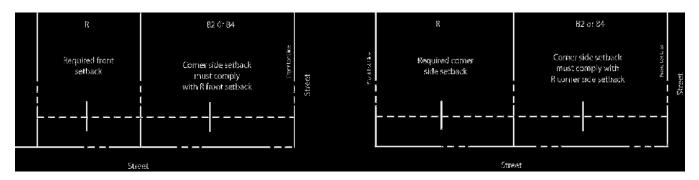
2. Rear Setback: Where a B2 pr B4 zoned lot shares a rear property line with an R zoned lot, the B2 or B4 zoned lot must comply with the rear setback standards of the R zoned lot.



3. Interior Side Setback: Where a B2 or B4 zoned lot shares a side property line with an R zoned lot, the B2 or B4 zoned lot must comply with the side setback standards of the R zoned lot.



4. Corner Side Setback: Where a B2 or B4 zoned lot abuts a residentially zoned lot, the corner side setback of the lot zoned B2 or B4 must comply with the front or corner side setback of the abutting residential district.



(C) M Zoned Lots Abutting R Zoned Lots:

- 1. Front Setback: Where an M zoned lot shares a side property line with or is across a street from a residentially zoned lot, the minimum front setback of the M zoned lot is seventy feet (70').
- 2. Rear Setback: Where an M zoned lot shares a rear property line with a residentially zoned lot, the minimum side setback on the M zoned lot is sixty feet (60').
- 3. Interior Side Setback: Where an M zoned lot shares an interior side property line with a residentially zoned lot, the minimum side setback of the M zoned lot is thirty feet (30').
- 4. Corner Side Setback:
 - (a) Where an M1 zoned lot abuts a residentially zoned lot, the minimum corner side setback of the M1 zoned lot is thirty feet (30').
 - (b) Where an M2 zoned lot abuts a residentially zoned lot, the minimum corner side setback of the M2 zoned lot is seventy feet (70').

14-4-3: MEASUREMENTS AND EXCEPTIONS: © 🖃

(A) Lot Area, Total:

- 1. Measurement: Lot area includes the total land area contained within the property lines of a lot. No lot, yard, parking area, building area, or other space may be reduced in area or dimension so as not to meet the provisions of this code. No part of any lot, yard, parking area, or other space required for a structure or use may be used for any other structure or use on an adjoining lot.
- 2. Exceptions For Nonconforming Lots Of Record: There are reduced minimum lot area requirements for certain nonconforming lots of record. See section 14-12-6 of this title for rules regarding nonconforming lots of record.
- 3. Exceptions For Lots Not Serviced By Public Sewers: On lots with on site sewage disposal systems, the minimum lot area may be required to be increased so that the lot size is sufficient to permit the use of an on site sewage disposal system designed in accordance

with State of Illinois Department of Public Health requirements. The minimum lot area for an on site sewage disposal system is established by the criteria included in <u>chapter 9</u> of this title.

(B) Lot Area Per Dwelling Unit:

- Measurement: The lot area per dwelling unit refers to the minimum amount of lot area that is required for each dwelling unit on the property. For residential or mixed use development, dwelling unit density is controlled through a minimum lot area per dwelling unit standard.
- 2. Rounding: When the number of dwelling units yielded by the density calculation results in a fraction, the fraction must be rounded down to the previous whole number. For example, if a minimum lot area per unit standard of six thousand (6,000) square feet is applied to a fifteen thousand (15,000) square foot lot, a maximum of two (2) dwelling units would be allowed on the property.

(C) Lot Width:

- 1. Measurement: Lot width is measured between side property lines at the required front setback.
- 2. Exceptions For Nonconforming Lots Of Record: There are reduced minimum lot width requirements for certain nonconforming lots of record. See section 14-12-6 of this title for rules governing nonconforming lots of record.

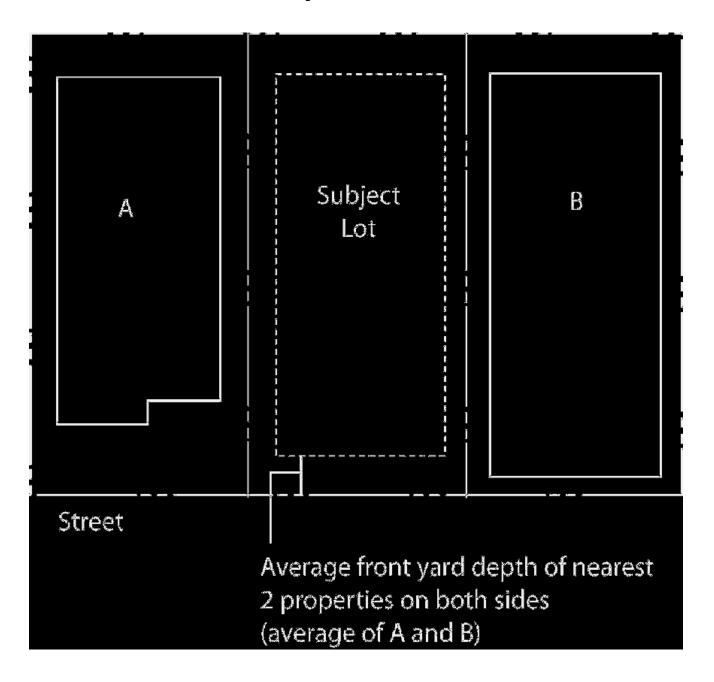
(D) Front Setback:

- 1. Measurement: The front setback is to be measured from the front property line to the closest point of the structure on the subject lot, not including those projections and features allowed to project into the front setback pursuant to subsection (J) of this section. On a corner lot, the front setback is to be measured from the property line that abuts a street and is generally parallel to the front of the building. For the purposes of this subsection, the front of the building is the facade with the primary building entrance. Where the location of the primary building entrance is unclear or two (2) or more entrances are present, the final determination will be made by the zoning administrator.
- 2. Use: Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (J) of this section.
- 3. Exception For Lots that Utilize Average Front Setback: As an alternative to the front setback requirements of section 14-4-2 or 14-4-2 of this chapter, uses in all residential and B3 districts may determine the required front setback based on the average front setback pursuant to subsection (E) of this section.

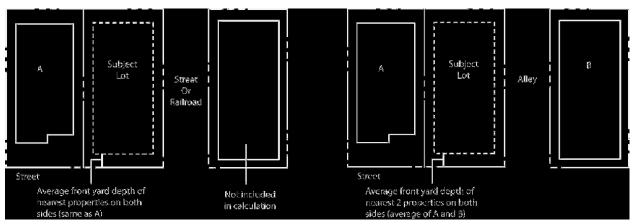
(E) Average Front Setback:

- 1. Alternative: In all residential and B3 districts, as an alternative to the front setback requirements of section 14-4-1 or 14-4-2 of this chapter, the front setback may be reduced to the average front setback whenever buildings exist on one or more adjoining lots.
- 2. Measurement: The front setback, as measured on the subject lot and adjoining lots, is to be measured from the front property line to the closest point of the structure on the respective lot, not including those projections and features allowed to project into the front setback pursuant to subsection (J) of this section. On a corner lot, the front setback is to be measured from the property line that abuts a street and is generally parallel with the front of the building. For the purposes of this section, the front of the building is the facade with the primary building entrance.

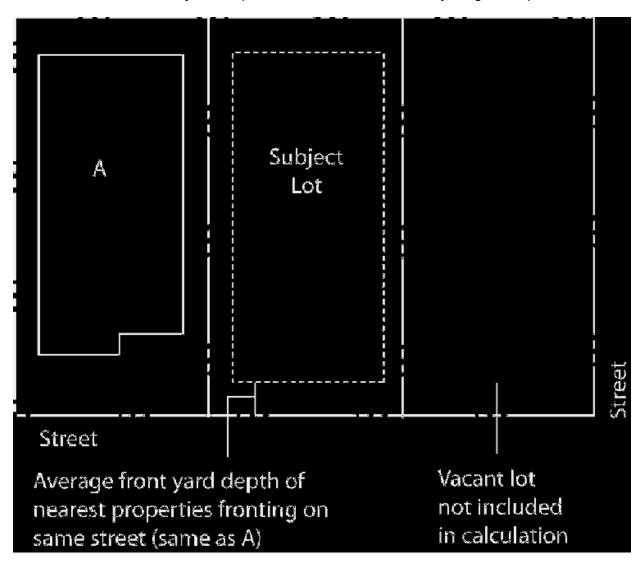
(a) When utilizing the average front setback, it must be at least as deep as the average of the front setbacks on the two (2) lots on either side of the subject lot, in accordance with the following rules:



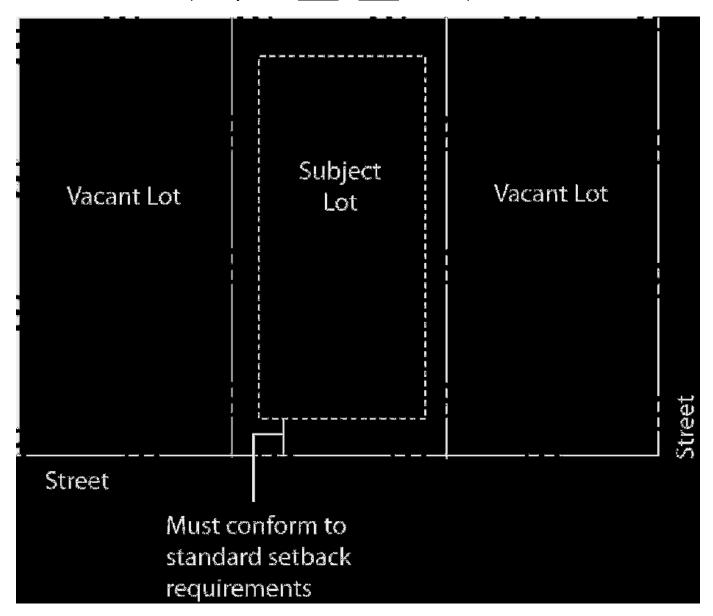
(b) Lots that are separated from the subject lot by a street or railroad right of way cannot be used in computing the average. Lots that are separated from the subject lot by an alley can be used in computing the average.



(c) When the subject lot is a corner lot that adjoins only one developed lot, or an interior lot that adjoins one vacant lot and one developed lot, the average front setback may be computed on the basis of the one adjoining developed lot.



(d) If the subject lot is a corner lot that only adjoins a vacant lot or an interior lot that adjoins two (2) vacant lots, then the required front setback must be the front setback required by Section 14-4-1 or 14-4-2 of this chapter.



3. Use: Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (J) of this section.

(F) Rear Setback:

1. Measurement: The rear setback is to be measured from the rear property line to the closest point of the structure on the subject lot, not including those projections and features allowed to project into the rear setback pursuant to subsection (J) of this section. On pie shaped or triangular lots with side property lines that come to a point at the rear, the rear setback is measured from a line segment that connects the side property lines and is a minimum of ten feet (10') in length.

2. Use: Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (J) of this section.

(G) Interior Side Setback:

- 1. Measurement: The interior side setback is to be measured from the interior side property line to the closest point of the structure on the subject lot, not including those projections and features allowed to project into the interior side setback pursuant to subsection (J) of this section.
- 2. Use: Required interior setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (J) of this section.

(H) Corner Side Setback:

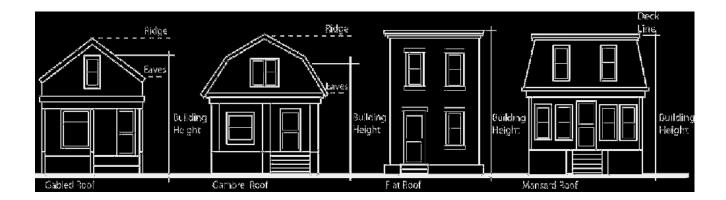
- 1. Measurement: The corner side setback is to be measured from the side property line that abuts a street to the closest point of the structure on the subject lot, not including those projections and features allowed to project into the corner side setback pursuant to subsection (J) of this section. The corner side setback is measured from the side property line that abuts a street, and is generally perpendicular to the front of the building. For the purposes of this subsection, the front of the building is the facade with the primary building entrance.
- 2. Use: Required corner setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in subsection (J) of this section.
- (I) Through Lot Setbacks: On through lots, the two (2) property lines (opposing) that abut public right of way lines are considered front property lines and front setback requirements apply. Through lots with three (3) property lines that abut public right of way lines will have two (2) front property lines and one corner side property line where front and corner side setback requirements apply, respectively. Rear setback standards do not apply.
- (J) Exceptions From Minimum Setback Requirements: Required setbacks must be unobstructed and unoccupied from the ground to the sky except that certain building features and structures are allowed to project into required setbacks to the extent expressly indicated in the following table:

Obstruction/Projection Into Required Setbacks	Front And Corner Side	Interior Side	Rear
Accessory buildings, detached garages, and sheds with a setback of at least 5 feet from side and rear property lines and subject to section 14-3-3 of this title	No	Yes	Yes
Air conditioning and other mechanical units with a setback of at least 3 feet from any property line	No	Yes	Yes
Arbors and trellises, birdbaths, trees, plants, shrubbery, gardens, ornamental and security lighting, outdoor furniture and similar customary landscape and yard improvements	Yes	Yes	Yes
Awnings and canopies projecting no more than 6 feet and with a setback of at least 3 feet from any property line	Yes	No	Yes
Balconies projecting no more than 6 feet and with a setback of	No	Yes	Yes

	1		- ji
at least 3 feet from any property line			
Bay windows and dormers projecting no more than 4 feet and with a setback of at least 3 feet from any property line	Yes ¹	Yes	Yes
Breezeways	No	Yes	Yes
Carports, attached to the principal building, with a setback of at least 3 feet from any side or rear property line	No	Yes	Yes
Chimneys projecting no more than 6 feet and with a setback of at least 3 feet from any property line	Yes	Yes	Yes
Driveways, with a setback of at least 1 foot from property lines to which they run approximately parallel, except that common driveways serving 2 or more lots may abut the property line	Yes	Yes	Yes
Eaves and gutters projecting less than 3 feet and with a setback of at least 3 feet from any property line	Yes ¹	Yes	Yes
Fences and walls, subject to chapter 6 of this title	Yes	Yes	Yes
Flagpoles	Yes	Yes	Yes
Gazebos, with a setback of at least 3 feet from any property line	No	No	Yes
Laundry drying equipment	No	No	Yes
Parking spaces, unenclosed	Yes	Yes	Yes
Patios and terraces	No	No	Yes
Porches and decks no more than 3 feet above grade, open on at least 3 sides, and with a setback of at least 3 feet from any property line	Yes	No	Yes
Recreation equipment including playground equipment, playhouses, and sandboxes	No	No	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters in diameter	No	No	Yes
Sills, belt courses, cornices, buttresses and other architectural features projecting no more than 3 feet, that have a setback of at least 3 feet from any property line	Yes ¹	Yes	Yes
Steps, stairs, stoops, landings and fire escapes (uncovered) projecting no more than 4 feet and with a setback of at least 3 feet from any property line	Yes	Yes	Yes
Swimming pools, with a setback of at least 5 feet from any property line	No	Yes	Yes
Utility poles and wires	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

Note:

- 1. In the B1 downtown commercial district, these features are allowed to project into the public right of way as far as they may project into required front and corner side setbacks.
- (K) Building Height: Building height is to be measured from the average elevation of the finished grade adjoining the front building line to:
 - 1. The average height level between the eaves and ridge for gable, hip, and gambrel roofs.
 - 2. The highest point of the roof surface for a flat roof; and
 - 3. The deck line of a mansard roof.



- (L) Exceptions To Maximum Height Requirements: Certain structures and features may exceed the maximum permitted height requirements stipulated elsewhere in this chapter.
 - 1. The following are exempt from the height requirements of this chapter:
 - (a) Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.
 - (b) Structures such as elevator penthouses, gas tanks, grain elevators, radio and television reception towers and aerials (in nonresidential districts only), roof mounted mechanical equipment, cooling towers, fire towers, and smokestacks.
 - (c) Structures related to utility services such as water towers, electric power and communication transmission lines, traffic signals and light poles.
 - 2. Radio transmission and reception antenna in residential districts may exceed the maximum permitted height, provided the height does not exceed three (3) times its distance from the nearest property line.
 - 3. Public and civic uses, such as schools, religious institutions, hospitals, libraries, places of public assembly, governmental offices and stations, can be constructed to a height of seventy five feet (75'), provided all required yards are increased not less than one foot (1') for each two feet (2') the structure exceeds the maximum height requirement for the applicable zoning district.

(M) Building Coverage:

- 1. Building coverage is to be measured as the percentage of lot area that is covered with principal and accessory buildings and above grade structures, including garages, sheds, gazebos, decks, porches, and swimming pools (except for temporary inflatable swimming pools). Projecting roof eaves on buildings are not counted in calculating building coverage. At grade accessory structures such as driveways, patios, walkways, and other paved surfaces on a lot are not included in the calculation of maximum building coverage.
- 2. Detached garages and accessory buildings combined may not cover more than thirty

percent (30%) of the combined area of rear and side yards.

Chapter 5 PARKING, LOADING AND ACCESS[®] ■

14-5-1: APPLICABILITY:

14-5-2: OFF STREET PARKING REQUIREMENTS:

14-5-3: ACCESSIBLE PARKING (FOR PEOPLE WITH DISABILITIES):

14-5-4: SHARED PARKING:

14-5-5: OFF STREET LOADING REQUIREMENTS:

14-5-1: APPLICABILITY: 4 ==

- (A) New Development: The requirements of this chapter apply to all new buildings constructed and all new uses established in all zoning districts.
- (B) Expansion Of Nonresidential Development: The requirements of this chapter apply to all expansion of existing buildings or uses in all zoning districts. When additional parking and loading spaces are required for expansions of a building or use, the additional spaces are required for the expanded area only; parking requirements are not required to be recalculated for the entire building or use.
- (C) Expansion Of Residential Development: The requirements of this chapter apply whenever additional dwelling units are added to an existing building or use.
- (D) Change Of Use: The requirements of this chapter apply to a change in use of an existing building or lot when the number of parking or loading spaces for the new use exceeds the number required for the existing use.
- (E) Public Parking Areas: All public, city owned parking areas must comply with the requirements of this title.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

14-5-2: OFF STREET PARKING REQUIREMENTS: © 🖃

(A) Spaces Required: Off street parking spaces are as specified in the table below:

Use	Spaces Required
Residential uses:	
Single-family dwellings (attached and detached), two-family dwellings and manufactured homes	2 per dwelling unit
Multi-family dwellings and other household living uses	1.5 per dwelling unit
Group living	1 per 3 beds or residents plus 1 per 3 employees
Public and civic uses:	
College or university	1 per 6 students
Cultural exhibits and libraries	1 per 400 square feet
Daycare center	1 per employee plus 1 per 10 children capacity
Daycare home	1 per employee plus 2 spaces for drop off/pick up
Hospitals	1 per 3 beds plus 1 per 3 employees
Place of public assembly, religious assembly, parks and recreation, social club or lodge	1 per 5 seats or 1 per 5 persons' capacity
School:	
Elementary	2 per classroom plus 1 per 4 seats in auditorium plus 10 stacking spaces for drop off/pick up
Secondary	1 per 5 students plus 10 stacking spaces for drop off/pick up
Other public and civic uses	1 per 5 persons' capacity
Commercial uses:	
Banks and financial services	1 per 300 square feet
Car wash	1 per 2 employees plus 1 vehicle stacking space per 100 square feet
Entertainment and spectator sports; sports and recreation, participant	1 per 5 persons' capacity
Funeral home	1 per 100 square feet
Lodging	1 per guestroom plus 1 per 100 square feet of retail sales or dining area
Medical or dental clinic	1 per 300 square feet

	Miniwarehouse	1 per 3 units
	Motor vehicle repair	1 per employee plus 2 per service stall
	Motor vehicle sales, light/heavy equipment sales/rental	1 per 600 square feet
	Offices	1 per 500 square feet
	Restaurants and taverns	1 per 200 square feet
	Retail sales	1 per 300 square feet
	Other commercial uses	1 per 300 square feet
Indu	ustrial uses:	
	Manufacturing, production and industrial service; research laboratories; warehouses; other industrial uses	1 per 1.5 employees or 1 per 900 square feet, whichever is greater
	Wholesale sales	1 per 600 square feet
Agri	icultural uses:	
	Farming	None required

(B) Rules For Computing Requirements:

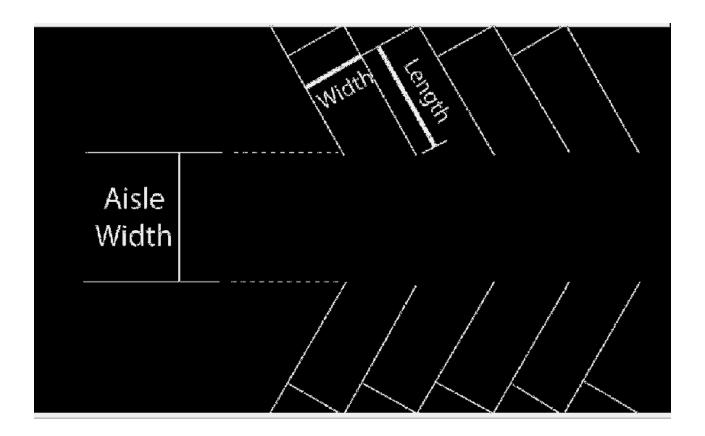
- 1. Multiple Uses: Lots containing more than one use must provide parking equal to the total number of spaces required for all uses unless a shared parking plan is approved according to section 14-5-4 of this chapter.
- 2. Fractions: When the calculation of required parking spaces results in a fraction, any fraction of one-half $\binom{1}{2}$ or more must be rounded to the next whole number and any fraction less than one-half $\binom{1}{2}$ may be rounded down to the preceding whole number.
- 3. Area Measurements: All square footage based parking requirements are based on gross floor area.
- 4. Occupancy Or Capacity Based Standards: All occupancy or capacity based parking requirements are based on the largest number of individuals working on a single shift, the maximum enrollment, or the maximum occupancy based on the building code, whichever is applicable and whichever results in the greater number of spaces. For uses with benches or similar seating, one seat consists of twenty two (22) linear inches of bench length.
- 5. Uses Not Listed: In the case of structures or uses not mentioned in this section the zoning administrator must determine which standard is most appropriate. The zoning administrator may require the applicant to submit a parking study or other evidence to help determine the most appropriate parking standard for the proposed use.

(C) Parking Area Location And Access:

- 1. All required off street parking must be located on the same lot as the principal use, or within six hundred feet (600') walking distance of the principal use.
- 2. No parking spaces for business or manufacturing uses may be located in a residential zoning district except parking spaces required for nonresidential uses allowed in the district.
- 3. No parking space or driveway may be closer than three feet (3') to any property line.
- 4. In RE, R1A and R1 districts, all parking spaces for nonresidential uses must be located behind the front building line.

- 5. In R3 districts, at least one of the required parking spaces for each dwelling unit must be enclosed in a garage that is set back at least five feet (5') from all property lines.
- (D) Parking Design And Construction Standards:
 - 1. Dimensions: Off street parking areas must comply with the following standards:

	Parking Angle		
Dimensions	0° (Parallel)	45°	60°
Minimum space width	9'	8.5'	8.5'
Minimum space length	22'	19'	19'
Minimum one-way aisle width	18'	16'	16'
Minimum two-way aisle width	20'	22'	22'



2. Surfacing:

- (a) All off street parking areas must be graded, paved, and properly drained. All parking areas except those for single-family dwellings must have the aisles and spaces clearly marked.
- (b) When adjacent to a gravel alley, parking spaces for single-family dwellings must be graded, properly drained, and may be either paved or surfaced with gravel.

- 3. Parking Space Access: Each off street parking space must open directly onto an aisle that complies with the aisle width standards in subsection (D)1 of this section.
- 4. Landscaping And Lighting: All off street parking areas except those for single-family and two-family dwellings must comply with the parking lot landscaping and lighting requirements of chapter 6 of this title.
- 5. Wheel Stops: Any parking space located within five feet (5') of a property line must have a masonry or steel wheel stop located at least five feet (5') from the property line. This requirement does not apply to single-family or two-family dwellings.
- 6. Driveways And Street Access:
 - (a) All off street parking areas must be designed with vehicular access to a street or alley in a manner that will least interfere with traffic movements.
 - (b) All driveways installed, altered, replaced, or extended after the effective date specified in section 14-1-2 of this title must comply with the following requirements:

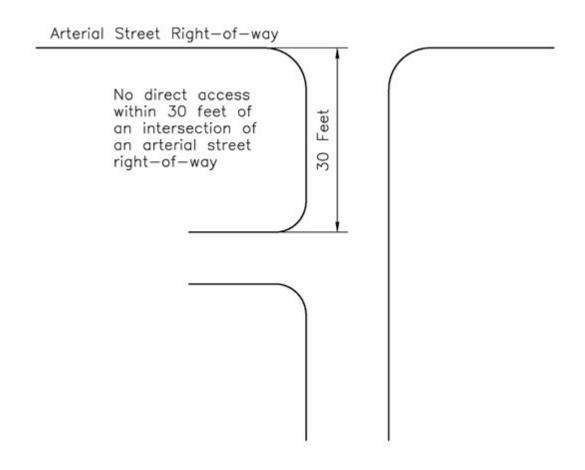
			Minimum Driveway Width		
		Maximum Driveway			
	Use Type	Opening	One	-Way	Two-Way
Residential districts:					
	Single-family and two-family	24'	10'	10'	
	Multi-family	24'	12'	20'	
Nonresidential uses in residential districts and business districts:					
	Serving 20 or fewer parking spaces	24'	12'	20'	
	Serving more than 20 parking spaces	36'	12'	24'	
Manuf	acturing districts	50'	12'	24'	

(c) The location, arrangement, and width of all driveways for multi-family residential and all nonresidential uses must be approved by the chief of the fire department. Driveway widths greater than the minimums may be required for emergency vehicle access.

7. Access To Highways And Major Streets:

- (a) No direct access to the existing or proposed rights of way of expressways or controlled access arterial streets is permitted, unless permission is granted by the highway agency that has jurisdiction and the City Council.
- (b) Direct access may not be taken within thirty feet (30') of an intersection of an arterial street right of way in an urban area and direct access may not be taken within fifty feet (50') of an intersection in a rural area.
- (c) The width of a driveway will be measured at right angles to the centerline of the driveway and will be exclusive of flares. The width of the driveway will be considered the edge to edge of the pavement, except where a monolithic curb combination and curb, gutter, or concrete curb is used, in which case the width will be measured from the face to face of the curbs.

(d) Flares are defined as the area of the driveway surface outlined by the edge of the highway/street, the edge of the nominal width or through part of the driveway, and normally curved outer edge connecting the two. The edge of the flare is defined by a radius, a 3-centered curve, or a straight edge.



THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

- (e) The most recent Illinois Department of Transportation Functional Classification map promulgated by the Illinois Department of Transportation shall be used to determine which streets are arterial streets and which streets are collector streets.
- (f) Barriers such as curbing, fencing, ditches, landscaping, or other topographic barriers must be constructed to prevent vehicular access to the streets or highways specified in this subsection.
- (g) Temporary access to the rights of way specified in this subsection may be granted if recommended by the highway agencies having jurisdiction and approved by the City Council. The temporary access permit must be temporary, revocable, subject to any conditions imposed by the City Council, and may be issued for a maximum time period of twelve (12) months.

14-5-3: ACCESSIBLE PARKING (FOR PEOPLE WITH DISABILITIES): 🕯 🖃



(A) Applicability:

- 1. The accessible parking standards of this section apply to all new parking lots and to changes, improvements and maintenance of existing parking lots, including, but not limited to, sealcoating, resurfacing, remarking, fencing, curbs, walks and landscaping.
- 2. The requirements of this section apply to all nonresidential uses, multi-family dwellings containing ten (10) or more units, or any other building, structure or site that is owned, leased, or financed by a governmental unit.
- 3. In the event that this section and the Illinois Accessibility Code conflict, the stricter regulations apply.

(B) Spaces Required:

1. Residential Uses: When accessible parking spaces are required, they must be provided in the number specified in the table below:

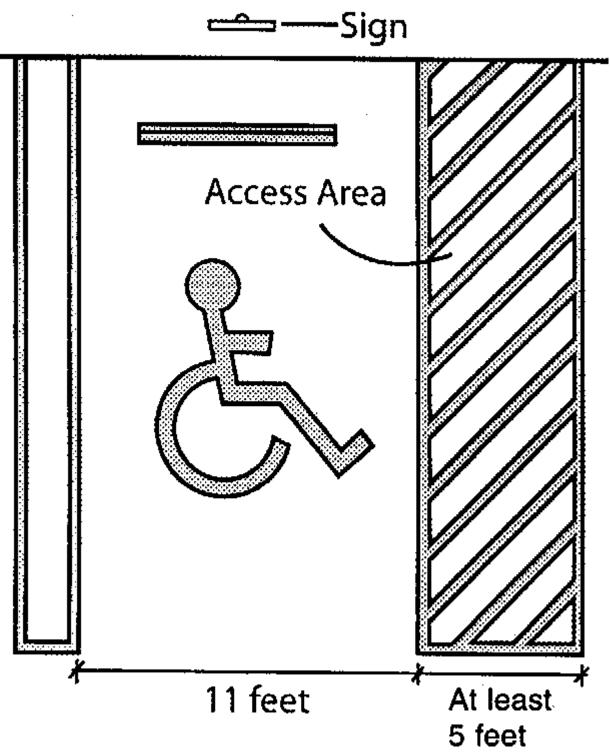
Off Street Parking Spaces Provided	Accessible Spaces Required
1 to 50	1
51 to 100	2
101 to 150	3
151 to 200	4
201 to 250	5
251 to 300	6
More than 300	2 percent of total parking spaces provided

2. Nonresidential Uses: Accessible parking spaces are required for nonresidential uses as specified in the table below unless otherwise expressly stated:

Off Street Parking Spaces Provided	Accessible Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
More than 1,000	20 plus 1 per 100 over 1,000

3. Medical Facilities:

- (a) Outpatient Facilities: A minimum of ten percent (10%) of the total number of parking spaces provided for outpatient medical facilities must be designated as accessible spaces.
- (b) Rehabilitation And Physical Therapy Facilities: A minimum of twenty percent (20%) of the total number of parking spaces provided for medical facilities specializing in rehabilitation or physical therapy must be designated as accessible spaces.
- (c) Layout And Design:
 - (1) Location: Accessible parking spaces must be located on the shortest accessible route of travel between the parking area and an accessible building entrance. When more than one accessible entrance is served, accessible spaces must be dispersed and located on the shortest accessible route to each entrance. When parking facilities do not serve a particular building or use, the spaces should be located on the shortest accessible route between the parking area and an accessible pedestrian walkway.
 - (2) Minimum Space Size: Car and van parking spaces must be at least eleven feet (11') wide.
 - (3) Access Areas: Access areas must be included to provide space adjacent to vehicles for passenger loading and unloading. Access areas must:
 - A. Be at least five feet (5') wide;
 - B. Be located on the passenger side of the parking space, based on the vehicle moving forward into the space, when serving diagonal parking spaces:
 - C. Extend the full length of the parking space; and
 - D. Be marked to indicate that parking in the access area is prohibited.



- (4) Slope: Parking spaces and access aisles may not have a slope greater than one to forty eight (1:50). Access aisles must be at the same level as the parking space.
- (5) Vertical Clearance: Accessible parking spaces must have a vertical clearance of at least eight feet two inches (8'2").
- (6) Signs And Identification: All accessible parking spaces required by this chapter must be identified by signs complying with U.S. Department of

Transportation R7-8 standards, including the international symbol of accessibility and the amount of the fine imposed for illegally parking in an accessible space. The sign must be vertically mounted on a post or wall no more than five feet (5') from the space and centered on the width of the space.

14-5-4: SHARED PARKING: © 🖃

The zoning administrator may approve shared parking facilities for developments or uses with different operating hours or peak business periods, subject to the following requirements:

- (A) Location: The edge of the shared parking area must be within six hundred feet (600') walking distance of the primary entrance of each use served.
- (B) Parking Study: Applicants wishing to use shared parking as a way to satisfy the parking requirements of this chapter must submit a parking study to the zoning administrator. The parking study must demonstrate the feasibility of the shared parking arrangement; and include the size and use of the proposed development, the anticipated parking demand for each use in the development, and the peak periods of parking demand for each use.
- (C) Shared Parking Covenant: A shared parking plan must be enforced by an irrevocable written covenant among all owners of record. A copy of the covenant must be submitted to the zoning administrator and recorded in County Recorder's office before any building permits are issued for any use to be served by the shared parking area. A shared parking covenant may only be revoked if all off street parking required by this chapter is provided.

14-5-5: OFF STREET LOADING REQUIREMENTS: © 🖃

- (A) No Use Of Public Right Of Way: At no time may goods be loaded or unloaded from the right of way of a collector or arterial street. No part of any vehicle may extend into the right of way of a collector or arterial street while being loaded or unloaded.
- (B) Loading Area Design And Construction Standards:
 - 1. Location:
 - (a) Plans for location, design and layout of all loading spaces must be indicated on required site plans.
 - 2. Surfacing: All off street loading areas must be graded, paved, and properly drained.
 - 3. Screening: Loading spaces must be completely screened from view of residential zoning districts by the existing building, a fence, or an evergreen planting screen.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 6 LANDSCAPING, SCREENING AND LIGHTING ==

14-6-1: LANDSCAPE PLAN:

14-6-2: TURF:

14-6-3: STREET TREES:

14-6-4: PARKING LOT LANDSCAPING:

14-6-5: TRANSITION YARDS:

14-6-6: REFUSE CONTAINERS:

14-6-7: LOADING AREAS:

14-6-8: OUTDOOR STORAGE AND WORK AREAS:

14-6-9: MECHANICAL EQUIPMENT:

14-6-10: FREESTANDING SIGNS:

14-6-11: PLANT MATERIALS:

14-6-12: FENCES, WALLS AND BERMS:

14-6-13: OUTDOOR LIGHTING:

14-6-14: INTERSECTION VISIBILITY:

14-6-1: LANDSCAPE PLAN: © 🖃



(A) When Required:

- 1. A landscape plan is required for all exterior construction and development activity that requires site plan review.
- 2. A landscape plan is not required for existing uses that are not proposing redevelopment or exterior improvements that require site plan review in accordance with chapter 11 of this title. Landscape plans must comply with the requirements of this section and must be reviewed and approved by the Plan Commission.
- (B) Landscape Plan Contents: A required landscape plan must include the following information:
 - 1. The location and dimensions of all existing and proposed buildings, structures, property lines, easements, parking lots, driveways, roadways, sidewalks/bike paths, fences/walls, ground signs, refuse disposal areas, light poles, freestanding mechanical equipment, drainage and stormwater management facilities.
 - 2. The location, quantity, size, and name (both botanical and common names) of all existing plant materials on the site, and any plant material in the public right of way, indicating which plant material will be retained or removed.
 - 3. The location, quantity, size, and name (both botanical and common names) of all proposed plant material including, but not limited to, shade trees, ornamental trees, evergreens, shrubs, ground covers and turf area.
 - 4. The existing and proposed grading of the site indicating contours at one foot (1') intervals, including any proposed berming.
 - 5. Elevations of all proposed walls, fences and retaining walls, including elevations for proposed screening for refuse disposal areas.
 - 6. Details for proposed lighting, including specifications as to the height, type of lamp and shielding.
 - 7. The location of all off street loading areas, including an indication of whether loading docks will be enclosed and methods of proposed screening.
 - 8. Locations of hose connections and other water system sources or devices, if any.
 - 9. The location and placement of all proposed water lines and sprinkler heads of proposed irrigation systems.

- 10. The location of existing and proposed utility easements and the type of utilities anticipated for placement within proposed easements and existing utility lines, both above and below ground.
- 11. Delineation of the required intersection visibility triangle, where applicable.
- 12. Other elevations and details as determined necessary by the zoning administrator.
- (C) Changes To Approved Landscape Plans: Any change to an approved landscape plan requires the approval of the Plan Commission, unless the zoning administrator determines that proposed change is minor in nature. Examples of minor changes to approved landscape plans are minor rearranging of plant material on a site and substitution of plant materials that are of a similar species and/or equivalent size as the approved materials.
- (D) Design Standards: Landscape plans must be prepared, evaluated, and approved, based on the following design criteria:
 - 1. The scale and nature of landscaping materials must be appropriate to the size of the structures on the site. For example, larger scale plants should generally be used to complement larger buildings. Plant material should be selected for its form, texture, color, pattern of growth and suitability to local conditions.
 - 2. Existing plant material should be incorporated into the landscape treatment of a site. Effort should be made to preserve and protect existing trees with trunk diameters of more than twelve inches (12"). These trees and their root systems must be protected from construction equipment and activity by the installation of fencing materials at the drip line of the trees.
 - 3. Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.
 - 4. Detention/retention basins and ponds should be landscaped with shade and ornamental trees, evergreens, shrubs, turf, ground cover and/or other plant materials. Nonstructural methods of detention planted with native plant materials are preferred.
 - 5. Plant material should be used to reduce energy consumption needs by placing deciduous trees on the south and west sides of buildings for shade and placing evergreens on the north and west sides of buildings to dissipate the effect of winds.

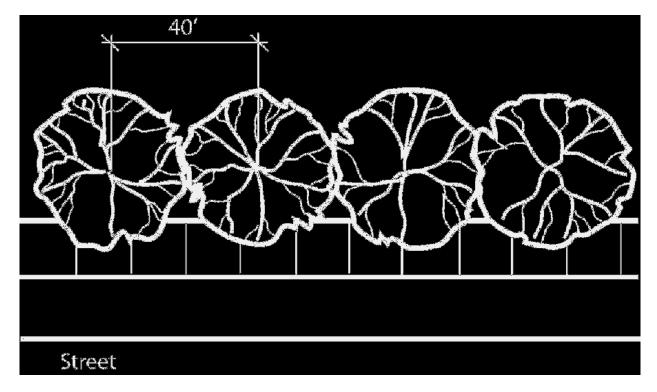
14-6-2: TURF: 🕯 📴

All required setbacks in all zoning districts within the city must be landscaped primarily with turf or other ground cover plantings. The pavement of yards other than for parking or loading purposes is prohibited. Turf may be established through installation of sod or seeding.

14-6-3: STREET TREES: [€] □

- (A) Street Tree Requirements:
 - 1. Street trees requirements for proposed residential subdivisions are specified in section 14-9-11 of this title.
 - 2. Property lines along public street frontages on multi-family residential and nonresidential sites must be planted with street trees at a rate of one tree for every forty (40) linear feet. These trees must be located between the building line(s) and front and corner side property lines. Driveway widths may be excluded from the calculation of the required number of street trees. Flexibility in locating trees is provided where it is not possible to locate street trees forty feet (40') apart due to the location of driveways.
 - 3. The trees must be located within ten feet (10') of the front and corner lot lines, but are not permitted to be planted within the public right of way.
 - 4. A list of allowable street tree species is on file with the City of Oglesby . To reduce the risk of disease and/or insect infestation, no more than fifty percent (50%) of the street trees in

any individual development may be of one species.



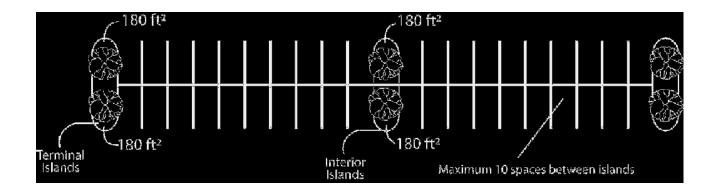
(B) Other Landscape Materials In The Public Right Of Way: No plant material or barrier, except as specified in this chapter, may be located in a dedicated public right of way without the approval of the city's street superintendent. The remainder of the ground surface within the public right of way between the street and sidewalk must be planted with turf, with the exception that driveways, sidewalks, and bike paths are permitted in all public rights of way.

Materials prohibited within the public right of way, unless approved by the street superintendent, include other ground covers, shrubs, brick pavers, gravel, stone, asphalt and concrete; except those used for driveways, sidewalks, and bike paths.

14-6-4: PARKING LOT LANDSCAPING: © 🖃

- (A) Applicability: The owner of any parking lot desiring to install landscaping must install landscaping in accordance with the provisions of this section.
- (B) Interior Parking Lot Landscaping:
 - 1. Number Of Landscape Islands: Landscape islands with at least one shade tree must occur at a minimum of one island for every ten (10) parking spaces in a row. Islands are required at each end of a row of parking spaces. Flexibility in placement of landscape islands may be allowed for creative parking lot design and preservation of existing trees and vegetation.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK



- 2. Landscape Island Size: Interior parking lot islands must be a minimum of one hundred eighty (180) square feet in area and a minimum of eight feet (8') in width, as measured from back of curb to back of curb within the island.
- 3. Landscape Island Design: Interior parking lot landscaping must consist of planting islands at least eight inches (8") above the surface of the parking lot that are protected with concrete curbing.
- 4. Landscape Material: The primary plant materials used in parking lot islands must be shade tree species. Ornamental trees, shrubs, and other plant materials may be used to supplement the shade tree plantings, but cannot be the sole source of parking lot landscaping. Mulch may be used around the base of shade trees and other plant material, provided it is applied at a thickness of at least two inches (2").
- 5. Visibility: To ensure proper visibility within the parking lot, shrubs must be no greater than thirty inches (30") in height and the branches of trees must have a minimum clearance of six feet (6') above the pavement except in areas that do not affect driver visibility.
- (C) Perimeter Parking Lot Landscaping: Perimeter parking lot landscaping provides for the enhancement and screening of parking lots by providing a uniform scheme of landscaping and/or screening along all public streets and adjacent to residential uses.
 - 1. Parking Lots Abutting Public Streets: Where a parking lot abuts a public right of way (whether a street or an alley), a minimum six foot (6') wide continuous landscape strip must be provided along one hundred percent (100%) of the right of way, exclusive of driveways. Screening installed within this landscape strip must have a minimum height of three feet (3'). The screening may consist of shrubs, ornamental trees, berming, low pedestrian walls and/or fencing which through their arrangement create the desired screen. In addition to the three foot (3') screen, one shade tree must be provided for every forty (40) linear feet along that portion of parking lots that abut public streets (alleys are excluded). These trees may be clustered or spaced linearly.
 - 2. Parking Lots Abutting Residential Property: Where a parking lot abuts a property zoned or used for residential purposes an opaque fence, wall, dense hedge or comparable screen must be provided across one hundred percent (100%) of the property line. Fences and walls must be six feet (6') in height, and hedges and other screens must be a minimum height of six feet (6') in height. In addition, one shade or evergreen tree must be provided for every forty (40) linear feet along that portion of the parking lot that abuts residential property. Additional shrubs, trees, and/or berming may be installed to supplement the required screening.

14-6-5: TRANSITION YARDS: © 🖃



- (A) A transition yard is landscaped open space, free of any building or paved area. Transition yards are intended to lessen the impact of incompatible land uses on adjacent properties.
- (B) All transition vards must be planted with one shade tree per thirty (30) linear feet and must have a continuous screen consisting of a berm, hedge, fence or wall with a height as required by this section. The following lists the transition yard width and screening height required:

Developing	Adjacent Lots Zoning		
Lots Zoning	R Districts	B1, B3	B2
A, RE, R1, R1A and R2 (residential uses)	None	None	None
A, RE, R1, R1A and R2 (nonresidential uses)	Width: 10 feet Screen height: 4 feet	None	None
R3	Width: 10 feet Screen height: 4 feet	None	None
B1, B3	Width: 6 feet Screen height: 5 feet	None	None
B2	Width: 15 feet Screen height: 6 feet	None	None
B4, M1 and M2	Width: 20 feet Screen height: 6 feet	Width: 10 feet Screen height: 4 feet	Width: 10 feet Screen height: 4 feet

- (C) Existing vegetation may be used to meet all or some of the transition yard requirements. The landscape design may include areas where trees and shrubs are clustered or spaced linearly as long as the desired screen is achieved. Evergreen trees may be substituted for shade trees and three (3) ornamental trees may be substituted for one shade tree. All other areas within transition yards must be maintained with turf or other ground cover.
- (D) When both a transition yard and perimeter parking lot landscaping would be required between a parking lot and a residential use, the stricter standard applies. Sites are not required to provide both types of landscaping and screening.
- (E) It is recognized that providing full transition yards may not be possible on small or irregularly shaped sites. When there is not adequate space to meet transitional yard requirements without creating additional nonconformities on the site with respect to setbacks, parking, etc., the Plan Commission is authorized to approve alternative screening and/or a reduced transitional yard area.

14-6-6: REFUSE CONTAINERS: © 🖃

- (A) This section applies to all uses except single-family and two-family dwellings. Single-family and two-family dwellings may utilize refuse containers with a maximum five (5) 33-gallon capacity, not to exceed fifty (50) pounds in weight when filled.
- (B) When refuse containers and grease storage containers are not enclosed within a principal or accessory building, they may only be placed in a rear or interior side yard, and must be screened within an enclosure, subject to the following requirements:
 - 1. The enclosure must be constructed of an opaque fence or masonry wall on three (3) sides with a minimum height equal to or greater than the height of the refuse container. One side of the storage area must be furnished with an opaque, lockable gate. No refuse material may be visible above the enclosure.
 - 2. The enclosure area must be kept free of debris. Refuse containers must be emptied regularly and kept closed when not in use so that containers do not attract vermin.
 - 3. The provisions of this section apply to new construction after the date of the adoption of this title.

14-6-7: LOADING AREAS: [€] □

Loading areas in all zoning districts must be screened from the public right of way and abutting properties that are zoned or used for residential purposes. Appropriate methods of screening include walls, fences, berms, and landscape plantings that are a minimum of six feet (6') in height.

14-6-8: OUTDOOR STORAGE AND WORK AREAS: © 🖃

Outdoor storage and work areas must be screened from the public right of way and abutting properties that are zoned or used for residential purposes. Appropriate methods of screening include walls, fences, berms and landscape plantings.

Walls and fences must be six feet (6') in height; landscape screens must be a minimum of six feet (6') in height. No stored materials may be visible above the fence or landscape screen.

14-6-9: MECHANICAL EQUIPMENT: © 🖃

Mechanical equipment such as transformers and heating and air conditioning (HVAC) units must be located and/or screened so that they are not visible from any property line.

- (A) Ground Mounted Equipment: Ground mounted equipment in all nonresidential development must be screened with a dense hedge that is of sufficient height to screen the mechanical unit on all sides visible from any property line.
- (B) Roof Mounted Equipment: Roof mounted mechanical equipment in all nonresidential and multifamily residential development must be screened on all sides visible from any property line. Screening may include parapet walls or other opaque roof elements similar and compatible in color and texture to the exterior building materials on which the unit is located.

14-6-10: FREESTANDING SIGNS: Total

Landscape material must be installed around the base of the freestanding signs consisting of shrubs, perennial/annual flowers, and/or ground cover. The required landscaping area must be a

minimum of three feet (3') wide on all sides of the sign base. Where the area around the base of the sign is insufficient in size for all of the required landscaping, the zoning administrator may permit installation of a portion of the required landscaping at an alternate location on the site.

14-6-11: PLANT MATERIALS: 4 ==

- (A) Selection: All planting materials must be good quality and of species capable of withstanding the climate of central Illinois and individual site microclimates. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that must be considered when selecting plant material. The use of drought tolerant and salt tolerant plant material is preferred. Trees and shrubs may be balled and burlapped or container grown.
- (B) Minimum Planting Sizes: Minimum planting sizes for all required landscape materials are as follows:

Туре	Size
Shade trees	2 inch caliper
Ornamental trees	6 feet height unless true dwarf species
Evergreen trees	6 feet height
Deciduous shrubs	2 feet height
Evergreen shrubs	2 feet height

(C) Installation:

- 1. Required landscaping and screening must be completely installed prior to the issuance of a letter of occupancy.
- 2. All landscaping materials must be installed in accordance with the current planting procedures established by the American Association of Nurserymen.
- 3. All plant material must be free from disease and installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.
- 4. Plant material must be installed in a manner that is not intrusive to utilities or pavement.
- 5. Plant materials identified on approved landscaping plans must be installed, whenever feasible, within the growing season following approval of the applicable building permits for the subject site. Where it is not feasible to install all required landscaping within that growing season due to weather constraints, the zoning administrator has the authority to grant a letter of occupancy for the building, provided that all required landscaping will be installed the next growing season. If determined necessary by the zoning administrator, a performance guarantee may be required to be posted by the property owner to ensure installation of all required landscape materials within the next growing season.
- (D) Planting Methods: This subsection outlines general guidelines for the installation of all landscape material.
 - 1. Most small, deciduous trees may be moved bare rooted unless otherwise indicated. Roots of bare rooted trees must be protected against drying out.
 - 2. All coniferous trees must be moved balled and burlapped. Balled roots should be prevented from drying out at the surface of their ball, and they should be protected from freezing.
 - 3. Pits dug for the planting of bare root plants must be at least twelve inches (12") larger in diameter than the diameter of the root system in order to accommodate the roots without

- crowding. For balled trees, the pits should be a minimum of twelve inches (12") larger than the diameter of the ball of soil to allow proper backfill of soil.
- 4. Plants must be planted no deeper than previously grown with due allowance for settling.
- 5. In planting containers, artificial drainage must be provided for the root system of any species intolerant of wet sites, or species tolerant to wet sites must be used.
- 6. Topsoil, compost, peat moss or an acceptable soil mixture may be placed around the roots of bare root stock or in the backfill around balled stock. When the planting is completed, the entire root system must be thoroughly saturated with water and cord and burlap wrapping must be cut and/or removed.
- 7. Trees and planting beds must be mulched around the base of plant material with shredded bark, feather rocks, or similar organic materials to hold moisture. Mulch cannot be used as a substitute for turf or required plant materials.
- 8. Although pruning should be done to develop a balance with the root system, excessive pruning at the time of transplanting should be avoided.
- 9. Tree trunks must be suitably wrapped and guyed, or supported in an upright position, according to accepted arboricultural practices. The guys or supports should be installed so that they will not girdle or cause serious injury to the tree or endanger public safety.

(E) Maintenance:

- 1. While irrigation systems are not required for landscape areas, where installed irrigation systems are installed they must be designed to conserve the use of water.
- 2. All landscaping materials must be continually maintained in good condition to present a healthy, neat and orderly appearance, and be kept free of refuse and debris. Fences, walls and berms must be maintained in good condition and neat appearance. Plant material berms, walls and fences must be protected from damage by motor vehicles through use of concrete curbing or wheel stops.
- 3. All landscaping should be periodically trimmed so that it does not obstruct a public right of way. Diseased and dead plant material must be replaced in accordance with the approved landscape plan.
- 4. The owner and occupants of a property are jointly responsible for the maintenance, repair, and replacement of all plant materials, fences, walls and other landscape improvements.

14-6-12: FENCES, WALLS AND BERMS: Telescope 14-6-12: FENCES, WALLS AND FENCES, W

Fences and walls must be designed in accordance with the following standards:

- (A) Location: Fences and walls, including all posts, bases and other structural parts must be located completely within the boundaries of the lot on which it is located and shall not be erected within eighteen inches (18") of any property line unless the fence is a "division fence" (being defined as a fence line directly on a property boundary line). A division fence may be erected if the building inspector is provided with a copy of a written agreement, recorded in the office of the LaSalle County Recorder of Deeds, and containing the following terms:
 - 1. A legal description of property in which the division fence shall lie.
 - 2. A statement of ownership or co-ownership of the fence, as well as a statement with respect to the duty to maintain the fence and the right to another's premises for the purpose of maintenance, if necessary.
 - 3. A statement of each party's remedies for another's breach of his duty to maintain the fence.
 - 4. A statement to the duration of the agreement and the procedure for removing the fence upon expiration of the agreement.
 - 5. A statement that the agreement is binding on the heirs, beneficiaries, assigns or any other successors in title or interest in the land.

- (B) Measurement: The height of the fence or wall structure shall be measured from the ground level at the base of the structure to the highest point on the structure. When the ground is of different levels on either side of the fence or wall, the height of the structure for compliance with subsection (C) of this section shall be measured from the lowest side but in no case, when the difference in ground height from one side of the fence structure to the other is two feet (2') or greater, shall the structure protruding above the high side be less than forty two inches (42") in height.
- (C) Maximum Height And Maximum Opacity:

Yard	Yard R And A Districts		M Districts
Front and corner side	4'/50% opaque	6'/100% opaque	6'/100% opaque
Side	6'/100% opaque	6'/100% opaque	8'/100% opaque
Rear	8'/100% opaque	6'/100% opaque	8'/100% opaque

- (D) Design And Construction:
 - 1. Permitted Materials In Residential And Agricultural Districts: The following materials are permitted:
 - (a) Wood;
 - (b) Wrought iron;
 - (c) Vinyl (that is designed to look like wood or wrought iron);
 - (d) Brick;
 - (e) Stone;
 - (f) Chainlink, except in the front and corner side yard; and
 - (g) Other similar materials approved by the Plan Commission.
 - 2. Permitted Materials In Business And Manufacturing Districts: The following fence and wall materials are permitted:
 - (a) Wood;
 - (b) Wrought iron;
 - (c) Vinyl (that is designed to look like wood or wrought iron);
 - (d) Brick;
 - (e) Stone; and
 - (f) Chainlink.
 - 3. Finished Side: All fences and walls must be constructed with the finished surface facing the exterior of the property with support posts placed to the inside, except in such cases where the posts or support columns are an integral part of its aesthetic design.
 - 4. Barbed Wire And Electric Fences: Barbed wire, razor wire, concertina, and the electrification of fencing are prohibited.
 - 5. Swimming Pools: Swimming pools must be enclosed with security fences in accordance with the building code. No fences are required for aboveground pools. Fences are still required for in-ground pools.
 - 6. Maintenance: It is the responsibility of the owner and/or occupant of the property where a fence or wall is erected to maintain the structure in good repair and structurally sound condition at all times, with no loose, rotting or rusting materials, and with all structural components attached in accordance with common building practices. If a fence is not in compliance with this section, the zoning administrator may order the fence to be repaired, replaced or removed.

(E) Berm Design:

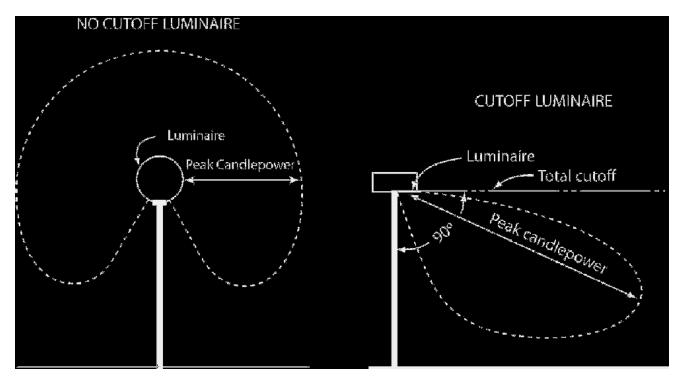
- 1. Perimeter parking lot and transitional yard landscaping may include installation of earthen berms for screening purposes.
- 2. Berms should not be designed in an unnatural, symmetrical pattern, but should be varied in both vertical and horizontal dimensions.
- 3. Berms may not exceed a maximum slope of three to one (3:1).
- 4. All berms must be planted with landscaping to prevent their erosion. Plantings placed on top of berms must consist of species compatible with the terrain of the berm.
- (F) Exception: Where provisions of this section will cause damage or hardship, the building inspector may alter, with the approval of the City Council, the conditions of the permit before the permit is issued.

14-6-13: OUTDOOR LIGHTING: © 🖃

All exterior lighting must comply with the following standards:

(A) Height:

- 1. All exterior lighting fixtures must be designed, located and mounted at a maximum height of fifteen feet (15') above grade for noncutoff lights, and forty feet (40') above grade for cutoff lights.
- 2. Parks, schools, and outdoor recreation facilities may have lights mounted at up to seventy feet (70'), provided that the light pole is located at least twenty feet (20') from a residential property line.



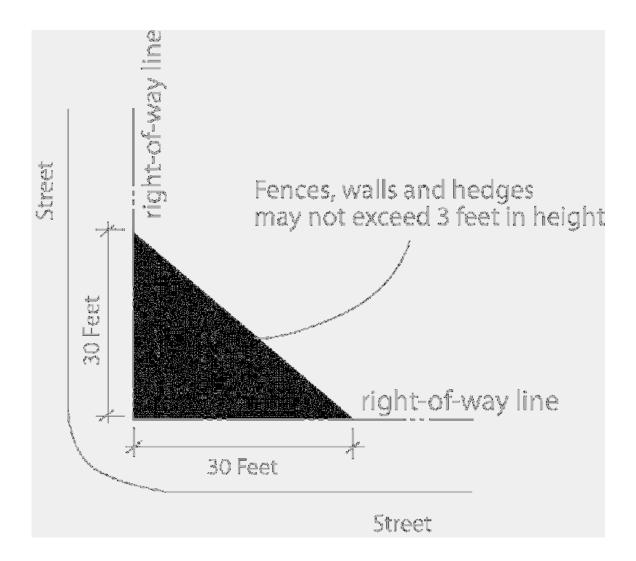
(B) Glare Reduction:

- 1. Glare must be minimized by orienting lights away from the public right of way and abutting properties or by planting vegetation to block other properties from the glare.
- 2. All cutoff light fixtures must remain shielded and directed downward at all times, and must not be redirected to illuminate a building, sign, or other site features.

3. Gas station canopy lighting must be designed with recessed fixtures that are shielded and directed downward to prevent glare on adjoining properties and roadways.

14-6-14: INTERSECTION VISIBILITY: 1

- (A) No sign, fence, wall, shrub or other obstruction more than three feet (3') in height may be located or allowed to grow within a visibility triangle.
- (B) A visibility triangle includes the area created by the street right of way lines extending thirty feet (30') from their intersection.



- (C) When an arterial street intersects with another arterial street or a railway, the visibility triangle is increased to fifty feet (50') from the intersection of the right of way lines.
- (D) The city is authorized to trim, remove or order removal of materials that violate this section.

Chapter 7 SIGNS[®] □

14-7-1: PURPOSE AND APPLICABILITY:

14-7-2: **GENERAL**:

14-7-3: SIGNS IN THE PUBLIC RIGHT OF WAY AND ON PUBLIC PROPERTY:

14-7-4: SIGNS ALLOWED IN RESIDENTIAL DISTRICTS:

14-7-5: SIGNS ALLOWED IN NONRESIDENTIAL DISTRICTS:

14-7-6: TEMPORARY SIGNS:

14-7-7: SIGN PERMITS:

14-7-8: UNSAFE, OBSOLETE OR NONCONFORMING SIGNS:

14-7-9: MAINTENANCE:

14-7-1: PURPOSE AND APPLICABILITY: 🕯 🖃

- (A) Purpose: The purpose of this chapter is to achieve balance among the following differing, and at times, competing goals:
 - 1. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals in the City of Oglesby;
 - 2. To provide a means of wayfinding in the community, thus reducing traffic confusion and congestion;
 - 3. To provide for adequate business identification, advertising, and communication;
 - 4. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well being of the City of Oglesby;
 - 5. To protect the safety and welfare of the public by minimizing hazards to pedestrian and vehicular traffic;
 - 6. To preserve property values by preventing unsightly and chaotic development which has a blighting influence upon the community;
 - 7. To differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic:
 - 8. To minimize the possible adverse effects of signs on nearby public and private property; and
 - 9. Adopt more context appropriate signage regulations for businesses; consider regulating signage by use and by zone;
 - 10. Promote convenient access and signage to parking in all commercial areas.
- (B) Signs Exempt From Regulation: The following signs are exempt from regulation under this chapter:
 - 1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance, or by order of a court of competent jurisdiction;
 - 2. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet (3') beyond the property line of the development site or parcel on which the sign is located, and
 - 3. Traffic control signs on private property, such as "Stop", "Yield", and similar signs, the faces of which meet standards set forth in the "Illinois Manual On Uniform Traffic Control Devices" and which contain no commercial message of any sort.
- (C) Signs Allowed In All Zoning Districts Without A Permit:
 - 1. Signs Not Subject To Other Regulations: The following signs are allowed without a sign permit and are not subject to any other regulations under this chapter:
 - (a) Temporary signs required by a valid and applicable federal, state, or local law, regulation, or ordinance; or posted by a public agency, acting in accordance with an

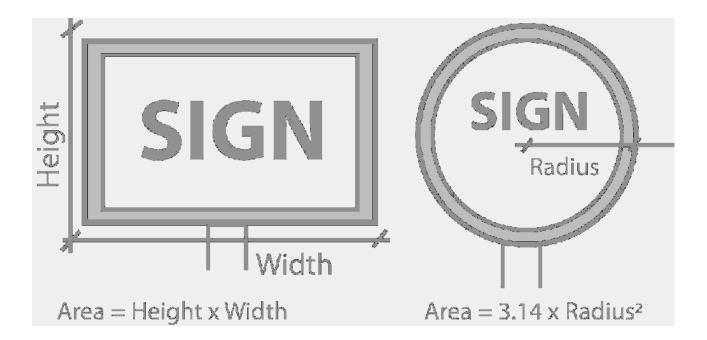
- adopted law or ordinance. Such signs must be removed when they no longer serve the purpose for which they were posted;
- (b) Signs not requiring a building permit or electrical permit and not legible from a distance of more than three feet (3') beyond the property line of the development site or parcel on which the sign is located; and
- (c) Memorial signs containing no commercial message and not larger than four (4) square feet.
- 2. Signs Subject To Other Regulations: The following signs will be allowed without a sign permit but are subject to more detailed regulations set forth elsewhere in this chapter:
 - (a) Temporary free speech signs conforming with the regulations for temporary signs in the district in which they are located:
 - (b) Temporary real estate signs conforming with the regulations for temporary signs in the district in which they are located;
 - (c) Other temporary signs smaller than six (6) square feet in size and less than four feet (4') of height, conforming with the regulations for temporary signs in the district in which they are located.
 - (d) Flags and flagpoles conforming with subsections <u>14-7-4(C)</u>6 and <u>14-7-5(B)</u>10 of this chapter;
 - (e) Incidental signs conforming with the regulations for incidental signs in the district in which they are located; and
 - (f) On site signs for traffic and parking control, provided that such signs conform to the "Manual On Uniform Traffic Control Devices" and contain no commercial messages.

(D) Prohibited Signs:

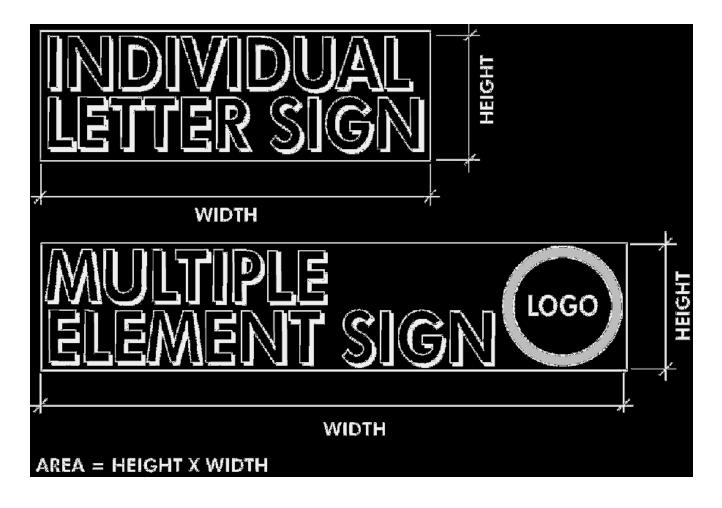
- 1. General: The following signs are expressly prohibited in all zoning districts:
 - (a) Animated signs;
 - (b) Windblown signs including nonpermanent advertising signs affixed to buildings, fences or other structures (except temporary banners, windblown signs advertising special events for not for profit, religious, or municipal organizations which must be removed within 48 hours after the end of the event);
 - (c) Portable signs (except sandwich board signs);
 - (d) For purposes of this section, a vehicle containing a commercial message and regularly parked on the street side of any business will be considered a portable sign and thus prohibited unless the vehicle is regularly and customarily used in the business;
 - (e) Signs on benches;
 - (f) Signs on trees;
 - (g) Signs on utility poles, other than signs installed by the utility and related to the utility facility:
 - (h) Signs blocking required means of egress from any building;
 - (i) Roof sign; and
 - (j) Signs within the public right of way or on public property, except signs posted in accordance with section 14-7-3 of this chapter or projecting signs in accordance with subsection 14-7-5(B)2 of this chapter.
- 2. List Not Exclusive: The list of prohibited sign types set out in this section is illustrative only. Any sign that is not exempt from this chapter under subsection (B) of this section, not established as a lawful nonconforming sign in accordance with section 14-12-7 of this title, or not expressly allowed under another section of this chapter, is a prohibited sign.
- (E) Applicability: No display sign or outdoor advertising device may be placed, erected, altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter. The repainting, changing of parts, and preventative maintenance of signs are not considered alterations.

14-7-2: GENERAL: 🕯 🖃

- (A) Sign Measurement And Interpretation:
 - 1. Measurement Of Copy Area Of Individual Signs: The copy area of a sign face will be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The copy area of a sign face does not include any supporting framework, bracing or decorative fence or wall when the fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself.



THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.



- 2. Measurement Of Area Of Multifaced Signs: Where the sign faces of a double faced sign are parallel and the distance between the faces is three feet (3') or less, only one display face will be measured in computing sign area. If the two (2) faces of a double faced sign are of unequal area, the area of the sign will be the area of the larger sign. In all other cases, the areas of all faces of a multifaced sign will be added together to compute the area of the sign.
- Sign Height Measurement: The height of a sign will be computed as the distance from the highest point of the sign structure to the elevation of the centerline of the adjacent public street or highway.
- 4. Determination Of Visibility Or Legibility:
 - (a) Where this chapter requires a determination of "visibility" or "legibility", the standard will be based on the eyesight of an adult eligible to receive an Illinois driver's license (wearing any corrective lenses required by the license). Where the height of the person is material to the determination, the person will be presumed to be more than five feet (5') and less than six feet (6') tall.
 - (b) In determining visibility of a sign from a residential property, it will be assumed that a two-story residence will occupy the property with second story windows facing toward the sign.
- (B) Wind Pressure: Any sign, other advertising structure, marquee, canopy or awning as defined in this title must be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area; and must be constructed to receive dead loads as required in the building code and/or other ordinances of the City of Oglesby.

- (C) Substitution Of Messages: The sign regulations of this chapter are not intended to favor commercial speech over constitutionally protected political or noncommercial speech. A sign containing a noncommercial message may be substituted for any sign containing a commercial message that is allowed by the regulations of this chapter.
 - 1. Any sign allowed under this title may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height, area and other requirements of this chapter.
 - 2. At any time, in lieu of any permitted temporary real estate sign, a sign expressing views on candidates or issues of public interest may be erected, regardless of whether the property is at that time for sale or lease. The number, height and size of the sign will be the same as the real estate sign that would otherwise be permitted. It is not the intent of this paragraph to allow additional signage on the property; but rather to clarify that, in accordance with the policy set forth in this section, a sign expressing opinions may be substituted for any other sign allowed under this chapter.

14-7-3: SIGNS IN THE PUBLIC RIGHT OF WAY AND ON PUBLIC PROPERTY: © 🖃



- (A) Signs Permitted: Only the following signs are permitted in the public right of way and on public property:
 - 1. Signs installed by any of the following and directly related to the use of the right of way or of public property, including the control and direction of traffic:
 - (a) The City of Oglesby;
 - (b) LaSalle County;
 - (c) State of Illinois;
 - (d) Any transit company authorized to provide service to or through;
 - (e) Any public utility with a franchise or other agreement with the City of; or
 - (f) Any other government entity or person expressly authorized by Illinois law to install a sign in the right of way.
 - 2. "Adopt-a-highway" signs acknowledging voluntary efforts to provide landscaping, litter control, or other maintenance, when the signs are installed pursuant to a written policy of the City of Oglesby or the State of Illinois.
- (B) Other Signs: Any other sign installed or placed in the public right of way will be deemed an unlawful sign and an abandoned sign and will be subject to immediate removal and disposal by the city, without compensation to the owner. The owner or other person placing the sign will, nevertheless, be subject to the penalty provisions of chapter 13 of this title.

14-7-4: SIGNS ALLOWED IN RESIDENTIAL DISTRICTS: © 🖃



- (A) Single-Family And Two-Family Districts: In the RE, R1A, R1 and R2 districts, the following classes of signs are permitted in accordance with regulations of this subsection:
 - 1. Dimensions And Number Of Signs: The numbers and dimensions of signs in these districts will be controlled by the following table:

	Sign Type	Maximum Number	Maximum Area	Maximum Height	Location	Additional Requirements
Permanent signs:						
	Address signs - freestanding	1 per street frontage	6 sq . ft.	4 ft.	Inside property line	An address sign is required on all premises
	Address signs - wall	1 per dwelling	2 sq . ft.	n/a	On wall	An address sign is required on all premises
	Residential identification - freestanding	1	24 sq . ft.	4 ft.	Inside property line	See subsection (C)1 of this section
	Residential identification - wall	1	1 sq . ft.	n/a	On wall	See subsection (C)1 of this section
	Incidental signs	n/a	2 sq . ft.	4 ft.	Inside property line	See subsection (C)2 of this section
Tempo	orary signs:					
	For sale/rent signs	3 total; see additional requirements	6 sq . ft.	4 ft.	8 ft. from property line	See subsection (C)3 of this section
	Free speech signs	n/a	n/a	n/a	Inside property line	
Other	signs:					
	Institutional signs					See subsection (C)5 of this section

⁽B) Multi-Family District: In the R3 district, the following classes of signs are permitted in accordance with regulations of this subsection:

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

1. Dimensions And Numbers Of Signs: The numbers and dimensions of signs in these districts will be controlled by the following table:

	Sign Type	Maximum Number	Maximum Area	Maximum Height	Location	Additional Requirements
Permanent signs:						
	Address signs - freestanding	1 per street frontage	6 sq. ft.	4 ft.	Inside property line	An address sign is required on all premises
	Address signs - wall	1 per dwelling	6 sq. ft.	n/a	On wall	An address sign is required on all premises
	Residential identification - freestanding	1 per dwelling	24 sq. ft.	4 ft.	Inside property line	See subsection (C)1 of this section
	Residential identification - wall	1 per public entrance	8 sq. ft.	n/a	On wall	See subsection (C)1 of this section
	Incidental signs	n/a	2 sq. ft.	4 ft.	Inside property line	See subsection (C)2 of this section
	Traffic control	n/a	See additional requirements	See additional requiremen ts	Inside property line	
Temp	orary signs:					
	For sale/rent signs	3 total; see additional requirements	6 sq. ft.	4 ft.	8 ft. from property line	See subsection (C)3 of this section
	Free speech signs	n/a	n/a	n/a	Inside property line	
Other signs:						
	Institutional signs					See subsection (C)5 of this section

(C) Supplemental Rules:

- 1. Permanent Signs: Permanent signs in residential districts must bear no commercial message other than one directly related to a business or occupation conducted on the premises lawfully and in full compliance with this title.
- 2. Incidental Signs: Incidental signs are generally intended to provide warnings or information, such as "no parking", "no trespassing", "dangerous dog", and similar information. Incidental signs may not bear any commercial message.

3. Temporary Signs:

- (a) Residents or owners of units in the RE, R1A, R1 and R2 districts are entitled to a total of three (3) temporary signs per dwelling unit at any one time, only one of which may bear a commercial message.
- (b) Residents or owners of property in R3 district are entitled to a total of three (3) temporary signs per dwelling unit or three (3) temporary signs per driveway, whichever is less.
- (c) The only commercial messages allowed on temporary signs in these districts are the following:
 - (1) A message directly related to a permitted nonresidential use on the premises, conducted lawfully and in full compliance with this title, not including home occupations;
 - (2) A message pertaining to the sale or lease of the premises; or
 - (3) A message related to an occasional sale (such as a garage or yard sale), held lawfully and in compliance with applicable ordinances of the city.
- (d) Temporary signs may be used to express the opinion of the owner or occupant on any matter deemed by the person to be of public interest but may not bear commercial messages.
- (e) A temporary real estate sign must be removed within ten (10) days after the transfer of title or change of occupancy of the property. A temporary free speech sign that relates to an election or other event must be removed within ten (10) days following the conclusion of the election or other event. A temporary sign pertaining to an occasional sale must be removed within one business day following the end of the sale.

4. Illumination:

- (a) Single-Family Districts: A temporary or permanent sign in RE, R1A, R1 or R2 districts must not be separately illuminated. This paragraph is not intended to prohibit the installation of such a sign near a porch light or yard light, which may incidentally illuminate the sign.
- (b) Multi-Family Districts: A permanent sign in the R3 district may be separately illuminated by direct, white light that does not flash or move, and which will not result in glare or spillover exceeding 0.50 foot-candle at the nearest property line. Temporary signs in these districts may not be separately illuminated.
- 5. Institutional Signs: Any educational institution, religious institution or other institutional use permitted in the residential zoning districts will be permitted the following signs in place of the permanent signs otherwise allowed in these districts:
 - (a) One freestanding sign not more than thirty two (32) square feet in area and not more than six feet (6') in height; up to fifty percent (50%) of the area may be changeable copy area;
 - (b) One wall sign for each public entrance to the institution; each sign may be no more than four (4) square feet in area;
 - (c) Any institutional sign may be separately illuminated by direct, white light that does not flash or move, and which will result in glare or spillover not exceeding 0.50 footcandle at the nearest property line.
- 6. Flags: The display of flags in residential districts will be subject to the following limitations:
 - (a) A flag may not bear commercial messages;
 - (b) There may be no more than two (2) flags per pole;
 - (c) No flag may be larger than five feet by eight feet (5' x 8');
 - (d) A flagpole must have a setback of at least five feet (5') from any property line;
 - (e) No rooftop flagpoles are permitted in any district;
 - (f) There may be no more than one flagpole on a building lot; and
 - (g) No flagpole may have a height of greater than twenty feet (20'), measured by the same methods used to measure the height of signs.

14-7-5: SIGNS ALLOWED IN NONRESIDENTIAL DISTRICTS: © 🖃



In all business districts, the following signs are permitted, subject to the requirements set forth in this chapter:

Sign Type	Maximum Area	Maximum Height	Maximum Dimension s	Location	Illuminatio n	Additional Requirements
Residential signs	All signs permitted in the residential districts	All signs permitted in the residential districts	All signs permitted in the residential districts	All signs permitted in the residential districts	All signs permitted in the residential districts	All signs permitted in the residential districts
Advertising signs	375 sq. ft.	30 ft.; 4 ft. above roof/parapet , whichever is higher	15 ft. tall x 25 ft. wide	Inside property line	See subsection (A)4 of this section	See subsection (A) of this section. Permitted only in the B2 district
Business signs:						
Wall signs	20% total wall area, including windows	n/a	n/a	On building wall	See subsection (B)9 of this section	See subsection (B) of this section
Freestanding signs	200 sq. ft.; 24 sq. ft. in the B3 district	25 ft.; 6 ft. in the B3 district	n/a	Inside property line	See subsection (B)9 of this section	See subsection (B) of this section. Not permitted in the B1 district
Sandwich board signs	6 sq. ft.	3 ft.	n/a	Inside property line	Prohibited	

(A) Additional Regulations For Advertising Signs:

- Location: An advertising sign is subject to the following locational standards:
- (a) It must be located entirely within the property line of the zoning lot on which it is located;
- (b) It must not be between any front building line and the street;
- (c) It must not be located within two hundred feet (200') of another advertising sign; and
- (d) It must not be located within two hundred feet (200') of a residential zoning district if the sign will be visible from the residential district.
- 2. Signs Near Parks: No advertising sign may be erected within five hundred feet (500') of any public park of more than five (5) acres in area if the sign will be legible from any part of the park.
- 3. Signs Near Freeways Or Expressways: No advertising sign, the informative contents of which are to be visible from a park or expressway, may be erected within five hundred feet (500') of any public park of more than five (5) acres in area, or any freeways, expressways and toll roads designated as such in the records of the governing

authorities.

- 4. Illumination: Advertising signs may be separately illuminated by direct, white light that does not flash or move, and which will not result in glare or spillover at the nearest property line.
- (B) Additional Regulations For Business Signs:
 - 1. Freestanding Signs:
 - (a) Signs, clocks or other devices erected on standards, poles, or separate supports must be placed so as to be entirely within the property lines of the premises upon which they are located.
 - (b) Signs located in the B2 district within seven hundred fifty feet (750') of an exit ramp of an interstate highway may be increased to a height to three hundred twenty feet (320') above the elevation of the nearest point on the freeway, but not more than seventy feet (70') in total height.
 - 2. Projecting Signs: Projecting signs are allowed only in the B1 district subject to the following standards:
 - (a) Projecting signs may project no more than 4.5 feet from the building wall and no more than eighteen inches (18") above the roof or parapet;
 - (b) Projecting signs must be no closer than two feet (2') horizontally from the curb or edge of the sidewalk, and no closer than nine feet (9') vertically to the walkway below; and
 - (c) All projecting signs must be installed or erected in such a manner that minimizes visibility of support structures such as angle irons or braces.
 - 3. Marquee Signs:
 - (a) Any sign located on a marquee or canopy must be affixed flat to the surface of the marquee or canopy;
 - (b) Marquee signs may not extend vertically or horizontally beyond the limits of the marquee or canopy, except that individual, freestanding letters may project to a height not exceeding twelve inches (12") above same;
 - (c) They must be supported only by attachment to a building and may not extend more than six feet (6') beyond the building. No posts may be used for support;
 - (d) Vertical clearance above the sidewalk must be at least nine feet (9'); and
 - (e) Marquees or canopies thicker than eighteen inches (18") must be beveled horizontally at a forty five degree (45°) angle to permit an unobstructed view of adjacent property.
 - 4. Awning Signs: Awning signs are subject to the following restrictions:
 - (a) No awning sign may cover more than fifty percent (50%) of the surface of the awning;
 - (b) Lettering height on awning signs may not be greater than sixteen inches (16");
 - (c) Letters that are eight inches (8") or less in height will not be considered part of the total sign area permitted for the property but will be subject to the other provisions of this subsection:
 - (d) Any sign located on an awning must be affixed flat to the surface of the awning;
 - (e) The awning may not be internally illuminated or backlit;
 - (f) The awning must be supported only by attachment to a building and may not extend more than six feet (6') beyond the building. No posts may be used for support; and
 - (g) Vertical clearance above the sidewalk must be at least nine feet (9'), except that retractable awnings may have a clearance of not less than eight feet (8').
 - 5. Sandwich Board Signs:
 - (a) Sandwich board signs may only be displayed in the B1 and B2 districts during business hours, may not block required means of egress from any building.
 - (b) Sandwich board signs may not be illuminated.
 - 6. Shopping Center Signs:
 - (a) For an integrated planned business development in single ownership and management, or under unified control, one additional sign may be erected, not

- exceeding four hundred (400) square feet in area.
- (b) This sign may advertise only the name, location, and special events of the integrated shopping center and the names of the tenants therein.
- (c) The sign must be placed so as to be entirely within the property lines of the premises upon which it is located.
- (d) When the sign is mounted on a pole, the bottom edge of the sign must be at least nine feet (9') above the grade of the adjacent street. The overall height of the sign may not exceed twenty five feet (25') above grade of the adjacent street or above the adjoining ground level if the ground level is above the street level.
- 7. Wall Signs: Wall signs are permitted in all business districts, subject to the following standards:
 - (a) Wall signs are not permitted on the side of any building facing and located within one hundred feet (100') of a residential zoning district;
 - (b) Projecting and marquee signs will be considered wall signs for purposes of computing the permitted sign area;
 - (c) A wall sign, other than a projecting sign (where permitted) may not extend more than sixteen inches (16") from the surface of the wall; and
 - (d) A wall sign may not project more than twelve inches (12") above the top of a structural wall of the building. Wall signs may not be installed on fences or on architectural projections serving no purpose other than as signboards.
 - (e) No sign may be placed on any wall, fence or standard facing the side of any adjoining lot located in a residential district.
- 8. Changeable Copy: Up to twenty five percent (25%) of the permitted sign face area of any freestanding sign in the B2, B3 and B4 districts may be used for changeable copy, subject to the illumination limitations set out in the next subsection.
- 9. Illumination:
 - (a) Limits When Adjoining Residential Property: Illumination on business signs must be shielded so that the glare or spillover is no more than one foot-candle at the property line adjoining any residential zoning district.
 - (b) Illumination In The B3 District: Signs in the B3 district may not be internally illuminated.
 - (c) Flashing Lights: Flashing lights, intermittent type illumination, rotating beams, beacons or illumination resembling an emergency light are prohibited.
 - (d) Changing Signs: Electronic changes of copy are permitted on signs in the B2 and B4 districts.
- 10. Flags: The display of flags in nonresidential districts will be subject to the following limitations:
 - (a) A flag may not bear commercial messages;
 - (b) There may be no more than two (2) flags per pole:
 - (c) No flag may be larger than five feet by eight feet (5' x 8');
 - (d) A flagpole must have a setback of at least five feet (5') from any property line;
 - (e) No rooftop flagpoles are permitted in any district;
 - (f) There may be no more than three (3) flagpoles per principal building on any development site;
 - (g) No flagpole may have a height of greater than thirty feet (30'), measured by the same methods used to measure the height of signs; and
 - (h) Each flagpole must be within thirty feet (30') of the principal entrance to the building to which it is oriented.

14-7-6: TEMPORARY SIGNS: © 🖃

Temporary cloth signs and temporary banners will be permitted for up to a total of thirty (30) days in any calendar year, which may be divided into as many as three (3) separate periods, upon the issuance of a temporary sign permit. The following additional limitations apply:

- (A) The total area of temporary promotional signs on one zoning lot at one time may not exceed two hundred (200) square feet; and
- (B) Detached temporary signs will be subject to the height and location limits applicable to a freestanding or ground sign on the property.

14-7-7: SIGN PERMITS: 6 = 1

Signs regulated by this chapter but not exempted by the provisions of subsection $\underline{14-7-1}(C)$ of this chapter may be erected only after issuance of a permit by the zoning administrator. A permit will be issued only according to the following requirements and procedures:

- (A) Application: An application for construction, creation or installation of a new sign or for modification of an existing sign must be accompanied by detailed drawing to show the dimensions, design, structure, and location of each particular sign. One application and permit may include multiple signs on the same lot.
- (B) Procedures: The following procedures will govern the application for and issuance of all sign permits under this chapter:
 - 1. All applications for sign permits must be submitted to the zoning administrator on an application form provided by the zoning administrator or according to application specifications published by the zoning administrator.
 - 2. Each application for a sign permit must be accompanied by the applicable fees, as established by the City Council from time to time by resolution.
 - 3. Within five (5) business days of receiving an application for a sign permit, the zoning administrator must review it for completeness. If the zoning administrator finds that it is complete, the application will then be processed. If the zoning administrator finds that it is incomplete, the zoning administrator will, within the same five (5) day period, send to the applicant a notice of the specific ways in which the application is deficient, with references to the applicable sections of this title.
 - 4. Within seven (7) days of the submission of a complete application for a sign permit, the zoning administrator will either:
 - (a) Issue the sign permit, if the proposed sign conforms in every respect with the requirements of this title and other provisions of the city ordinances; or
 - (b) Deny the sign permit if the proposed sign fails in any way to conform to the requirements of this title or other provisions of the city ordinances. In case of a denial, the zoning administrator must specify in the denial the section of this title or other applicable ordinance with which the sign is inconsistent.
- (C) Lapse Of Sign Permit On Vacated Or Unoccupied Property: A sign permit will lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit will also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice to the last permittee, sent to the premises, that the sign permit will lapse if the activity is not renewed.
- (D) Permits For Temporary Signs: Temporary signs on private property are allowed only in accordance with the provisions of section 14-7-6 of this chapter:

- 1. A temporary sign permit will allow the use of temporary signage for a specified period subject to all of the requirements for temporary signs in this chapter; and
- 2. A temporary sign will become an illegal sign if not removed upon the expiration of the period covered by the permit.

14-7-8: UNSAFE, OBSOLETE OR NONCONFORMING SIGNS: © 🖃



(A) Unsafe Signs:

- 1. If the zoning administrator finds that any sign is unsafe or insecure, or is a menace to the public, he must give written notice to the person to whom the building permit has been issued.
- 2. If the owner fails to remove or alter the sign to bring it into compliance with this title within ten (10) days after the notice, the zoning administrator may remove or alter the sign to comply at the expense of the sign permit issuee or owner of the property upon which it is located.
- 3. The zoning administrator may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.
- 4. The zoning administrator is responsible for the inspection of the condition of signs and to investigate complaints issued regarding signs.

(B) Obsolete Signs:

- 1. Any obsolete sign that does not advertise a bona fide business conducted or a product sold, must be taken down and removed by the owner, agent, or person using the structure upon which the sign is located.
- 2. Removal must occur within ten (10) days after written notification from the zoning administrator. Upon failure to comply with the notice within the time specified in the notice. the zoning administrator may cause removal of the sign. Any expenses related to removal must be paid by the property owner where the sign is located.
- 3. At the time of termination of a business or commercial or industrial enterprise, all signs pertaining to the use must be removed from public view.
- (C) Nonconforming Signs: All signs not in conformance with this chapter must be removed, altered, or converted to conform to the provisions of this chapter not more than five (5) years after the effective date specified in section 14-1-2 of this title, except for windblown signs as defined in section 14-14-2 of this title which must be removed, altered, or converted to conform to the provisions of this chapter not more than ninety (90) days after the effective date as specified in section 14-1-2 of this title.

14-7-9: MAINTENANCE: [€] □

- (A) All signs must be adequately maintained to keep them in a state of good appearance and repair. Painted signs will be considered in need of refinishing if:
 - 1. Twenty percent (20%) or more of the surface is missing or shows evidence of peeling, checking, cracking, or blistering of the paint.
 - 2. Twenty percent (20%) or more of the surface shows evidence of mildew.
 - 3. The colors used have faded appreciably and the surface sheen is gone.
- (B) All sign framing and support structures must be adequately maintained to keep them in a state of good appearance and repair.

(C)	Illuminated signs will be considered in need of repair if twenty percent (20%) or more of the ligh bulbs are not fully illuminated, or if twenty percent (20%) or more of the surface area of an internally illuminated sign is not illuminated.
	THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 8 FLOOD DAMAGE PREVENTION[®] ■

14-8-1: PURPOSE:

14-8-2: DEFINITIONS:

14-8-3: BASE FLOOD ELEVATION:

14-8-4: DUTIES OF THE BUILDING INSPECTOR:

14-8-5: DEVELOPMENT PERMIT:

14-8-6: PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES:

14-8-7: PROTECTING BUILDINGS:

14-8-8: SUBDIVISION REQUIREMENTS:

14-8-9: PUBLIC HEALTH AND OTHER STANDARDS:

14-8-10: CARRYING CAPACITY AND NOTIFICATION:

14-8-11: **VARIANCES**:

14-8-12: DISCLAIMER OF LIABILITY:

14-8-13: PENALTY:

14-8-14: ABROGATION AND GREATER RESTRICTIONS:

14-8-1: PURPOSE: 1

This chapter is enacted pursuant to the police powers granted to this city by the Illinois Municipal Code¹ in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas:
- (F) To make federally subsidized flood insurance available; and
- (G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-8-2: DEFINITIONS: [€] □

For the purposes of this chapter, the following definitions are adopted:

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section 14-8-3 of this chapter.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING: A walled and roofed structure, including gas or liquid storage tank that is principally aboveground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

CRITICAL FACILITY: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT: Any manmade change to real estate including, but not necessarily limited to:

- (A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (B) Substantial improvement of an existing building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
- (D) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) Construction or erection of levees, dams, walls or fences:
- (F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (G) Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the Federal Emergency Management Agency that depicts the floodplain or Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROTECTION ELEVATION (FPE): The elevation of the base flood plus one foot (1') of freeboard at any given location in the floodplain.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): These two (2) terms are synonymous. Those lands within the jurisdiction of the City of Oglesby, the extraterritorial jurisdiction of the City of Oglesby, or that may be annexed into the City of Oglesby, that are subject to inundation by the base flood. The floodplains of the City of Oglesby are generally identified as such on panel numbers 0485 and 0495 of the countywide flood insurance rate map of LaSalle County prepared by the Federal Emergency Management Agency and dated May 19, 2014. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of or that may be annexed into the City of Oglesby are generally identified as such on the flood insurance rate map prepared for LaSalle County by the Federal Emergency Management Agency and dated May 19, 2014.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOODPROOFING CERTIFICATE: A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOODWAY: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Illinois River and Vermilion River shall be as delineated on the countywide flood insurance rate map of LaSalle County prepared by FEMA and dated May 19, 2014. The floodways for each of the remaining floodplains of the City of Oglesby shall be according to the best data available from the federal, state, or other sources.

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HISTORIC STRUCTURE: Any structure that is:

- (A) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (C) Individually listed on the State Inventory of Historic Places by the Illinois Historic Preservation Agency.
- (D) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR JURISDICTIONAL STREAM: Illinois Department of Natural Resources/Office of Water Resources has jurisdiction over any stream serving a tributary area of six hundred forty (640) acres or more in an urban area, or in the floodway of any stream serving a tributary area of six thousand four hundred (6,400) acres or more in a rural area. Construction on these streams requires a permit from the department (III. Adm. Code Title 17, part 3700.30). The department may grant approval for specific types of activities by issuance of a Statewide Permit which meets the standards defined in section 14-8-6 of this chapter.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of section 14-8-7 of this chapter.

MANUFACTURED HOME: A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.

NFIP: National Flood Insurance Program.

NEW CONSTRUCTION: Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred (400) square feet or less in size;

(C) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS: Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

SFHA: See definition of Floodplain And Special Flood Hazard Area (SFHA).

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STRUCTURE: See definition of Building.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this chapter, equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "repetitive loss" (see definition).

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this chapter, during the life of the building in which the cumulative percentage of improvements:

- (A) Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
- (B) Increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- (A) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (B) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

14-8-3: BASE FLOOD ELEVATION: © 🖃

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- (A) The base flood elevation for the floodplains of the Illinois River and Vermilion River shall be as delineated on the 100-year flood profiles in the countywide "Flood Insurance Study Of LaSalle County" prepared by the Federal Emergency Management Agency and dated July 18, 2011. The base flood elevation for each floodplain delineated as an "AE zone" shall be that elevation (or depth) delineated on the countywide flood insurance rate map of LaSalle County.
- (B) The base flood elevation for each of the remaining floodplains delineated as an "A zone" on the countywide flood insurance rate map of LaSalle County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- (C) The base flood elevation for the floodplains of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of Oglesby or that may be annexed into the City of, shall be as delineated on the 100-year flood profiles in the "Flood Insurance Study Of LaSalle County" prepared by the Federal Emergency Management Agency and dated July 18, 2011.

14-8-4: DUTIES OF THE BUILDING INSPECTOR: © 🖃

The building inspector shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the City of Oglesby meet the requirements of this chapter. Specifically, the building inspector shall:

- (A) Process development permits in accordance with section 14-8-5 of this chapter;
- (B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of section 14-8-6 of this chapter;
- (C) Ensure that the building protection requirements for all buildings subject to section 14-8-7 of this chapter are met and maintain a record of the "as built" elevation of the lowest floor (including basement) or floodproof certificate:
- (D) Assure that all subdivisions and annexations meet the requirements of section <u>14-8-8</u> of this chapter;
- (E) Ensure that water supply and waste disposal systems meet the public health standards of section <u>14-8-9</u> of this chapter;
- (F) If a variance is requested, ensure that the requirements of section <u>14-8-11</u> of this chapter are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all penalty actions outlined in section 14-8-13 of this chapter as are necessary to ensure compliance with this chapter;
- (H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse:
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter:
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;
- (M) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and
- (N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

14-8-5: DEVELOPMENT PERMIT: 🕯 🖃

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the building inspector. The building inspector shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

- (A) The application for development permit shall be accompanied by:
 - 1. Drawings of the site, drawn to scale showing property line dimensions;
 - 2. Existing grade elevations and all changes in grade resulting from excavation or filling;
 - 3. The location and dimensions of all buildings and additions to buildings;
 - 4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 14-8-7 of this chapter; and
 - 5. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- (B) Upon receipt of an application for a development permit, the building inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first flood insurance rate map is not in the floodplain and therefore not subject to the requirements of this chapter.

Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not shown on the current flood insurance rate map is subject to the provisions of this chapter.

The building inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

The building inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit not required letters that may be required for this type of activity. The building inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

14-8-6: PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES:



Within any floodway identified on the countywide flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (A) Except as provided in subsection (B) of this section, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
 - 1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources/Office of Water Resources Statewide Permit Number 2;
 - 2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
 - 3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
 - 4. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit Number 5:
 - 5. Minor, nonobstructive activities such as underground utility lines, light poles, signposts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding seventy (70) square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
 - 6. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit Number 7;
 - 7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
 - 8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;
 - 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;
 - 10. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit Number 11;
 - 11. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit Number 12;
 - 12. Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit Number 13;
 - 13. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.
- (B) Other development activities not listed in subsection (A) of this section may be permitted only if:
 - 1. Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
 - 2. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

14-8-7: PROTECTING BUILDINGS: © 🖃

- (A) In addition to the state permit and damage prevention requirements of section <u>14-8-6</u> of this chapter, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
 - 1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet.
 - 2. Substantial improvements or structural alterations made to an existing building that

- increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this chapter. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
- 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this chapter. If substantially damaged the entire structure must meet the flood protection standards of this section within twenty four (24) months of the date the damage occurred.
- 4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.)
- 5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
- 6. Repetitive loss to an existing building as defined in section 14-8-2 of this chapter.
- (B) Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:
 - 1. The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation.
 - (b) The fill shall be placed in layers no greater than six inches (6") before compaction and should extend at least ten feet (10') beyond the foundation before sloping below the flood protection elevation.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - (d) The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - (e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
 - 2. The building may be elevated on solid walls in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls, crawl space, or other foundation that is permanently open to floodwaters.
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot (1') above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation, and
 - (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - (1) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - (2) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - (3) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

- (4) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- 3. The building may be constructed with a crawl space located below the flood protection elevation provided that the following conditions are met:
 - (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot (1') above grade.
 - (c) The interior grade of the crawl space below the flood protection elevation must not be more than two feet (2') below the lowest adjacent exterior grade.
 - (d) The interior height of the crawl space measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet (4') at any point.
 - (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event.
 - (f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
 - (g) Utility systems within the crawl space must be elevated above the flood protection elevation.
- (C) Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
 - 1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 - 2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 - 3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 - 4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- (D) Manufactured homes or travel trailers to be permanently installed on site shall be:
 - 1. Elevated to or above the flood protection elevation in accordance with subsection (B) of this section, and
 - 2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tiedown Act issued pursuant to 77 Illinois administrative Code Section 870.
- (E) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of subsection (D) of this section unless the following conditions are met:
 - 1. The vehicle must be either self-propelled or towable by a light duty truck.
 - 2. The hitch must remain on the vehicle at all times.
 - 3. The vehicle must not be attached to external structures such as decks and porches.
 - 4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 - 5. The vehicle's largest horizontal projections must be no larger than four hundred (400) square feet.
 - 6. The vehicle's wheels must remain on axles and inflated.

- 7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
- 8. Propane tanks as well as electrical and sewage connections must be quick disconnect.
- 9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
- 10. Must either:
 - (a) Entirely be supported by jacks, or
 - (b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.
- (F) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
 - 1. The garage or shed must be nonhabitable.
 - 2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 - 3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
 - 4. The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
 - 5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
 - 6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
 - 7. The garage or shed must have at least one permanent opening on each wall not more than one foot (1') above grade with one square inch of opening for every one square foot of floor area.
 - 8. The garage or shed must be less than fifteen thousand dollars (\$15,000.00) in market value or replacement cost whichever is greater or less than five hundred seventy six (576) square feet (24 feet x 24 feet).
 - 9. The structure shall be anchored to resist flotation and overturning.
 - 10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
 - 11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

14-8-8: SUBDIVISION REQUIREMENTS: © 🖃

The City of Oglesby Council shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

- (A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of sections 14-8-6 and 14-8-6 and 14-8-6 and 14-8-6 and 14-8-7 of this chapter. Any proposal for such development shall include the following data:
 - 1. The base flood elevation and the boundary of the floodplain; where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 - 2. The boundary of the floodway when applicable, and
 - 3. A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act². Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

14-8-9: PUBLIC HEALTH AND OTHER STANDARDS: © 🖃



- (A) Public health standards must be met for all floodplain development. In addition to the requirements of sections 14-8-6 and 14-8-7 of this chapter the following standards apply:
 - 1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of section 14-8-7 of this chapter.
 - 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - 3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - 4. New and replacement on site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other aboveground openings located below the flood protection elevation shall be watertight.
 - 5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet (3') above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- (B) All other activities defined as "development" shall be designed so as not to alter flood flows or increase potential flood damages.

14-8-10: CARRYING CAPACITY AND NOTIFICATION: 1



For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the City of Oglesby shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

14-8-11: VARIANCES: 1

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the City of Oglesby Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Oglesby City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

- (A) Conditions: No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 - 1. The development activity cannot be located outside the floodplain.
 - 2. An exceptional hardship would result if the variance were not granted.

- 3. The relief requested is the minimum necessary.
- 4. There will be no additional threat to public health, safety or creation of a nuisance.
- 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
- 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
- 7. All other state and federal permits have been obtained.
- (B) Notification: The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of section 14-8-7 of this chapter that would lessen the degree of protection to a building will:
 - 1. Result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage;
 - 2. Increase the risk to life and property; and
 - 3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Historic Structures:

- 1. Variances to the building protection requirements of section <u>14-8-7</u> of this chapter which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in the term "historic structure" in section <u>14-8-2</u> of this chapter, may be granted using criteria more permissive than the requirements of sections <u>14-8-6</u> and <u>14-8-7</u> of this chapter subject to the conditions that:
 - (a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - (b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.
- (D) Agriculture: Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at grade and wet floodproofed.

- 1. All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farmhouses, cannot be considered agricultural structures.
- 2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's flood insurance rate map (FIRM).
- 3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood resistant materials in accordance with section 14-8-7 of this chapter.
- 4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 14-8-7 of this chapter. All of the building's structural components must be capable of resisting specific flood related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- 5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood-proofed so that they are contained within a watertight, flood-proofed

- enclosure that is capable of resisting damage during flood conditions in accordance with section 14-8-7 of this chapter.
- 6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 14-8-7(B) of this chapter.
- 7. The agricultural structures must comply with the floodplain management floodway provisions of section <u>14-8-6</u> of this chapter. No variances may be issued for agricultural structures within any designated floodway.
- 8. Wet flood-proofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

14-8-12: DISCLAIMER OF LIABILITY: 🕯 🖃

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the City of or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.

14-8-13: PENALTY: 4 ==

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the building inspector may determine that a violation of the minimum standards of this chapter exists. The city shall notify the owner in writing of such violation.

- (A) If such owner fails after ten (10) days' notice to correct the violation:
 - 1. The City of Oglesby shall make application to the Circuit Court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter.
 - 2. Any person who violates this chapter shall upon conviction thereof be fined not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) for each offense.
 - 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
 - 4. The City of Oglesby shall record a notice of violation on the title of the property.
- (B) The city attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

The city attorney is authorized to issue an order requiring the suspension of the subject development. The stop work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop work order. The stop work order constitutes a suspension of the permit.

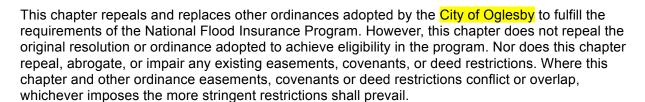
No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

- 1. The grounds for the complaint, reasons for suspension or revocation, and
- 2. The time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the City of from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

14-8-14: ABROGATION AND GREATER RESTRICTIONS: © 🖃



THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 9 PUBLIC IMPROVEMENTS 12

14-9-1: IMPROVEMENTS REQUIRED:

14-9-2: CONSTRUCTION OF SUBDIVISION IMPROVEMENTS:

14-9-3: PERFORMANCE GUARANTEES:

14-9-4: HOMEOWNERS' ASSOCIATION RESPONSIBILITIES:

14-9-5: MONUMENTS:

14-9-6: EASEMENTS AND DEDICATIONS:

14-9-7: BLOCKS:

14-9-8: LOTS:

14-9-9: STREETS:

14-9-10: SIDEWALKS:

14-9-11: LANDSCAPING:

14-9-12: WATER SUPPLY SYSTEMS:

14-9-13: SEWAGE DISPOSAL FACILITIES:

14-9-14: STORMWATER MANAGEMENT FACILITIES:

14-9-1: IMPROVEMENTS REQUIRED: © ==



- (A) Subdividers are responsible for the construction, installation and maintenance of the following improvements in accordance with the standards of this title in addition to any federal, state or local standards:
 - 1. All roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision as may be required by this title;
 - 2. Water supply and wastewater systems;
 - 3. Stormwater management facilities;
 - 4. Electrical improvements;
 - 5. Any other improvements required by this chapter or required at the time of preliminary plat approval.
- (B) The requirements of this chapter also apply to nonsubdivision development when such improvements are required to serve the development, or as otherwise specifically stated in this title.

14-9-2: CONSTRUCTION OF SUBDIVISION IMPROVEMENTS: © 🖃



- (A) Compliance With Requirements: Before a final plat will be approved, the city engineer must certify that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all provisions of this title and that they comply with the following:
 - 1. Where not specified by this chapter, all construction work must comply with the provisions of the most recent version of the "Standard Specification For Road And Bridge Construction" adopted by the Illinois Department of Transportation, commonly referred to as the "Standard Specifications".
 - 2. Where not specified by this chapter, design standards must comply with the provisions of the most recent version of the "Highway Standards" manual as published by the Illinois Department of Transportation, commonly referred to as the "Highway Standards".

(B) Deviation From Plans And Specifications: No substantial deviation from the plans and specifications as approved by the city engineer will be allowed without the written permission of the City Council. Field changes will be allowed by the city engineer.

14-9-3: PERFORMANCE GUARANTEES: © 🖃

- (A) Forms And Conditions Of Performance Guarantees: Performance guarantees must be made payable to the city in the form of a surety bond, letter of credit, certificate of deposit, or another surety instrument acceptable to the City Council. The guarantee must be conditioned upon the performance of all work necessary to complete the specified improvements. Should the developer fail to properly install all improvements within the term of the guarantee, the city may draw on the funds to complete the improvements. Until official acceptance of the improvements by the city, the owner is responsible for all maintenance of the required improvements.
 - 1. Amount: The amount of the guarantee must be a minimum of one hundred percent (100%) of the estimate of the probable cost of the improvements, estimated by the owner and approved by the City Council.
 - 2. Term: Guarantees must be posted for a minimum eighteen (18) month period. Upon request by the property owner, the City Council, for good cause and with the approval of the provider of the guarantee, may extend the term for up to one additional year. However, as a condition of extension of the guarantee the City Council is authorized to request an updated cost estimate and increased guarantee for the remainder of the outstanding improvements, if it determines that the original guarantee may no longer be sufficient to cover the current cost of the outstanding improvements.
 - 3. Release Of Guarantee: The performance guarantee will be released when:
 - (a) All improvements are completed according to approved plans and the requirements of this title, and are certified by all appropriate agencies;
 - (b) Four (4) sets of approved as built plans for all improvements have been submitted to the city, including one PDF copy;
 - (c) Final waiver of liens for all materials and labor necessary for the installation of improvements is submitted; and
 - (d) Final acceptance has been made by the City Council.

14-9-4: HOMEOWNERS' ASSOCIATION RESPONSIBILITIES: Testing In the second second

Where required to be established, a homeowners' association as defined by this title is responsible for enforcement of private covenants and restrictions within a subdivision, condominium, or other specified development. The association must be established and approved as a condition of plat or development approval and is responsible for the cost and maintenance of all private streets, common open space, landscape areas (which may include those, around identification signs and within required transition yards), stormwater facilities, and other private facilities within a development that are not dedicated to the public.

14-9-5: MONUMENTS: 🕯 🖃

- (A) Two (2) permanent monuments must be placed at exterior corners of each subdivision. Permanent monuments must be concrete, six inches (6") in diameter with an iron bar or pipe at least five-eighths inch (5/8") in diameter and thirty inches (30") long at the center of the monument.
- (B) All lot corners, exterior corners, points of curvature, and points of tangency not marked by permanent monuments must be marked by iron pipes or bars at least one-half inch $(^{1}/_{2}")$ in diameter and thirty inches (30") in length.

(C) A minimum of one permanent elevated bench mark must be established for each subdivision. This monument must be constructed according to the requirements for permanent monuments as described in this section.

14-9-6: EASEMENTS AND DEDICATIONS: © 🖃

- (A) Access Easements (Private Streets): Private streets are not permitted, except that the Plan Commission may approve private streets that serve three (3) or fewer lots. Private streets, if approved, must be constructed according to the standards for roads in this title, and means must be established for private maintenance. Private streets must be labeled on the final plat as follows: "This subdivision contains private streets that will not be maintained by the city or any other public agency. Property owners within the subdivision are responsible for all maintenance". A sign identifying the street as a private street must be placed at the street's entrance, according to city specifications. The maintenance of private streets will be the responsibility of the abutting property owners or established homeowners' association.
- (B) Utility Easements: Utility easements must be provided for any overhead or underground utility service and must be at least twelve feet (12') wide. Easements must be located across lots or along rear or side property lines and must be designed to provide continuity of alignment from block to block and to adjoining unsubdivided areas.
- (C) Watercourse And Drainage Easements: Where a subdivision is traversed by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right of way conforming substantially to the lines of the watercourse must be provided.

(D) Land Dedications:

- 1. Whenever the Plan Commission determines that a park, recreation area, school site, library or other public space should be located in whole or in part in the proposed subdivision, the Plan Commission will request the dedication of those sites or will require their reservation for a period of one year following the date of the final approval of the subdivision plat. If a governmental agency passes a resolution expressing its intent to acquire the reserved land within the reservation year, the reservation period will be extended for one additional year.
- 2. Land to be dedicated to the public must be labeled on the final plat as follows: "Dedicated to the (public agency) for (intended use of dedicated land)".
- 3. All lands offered to the city for use as streets, alleys, schools, parks, libraries and other public uses must be referred to the Plan Commission for review and recommendation before being accepted by the Council or by any other governing authority of the city.

14-9-7: BLOCKS: 1

- (A) The lengths, widths and shapes of blocks must be determined with due consideration given to:
 - 1. Provision of adequate building sites suitable to the type of use contemplated;
 - 2. Zoning requirements as to lot sizes and dimensions;
 - 3. Needs for convenient access, circulation, control and safety of street traffic; and
 - 4. Limitations and opportunities of topography.
- (B) Blocks must be at least four hundred feet (400') long but no longer than one thousand eight hundred feet (1,800'). Crosswalk easements are required for blocks more than eight hundred feet (800') long. Crosswalk easements must be at least twelve feet (12') wide and located where deemed necessary by the Plan Commission. The Plan Commission may also require additional crosswalks to provide safe and convenient access to schools, parks, shopping areas or other destinations.

14-9-8: LOTS: 4 ===

- (A) The lot size, dimensions, shape and orientation must be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (B) Lot dimensions and areas must conform to the requirements of chapter 4 of this title.
- (C) All side property lines must be substantially at right angles to the street right of way, or radial to curved street right of way.
- (D) All residential lots must front directly on a public street or a permanent access easement to a public street that is at least twenty feet (20') wide, as permitted by subsection 14-9-6(A) of this chapter.
- (E) Double frontage and reversed frontage lots are to be prohibited in residential districts except where necessary to provide separation of residential development from traffic arteries.
- (F) Lots abutting a watercourse, drainageway, channel or stream must have additional width or depth as required to provide an adequate building site and afford the minimum usable area required in chapter 4 of this title for front, rear and side setbacks.
- (G) Excessive depth in relation to width should be avoided. The depth of a lot should not exceed three (3) times its average width.

14-9-9: STREETS: 14-9-9:

(A) General:

- 1. The arrangement, character, extent, width, grade and location of all streets must be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- 2. In the case of tentative plats for parts of tracts, where it appears necessary to the Plan Commission for the satisfactory overall development of an area, an owner may be required to prepare at least a street plan of his entire tract based upon proper topographic surveys before approval of any portion of such plan.
- 3. Whenever an area is subdivided into lots of forty thousand (40,000) square feet or more that may at a later date be resubdivided, consideration must be given to the street and lot arrangement of the original subdivision so that additional minor streets can be located to permit a logical arrangement of smaller lots.
- 4. In the layout of all subdivisions, due regard must be given to the preservation of historical sites and natural features such as large trees, watercourses and scenic views.
- (B) Street Layout: The arrangement of streets in a subdivision must either:
 - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding area; or
 - 2. Meet a particular situation where topographical, drainage or other conditions make continuance or conformance to existing streets impracticable.

(C) Frontage Roads:

1. Where a subdivision abuts or contains an existing or proposed major highway or interstate highway, the Plan Commission may require:

- (a) Frontage roads;
- (b) Reverse frontage with screen planting contained in a nonaccess reservation along the rear property line;
- (c) Deep lots with rear service alleys;
- (d) Other treatments as necessary for protection of residential properties and to separate through and local traffic.
- 2. Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the Plan Commission may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land, for park purposes in residential districts, or for commercial or industrial purposes in the appropriate districts. Such distances must be determined also with due regard for the requirements of approach grades and future grade separations.
- (D) Half Streets Prohibited: No building permit will be issued for the construction of a building on a lot that abuts a public right of way dedicated to one-half $\binom{1}{2}$ or less of its proposed width.
- (E) Street Dimensions: All streets must conform to the following requirements:

SEE TABLE ON FOLLOWING PAGE:

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

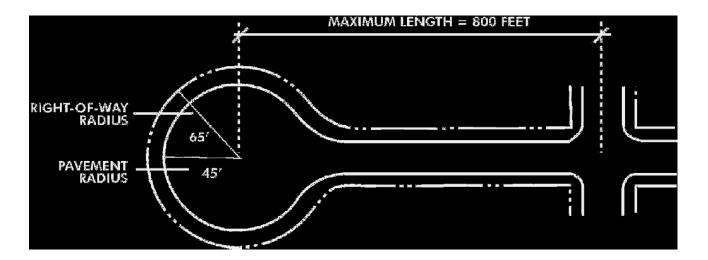
	Arterial Streets	Collector And Multi- Family Streets	Local Residential Streets	Frontage Roads	Business Parks	Industrial Parks
Right of way width	80' - 100'	70'	66' (curb/ gutter); 66' (no curb/ gutter)	50'	80' - 100'	80' - 100'
Pavement width (back of curb to back of curb)	48' - 72'	36'	33' (curb/ gutter); 24' (no curb/ gutter)	28'	48'	40'
Minimum radius of horizontal curves (road centerline dimension)	600'	400'	100'	200'	500'	400'
Vertical curve sight distance (measured at 4.5' above the center of the roadway)	400'	300'	200'	200'	400'	400'
Minimum tangents between reverse curves (road centerline dimension)	200'	200'	100'	100'	200'	200'
Maximum gradient	3%	3%	6%	6%	3%	3%
Minimum gradient	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%
Minimum curb tangents at street intersections	30'	25'	25'	25'	30'	30'

(F) Intersections:

- 1. Streets must intersect as nearly to right angles as possible, with no intersection less than sixty degrees (60°).
- 2. Street jogs with centerline offsets of less than one hundred twenty five feet (125') are prohibited.

(G) Cul-De-Sac Streets:

1. Permanent dead end streets may not be longer than eight hundred feet (800') and must be provided with a cul-de-sac turnaround with a pavement radius of at least forty five feet (45') and a right of way radius of at least sixty five feet (65'). Other types of turnarounds are prohibited.



2. Cul-de-sac islands are prohibited, due to the difficulty cul-de-sac islands create for snow removal and emergency services.

(H) Stub Streets:

- 1. Where an existing street terminates at the boundary line of a proposed subdivision, the street must be continued in the proposed subdivision unless natural conditions on the adjacent property preclude continuation of the street.
- 2. When a proposed street terminates at the subdivision boundary, right of way lines and pavement must extend to the subdivision boundary if the adjacent property is undeveloped. The following notation must be placed on the final plat: "Future access connection for adjacent development".

(I) Alleys:

- 1. Alleys are prohibited in residential areas except where approved by the Plan Commission.
- Alleys may be required in commercial and industrial districts. The Plan Commission must refer any variations to the City Council for waiving this requirement if provisions are made for service access such as off street loading, unloading and parking, consistent with and adequate for the uses proposed.
- 3. Where provided, alleys must have a minimum right of way width of twenty feet (20').
- 4. Alley intersections and sharp changes in alignment must be avoided where possible, but where necessary, corners must be cut off sufficiently to permit safe vehicular movement.
- 5. Dead end alleys must be avoided where possible, but if unavoidable, must be provided with adequate turnaround facilities at the dead end, as determined by the Plan Commission.

- (J) Surfacing: The following types of street surfacing are minimum requirements:
 - 1. Local Residential Streets:
 - (a) Three inch (3") bituminous surface on an eight inch (8") compacted aggregate base; or
 - (b) Six inch (6") concrete surface on a four inch (4") compacted aggregate base.
 - 2. Arterial And Collector Streets: Four inch (4") thick bituminous surface on a twelve inch (12") compacted aggregate base. These streets must comply with Illinois Department of Transportation, Bureau of Local Roads Design Standards, if the Illinois Department of Transportation Standards are more stringent than those provided for herein.

(K) Curbs And Gutters:

- Concrete curbs (type B-6.12 as specified in the most recent edition of the Highway Standards of the Illinois Department of Transportation) must be installed on all new streets, except in detached single-family subdivisions where a mountable curb of similar dimensions may be approved by the city engineer, the Plan Commission, and the City Council.
- 2. Where curb and gutter are not required, streets must be constructed with:
 - (a) Shoulders consisting of the same material as the required aggregate base course, extending two feet (2') beyond each edge of the street surface for local streets and extending six feet (6') beyond the edge of the street surface for arterial and collector's streets.
 - (b) Ditches a minimum of two feet (2') deep with slopes no steeper than four to one (4:1).
 - (c) Minimum twelve inch (12") diameter pipe culverts for driveways and minimum fifteen inch (15") diameter pipe culverts for crossroad culverts.
- (L) Street and Avenue Names: Names may not be similar to or duplicate the names of existing streets. New streets that are extensions of existing streets must bear the name of the existing street. All street names are subject to the approval of the Plan Commission.
- (M) Street Signs And Markers: The subdivider must purchase and install street name signs that conform to the standards of the city at one corner of each street intersection.
- (N) Streetlights: Streetlights must be installed at all intersections and at the end of all cul-de-sac and stub streets. Installation of lighting must meet all current city specifications. Payment must be made by the developer to the city for the installation of lighting standards, poles, brackets, luminaries, lamps and wiring meeting all current city specifications.

14-9-10: SIDEWALKS: 4 ==

(A) Applicability:

- 1. For properties being subdivided, sidewalks are required on both sides of the street in the following instances:
 - (a) Streets in residential subdivisions consisting of lots with an average lot area of twenty thousand (20,000) square feet or less;
 - (b) In subdivisions near or containing schools or along arterial or collector streets where heavier traffic volumes may present safety problems for pedestrians, as required by the City Council;
 - (c) In all multi-family or attached single-family subdivisions; and
 - (d) In all mixed use or nonresidential subdivisions.
- 2. For properties being subdivided, sidewalks are required on one side of the street in

- residential subdivisions consisting of lots with an average lot area greater than twenty thousand (20,000) square feet. This requirement may be waived if a system of paved trails or pedestrian walkways is provided.
- 3. For properties being subdivided, the Plan Commission can recommend to the City Council that the City Council approve a subdivision without sidewalks and, if the City Council concurs with the recommendation of the Plan Commission, the provisions of this section dealing with sidewalks can be eliminated or modified.

(B) Dimensions And Locations:

- 1. Sidewalks must be constructed a minimum of one foot (1') from the property line.
- 2. Sidewalks on collector and arterial streets and streets fronting on multi-family, commercial or industrial development must be at least five feet (5') wide.
- 3. Sidewalks for single-family development must be at least four feet (4') wide.
- 4. Sidewalks must be constructed of concrete and must be at least four inches (4") thick. Sidewalk thickness must be at least six inches (6") at driveways.
- 5. Sidewalks must connect to existing adjacent sidewalk networks where practicable.

14-9-11: LANDSCAPING: © 🖃

- (A) All improved areas within the dedicated street area or other public use areas and all yards must be graded and seeded.
- (B) One tree must be planted along street frontages between the building line and the front and corner property lines of each lot. Once planted, the maintenance of these trees is the responsibility of the property owner. Required street trees must be installed on an individual lot prior to issuance of a letter of occupancy for that lot in accordance with section 14-11-20 of this title.

14-9-12: WATER SUPPLY SYSTEMS: © =

(A) General:

- 1. No subdivision may be approved without water supply systems that comply with this section, or the posting of surety bonds guaranteeing such improvements.
- 2. All water supply systems must be designed and constructed according to all applicable rules, regulations and standards contained in ordinances of the City of, the Illinois Environmental Protection Agency, and the "Standard Specifications For Water And Sewer Main Construction In Illinois". All water supply systems must be designed at a minimum of one inch (1") in diameter or larger to provide adequate water pressure and flow for the intended use, including fire protection, and must be approved by the city engineer.
- (B) Public Water Systems: The facilities on the site must be designed and installed to connect to the public water system with approval by the city engineer, in accordance with the requirements of this section.
- (C) Water System Design And Construction:
 - 1. Water mains, fire hydrants and services must be provided to serve all lots and to provide for reasonable expansion of the system.
 - 2. Water mains must be designed using the criteria of the State of Illinois Department of Health and the Illinois Environmental Protection Agency in regard to the Ten State Standards. All water mains must be constructed of C-900 PVC pipe of at least two hundred (200) pounds pressure. When possible, water mains must be interconnected so as to avoid

- "dead ends". All valves must be enclosed in valve boxes.
- 3. Fire hydrants must be located within two hundred feet (200') of all dwellings and must be of manufacture approved by the city with auxiliary valves and boxes. Hydrants must be spaced no more than four hundred feet (400') apart.
- 4. Water services must be type copper or poly SDR-9 with tracer wire at least one inch (1") in diameter.

14-9-13: SEWAGE DISPOSAL FACILITIES: © 🖃

(A) General:

- 1. No subdivision may be approved without sewage disposal facilities that comply with this section, or the posting of surety bonds guaranteeing such improvements.
- 2. All sewage disposal facilities must be designed and constructed according to all applicable rules, regulations and standards contained in ordinances of the City of the Illinois Environmental Protection Agency, the "Standard Specifications For Water And Sewer Main Construction In Illinois", and all other applicable agencies. Plans, specifications, and construction must be approved by the Illinois Environmental Protection Agency, and the city engineer. Before recommending approval of a subdivision, the Plan Commission must consider the availability of sewage disposal facilities to the proposed subdivision. Regardless of the location or lot size, a subdivision will be disapproved if the city engineer finds that the drainage, soil conditions, disposal facilities or other conditions may create a hazard to public health.
- (B) Public Sewer Systems: The facilities on the site must be designed and installed to connect to the public sewer system with the approval of the city engineer according to the requirements of this section, unless an individual sewage collection and disposal system is permitted under subsection (C) of this section.
- (C) Individual Sewage Collection And Disposal Systems: The city requires that lots be serviced by public sewage collection and disposal systems. The City Council will not consider approval of a preliminary plat or building permit for lots that are not proposed to be serviced by public sewage and disposal facilities unless no public sewer is available within two hundred feet (200') to the nearest point of the closest lot of the proposed subdivision and written approval for construction of such facilities have been provided by the LaSalle County Health Department. Any request for individual sewage collection and disposal systems must be approved by the LaSalle County Health Department and Illinois Private Sewage Disposal Code which control their design. Where septic systems and individual wells are approved by the city and county, data regarding their location and construction specifications must be included on the final plat as required by this title.

(D) Sewer System Design And Construction:

- 1. Sanitary sewers and services of approved design and capacity with a minimum earth cover of three feet (3') must be provided to serve all lots and to provide for reasonable expansions of the system.
- 2. Sanitary sewers must be designed using the criteria of the State of Illinois Department of Public Health and the Illinois Environmental Protection Agency.
- 3. Sanitary sewer manholes must be located at points that will minimize the possibility of submergence in storms.

14-9-14: STORMWATER MANAGEMENT FACILITIES: © 🖃

- (A) Applicability: The regulations of this section apply to all development, as described herein.
- (B) Cost Of Construction: A properly designed storm sewer system must be provided at the expense

of the owner or developer of a subdivision or other tract of land as required by this section.

(C) Permits:

- 1. Storm Sewer Permits:
 - (a) No connection to or extension of any storm sewer in the city may be made until a permit has been issued.
 - (b) Storm sewer application permits must be accompanied by three (3) sets of plans and specifications for review prepared by a registered professional engineer of Illinois
 - (c) When the plans and specifications are approved and a permit has been issued, the applicant must furnish the city with an additional three (3) sets of plans and specifications.
 - (d) The city must be given an advance notice of forty eight (48) hours before any construction begins.

2. Excavation Permits:

- (a) A permit is required for any excavation for constructing, repairing or replacing a storm sewer in any location.
- (b) A cash deposit for ground restoration in the amount set by the City Council must be paid prior to issuance of an excavation permit. The ground must be restored to the city's standards. If the ground is not restored to the city's specifications, restoration may be completed at the city's expense with costs deducted from a required deposit amount, with the balance of the deposit returned after all restoration has been completed.

(D) Certificate Of Insurance:

- Any person, firm or corporation performing work under this section must take out and maintain during the construction of the project liability and property damage insurance that will protect him, the city and the city's representatives from claims from liability and property damages that may arise from construction of the work.
- 2. The city must be furnished certificates of insurance issued by the companies carrying the risk, and the certificates must be in form and substance satisfactory to and approved by the city.
- (E) Design And Construction Standards: The design and construction of the storm sewer system and stormwater storage facilities within the jurisdiction of the city must conform to the most restrictive of the requirements contained in the latest edition of the following regulations, standards and specifications, which will be on file in the City Clerk's office:
 - 1. "Standard Specifications For Water And Sewer Main Construction In Illinois".
 - 2. "Standard Specifications For Road And Bridge Construction", Illinois Department of Transportation.
 - 3. "Supplemental Specifications and Recurring Special Provisions", Illinois Department of Transportation.
 - 4. "Drainage Manual", Illinois Department of Transportation, except as modified by this chapter.
 - 5. "Highway Standards", Illinois Department of Transportation.
 - 6. "Bureau of Local Roads and Streets Manual", Illinois Department of Transportation.
- (F) Rainwater Drains: No rainwater drain may discharge onto any sidewalk or public way, and no drain may discharge onto any public street or alley at a height greater than eighteen inches (18") above grade.

- (G) Storm Sewers For Impervious Areas:
 - 1. Storm sewers and catch basins must be provided for all impervious surface areas larger than seven thousand five hundred (7,500) square feet when a public storm sewer is no more than one hundred feet (100') from the property line measured along a public right of way or sewer system easement.
 - 2. One catch basin must be provided for the first thirty thousand (30,000) square feet of impervious area and one additional catch basin must be provided for every additional ten thousand (10,000) square feet of impervious area or fraction thereof.
 - 3. All other impervious areas must be designed to drain to a public street or an existing open watercourse. No drainage may be allowed to pass onto adjoining property or over public sidewalks unless at the point where a driveway intersects the sidewalk.
- (H) Subdivisions: No plat may be approved for a subdivision that is subject to periodic flooding or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements that will, in the opinion of the city engineer, make the area safe for residential occupancy and provide adequate lot and street drainage, the preliminary plat of the subdivision may be approved.
- (I) Connection Of Sanitary Wastes To Storm Sewers Or Watercourses: No sanitary sewage may discharge into any portion of the city storm drainage system or any watercourse.
- (J) Storm Sewer Capacity:
 - 1. Storm sewer capacities must be designed for a minimum 10-year storm frequency. Storm sewer capacities will be determined using the rational formula (Q = CiA, where Q = peak runoff rate in cubic feet/second, C = runoff coefficient, i = average intensity of rainfall in inches/hour, A = drainage area in acres).
 - 2. When stormwater storage is required, provision must be made to transport stormwater runoff from a 100-year storm frequency from the fully developed area of the site to the stormwater storage area. The additional stormwater runoff resulting from the design for a 100-year storm frequency may be transported to the stormwater storage area over streets, parking areas, parks, playgrounds or other open spaces, including utility easements.
 - 3. The storm sewer system must have adequate capacity to adequately drain all tributary drainage areas through the property, and there will be no compensation to the owner or developer by the city for the increased pipe sizes and construction costs, if any.
 - 4. In any subdivision, lot, or parcel of land where it is determined by the city engineer that the storm sewer would be larger than ninety six inches (96"), based on a 20-year storm frequency, then a ditch or drainage channel meeting the following standards may be used if the council so approves.
 - (a) With grades from three-tenths of 1% (0.3%) to four percent (4%), ditch may have earthen bottoms and sod banks.
 - (b) With grades greater than four percent (4%) or flatter than three-tenths of 1% (0.3%), ditches must be paved.
 - (c) All ditches must have side slopes of not less than three to one (3:1).
 - (d) Easements for all ditches must be dedicated to the city and there must be provided in addition to the necessary width required for the ditch, a strip of land on each side of the ditch of a width of fifteen feet (15'), such distance to be measured perpendicular to trees, poles, structures and other obstructions. The slope of these side areas to the ditch may not exceed five percent (5%). There may be no trees, bushes, or obstructions of any kind placed in this area.
 - (e) Culverts or bridges must be provided at all street crossings and must be sized to

eliminate flooding or ponding of water. Culverts must have a minimum cover of twelve inches (12"). Culverts must be reinforced concrete or precast reinforced concrete pipes with necessary headwalls. Culverts must extend a minimum of five feet (5') past each right of way line of the street and must extend far enough to provide a minimum slope of three to one (3:1) from the right of way line down to the invert of the pipe.

- (f) All ditches, bridges and culverts must be located and designed in accordance with current applicable standards as amended from time to time and requirements of the city engineer.
- (g) All culverts or bridges must be provided with suitable railings and/or guardrails as required and approved by the city.
- (K) Manholes And Catch Basins: Manholes must be provided at all changes in direction and at intermediate points not exceeding three hundred fifty feet (350') apart. Catch basins with curb inlets must be provided as required by the "Drainage Manual", Illinois Department of Transportation, except as modified by this chapter.

(L) Stormwater Storage Facilities:

1. Where Required:

- (a) Nonresidential Development: A properly designed stormwater storage facility must be provided by the developer of all nonresidential developments that contain an area greater than one acre or, if less than one acre, where fifty percent (50%) or more of the area is covered with impervious improvements, unless an approved facility exists for the property. This requirement does not apply to replacement of improvements on property in cases where the impervious coverage of the development is not increased.
- (b) Residential Development: Stormwater storage must be provided for all residential developments larger than two (2) acres. This requirement does not apply to replacement of improvements on property in cases where the impervious coverage of the development is not increased.

2. Basis Of Design:

- (a) The necessary volume of stormwater storage will be calculated on the basis of a 100-year storm frequency using the criteria established by the Metropolitan Water Reclamation District of Greater Chicago.
- (b) No stormwater storage will be required for offsite upstream areas.
- (c) Flows from offsite tributary areas resulting from a 10-year storm frequency will be drained through the storm sewer system provided for the site. Off site flow in excess of the 10-year storm frequency must be bypassed through the site as overland flow and must be calculated using the 100-year storm frequency.

(M) Allowable Release Rate:

The allowable release rate of storm water runoff from the developed drainage areas of the site must not exceed the existing capacity of the downstream storm sewer system of drainage channel, but in no case, may the discharge for a 100-year storm exceed 0.25 cubic feet per second per acre. No outlet pipe may be of a diameter of less than eight inches (8") and of a diameter so as not to restrict the designed allowable release rate from any storm water storage facility. Outlet control facilities other than pipes must be constructed of reinforced concrete. Outlet pipes from storage areas must be approved by the city. This limitation applies only to improvements constructed pursuant to building permits applied for after the effective date specified in section 14-1-2 of this title.

(N) Bypass:

- 1. The drainage system that is provided for the site must have adequate capacity to safely bypass through the development of the flow resulting from a 100-year storm frequency from all upstream areas assuming the land is in a fully developed state under present zoning or proposed zoning outlined in the comprehensive plan. The flow must be calculated using a runoff coeffecient of not less than 0.50. An allowance must be made for any upstream storm water storage that has actually been provided.
- 2. The required bypass area for storm water in excess of the volume handled by the storm sewer system may consist of streets, parking areas, parks, playgrounds or other open spaces, including utility easements. There may be no habitable structures located within this bypass area that is used as a floodway, and this bypass area may not be reshaped or restricted in any way to reduce its effective capacity.
- 3. The design of the bypass area must take into consideration the control of the storm water velocity to prevent erosion. The side slopes on any drainage swale may not be steeper than three to one (3:1).
- (O) Stormwater Storage Areas: The required volume of stormwater storage may be provided in paved parking areas and in reservoirs with either a wet or dry bottom. Alternate types of stormwater storage areas must be approved by the city engineer.
 - 1. Parking Areas: The stormwater storage areas must be designed so that the accumulation of water at any point in the parking lot during peak rainfall does not exceed eight inches (8"). The parking lot must be sloped to drain at a minimum of one percent (1%). The finished floor elevation of all buildings must be set so that no damage would occur if a storm in excess of the 100-year storm frequency occurs or if the drainage outlet becomes plugged.
 - 2. Dry Bottom Reservoirs:
 - (a) A dry bottom type of reservoir may be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by periodic flooding.
 - (b) A paved ditch with a slope of not less than 0.50 percent will be required from the inlet pipe or structure to the outlet pipe or structure to prevent erosion of the bottom of the reservoir when the capacity of the inlet pipe exceeds five (5) cfs or when the inlet pipe has a constant flow, even during dry weather. In certain cases, dry bottom reservoirs must have a pipe underdrain system as required by the city engineer. The paved ditch must meet the requirements for paved ditches contained in the "Highway Standards".
 - (c) The grassed bottom of the reservoir must slope to drain to the outlet or paved ditch at a minimum of one percent (1%) slope. The side slopes on the earth berm around the reservoir must not be steeper than four to one (4:1) and the earth berm at the top may not be less than ten feet (10') wide.
 - (d) The inlet and outlet pipes or structures from the reservoir must be self-operating and require very limited maintenance. An emergency overflow spillway must be provided from the reservoir in the event a storm in excess of the 100-year storm frequency occurs. The inlet and outlet pipes or structures must be provided with safety bars with maximum openings of six inches (6") to provide for the safety of children.

3. Wet Bottom Reservoirs:

(a) Wet bottom storage reservoirs must be constructed to conform to the current applicable requirements. The minimum depth from the normal water level to the bottom of the side slope must be four feet (4'). A minimum of twenty five percent (25%) of the pond area must be constructed to a minimum depth of ten feet (10') to

provide for fish.

- (b) Proper measures must be provided by the developer to prevent the water from becoming stagnant.
- (c) Where the soil in the bottom of the reservoir is too permeable to hold water, the bottom must be sealed by an accepted method approved by the city engineer.
- (d) The inlet and outlet pipes or structures from the reservoir must be self-operating and require very limited maintenance. An emergency overflow spillway must be provided from the reservoir in the event a storm in excess of the 100-year storm frequency occurs. The inlet and outlet pipes or structures must be provided with safety bars with maximum openings of six inches (6") to provide for the safety of children.
- (P) Requirements During Construction: Construction operations must be conducted in such a manner as to minimize erosion potential on the site. Silting of off site downstream areas must be controlled through the appropriate use of sedimentation basins, including retention/detention facilities designed for that purpose, provided that such facilities will be restored to their prior design configuration upon completion of construction operations. The developer must indicate the methods and timing of construction to be used for the control of siltation during construction operations at the time that final engineering plans are submitted for approval.
- (Q) Approval: All work required to be done under this section must be periodically inspected by and approval obtained from the city superintendent in charge, or city engineer as the work progresses. When the work is completed, final approval must be obtained from the city superintendent in charge or city engineer. Before final approval can be obtained, the superintendent in charge or city engineer must inspect all work and see that it has been completed in accordance with the approved plans and specifications.
- (R) Stormwater Management Facility Maintenance:
 - 1. Routine Maintenance: The homeowners' association whose property or common area includes all or a portion of an open drainage swale, channel, detention basin or other stormwater management facilities will be held responsible for the mowing of grass, removal of debris or obstructions to the flow of water in or through such facilities, removal of silt, and maintenance and repair due to erosion.
 - 2. Nonroutine Maintenance:
 - (a) Nonroutine maintenance, including maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures, must be performed on an as needed basis based on information gathered during regular inspections.
 - (b) A legally binding covenant specifying the parties responsible for proper maintenance of all stormwater management facilities must be provided by the developer and approved by the city prior to final plat approval, or for properties not subject to the plat approval process, prior to the issuance of site plan approval or building permits, whichever comes first.
 - (c) The maintenance agreement must include a description of maintenance and repair procedures to be completed, including identification of components that need to be maintained and standards for maintenance.

3. Inspections:

- (a) The persons or organizations responsible for maintenance must inspect stormwater management facilities on a regular basis, as outlined in the maintenance agreement.
- (b) Authorized representatives of the City of may enter at reasonable times upon any time to conduct on site inspections or routine maintenance.

Chapter 10 DECISION MAKING BODIES DECISION MAKING BODIES

14-10-1: Plan Commission AND ZONING BOARD OF APPEALS:

14-10-2: ZONING ADMINISTRATOR:

14-10-3: City Council:

14-10-1: Plan Commission AND ZONING BOARD OF APPEALS: © 🖃



(A) Establishment: The Plan Commission of the City of Oglesby shall consist of members appointed by the Mayor of the City of Oglesby and approved by the City Council. The Zoning Board of Appeals shall consist of members appointed by the Mayor and approved by the City Council. The Plan Commission and Zoning Board of Appeals previously appointed by the City Council prior to the adoption of this title shall be deemed to be reappointed and shall be directed to act under the terms of this title.

(B) Membership:

- 1. The Plan Commission shall consist of the Mayor and Commissioner of Streets and Public Improvements plus seven (7) members appointed by the Mayor and confirmed by the City Council.
- 2. The Zoning Board of Appeals shall consist of seven (7) members appointed by the Mayor and confirmed by the City Council.
- 3. Plan Commission members and Zoning Board of Appeals members shall serve staggered three (3) year terms.
- 4. The chairman of the Plan Commission and the chairman of the Zoning Board of Appeals shall be designated by the Mayor.
- 5. Vacancies will be filled for an unexpired term in the same manner as appointments for a full term.

(C) Meetings And Rules:

- 1. The commission must organize and adopt rules of procedure for its own government according to the provisions of this title.
- 2. Meetings will be held at the call of the chairman and at other times that the commission determines, and must be open to the public.
- 3. Minutes of the proceedings and a record of all actions must be kept by the acting secretary of either the Zoning Board of Appeals or the Plan Commission, showing the vote of each member upon each question, the reasons for the commission's determination, and its finding of facts. These records will be filed in the office of the City Clerk and are a public record. The city attorney shall act as acting secretary for all meetings of the Plan Commission and Zoning Board of Appeals.
- 4. Decisions on all matters before the Plan Commission and Zoning Board of Appeals require a majority vote of a quorum of commission members.
- (D) Plan Commission Powers And Duties: The Plan Commission has the following powers and duties:
 - 1. To hear and make recommendations regarding applications for text amendments, zoning map amendments, multi-family design review, special uses, preliminary plats and planned developments, according to the requirements of this title;
 - 2. To request assistance from other city officers, departments, commissions and boards;
 - 3. The chairman may administer oaths and compel the attendance of witnesses: and
 - 4. Along with the City Council, to develop and update the Comprehensive Plan to provide planning policies to guide future land use and zoning decisions and to provide the basis for approval of all development under this title.

- (E) Zoning Board of Appeals Powers And Duties: The Zoning Board of Appeals has the following powers and duties:
 - To hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator, provided that a party appealing the decision of the Zoning Board of Appeals may further appeal a decision of the Zoning Board of Appeals to the Council and a final decision on any appeal shall be made by the City Council.
 - 2. To hear and make recommendations to the City Council regarding variations from the requirements of this Land Development Code, subject to the standards set out in this title.
 - 3. To request assistance from other city officers, departments, commissions and boards; and
 - 4. The chairman may administer oaths and compel the attendance of witnesses.

14-10-2: ZONING ADMINISTRATOR: © 🖃

- (A) Designation: The zoning administrator is designated by the Mayor subject to the approval of the City Council.
- (B) Powers And Duties: The zoning administrator has the following powers and duties:
 - 1. To have the initial responsibility and authority for the interpretation and enforcement of this title and all other applicable ordinances, regulations and codes;
 - 2. To enter and inspect any premises, as needed, in the performance of these duties;
 - 3. To attend all meetings of the Plan Commission and Zoning Board of Appeals, if requested, for the purpose of providing technical assistance when requested by the commission/board:
 - 4. To review and issue building permits, sign permits, letters of occupancy;
 - 5. To hear and decide applications for interpretations of the use classifications, land development regulations of this title, and zoning district boundaries; and
 - 6. To serve as a member of and call meetings of the development review committee as needed.

14-10-3: City Council: 🕯 🖃

The City Council has the following powers and duties, in addition to those established by other chapters of this code:

- (A) Along with the Plan Commission, the City Council must develop and update the comprehensive Plan to provide planning policies to guide future land use and zoning decisions and to provide the basis for approval of all development under this title;
- (B) To confirm the Mayor's designation of the zoning administrator:
- (C) To confirm members of the Plan Commission and Zoning Board of Appeals appointed by the Mayor:
- (D) To publish a revised zoning map according to subsection 14-1-8(B) of this title;
- (E) To give final approval for freestanding wireless communication facilities;
- (F) To approve and accept subdivision improvements:
- (G) To give final approval for preliminary and final plats;
- (H) To propose and give final approval of text amendments to this chapter according to section $\underline{14}$ - $\underline{11}$ -2 of this title;

- (I) To propose and give final approval of amendments of the zoning map according to section 14-11-3 of this title;
- (J) To give final approval for special uses and planned developments;
- (K) To propose and give final approval to any requests for variation from the requirements of this Land Development Code;
- (L) To give final approval on applications for design review;
- (M) To hear and grant variations from the floodplain protection standards; and
- (N) To give final approval for any other actions as required in this title.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 11 REVIEW AND APPROVAL PROCEDURES [©] □

- 14-11-1: GENERAL:
- **14-11-2: TEXT AMENDMENTS:**
- 14-11-3: ZONING MAP AMENDMENTS:
- 14-11-4: **SPECIAL USES**:
- 14-11-5: SPECIAL USE PROCEDURE:
- 14-11-6: PLANNED DEVELOPMENT PROCEDURE:
- **14-11-7: SITE PLAN REVIEW:**
- 14-11-8: MULTI-FAMILY DESIGN REVIEW:
- 14-11-9: **VARIATIONS**:
- 14-11-10: WRITTEN INTERPRETATIONS:
- 14-11-11: APPEALS:
- 14-11-12: SUBDIVISION REVIEW AND PLATTING, GENERALLY:
- 14-11-13: PRELIMINARY PLAT:
- 14-11-14: CONSTRUCTION PLANS:
- 14-11-15: FINAL PLAT:
- 14-11-16: CERTIFICATES FOR RECORDING OF FINAL PLAT:
- 14-11-17: VARIATIONS FROM SUBDIVISION REQUIREMENTS:
- 14-11-18: MOBILE HOME PARK PERMIT:
- 14-11-19: BUILDING PERMITS:
- 14-11-20: LETTER OF OCCUPANCY:

14-11-1: GENERAL: 🕯 🖃

- (A) Summary Of Procedures: The following table provides a summary of the review and approval procedures of this chapter. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this chapter, the detailed procedures govern.
 - 1. Procedures Table:

Hearing	=	Public hearing required
Final action	=	Granting of permit, approval, or denial

PROCEDURES TABLE SHOWN ON NEXT PAGE

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

	Zoning Administrator	Plan Commission	Zoning Board Of Appeals	City Council
Building permit	Final action			
Final plat		Hearing/ recommendation		Final action
Letter of occupancy	Final action			
Map amendment		Hearing/ recommendation		Final action
Mobile home park permit	Initial decision	Hearing/ recommendation	Hearing/ recommendation	Final action
Multi-family design review		Hearing/ recommendation		Final action
Planned developments		Hearing/ recommendation		Final action
Preliminary plat		Hearing/ recommendation		Final action
Site plan review		Final action		
Special uses		Hearing/ recommendation		Final action
Text amendment		Hearing/ recommendation		Final action
Variations			Hearing/ recommendation	Final action
Written interpretations appeals	Initial decision		Hearing/ recommendation	Final action

(B) Authority To File: Unless otherwise specifically stated in this chapter, applications may be filed by the owner of the subject property.

(C) Application Contents:

- 1. All applications required under this chapter must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Application forms are available in the office of the official responsible for accepting the application.
- 2. Officials responsible for accepting applications must maintain a list specifying the materials and information to be submitted with each application filed. The list must be made available to all applicants and to any other person who requests a copy.

(D) Application Completeness:

 An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required fee. The official responsible for accepting the application has authority to determine whether the application is complete.

- 2. If an application is deemed incomplete, written notice explaining the deficiencies must be provided to the applicant.
- 3. No further processing of incomplete applications will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within ninety (90) days, the application will be considered withdrawn.
- 4. An applicant shall be solely responsible for all information provided to the city and the city assumes no responsibility to verify or confirm information in an application.
- (E) Application Filing Fees: Applications must be accompanied by the fee amount that has been established by the City Council. Fees are not required with applications initiated by the Plan Commission or City Council. Application fees are nonrefundable.

(F) Public Notice:

- 1. Written Notice: When provisions of this chapter require that "written notice" be provided, such notice must be given as follows:
 - (a) The City Clerk, based upon information provided to the City Clerk by the applicant or his agent, must provide written notice to the owners within one hundred feet (100') of the property lines of the subject property and to all public elementary and high schools having jurisdiction over the subject property.
 - (b) Written notice must be mailed at least seven (7) days before the public hearing.
 - (c) All required written notices must be sent by USPS mail.
 - (d) Written notices must contain:
 - (1) The date, time and location of any upcoming public hearings on the matter;
 - (2) The address of the subject property;
 - (3) A description of the nature and purpose of the application;
 - (4) The name and address of the applicant; and
 - (5) Contact information for additional information on the application.
 - (e) The City Clerk shall mail appropriate notices to the parties entitled to receive notice based upon the information provided to the City Clerk by the applicant or his agent.

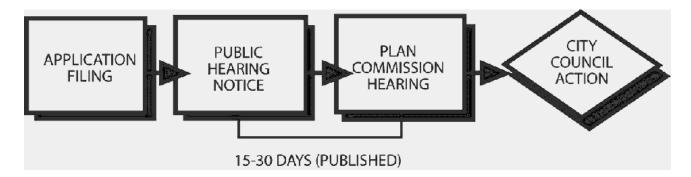
2. Published Notice:

- (a) When provisions of this chapter require that "published notice" be provided, the City Clerk shall be responsible for publishing notice in a newspaper of general circulation in the city.
- (b) The notice must be published at least once, at least fifteen (15) days but not more than thirty (30) days before the hearing.
- (c) Published notices must contain:
 - (1) The date, time and location of any upcoming public hearings on the matter;
 - (2) The address of the subject property;
 - (3) A description of the nature and purpose of the application;
 - (4) The name and address of the applicant; and
 - (5) Contact information for additional information on the application.

3. Posted Notice:

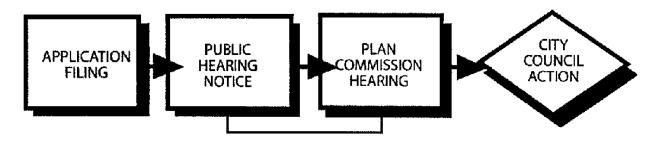
(a) The Petitioner shall post a sign on the property which is the subject of the requested action at least ten (10) but not more than thirty (30) days prior to the hearing. The City of will supply a sign upon payment by the applicant of a Fifty Dollar (\$50.00) deposit. The sign shall be displayed in a prominent location on the property until the conclusion of the hearing. The City of reserves the right to specify the location on the property of the placement. The deposit shall be returned to the applicant upon return of the sign, in the same condition as when issued.

14-11-2: TEXT AMENDMENTS: © 🖃



- (A) Authority To File: Amendments to the text of this title may be proposed by the City Council or Plan Commission.
- (B) Public Hearing: The Plan Commission must hold a public hearing on each text amendment. Published notice must be provided according to the requirements of subsection 14-11-1(F)2 of this chapter.
- (C) Plan Commission Recommendation: The Plan Commission must review all proposed text amendments in a public hearing. Following the close of the public hearing, the Plan Commission must recommend that the City Council approve the proposed amendment, approve the proposed amendment with modifications or disapprove the proposed amendment. The Plan Commission is also authorized to forward the amendment to City Council with no recommendation. The Plan Commission's recommendation will be made by simple majority vote of the quorum present.
- (D) City Council Action: After due consideration of the Plan Commission's recommendation, the City Council must take action on the proposed text amendment. The City Council may approve or reject the Plan Commission's recommendation by simple majority vote.

14-11-3: ZONING MAP AMENDMENTS: © 🖃



15-30 DAYS (PUBLISHED)

- (A) Authority To File: Zoning map amendments (rezonings) may be proposed by the City Council, Plan Commission, or the owner of the property proposed to be changed.
- (B) Filing:
 - 1. Applications for zoning map amendments must be filed with the City Clerk.
 - 2. Applications for all zoning map amendments must be accompanied by payment of a fee to the City of for the map amendment as per fees established by the City Council.

- (C) Contents Of Application: The following information must be included with all applications for zoning map amendments:
 - 1. A description of the lot or lots to be rezoned;
 - 2. Reasons in support of the proposed zoning map amendment, specifically addressing the review and approval criteria of subsections (G)1 through (G)6 of this section;
 - 3. A lot plan drawn on a scale of one inch equals one hundred feet (1" = 100'), showing:
 - (a) The area proposed to be rezoned;
 - (b) The subject area's location and dimensions; and
 - (c) The location, zoning and existing use of all properties within one hundred feet (100');
 - 4. Names and mailing addresses of owners of the subject property and all properties within one hundred feet (100') of the area to be rezoned; and
 - 5. Any additional information required by the Plan Commission or City Council.
- (D) Public Hearing: The Plan Commission must hold a public hearing on each zoning map amendment application within sixty (60) days. Written notice and published notice must be provided according to the requirements of subsections 14-11-1(F)1 and (F)2 of this chapter.
- (E) Plan Commission Recommendation:
 - 1. The Plan Commission must review all proposed zoning map amendments in a public hearing. The Plan Commission must recommend that the City Council approve the proposed zoning map amendment, approve the proposed amendment with modifications as recommended by the Plan Commission or disapprove the proposed amendment within fifteen (15) days of the conclusion of the public hearing.
 - 2. The Plan Commission may recommend rezoning to an alternative zoning district (i.e., different from that requested by the applicant), provided that the alternative district is no more intensive than the district requested by the applicant.
- (F) City Council Action: After due consideration of the Plan Commission's recommendation, the City Council must take action on the proposed zoning map amendment. The City Council may approve or disapprove the Plan Commission's recommendation by simple majority vote. If a written protest against the proposed zoning map amendment is filed in accordance with the provisions of section 11-13-14 of the Illinois Municipal Code¹ the amendment shall not be passed except by favorable vote of two-thirds (²/₃) of the Mayor and Commissioners of the City of Oglesby then holding office.
- (G) Review And Approval Criteria: In making their recommendations and decisions, the Plan Commission and City Council must consider the following:
 - 1. The existing uses and zoning of nearby property;
 - 2. The extent to which property values are diminished;
 - 3. The extent to which destruction of property values, promotes the health, safety, morals or general welfare of the public;
 - 4. The relative gain to the public compared to the hardship imposed on individual property owners;
 - 5. Suitability of the property for the zoned purpose;
 - 6. The length of time the property has been vacant as zoned considered in the context of land development in the area.
 - 7. Evidence, or the lack of evidence, of community need for the proposed use.
 - 8. The extent to which the zoning request is in conformity with the comprehensive plan adopted by the City of .
 - 9. The above review and approval criteria may or may not all be applicable in every application coming before the Plan Commission, but to the extent that the above referenced review and approval criteria are relevant to the application coming before the Plan Commission, these criteria should be considered by the Plan Commission.

14-11-4: SPECIAL USES: 4 ==

Special uses require individual review by the Plan Commission and City Council to ensure conformance with the intent of the Comprehensive Plan and to assess whether the proposed use is compatible with surrounding uses. The review and approval procedures are described in sections 14-11-5 and 14-11-6 of this chapter. Special uses fit into two (2) basic categories:

- (A) Single Uses: Single uses or single aspects of permitted uses specifically identified in this chapter as requiring individual review under the special use procedure of section 14-11-5 of this chapter.
- (B) Planned Developments: Complex projects designed to take maximum advantage of unique site characteristics and use original design concepts are submitted for review under the planned development procedure of section 14-11-6 of this chapter.
 - 1. Purpose: The planned development regulations are intended to:
 - (a) Encourage better development within the city by providing more flexibility in the application of the provisions of this title;
 - (b) Allow smaller lots when permanent common open space is provided;
 - (c) Allow more than one principal structure on a lot;
 - (d) Allow development where lots do not abut a dedicated and improved street;
 - (e) Permit diversity in the location of structures; and
 - (f) Shorten the total time involved in the rezoning of property and subdivision of land.
 - 2. Types Of Planned Developments: The following are specific types and purposes of planned developments:
 - (a) Residential Planned Developments: Residential planned developments are intended to offer recreational opportunities close to home; enhance the appearance of neighborhoods by the conservation of streams and local spots of natural beauty; add to the sense of spaciousness through the preservation of natural green spaces; counteract the effects of urban monotony and congestion in the streets; encourage cooperative relationships between neighbors and participation by all age groups in the use and care of local open space tracts in new residential subdivisions; and promote harmonious architecture between adjacent dwellings or in sympathy with the natural characteristics of the site.
 - (b) Shopping Center Planned Developments: Shopping center planned developments are intended to promote the cooperative development of shopping centers each with adequate off street parking; control access points on arterial and collector streets; separate pedestrian and automobile traffic; aid in stabilizing property values; develop shopping centers of size and location compatible with the market potential; buffer adjacent residential areas with landscaped green spaces; and encourage harmonious architecture between homes and commercial structures.
 - (c) Manufacturing Planned Development: Manufacturing planned developments are intended to promote the establishment of planned industrial areas; permit groups of industrial buildings with integrated design and a coordinated physical plan; encourage recreational facilities within industrial areas; and buffer adjacent residential areas with landscaped green areas.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

14-11-5: SPECIAL USE PROCEDURE: © 🖃



- (A) Filing: Applications for special use permits must be filed with the zoning administrator.
- (B) Public Hearing: The Plan Commission must hold a public hearing on the special use permit application within sixty (60) days of the receipt of the application. Written notice and published notice must be provided according to the requirements of subsections 14-11-1(F)1 and (F)2 of this chapter.
- (C) Plan Commission Recommendation: The Plan Commission must recommend approval, approval with modifications or disapproval of the application within fifteen (15) days of the conclusion of the hearing. The Plan Commission is also authorized to forward the application to City Council with no recommendation.
- (D) City Council Action: After due consideration of the Plan Commission's recommendation, the City Council must take action on the proposed special use. If the City Council approves the special use or approves the special use with modifications, the City Council must issue written authorization to the zoning administrator to issue a building permit. This authorization must remain on permanent file with the application. The City Council may attach special conditions to the approval to ensure conformance with the intent of the Comprehensive Plan.
- (E) Review And Approval Criteria: In making their recommendations and decisions, the Plan Commission and City Council must consider whether the following are true of the proposed use:
 - 1. Complies with the applicable standards of this title;
 - 2. Is compatible with the character of the surrounding area in terms of site planning, scale and design;
 - 3. Is compatible with the character of the surrounding area in terms of operating characteristics such as hours of operation, outdoor lighting, noise and traffic generation; and
 - 4. Is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or area.
 - 5. Is in accordance with any other specific provisions of the Land Development Code applicable to the special use permit.
- (F) Conditions Of Approval: When the anticipated impacts of a special use are determined to have the potential for adverse impacts on surrounding property, the special use may be denied or conditions may be placed on the approval to ensure that any adverse impacts will be mitigated. The Plan Commission may impose such conditions upon the site planning, design, location and operation of a special use.

(G) Lapse Of Approval:

 Approval granted by the Plan Commission of a special use application is valid for twelve (12) months from the date of approval unless a building permit is obtained or the use is commenced. If a building permit is not obtained or the use is not commenced within that time, the approval will lapse and become null and void.

- 2. The City Council may, at its discretion and upon adequate showing of good cause, extend the period of validity of special use approval for a period not to exceed thirty-six (36) months. The Plan Commission must receive a written request from the applicant prior to the expiration of the special use approval stating the reasons for the proposed extension.
- 3. If a special use is discontinued for a period of six (6) months or longer, the special use will be considered abandoned and become null and void. Any reinstatement of the special use will require special use approval according to the procedures of this section.

14-11-6: PLANNED DEVELOPMENT PROCEDURE: 1



- (A) Preapplication Conference: Prior to the filing of a preliminary plan, the developer may submit to the Plan Commission or City Council a generalized conceptual plan for the proposed development as a means of soliciting informal input.
- (B) Preliminary Plan Filing: Ten (10) copies of the preliminary plan and a PDF must be submitted to the zoning administrator at least ten (10) days prior to the meeting of the Plan Commission at which it is to be considered.
- (C) Preliminary Plan Contents: The preliminary plan must include:
 - 1. A preliminary subdivision plat and legal description, meeting the requirements of this title with any requested or granted variances so noted;
 - 2. A site plan indicating the arrangement and tentative location of buildings, uses permitted, land to be preserved as permanent common open space, parking and loading spaces, and other special features of the development plan;
 - 3. A draft of the proposed protective covenants whereby the owner proposes to regulate land use and otherwise protect the proposed development;
 - 4. A draft of the proposed incorporation agreement and bylaws including coverage by liability insurance and maintenance of recreational and other common facilities with the city as a participant for:
 - (a) A homeowners' association in a residential planned development;
 - (b) A merchants' association in a shopping center planned development; or
 - (c) An industrial association in a manufacturing planned development; and
 - 5. Data on the market potential necessary to support the location of site and the size of business uses in a shopping center planned development.
- (D) Public Hearing: The Plan Commission must hold a public hearing on the planned development application within sixty (60) days of the receipt of the application. Written notice and published notice must be provided according to the requirements of subsections 14-11-1(F)1 and (F)2 of this chapter.
- (E) Plan Commission Recommendation: The Plan Commission must review the preliminary plan at a public hearing. Following the close of the public hearing, the Plan Commission must recommend that the City Council approve the proposed planned development within fifteen (15) days of the conclusion of the hearing, approve the planned development with modifications, or disapprove the planned development. The Plan Commission is also authorized to forward the planned development to the City Council with no recommendation. The Plan Commission's recommendation will be made by simple majority vote of the quorum present.

(F) City Council Action: After due consideration of the Plan Commission's recommendation and within thirty (30) days of receipt of the preliminary plan and report of the Plan Commission, the City Council must take action on the proposed preliminary plan.

(G) Final Plan Filing:

- 1. The final plan must conform substantially to the preliminary plan as approved.
- 2. If desired by the developer, the final plan may constitute only a portion of the approved preliminary plan that he proposes to record and develop at the time, provided that the portion conforms to all requirements of this title.
- (H) Final Plan Contents: The final plan must include:
 - 1. The final subdivision plat;
 - 2. The location and dimensions of the building lots, common permanent open space, existing permanent buildings, easements, rights of way, legal description and uses permitted in specific parts of the planned development;
 - 3. Protective covenants; and
 - 4. An engineer's seal certifying that the plans are drawn in compliance with city ordinances.

(I) Final Plan Approval:

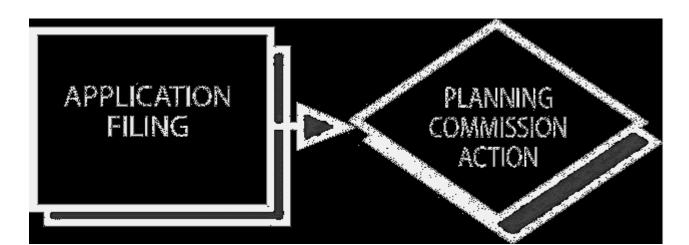
- 1. After the final plan is filed, the Plan Commission must forward its findings and recommendations to the City Council within forty five (45) days.
- 2. The City Council must take action on the final plan within forty five (45) days of receipt of the final plan and report of the Plan Commission and notify the Plan Commission and developer of its decision.
- (J) Review And Approval Criteria: The Plan Commission in making its findings and recommendations, and the City Council in its authorization of a planned development, must establish that the proposed planned development:
 - 1. Is consistent with the comprehensive plan; and
 - 2. Complies with the purpose, and all applicable regulations and conditions of this title.

(K) Permanent Common Open Space:

- 1. No plan for a planned development may be approved unless the plan provides for permanent common open space.
- 2. For the purposes of this section, permanent common open space includes all areas other than dedicated public streets, parking areas, areas occupied by principal and accessory structures or buildings and stormwater management facilities unless designed in a natural manner with native vegetation with trails or other passive recreational amenities; schools and recreation buildings will be considered open space.
- 3. Permanent common open space must be provided in the following amounts:
 - (a) Forty percent (40%) of the total area in a single-family residential planned development;
 - (b) Fifty percent (50%) of the total area in a multi-family residential planned development; and
 - (c) Five percent (5%) in a shopping center or manufacturing planned development.
- (L) Recording Of Final Plan: Upon approval of the City Council, the applicant must record the subdivision plat (when required), protective covenants and easements with the LaSalle County Recorder of Deeds. Proof of recordation must be provided to the zoning administrator prior to the issuance of building permits.

- (M) Effect Of Approval: All final plans filed will:
 - 1. Be binding upon the applicants, their successors and assigns;
 - 2. Control the issuance and validity of all building permits; and
 - 3. Limit the construction, location, use and operation of all land, land improvements and structures to be located on such plans.

14-11-7: SITE PLAN REVIEW: [€] □



- (A) Applicability: No building permit may be issued until required site plan approval has been granted and, where applicable, until approval by the Design Review Board pursuant to Chapter 2.88, Design Review Board, of Title 2, Administration and Personnel, of the City Code. Site plan review is required for new construction and exterior additions for the following:
 - 1. Multi-family development with three (3) or more units;
 - 2. Nonresidential development; and
 - 3. Review by the Design Review Board for those developments subject to the Design Review Board pursuant to the provisions of Chapter C 2.88 Design Review Board, of Title 2, Administration and Personnel, of the City Code.
- (B) Filing: Applications for site plan review must be filed with the zoning administrator who will refer the site plan to the city engineer or, where applicable, to the Design Review Board, for review and comment.
- (C) Scope: The scope of site plan review includes review of the location of principal and accessory structures, infrastructure, open space, landscaping, exterior lighting, traffic and circulation (both vehicular and pedestrian), number of parking spaces and design of parking lots. In reviewing site plans, the Design Review Board must evaluate the relationship of the site plan to adopted land use policies and the goals and objectives of the Comprehensive Plan. In addition, the Design Review Board will evaluate the following characteristics:
 - 1. The arrangement of the structures and buildings on the site with respect to how well it:
 - (a) Allows for the efficient use of the land;
 - (b) Is compatible with development on adjacent property;
 - (c) Minimizes potential impacts on existing or planned municipal services, utilities, and infrastructure;
 - (d) Protects the public health, safety and general welfare; and
 - (e) Conforms to the requirements of this title and other applicable regulations.

- 2. The arrangement of open space or natural features on the site with respect to how well it:
 - (a) Creates a desirable and functional environment for patrons, pedestrians, and occupants;
 - (b) Preserves unique natural resources;
 - (c) Provides adequate measures to preserve existing healthy, mature trees and woodlands:
 - (d) Designs drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage; and
 - (e) Avoids unnecessary or unreasonable alterations to existing topography.
- 3. Circulation systems with respect to how well they:
 - (a) Provide adequate and safe access to the site;
 - (b) Minimize potentially dangerous traffic movements;
 - (c) Separate pedestrian and auto circulation; and
 - (d) Minimize curb cuts.
- 4. Parking lots or garages with respect to how well they:
 - (a) Are located, designed, and screened to minimize adverse visual impacts to adjacent properties;
 - (b) Promote logical and safe parking and internal circulation;
 - (c) Provide perimeter parking lot screening and internal landscaped islands;
 - (d) Include site illumination that has been designed, located and installed to minimize adverse impacts to adjacent properties.
- 5. Landscaping design with respect to how well it:
 - (a) Creates a logical transition to adjoining lots and developments.
 - (b) Screens incompatible uses.
 - (c) Minimizes the visual impact of the development to adjacent sites and roadways.
 - (d) Utilizes native plant materials selected to withstand the microclimate of the city and individual site microclimates.
- (D) Site Plan Review: The site plan will be reviewed by the zoning administrator. The zoning administrator shall consider the recommendations made by the city engineer and shall follow the recommendations made by the Design Review Board. When the zoning administrator approves the site plan, a building permit may be issued provided that the requirements of all other applicable codes and ordinances are satisfied. If the zoning administrator does not approve the site plan, the applicant may revise it and submit it for further review in accordance with this section.

(E) Denial And Appeals:

- 1. If the zoning administrator does not approve the site plan, the applicant may appeal the decision to the Zoning Board of Appeals. The applicant's failure to submit a revised site plan or to file an appeal will be considered a withdrawal of the application for a building permit.
- 2. If the applicant chooses to appeal, the written notice of appeal must be filed with the zoning administrator no later than fifteen (15) days after the date of the denial. The Zoning Board of Appeals must act on the appeal no later than thirty (30) days after the date of receipt of the written appeal. The Zoning Board of Appeals will vote to sustain or deny the appeal. A majority vote is required to sustain the appeal. If the Zoning Board of Appeals sustains the appeal, the building permit may be issued, provided that the requirements of all other applicable codes and ordinances are satisfied.
- 3. An applicant can appeal an adverse decision of the Zoning Board of Appeals to the City Council. The City Council may vote to either uphold or reject the appeal.

14-11-8: MULTI-FAMILY DESIGN REVIEW: 4 🔄



- (A) Applicability: All multi-family developments containing three (3) or more dwelling units are subject to design review.
- (B) Filing: Applications for multi-family design review must be filed with the zoning administrator.

(C) Procedure:

- 1. Preliminary and final plats are required according to the planned development procedure.
- 2. In areas already subdivided and served with streets and all required improvements, the Plan Commission may waive the preliminary plat. In this case, the approved final plat will replace the final plat recorded earlier at the time of subdivision.
- 3. Site design and flexibility and originality are encouraged within the limitations of the use and dimensional standards cited for this district. Preliminary and final plat must conform to the standards for this district and comply with the comprehensive plan.
- 4. The recorded final plat will provide continuing control over the completed development as specified in the planned development procedure.

14-11-9: VARIATIONS: 1



- (A) Applicability; Authorized Variations: Variations from the use regulations of this title are prohibited. This section is intended to allow variations from the dimensional standards of this title, such as setbacks or building height; parking requirements; or landscape requirements.
- (B) Filing: Applications for variations must be filed with the City Clerk.
- (C) Public Hearing: The Zoning Board of Appeals must hold a public hearing on the proposed variation within sixty (60) days. Written and published notice must be provided according to the requirements of subsections 14-11-1(F)1 and (F)2 of this chapter.
- (D) Approval Criteria And Review Factors:
 - 1. Evidence Of Practical Difficulties Or Particular Hardships: In order to approve a variation, the Zoning Board of Appeals must find evidence that practical difficulties or particular hardships exist. The board must find evidence of all of the following:
 - (a) The property in question cannot yield a reasonable return if permitted to be used only according to the requirements of this chapter;
 - (b) The practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to similarly situated property; and
 - (c) The variation, if granted, will not alter the essential character of the neighborhood or area.
 - 2. Other Review Factors: In determining whether practical difficulties or particular hardships exist, the Zoning Board of Appeals must also consider whether the evidence submitted supports the following:

- (a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced;
- (b) The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
- (c) The alleged practical difficulty or particular hardship has not been created by any person presently having an interest in the property;
- (d) The granting of the variation will not be detrimental to the public welfare or harmful to other property or improvements in the neighborhood or area; and
- (e) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (E) Conditions Of Approval: The Zoning Board of Appeals shall make a written recommendation to the City Council on the proposed variation within fifteen (15) days after the conclusion of the hearing. The Zoning Board of Appeals may impose conditions and restrictions upon the subject property as part of its recommendation that are necessary to avoid or minimize any potentially harmful effects on other property in the neighborhood, and to carry out the purpose and intent of this title, as stated in section 14-1-6 of this title. The recommendation of the Zoning Board of Appeals shall be submitted to the City Council and the City Council shall approve or reject the recommendation of the Zoning Board of Appeals on the proposed variation.
- (F) Variations From Flood Protection Standards: Upon application and after fifteen (15) days' notice of a public hearing, the City Council may grant a variance of the standards in chapter 8, "Flood Damage Prevention", of this title, subject to compliance with the provisions of 44 CFR 60.6 of the Rules and Regulations of the National Flood Insurance Program and such other conditions as the City Council deems necessary to comply with the intent of this chapter.

14-11-10: WRITTEN INTERPRETATIONS: © =

- (A) Application Filing: Applications for written interpretations must be submitted to the zoning administrator.
- (B) Zoning Administrator's Review And Decision: Following receipt of a complete application for a written interpretation, the zoning administrator must: 1) review and evaluate the application for compliance with this title in consistency with the comprehensive plan and any other relevant documents; 2) consult with other city officials, including the city attorney and city engineer, as necessary; and 3) render a written opinion.
- (C) Form: The interpretation must be provided to the applicant in writing and be filed in the official record of interpretations.
- (D) Official Record Of Interpretations: An official record of interpretations must be kept on file in the zoning administrator's office. The record of interpretations must be available for public inspection in the zoning administrator's office during normal business hours.
- (E) Appeals: Appeals of the zoning administrator's written interpretation may be taken to the Zoning Board of Appeals in accordance with appeal procedures of section 14-11-11 of this chapter. If the appeal results in a change of interpretation, the new interpretation must be filed in the official record of interpretations.

14-11-11: APPEALS: 🕯 🖃



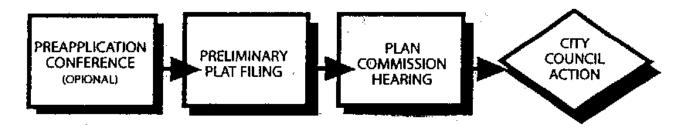
- (A) Authority To File: Appeals from the decisions of the zoning administrator concerning the interpretation, administration or enforcement of this title may be made by any person aggrieved or by any officer, department, board or bureau of the city.
- (B) Filing: A notice of appeal, specifying the grounds for appeal, must be filed with the zoning administrator and with the Zoning Board of Appeals within forty five (45) days of the action being appealed.
- (C) Contents Of Application: The following must be included with all appeals:
 - 1. The name and address of the appellant or applicant and all abutting and opposite property owners of record:
 - 2. A plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following:
 - (a) The subject site;
 - (b) Existing and proposed structures;
 - (c) Existing and proposed easements, streets, and other public ways;
 - (d) Off street parking, loading areas and driveways;
 - (e) Existing highway access restrictions;
 - (f) Existing and proposed front, side, and rear yards; and
 - (g) The location, elevation, and use of any abutting lands and their structures within forty feet (40') of the subject site.
 - 3. Additional information required by the Zoning Board of Appeals.
- (D) Public Hearing: The Zoning Board of Appeals must hold a public hearing on the appeal. Written notice and published notice must be provided according to the requirements of subsections 14-11-1(F)1 and (F)2 of this chapter. The board must also notify the appellant and the zoning administrator of the public hearing.
- (E) Zoning Board of Appeals Action: Following the public hearing, the Zoning Board of Appeals must make written recommendation to the City Council regarding what action should be taken on the appeal. The City Council will then make a final decision on the appeal after reviewing the written recommendations of the Zoning Board of Appeals.

14-11-12: SUBDIVISION REVIEW AND PLATTING, GENERALLY: 🕯 🖃



- (A) Geographic Jurisdiction: No land within the city or any unincorporated area that is located entirely or in part within 1.5 miles of the city limits may be subdivided except in conformity with this chapter.
- (B) Plat Requirements: No lots may be sold or offered for sale until the approved final plat is recorded in accordance with subsection 14-11-15(F) of this chapter.





(A) Preapplication Procedure:

- 1. Preapplication Conference: Prior to the filing of an application for approval of the preliminary plat, the subdivider may submit to the Plan Commission plans and data as specified in this section. This step does not require formal application, fee or filing of the plat. The purpose of the preapplication conference is to give the subdivider an opportunity to receive the advice and assistance of the Plan Commission and to consult early and informally with the Plan Commission staff before preparation of the preliminary plat and before a formal application for its approval, in order to save time and money and to make the most of his opportunities.
 - 2. Recommended Preapplication Plans And Data:
 - (a) The general subdivision information should describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing listed below. This information may include data on existing covenants; land characteristics; available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, school, playground, park areas, other public areas, proposed protective covenants and proposed utilities and street improvements.
 - (b) The sketch plan, on topographic survey, should show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. The sketch plan should include the existing topographic data listed in subsection (C)1 of this section.
 - 3. Notification: Within thirty (30) days the Plan Commission must inform the subdivider whether or not the plans and data as submitted or as modified meet the objectives of this title. When the Plan Commission finds the plans and data do not meet the objectives of this title, it must express in writing to the subdivider its reasons for its findings.
- (B) Filing: The subdivider must prepare a preliminary plat, together with improvement plans and other supplementary material as specified in this chapter. Four (4) copies of the preliminary plat and supplementary material specified must be submitted to the secretary of the Plan Commission with a written application for conditional approval.

(C) Preliminary Plat Contents:

1. Existing Conditions: Topographic data required as a basis for the preliminary plat must include existing conditions as follows except when otherwise specified by the Plan Commission:

- (a) Boundary lines: Bearings and distances.
- (b) Easements: Location, width and purpose.
- (c) Streets on and adjacent to the tract: Name and right of way width and elevation of surfacing; and legally established centerline elevations; walks, curbs, gutters, culverts, etc.
- (d) Utilities on and adjacent to the tract: Location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and streetlights; of water mains and sewers which are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.
- (e) Ground elevations on the tract, based on the city datum plane: For land that slopes less than one-half percent ($^{1}/_{2}$ %) show not less than one foot (1') contours, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions, and for land that slopes more than two percent (2%) show not less than two foot (2') contours.
- (f) Subsurface conditions on the tract, if required by the Plan Commission: Location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five feet (5'); location and results of soil percolation tests if individual sewage disposal systems are proposed.
- (g) Other conditions on the tract: Watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot (1') or more in diameter, houses, barns, shacks and other significant features.
- (h) Other conditions on adjacent land: Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording date, and number, and show approximate percent built up, typical lot size, and dwelling type.
- (i) Zoning on and adjacent to the tract.
- (j) Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
- (k) Key plan showing location of the tract.
- (I) Title and certificates: Present tract designation according to official records in offices of the county recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow.
- 2. Preliminary Plat Data: The preliminary plat must be drawn to a scale of one inch equals one hundred feet (1" = 100'). It must show all existing conditions required by this section, above, and must show all proposals including the following:
 - (a) The proposed name of the subdivision.
 - (b) Its location by section, township and range and as forming a part of some larger tract or parcel of land referred to in the indexes of the records of the county clerk.
 - (c) Sufficient information to accurately locate the plat. (Reference to existing streets, plats, etc., may be used. If there are none within a reasonable distance of the proposed subdivision, a vicinity plat on a small scale should accompany the preliminary plat.)
 - (d) The description and location of all survey monuments erected in the subdivision.
 - (e) The names and addresses of the persons to whom the notice of the hearing should be sent (the subdivider, the designer of the subdivision, and the owners of the land immediately adjoining the land to be platted).
 - (f) The names, locations, roadway widths, right of way widths, approximate gradients and other dimensions of streets, alleys, easements, parks and other open spaces.

- (g) Sites, if any, for multi-family dwellings, shopping centers, churches and industry.
- (h) All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated. The areas that are to be maintained by any proposed homeowners' association must be identified.
- (i) Location and size of utilities.
- (i) Block numbers and layout, numbers, dimensions and area of lots.
- (k) Setbacks, showing dimensions.
- (I) North arrow, scale and date of preparation.
- 3. Covenants: A draft of protective covenants (if any), by which the subdivider proposes to regulate land use and otherwise protect the proposed development must be included. Upon approval, these would be enforced by a "homeowners' association", as defined by this title.
- (D) Plan Commission Conditional Approval:
 - 1. The Plan Commission must review the preliminary plat for compliance with the requirements of chapter 9 of this title. If the Plan Commission determines that the plat complies with all requirements of this title, the Plan Commission must recommend approval. If the plat does not comply, the Plan Commission must recommend disapproval of the preliminary plat and must state the reasons for disapproval. The Plan Commission must make its recommendations within thirty (30) days.
 - 2. If the Plan Commission conditionally approves the preliminary plat, it must state the conditions of the approval; if it disapproves, it must state the reasons for disapproval.
 - 3. The action of the Plan Commission will be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions applied. One copy must be returned to the subdivider, one must be forwarded with a report to the City Council, and the other must be retained by the Plan Commission.
- (E) City Council Action: The City Council must conditionally approve or deny the preliminary plat upon motion and a majority vote.
- (F) Effect Of Conditional Approval: Conditional approval of a preliminary plat does not constitute approval of the final plat. Rather it will be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

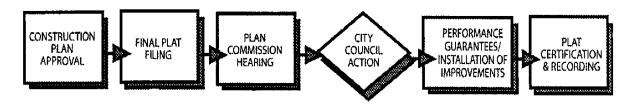
14-11-14: CONSTRUCTION PLANS: 1



- (A) Before submitting the final plat, the subdivider must submit three (3) copies of the final plans and specifications for public improvements to the Plan Commission. The following information, at a minimum, must be included:
 - 1. Detailed drawings of a grading plan, street improvements plan, sanitary sewer improvements plan, and water system improvement plan;
 - 2. Plans and profiles drawn at a scale not to exceed one inch equals one hundred feet (1" = 100') horizontally and one inch equals ten feet (1" = 10') vertically, indicating additional horizontal and vertical location of streets, sewers, and the existing grade; and
 - 3. Detailed material and construction specifications concerning the work to be performed including general conditions to the contract acceptable by the city; and
 - 4. All final plans must be submitted on twenty-two inch by thirty-four inch (22" x 34") sheets and must bear the signature and seal of the Illinois registered professional engineer under whose direction they were prepared.
- (B) Upon receipt of these final plans, the Plan Commission must refer them to the city engineer for his comments and corrections. The city engineer must review these plans for compliance with the requirements of the city, and must return them with his recommendations to the Plan Commission. The city engineer may, at his discretion, confer with the developer's engineer

- concerning correction to the final plans prior to his final recommendations.
- (C) Upon the completion of all improvements within the subdivision the subdivider must call for a final inspection by the city engineer.
- (D) Prior to final approval of improvements, the subdivider must submit a twenty-two inch by thirty-four inch (22" x 34") reproducible plans and a PDF showing the improvements as actually built.
- (E) The city engineer will inspect the improvements within the subdivision for compliance with the certified plans and specifications and the design standards and specifications of this title.
- (F) When the city engineer is satisfied that the required improvements within the subdivision comply with the approved plans and this title, the city engineer will recommend in writing to the City Council that the improvements be accepted by the city.
- (G) No building permit will be issued until final inspection is approved in writing by the city engineer.
- (H) When the city engineer advises the Plan Commission chairman, the Plan Commission secretary, the City Clerk and the Mayor that the improvements have been constructed according to the approved plans and specifications; that all improvements have been installed or performance guarantees have been posted in accordance with section 14-9-3 of this title; and that all necessary data are shown on the final plat as required, then the certificate of approval of final plat will be properly endorsed by the Plan Commission chairman and secretary, the Mayor and the City Clerk and recorded by the developer.)

14-11-15: FINAL PLAT: 🕯 🖃



- (A) Relation To Preliminary Plat: The final plat must conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that the portion conforms to all requirements of this title.
- (B) Submission To Plan Commission: Preliminary plat approval will lapse unless four (4) copies of the final plat and other required exhibits are prepared as specified in subsection (C) of this section and are submitted to the Plan Commission within thirty-six (36) months from the date of preliminary plat approval. Upon request of the applicant, the Plan Commission may grant extensions if the request is made prior to the expiration of the preliminary plat approval.
- (C) Final Plat Contents: The final plat must be drawn in ink on tracing cloth or other permanent plastic base on sheets not to exceed twenty-two inches wide by thirty-four inches long (22" x 34") long and must be at a scale of one inch equals one hundred feet (1" = 100') and accompanied by a PDF copy. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Plan Commission. The final plat

must show the following:

- 1. Name of the subdivision;
- 2. Location by township, section, town and range, or by other legal description;
- 3. Scale one inch equals one hundred feet (1" = 100') (shown graphically);
- 4. Date and north arrow:
- 5. Boundary of plat, based on an accurate traverse, with angles and linear dimensions;
- 6. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all crosswalks; streets that are obviously in alignment with others already existing and named must bear the names of the existing streets;
- 7. True angles and distances to the nearest established street lines or official monuments (not less than 3), which must be accurately described in the plat;
- 8. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles;
- 9. Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs;
- 10. Location, dimensions and purpose for all easements;
- 11. All block and lot numbers and lines, with accurate dimensions in feet and hundredths;
- 12. Location and description of permanent monuments or bench marks;
- 13. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners. Areas that are to be maintained by any proposed homeowners' association must be clearly identified with that responsibility expressly stated on the plat;
- 14. Setbacks, accurately shown by dimension;
- 15. Protective covenants which meet with the approval of the Plan Commission must be lettered on the final plat or attached thereto;
- 16. A summary on its face of all restrictions applicable to any part of such subdivision relating to building restrictions, use restrictions, setbacks or otherwise; and
- 17. A blank certificate of approval as set out in this section.
- (D) Documents To Accompany Final Plat: The following documents must accompany the final plat:
 - 1. Certification by a registered surveyor in the form set out in section <u>14-11-16</u> of this chapter;
 - 2. Notarized certifications, by owner or owners, and by mortgagee or lienholder of record, acknowledging the plat and dedication of streets and other public areas;
 - 3. An agreement executed by the owner and subdivider to make and install the improvements provided for in this title according to the plans and specifications accompanying the final plat;
 - 4. A notice from the City Council stating that the following related to installation of required public improvements have been filed with and approved by the council:
 - (a) A certificate by the city engineer that all improvements and installations to the subdivision required for its approval have been made or installed in accordance with the specifications; or that a performance guarantee such as a surety bond, letter of credit, certificate of deposit, or another surety instrument acceptable to the City Council in accordance with section 14-9-3 of this title has been provided that will:
 - (1) Be in an amount and form determined by the City Council to be sufficient to complete the improvements and installations in compliance with this title;
 - (2) Be with surety by a company or financial institution entered and licensed to do business in the State of Illinois that guarantees to the city availability of an amount determined by the City Council to be sufficient to complete the improvements and installations in compliance with this title:
 - (3) In such form and substance as to be enforceable by the city against such institution for the purpose of completing the improvements in the event of

default by the developer;

- (4) Specify the time for the completion of the improvements and installations;
- (5) Be held by the city until the final completion of all of the improvements to be constructed; and
- (6) Be canceled or refunded to the developer upon certification, in writing, of the city engineer that the improvements have been completed in full, and have been constructed according to the approved plans and specifications and all of the requirements of this title.
- (b) Evidence of a deposit of a maintenance bond, certificate of deposit or other surety instrument acceptable to the City Council equal to fifteen percent (15%) of the estimated cost of improvements to be held by the city for a period of eighteen (18) months after the final completion of the work as a guarantee against any defect in the material or workmanship furnished in connection with such improvement latent in character and not discernible at the time of the final approval of such improvement, and to guarantee against any damage to such improvements by reason of settling of the ground, base or foundation. After the termination of the eighteen (18) month period, the deposit will be refunded to the depositor, if no defects have developed, or if defects have developed then the balance of such deposit after reimbursement of the city for any amounts expended by it in the curing of defects.
- 5. A certificate from the proper collector hereof that he finds no delinquent general taxes and all special assessments constituting a lien on the whole or any part of the land to be subdivided have been paid.

(E) Approval; Effect:

- 1. Within thirty (30) days after application for approval of the final plat, the Plan Commission must approve or disapprove it. The Plan Commission must set forth its approval or its disapproval and its reasons for disapproval on its own records and provide the applicant with a copy.
- 2. Upon approval of the final plat by the Plan Commission, it must be submitted to the City Council for action. Council approval will be by motion and majority vote and so recorded in the minutes.
- 3. Final plat approval will lapse unless all required improvements have been installed and inspected by the city engineer or performance guarantees approved in accordance with this section and section 14-9-3 of this title have been provided, and the plat has been recorded with the county Recorder of Deeds within eighteen (18) months of final plat approval. Upon request of the applicant, the Plan Commission may grant one 6-month extension if the request is made prior to the expiration of the final plat approval. Any request for extension of the time period for installation of required public improvements may only be approved by the City Council in accordance with section 14-9-3 of this title.

(F) Certification And Recording:

- 1. Upon certification, in writing, by the city engineer, that the improvements have been constructed in accordance with the approved construction plans and specifications, that all necessary data are shown on the final plat as required by this title, or a performance guarantee has been posted in accordance with this section to ensure installation of all public improvements, the Plan Commission and the City Council will endorse such plat by their appropriate officers and the corporate seal of the city affixed thereto.
- 2. When the final plat has been so certified, the developer must record the plat with the county Recorder of Deeds prior to lapse of final plat approval, as described in subsection (E) of this section. If not recorded prior to the lapse of final plat approval, the approval and certification will be null and void. Immediately after recording the original, a duly certified copy of the recorded plat must be filed with the City Clerk.

14-11-16: CERTIFICATES FOR RECORDING OF FINAL PLAT: 🕯 🖃



(A) The certificate on the final plat must be in the following form with the signatures of the president of the county board and the county clerk to be necessary where the plat covers land in the unincorporated one and one-half (1¹/₂) mile fringe area. Other certificates, affidavits, endorsements or dedications may be required by the Plan Commission or City Council.

Under the authority provided by 65 ILCS 5/11-15-1, enacted by the State Legislature of the State of Illinois and an ordinance adopted by the City Council of the City of Oglesby, Illinois, this plat was given approval by the City of Oglesby and MUST BE RECORDED WITHIN FOUR MONTHS OF THE DATE OF APPROVAL BY THE City Council; OTHERWISE IT IS NULL AND VOID. Approved by the Plan Commission at a meeting held

Chairman
Secretary
Approved by the City Council at a meeting held
Mayor
City Clerk
Approved by the City Engineer:
Approved by the County Board of LaSalle County, Illinois, at a meeting held
President
County Clerk

- (B) Each final plat submitted to the city for approval must carry a certificate signed by an Illinois registered land surveyor in substantially the following form:
- I, (Name), hereby certify that I am an Illinois Registered Land Surveyor in compliance with the laws of the State of Illinois and that this plat correctly represents a survey completed by me on (Date); that all monuments shown thereon actually exist, and material is accurately shown.

SEAL

Signature

Illinois Land Surveyor No.

(C) Each final plat submitted to the city for approval must carry a deed of dedication in substantially the following form:

We, the undersigned, (Name), owners of the real estate shown and described herein, do hereby layoff, plat, and subdivide said real estate in accordance with the within plat. This subdivision will be known and designated as (Name). All streets and alleys and public open spaces shown, and not heretofore dedicated, are hereby dedicated to the public. Setbacks are hereby established as shown on this plat, between which lines and the property lines of the streets, there will be erected or maintained no building or structure. There are strips of ground,

(Number) feet in width, as shown on this plat and marked `Easement` reserved for the use of public utilities for the installation of water and sewer mains, ducts, lines, and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision will take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision. (Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Plan Commission or City Council; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.) The foregoing covenants (or restrictions) are to run with the land and will be binding on all parties and all persons claiming under them until January 1, 20 (twenty-fiveyear period is suggested); at which time, said covenants (or restrictions) will be automatically extended for successive periods of ten years unless indicated otherwise by negative vote of a majority of the then owners of the building sites covered by these covenants (or restrictions) in whole or in part, which said vote will be evidenced by a petition in writing signed by the owners and duly recorded. Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order will in no way affect any of the other various covenants or restrictions, which will remain in full force and effect. The right to enforce these provisions by injunction together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation thereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns."

Witness our Hands and Seals this day of

State of Illinois County of

Before me, the undersigned Notary Public, in and for the County and State, personally appeared (Name), (Name), (Name), and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this day of

Notary Public

14-11-17: VARIATIONS FROM SUBDIVISION REQUIREMENTS: Telescope (1997)



- (A) When the subdivider can show that a provision of this title, if strictly adhered to, would cause unnecessary hardship, and when in the opinion of the Plan Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the Plan Commission may recommend a variance or modification to the City Council. The subdivider must apply in writing for such variance or modification of the action. Any variance or modification thus authorized must be attached to and made a part of the final plat.
- (B) In any instance where the city has granted approval of a preliminary plat of subdivision prior to the effective date specified in section 14-1-2 of this title and where the subdivision design or subdivision improvements as shown on such preliminary plat are less restrictive than the requirements of this title, the subdivider may apply in writing to the City Council for permission to proceed with subdivision as originally planned. The City Council, upon review of the preliminary plat as originally submitted, may then grant such permission.

14-11-18: MOBILE HOME PARK PERMIT: @ 🖃



- (A) Applicability: A mobile home park permit is required for all new mobile home parks and additions to existing mobile home parks.
- (B) Filing: Applications for mobile home park permits must be filed with the zoning administrator.
- (C) Contents Of Application: Applications for mobile home park permits must include:
 - 1. The name and address of the applicant, and the present or last occupation of the applicant at the time of filing of the application:
 - 2. Location and legal description of the tract of land, certified on a plat of a survey by a registered land surveyor, drawn to scale of at least one inch equals one hundred feet (1" = 100');
 - 3. The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, fire protection, and any community buildings;
 - 4. The proposed method of lighting the structures and outdoor areas;
 - 5. All corners and points of tangency are to be marked by galvanized or wrought iron pipe or iron or steel bars at least eighteen inches (18") in length and not less than one-half inch $\binom{1}{2}$ ") in diameter. The top of the pipe or bar is to be set level with the established grade of the ground;
 - 6. The plot plans of the park drawn to scale including building plans and specifications for existing buildings and facilities, and the plans and specifications for new or altered buildings and facilities, all showing compliance with the provisions of this title. The plot plans must be drawn on a scale of one inch equals one hundred feet (1" = 100') and must contain, the following:
 - (a) The date on which such plot plans were prepared;
 - (b) An arrow indicating north;
 - (c) All mobile home sites, which must be numbered:
 - (d) Complete information regarding storm sewers;
 - (e) Stormwater runoff, shown on a separate plat;
 - (f) Contour lines at one foot (1') intervals, shown on a separate plat, using United States geological survey data; and
 - (g) Grades of driveways and all ditches, shown on a separate plat.
 - 7. A performance bond or other security acceptable to the Plan Commission in a sum sufficient to cover a written estimate made by a qualified engineer or other qualified person of the cost of improvements. Such bond must be payable to the City of Oglesby and conditioned upon the completion of such construction in a reasonable time.
 - 8. An affidavit of the applicant as to the truth of the matters contained in the application.

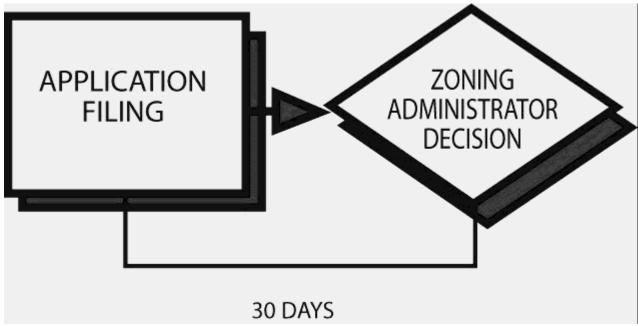
(D) Issuance Of Mobile Home Park Permit:

- 1. If the plans conform to the requirements of this title, the zoning administrator will recommend approval of the mobile home park permit to the City Council and the City Council shall either approve or deny a mobile home park permit.
- 2. If the application for a permit is denied, the zoning administrator will give the reasons for denial in writing to the applicant. If the objections can be corrected, the applicant may amend the application and resubmit it for approval or the applicant may appeal the decision of the zoning administrator to the Zoning Board of Appeals for recommendation to the City Council and a final determination by the City Council.
- 3. If a mobile home park permit is issued, the zoning administrator will periodically make inspections during construction to verify compliance.
- 4. No change in any sanitary facilities, water supply, sewer, drainage, garbage or waste disposal, or any element on the plot plan may be made without an application for a permit

from the zoning administrator. Such a permit does not relieve the applicant from any other city ordinances or permit requirements.

5. If the mobile home park is completed in compliance with the accepted application and the applicable fee has been paid, the zoning administrator will present findings to the City Council, who may then issue a mobile home park permit.

14-11-19: BUILDING PERMITS: © 🖃



(A) Applicability:

- 1. No building or structure, identified by this section may be used, located, moved, constructed, reconstructed, extended, enlarged, or otherwise structurally altered without obtaining a building permit and without complying with all of the requirements of this title and all other applicable local, state and federal regulations. Buildings and structures that require a building permit are as follows:
 - (a) Principal and accessory buildings including garages, sheds, gazebos, and greenhouses;
 - (b) Porches, decks, and carports;
 - (c) Driveways:
 - (d) Swimming pools (with the exception of temporary inflatable swimming pools);
 - (e) Repair or replacing roofing materials;
 - (f) Changes to any bearing wall to a building or structure;
 - (g) Any change to the roof-line or structural support of the roof of the building or structure.
- 2. No building permit will be issued for the improvement of any lot in a subdivision until the plat of subdivision and the plans and specifications for the public improvements have been approved by the City Council.
- (B) Filing: Two (2) copies of a building permit application must be submitted to the zoning administrator.

- (C) Contents Of Application: Building permit applications must include the following, where applicable:
 - 1. Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor:
 - 2. Description of the subject site by lot, block, and recorded subdivision;
 - 3. Address of the subject site;
 - 4. Type of structure;
 - 5. Existing and proposed operation or use of the structure or site;
 - 6. Number of employees;
 - 7. The zoning classification of the subject site;
 - 8. A plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following:
 - (a) The subject site;
 - (b) Existing and proposed structures;
 - (c) Existing and proposed easements, streets, and other public ways;
 - (d) Off street parking, loading areas and driveways;
 - (e) Existing highway access restrictions;
 - (f) Existing and proposed front, side, and rear yards; and
 - (g) The location, elevation, and use of any abutting lands and their structures within forty feet (40') of the subject site.
 - (h) The requirements of this subsection may be waived at the request of the applicant, but any building permit granted without information contained in this subsection shall be granted subject to a later challenge by the City of regarding the applicant's failure to comply with any of the provisions of this subsection;
 - 9. If municipal sewer service is not available, a proposed sewage disposal plan approved by the city engineer, who must certify in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan, and that the plan complies with all applicable health regulations;
 - 10. If municipal water service is not available, a proposed water supply plan approved by the city engineer, who must certify in writing that an adequate and safe supply of water will be provided.
 - 11. A list of all contractors, including subcontractors, who are to perform the construction or improvement. No contractors shall be allowed to perform any work on any construction project for which a building permit is required until the contractor has applied for and received a license from the City of . Every building permit shall designate one specific contractor, the general contractor, who shall be responsible to oversee the construction project and permit only licensed contractors to work on the project.
 - 12. Two sets of construction plans detailing the work to be performed. Upon the issuance of the building permit, one set of construction plans shall be returned to the applicant with the permit and the other set of plans shall be retained by the zoning administrator. The zoning administrator shall review the construction plans to determine whether the proposed construction or alteration plans will comply with all building codes adopted by the City of .

(D) Issuance Of Building Permit:

- 1. All applications for building permits for planned unit developments, multi-family dwellings, or commercial or industrial improvements must be reviewed and approved by the zoning administrator, city engineer, and/or licensed independent engineer or inspector retained by or approved by the city before the issuance of the building permit.
 - 2. The zoning administrator will grant or deny the building permit in writing within thirty (30) days of application.
 - 3. Any building permit issued is subject to inspection by the zoning administrator to ensure compliance with the plans submitted to the City of . For non-residential construction, the

zoning administrator will notify the applicant as to when the zoning administrator will inspect the construction to ensure compliance with the building plans. No construction work may proceed to the next phase of construction until the zoning administrator approves the previous construction work. If an inspection disclosed deficiencies, the zoning administrator will notify the owner/general contractor of the deficiencies which must be corrected before further construction can proceed. In the case of non-residential construction, the inspections to be performed at the various stages on construction shall be set forth in the building permit. The number and timing of the inspections shall be determined by the zoning administrator taking into consideration the size and complexity of the construction project. In the case of residential construction, the building inspector shall conduct an inspection upon completion of the foundation, completion of the framing and a final inspection. In the case of residential construction, there shall be three (3) plumbing inspections, upon completion of the foundation, completion of rough-in plumbing and a final inspection. For residential construction, there shall be three (3) electrical inspections, an initial inspection upon the completion of the foundation, a rough-in inspection, and a final inspection. No contractor and/or owner shall proceed with project completion, backfill any foundation, and/or cover any electrical or plumbing work until the zoning administrator or his designee issues an approved inspection certificate or sign off for each of the foregoing inspections.

- 4. An applicant's failure to notify the zoning administrator when construction progresses to the point of the required inspections shall result in a stop work notice and the imposition of inspection resumption fee in an amount of one hundred dollars (\$100.00) payable to the City of prior to resuming construction and correcting any deficiencies. Separate fees will be asserted for each failure to notify or failure to comply with any inspection requirement.
- 5. After construction is completed, the applicant must obtain a letter of occupancy in accordance with section 14-11-20 of this chapter prior to occupying the premises.

(E) Special Requirements:

In the case of all new building construction and any reconstruction of an existing building, which in the opinion of the zoning administrator should be monitored by the City given the scope of the reconstruction, the applicant shall obtain a "Project Inspection Status Report" from the zoning administrator. The report shall be posted securely in the front yard of the b building under construction in a location that can be observed and signed by City inspectors and utility superintendants. The reports shall be signed by the zoning administrator and any other inspectors when they inspect and approve the work in progress. No work which results in shielding or covering up work required to be inspected is permitted before inspection and approval. Failure to acquire the zoning administrators approval signature on the report before additional work is performed will result in undoing all improvements made which are necessary to be removed to make the required inspection.

(F) Expiration Of Building Permit:

The building permit will expire within twelve (12) months from the date it was issued unless construction is started and diligently pursued unto completion. The zoning administrator may renew the building permit before it expires at the applicant's request.

14-11-20: LETTER OF OCCUPANCY: © 🖃

- (A) Applicability: No building may be occupied or reoccupied (if forced to be vacated during construction) before a letter of occupancy has been issued by the city.
- (B) Filing: Upon filing for a building permit, a property owner and/or his/her authorized agent will be informed that they will be required to provide a certificate from their contractor(s) that all work has been completed in accordance with the approved building permits, prior to issuance of a letter of occupancy by the city.

- (C) Issuance Of Letter Of Occupancy:
 - 1. After the completion of the building in accordance with approved building permits, the applicant must request in writing that the zoning administrator issue a letter of occupancy.
 - 2. The zoning administrator will issue the letter of occupancy to the property owner, only upon receipt of a certificate or letter signed by the contractor(s) who conducted the work on the new building. This will serve as certification to the property owner and the city that the building is in compliance with applicable building and safety codes, all provisions of this title; and that the building including its location and design on the lot is consistent with the building permits issued by the city.
 - 3. Copies of the contractors' certification or letter of compliance and approved letter of occupancy will be kept on file by the zoning administrator.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 12 NONCONFORMITIES [®] □

14-12-1: PURPOSE:

14-12-2: SCOPE:

14-12-3: PROVISIONS OF GENERAL APPLICABILITY:

14-12-4: NONCONFORMING USES:

14-12-5: NONCONFORMING BUILDINGS AND STRUCTURES:

14-12-6: NONCONFORMING LOTS OF RECORD:

14-12-7: NONCONFORMING SIGNS:

14-12-8: OTHER NONCONFORMITIES:

14-12-1: PURPOSE: 1

The regulations of this chapter govern uses, structures, lots and other situations that came into existence lawfully but do not comply with one or more requirements of this title. These types of situations are said to be nonconforming. The intent of this chapter is to clarify the effect of such nonconforming status and avoid their confusion with illegal buildings and uses. These regulations recognize the interests of landowners in continuing to use and maintain their properties for uses and activities that were lawfully established. The regulations also seek to encourage continued maintenance, rehabilitation, and reuse of existing buildings and structures. However, these regulations also place limitations on nonconformities that have the potential to adversely affect surrounding properties.

14-12-2: SCOPE: © 🖃

This chapter applies to nonconformities created by the adoption of this title or subsequent amendments to it.

14-12-3: PROVISIONS OF GENERAL APPLICABILITY: © 🖃

- (A) Continuation Permitted: Any nonconformity that lawfully existed on the date of adoption of this title or that becomes nonconforming upon the adoption of any amendment to this title may be continued in accordance with the provisions of this chapter.
- (B) Illegal Uses, Buildings, And Structures: Uses, buildings, and structures that were not lawfully established prior to adoption of this title will not become legal by virtue of its enactment. Illegal uses, buildings, and structures must be immediately brought into compliance with all ordinances of the city.
- (C) Determination Of Nonconforming Status: The burden of establishing that a nonconformity exists will, in all cases, be upon the property owner of the nonconforming use, building or structure to prove the existence of the nonconformity and not upon the City.
- (D) Replacement Value: Replacement value for all structures will be interpreted as the assessed value of the improvement based on information obtained from the township assessor unless the applicant provides replacement value data prepared by a certified appraiser. When assessed value data is not available and the subject owner has not provided appraisal data, the zoning administrator is authorized to determine replacement value based on the best available data.
- (E) Repairs And Maintenance: Incidental repairs and normal maintenance of nonconforming situations are permitted to maintain a property in sound condition, unless expressly prohibited by this title or other city ordinances. Examples of normal maintenance and incidental repairs include installation or relocation of nonbearing walls, nonbearing partitions, fixtures, equipment, wiring,

roofing, and plumbing. Nothing in this chapter may be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

- (F) Safety Regulations: All police power regulations enacted to promote the public health, safety, and welfare including, but not limited to, all building, fire, and health codes, apply to nonconforming uses, buildings and structures.
- (G) Tenancy And Ownership: The status of a nonconformity is not affected by changes of tenancy. ownership, or management. Nonconforming status "runs with the land".

14-12-4: NONCONFORMING USES: © 🖃



A nonconforming use is one that was lawfully established in accordance with the zoning regulations in effect at the time of the use's establishment but that is no longer permitted by the use regulations of the zoning district in which the use is now located.

- (A) Continuation: Nonconforming uses may remain, subject to the regulations of this section.
- (B) Alteration And Expansion:
 - 1. Except as expressly prohibited by this section, the zoning administrator is authorized to permit a nonconforming use to expand into another part of the same building or alter or expand the existing building, provided that the zoning administrator determines that such alteration or expansion:
 - (a) Will not result in a violation of off street parking or loading requirements;
 - (b) Will not violate any applicable dimensional standards;
 - (c) Will not result in greater adverse impacts on the surrounding area, with respect to noise, traffic generation, odor, or other environmental effects; and
 - (d) Is not expressly prohibited by subsection (B)2 of this section.
 - 2. The following nonconforming uses may not be expanded:
 - (a) A nonconforming business or manufacturing use in an R district;
 - (b) A nonconforming residential use in a business or manufacturing district if such expansion increases the number of dwelling units or the area of the zoning lot.
- (C) Relocation: A nonconforming use may not be relocated in whole, or in part, to any other lot or parcel unless the relocation brings the use into compliance with all regulations of the zoning district into which it is relocated.
- (D) Change Or Substitution Of Use:
 - 1. Except as otherwise expressly authorized, a nonconforming use may not be changed to any use other than a use allowed within the zoning district in which the use is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, it may not be changed back to a use that is not allowed. A change of use will be deemed to occur when an existing nonconforming use has been terminated and an allowed use has commenced. Any change in use in violation of this chapter will be deemed an abandonment of the previous nonconforming use.
 - 2. The zoning administrator has the authority to permit the substitution of one nonconforming use for another nonconforming use within the same use category, provided that the substituted use will create no greater adverse impacts on the surrounding area than the previous use. In making such a determination, the zoning administrator must consider the following factors:
 - (a) Hours of operation;
 - (b) Vehicular traffic generation;

- (c) The number of employees, patrons, or other people expected to be attracted to the use: and
- (d) Other factors likely to affect the neighborhood in which the use is located.
- 3. If the zoning administrator approves a use substitution, the previous nonconforming use is deemed to have been abandoned. In permitting such a change in use, the zoning administrator may impose conditions on the substituting nonconforming use.
- (E) Loss Of Nonconforming Status; Damage Or Destruction:
 - 1. If a nonconforming use is discontinued for a period of twelve (12) continuous months or more all nonconforming use rights are lost and reestablishment of the nonconforming use is prohibited.
 - 2. If a building or structure occupied by a nonconforming use is damaged or destroyed by fire. explosion, flood, or other means that is not within the control of the property owner or tenant, to an extent of more than fifty percent (50%) of the replacement value of the building and/or structure it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. This provision does not apply to single-family dwellings, which may be reestablished in any zoning district in compliance with subsection (E)3 of this section.
 - 3. If a building, structure, or property occupied by a nonconforming use is damaged or destroyed, by any means not within the control of the property owner or tenant, to an extent of fifty percent (50%) or less of the replacement value, it may be repaired, reconstructed, or restored provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction, and the construction must be completed within one year of issuance of the building permit. If a building permit is not obtained within one year or the repairs or restoration are not completed within one year of the issuance of the building permit, then the building and/or structure and use may be reestablished only if it complies with all regulations of the district in which it is located.
 - 4. In the event that any building, structure, or property occupied by a nonconforming use is damaged or destroyed by a means within the control of the property owner or tenant, the building and/or structure and use may be restored or repaired only in compliance with all regulations of this title.

14-12-5: NONCONFORMING BUILDINGS AND STRUCTURES: © 🖃



A nonconforming building or structure is one that was lawfully established in accordance with the zoning regulations in effect at the time of its establishment but that is no longer in compliance with one or more dimensional standards of this title. Common examples of nonconforming buildings or structures are those that do not comply with current setback, height, or building coverage requirements.

- (A) Continuation: Nonconforming buildings or structures may remain, subject to the regulations of this section.
- (B) Use: A nonconforming building or structure may be utilized for or occupied by any use allowed in the applicable zoning district, subject to all applicable use standards of chapter 3 of this title.
- (C) Alteration And Expansion: The zoning administrator is authorized to permit the alteration, expansion, enlargement, or increase in size of a nonconforming building or structure provided that the zoning administrator determines that such alteration or expansion:
 - 1. Will not result in a violation of off street parking or loading requirements; and
 - 2. Will not create any new nonconformities with respect to bulk or density standards; and

- 3. In the case of an addition that will expand a nonconforming building, the addition will not encroach any further into the existing setbacks, further increase nonconforming building height, or increase nonconforming building coverage.
- (D) Relocation: A nonconforming building or structure may not be relocated in whole, or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the relocation brings the building or structure into further or full compliance with the regulations of the zoning district in which it is relocated. This provision may not be interpreted as prohibiting the elevation of a nonconforming building or structure for the purpose of flood-proofing or repair.
- (E) Loss Of Nonconforming Status; Damage Or Destruction:
 - 1. If a nonconforming building or structure is damaged or destroyed by fire, explosion, flood, or other means that is not within the control of the property owner or tenant, to an extent of more than fifty percent (50%) of the replacement value of the building or structure it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. This provision does not apply to single-family dwellings, which may be fully reestablished in any zoning district in compliance with subsection (E)2 of this section.
 - 2. If a nonconforming building or structure is damaged or destroyed by any means not within the control of the property owner or tenant to an extent of fifty percent (50%) or less of the replacement value, it may be repaired, reconstructed, or restored provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction, and the construction must be completed within one year of issuance of the building permit. If a building permit is not obtained within one year or the repairs or restoration are not completed within one year of the issuance of the building permit, then the building or structure and use may be reestablished only if it complies with all regulations of the district in which it is located.
 - 3. In the event that any nonconforming building or structure is damaged or destroyed by a means within the control of the property owner or tenant, the building or structure and use may be restored or repaired only in compliance with all requirements of this title.

14-12-6: NONCONFORMING LOTS OF RECORD: © 🖃

A nonconforming lot of record is a tract of land designated on a duly recorded subdivision plat, by a duly recorded deed, or by other lawful means that does not comply with minimum lot area or lot width regulations of the zoning district in which it is located. No nonconforming lot of record may be improved except in compliance with this section.

- (A) Use: Any lot that became nonconforming upon the effective date specified in section 14-1-2 of this title or any subsequent amendment and does not meet the requirements of this title for lot area or lot width may be developed with a use that is permitted within the applicable district, provided it meets the standards of this section. The owner of a nonconforming lot of record must furnish the following additional information with the application for a building permit:
 - 1. A survey by a duly licensed land surveyor, showing the lot upon which the applicant proposes to build and at least a portion of the lots on either side of such lot including the width of the adjoining existing side setbacks as measured to the nearest part of the buildings or structures thereon.
 - 2. An affidavit by the owner of the lot described in the application for a building permit, stating that no adjoining lots are currently under his or her ownership.
- (B) Criteria For Use Of Nonconforming Lots Of Record: Upon compliance with the provisions of subsection (A) of this section and other applicable provisions of this title, the zoning administrator may issue a building permit if the subject lot and proposed development meets the following criteria:

- 1. The nonconforming lot is not adjoining and contiguous to a lot on either side held under common ownership;
- 2. The nonconforming lot is at least two thousand five hundred (2.500) square feet in area and twenty five feet (25') in width and was platted on or before the effective date of this title;
- 3. If the underlying zoning district permits a variety of uses, only one or some of which would meet the dimensional standards for lot area, width, or yards, then only those uses that comply with applicable dimensional and use standards will be permitted; and
- 4. The proposed development on the nonconforming lot will comply with all other bulk and density standards of the subject zoning district.

14-12-7: NONCONFORMING SIGNS: © 🖃



Nonconforming signs are those that were lawfully established but no longer comply with the sign regulations of this title.

- (A) Continuation: A nonconforming sign may remain, subject to the regulations of this section.
- (B) Alteration And Expansion: A nonconforming sign cannot be enlarged, expanded or otherwise improved except for the purpose of normal maintenance and incidental repairs. The only alteration to a nonconforming sign that is permitted is a change in the sign face, the words or symbols used or the message displayed, only to advertise an activity, business, or use conducted or a product sold on the premises where the sign is located, provided that the sign is not abandoned, as defined in subsection (E) of this section. Any other alteration or change must be to bring the nonconforming sign into compliance with the regulations of this title.
- (C) Relocation: A nonconforming sign cannot be relocated in whole or in part to any other location unless the relocation results in the entire sign being brought into compliance with all applicable regulations of this title.
- (D) Loss Of Nonconforming Status; Damage Or Destruction: If a nonconforming sign is damaged or destroyed by any means not within the control of the property owner to the extent that the estimated expense of repairs exceeds fifty percent (50%) of its replacement value, the sign must be removed or otherwise brought into compliance with the regulations of this title. Removal of a nonconforming sign must include removal of the sign face, all support structures and lighting apparatus.
- (E) Abandonment: Any nonconforming sign that no longer advertises an activity, business, or use conducted or a product sold on the premises where the sign is located will be deemed to be abandoned after a period of ninety (90) days. All abandoned signs must be removed or brought into full compliance with the regulations of this title.

14-12-8: OTHER NONCONFORMITIES: 1

The types of other nonconformities to which this section applies include, but are not limited to. landscaping, off street parking and loading, curb cuts, accessory buildings or structures (except nonconforming signs) and other nonconformities not involving signs, structural aspects of a principal building, lot dimensions, or use of the property.

- (A) Continuation: Other nonconformities, as defined by this section, may remain subject to the regulations of this section.
- (B) Alteration And Expansion: Unless otherwise stated in this title, the zoning administrator is authorized to permit the alteration, expansion, or enlargement of buildings, structures or other

site improvement on sites with other nonconformities, provided that the zoning administrator determines that such alteration or expansion will not increase the degree of nonconformity. An alteration or expansion or to a building that increases the number of required parking spaces or further reduces the amount of landscaping (where the existing number of parking spaces or amount of landscaping is currently not in compliance with this title) are examples of increases in the degree of nonconformity.

- (C) Reduction In Nonconformities: Over time, it is the intent of this title to eliminate or reduce the degree of nonconformities to the maximum extent feasible as buildings, sites, or parking areas are redeveloped or expanded. Examples of the manner in which nonconformities could be reduced are the following:
 - Construction of additional parking spaces on sites that do not meet parking requirements;
 - 2. Installation of required landscaping within a newly constructed portion of a parking lot that does not meet landscaping requirements.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 13

VIOLATIONS, PENALTIES AND ENFORCEMENT[®] □

- 14-13-1: RESPONSIBILITY FOR ENFORCEMENT:
- 14-13-2: **VIOLATIONS**:
- 14-13-3: CIVIL AND ADMINISTRATIVE ENFORCEMENT:
- 14-13-4: PENALTIES:
- 14-13-5: OTHER REMEDIES AND POWERS:
- 14-13-6: REMEDIES CUMULATIVE:
- 14-13-7: CONTINUATION OF PREVIOUS ENFORCEMENT ACTIONS:
- 14-13-8: PRIVATE REMEDIES RESERVED:

14-13-1: RESPONSIBILITY FOR ENFORCEMENT: © =

The zoning administrator is responsible for enforcing this title, unless otherwise expressly stated.

14-13-2: VIOLATIONS: 1

Unless otherwise expressly allowed by this title or state law, any violation of this title will be subject to the remedies and penalties provided for in this chapter. Such violations include, but are not limited to, the following:

- (A) To use land or buildings in any way not consistent with the requirements of this title;
- (B) To erect a building or other structure in any way not consistent with the requirements of this title;
- (C) To engage in the development or subdivision of land in any way not consistent with the requirements of this title;
- (D) To transfer title to any lots or parts of a development unless the land development plan or subdivision has received all approvals required under chapter 11 of this title and an approved plan or plat, if required, has been recorded with the county Recorder of Deeds;
- (E) To submit for recording with the county Recorder of Deeds any subdivision plat, land division or other land development plan that has not been approved in accordance with the requirements of <u>chapter 11</u> of this title or that does not qualify for an exemption under this title;
- (F) To install or use a sign in any way not consistent with the requirements of chapter 7 of this title;
- (G) To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits or approvals under this title without obtaining all such required permits or approvals;
- (H) To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits under this title in any way inconsistent with any such permit or approval or any conditions imposed thereon;
- (I) To violate the terms of any permit or approval granted under this title or any condition imposed on such permit or approval;

- (J) To obscure, obstruct or destroy any notice required to be posted or otherwise given under this title:
- (K) To violate any lawful order issued by any person or entity under this title; or
- (L) To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

14-13-3: CIVIL AND ADMINISTRATIVE ENFORCEMENT: © 🖃



The city has the following remedies and enforcement powers:

- (A) Stop And Cease And Desist Orders: Upon finding the existence of any violation of this title, the zoning administrator will notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the zoning administrator will order the discontinuance of any illegal use of land and structures, the removal of illegal structures, additions, or alterations, and the discontinuance of illegal work be undertaken.
- (B) Legal Actions: In the enforcement of this title, the zoning administrator will exercise all the powers authorized by the statutes of the state of Illinois and city codes and ordinances to ensure compliance with, or to prevent or abate any violation of the provisions of this title. In particular, the zoning administrator will when necessary or appropriate, institute or cause to be instituted by the city attorney in the name of the City of Oglesby any and all actions, legal or equitable. including appeals that may be required for the enforcement of this title.
- (C) Abatement And Liens: When authorized by state law, the zoning administrator may order any work necessary to abate any violation of this title and will assess the cost of such work to the property owner. Upon the failure of the property owner to pay such cost, the zoning administrator will file a lien for such costs and for all costs of collection against the property in question.
- (D) Revocation Of Permits: The violation of any provision of this title, or of any permit or approval granted pursuant to this title will be grounds for the revocation of any rezoning, permit, variation, special use, or approval granted pursuant to this title and affecting the property involved in the violation. The zoning administrator may recommend, and the City Council may order such revocation; provided, however, that where the original rezoning, permit, variation, special use, or approval was granted following a public hearing required pursuant to this title, the revocation will be preceded by a similar public hearing.
- (E) Fines: In the enforcement of this title, the zoning administrator will, when necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this title as authorized by state law and this title.

14-13-4: PENALTIES: 1

- (A) Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this title will, upon conviction thereof, forfeit not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each day a violation exists or continues will constitute a separate offense.
- (B) The city may seek any other penalties as provided by Illinois law.

14-13-5: OTHER REMEDIES AND POWERS: © 🖃

The city will have such other remedies and enforcement powers as are and as may be from time to time provided by Illinois law for the violation of zoning, subdivision, sign or related provisions.

14-13-6: REMEDIES CUMULATIVE: © =

The remedies and enforcement powers established in this chapter are cumulative, and the city may exercise them in any order.

14-13-7: CONTINUATION OF PREVIOUS ENFORCEMENT ACTIONS: © 🖃

Nothing in this title may prohibit the continuation of previous enforcement actions undertaken by the city pursuant to previous and valid ordinances and laws.

14-13-8: PRIVATE REMEDIES RESERVED: 4 ==

Nothing in this chapter may be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this title from bringing an appropriate action to secure such relief.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 14 TERMINOLOGY E

14-14-1: USE CATEGORY DESCRIPTIONS:

14-14-2: DEFINITIONS:

14-14-1: USE CATEGORY DESCRIPTIONS:[€] □



- (A) Residential Use Group:
 - 1. Household Living:
 - (a) Single-Family Dwelling, Attached: A dwelling unit designed for one family with not more than two (2) lodgers or boarders, having its own ground floor entrance and open space, and joined to two (2) or more dwellings by common walls, or other horizontally unifying structural element. This use type includes townhouses. row houses, and other similar dwelling types.
 - (b) Single-Family Dwelling, Detached: A dwelling unit designed for one family with not more than two (2) lodgers or boarders that does not share a common wall with any other dwelling and is surrounded on all sides by open space located on the same lot.
 - (c) Multi-Family Dwelling: A building designed for or occupied exclusively by three (3) or more families.
 - (d) Two-Family Dwelling: A building designed for or occupied exclusively by two (2) families with not more than two (2) lodgers or boarders per dwelling unit. A twofamily dwelling also includes the terms "duplex" and "two-flat".
 - (e) Employee Living Quarters: Living quarters for persons employed on the premises and not rented otherwise as a separate dwelling.
 - (f) Manufactured Home Park: A lot or adjacent lots providing sites and utilities for independent manufactured homes either free of charge or for a fee, including any building, structure, vehicle, or enclosure used or intended for use as a part of the manufactured home park. This does not include mobile homes without plumbing facilities or motorized recreational vehicles.
 - Any park defined in the mobile home park act or by the city of as a "mobile" home park" is defined as a "manufactured home park". See also the applicable use standards for manufactured home parks in subsection 14-3-2(G) of this title.
 - (g) Residential Planned Development: A residential development improved according to an overall unified plan that was approved according to the procedure in chapter 11 of this title.
 - 2. Group Living: Residential uses other than household living; usually provide common kitchen/dining facilities.
 - (a) Assisted Living: A group living facility that provides health and living services for persons who because of age, illness or infirmity cannot live independently but do not require continuous nursing care.
 - (b) Community Residence: A single dwelling unit occupied on a relatively permanent basis in a family like environment by unrelated persons with disabilities.
 - (1) Small: Small community residences house no more than eight (8) residents plus staff, are certified by the state of Illinois, and are supervised by full time paid professional support staff whenever residents are present.
 - (2) Large: Large community residences are either not licensed or certified by the state of Illinois, or are not supervised, or have five (5) or more persons plus staff, whether licensed or not.

- (c) Nursing Care Facility: A facility that provides shelter, and medical, nursing, and/or rehabilitation services for persons who require twenty four (24) hour skilled nursing supervision and care.
- (d) Transitional Residence: A temporary residential living arrangement for persons receiving therapy or counseling for purposes including, but not limited to, the following:
 - (1) Recuperation from drug or alcohol addiction;
 - (2) Assistance with reentering society while housed under supervision as an alternative to imprisonment, including prerelease, work release and probationary programs; or
 - (3) Assistance with family or school adjustment problems that require specialized attention in order to achieve personal independence.
- (e) Group Living Not Otherwise Classified: Group living uses that do not fit into any other category, such as fraternities, sororities, convents, and monasteries.
- (B) Public And Civic Use Group: The public and civic use group includes uses that are public or quasi-public in nature.
 - 1. College Or University: Institution of higher learning that offers courses of general or specialized study leading to a degree and is certified by the state or a recognized accrediting agency.
 - 2. Cultural Exhibits And Libraries: Museum like preservation and/or exhibition of objects in one or more of the arts and sciences; gallery exhibition of works of art; or a library collection of books, manuscripts and other materials for study and reading, excluding public assembly facilities, which are classified as places of public assembly.
 - 3. Daycare: A place where three (3) or more unrelated children or adults are cared for by persons other than parents or guardians, for part or all of a day.
 - (a) Daycare Center: A daycare use that regularly provides care for eight (8) or more children or adults, whether in a family home or in another facility.
 - (b) Daycare Home: A daycare use that regularly provides care for up to eight (8) children or adults.
 - 4. Hospital: Uses providing medical or surgical care to patients and offering inpatient (overnight) care.
 - 5. Parks And Recreation: Recreational, social, or multipurpose uses typically associated with public parks, public open spaces, outdoor recreation areas, public or private golf courses, and associated buildings.
 - 6. Post Office: Uses associated with the processing and delivering of mail, including those either owned or leased by postal service companies.
 - 7. Public Safety Services: Public safety services that provide fire, police or life protection, together with incidental storage and maintenance of necessary vehicles, including, but not limited to, fire stations, police stations, and ambulance services.
 - 8. Religious Assembly: Religious uses commonly involving public assembly as customarily occurs in churches, synagogues, mosques, and temples.
 - 9. School: Public or private institutions providing education at the elementary, junior high or high school level that provide state mandated basic education.
 - 10. Social Club Or Lodge: Any establishment, public or private, commercial or nonprofit, that provides a gathering place for people, with or without food and beverage, commonly known as, but not limited to, the following:
 - (a) Teen centers.
 - (b) Youth centers.
 - (c) Senior centers.
 - (d) Dance clubs.
 - 11. Utility, Major: Services and utilities that have substantial impacts on surrounding areas, including, but not limited to, water and wastewater treatment facilities, major water storage facilities, pumping stations, electric substations, gas regulator stations, telephone

transmission structures, radio, and television and microwave relay towers.

12. Utility, Minor: Public utilities that have few, if any, impacts upon the surrounding neighborhood, such as electrical and gas distribution substations or power transmission lines.

(C) Commercial Use Group:

- 1. Adult Use: The term "adult use" includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult entertainment cabarets, adult model studios, massage establishments or similar establishments.
 - (a) Adult Bookstore: An adult bookstore is an establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin operated means, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.
 - (b) Adult Entertainment Cabaret: An adult entertainment cabaret is a public or private establishment that: 1) features topless dancers, strippers, male or female impersonators; 2) not infrequently features entertainers who display "specified anatomical areas"; or 3) features entertainers who by reason of their appearance or conduct perform in a manner that is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, "specified sexual activities".
 - (c) Adult Mini-Motion Picture Theater: An adult mini-motion picture theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.
 - (d) Adult Motion Picture Theater: An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observations by patrons therein.
 - (e) Adult Model Studio: Any public or private establishment that describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display sexually oriented anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities and specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity. Excluded from this definition are recognized art courses at accredited schools, colleges or universities that as a portion of their instruction include drawing, painting, sculpting or photographing a model.
 - (f) Massage Establishment: An establishment that engages in, or permits to be engaged in, the performance of manual manipulation on the body by another person other than a massage therapist that involves the hands or a mechanical

device. This does not include "therapeutic massage", which is defined as the practice of manual muscle manipulation by a massage therapist who is a member of a nationally recognized professional organization for massage therapists that adheres to a code of ethics, or recreational facilities with more than ten thousand (10,000) square feet of floor area for exercise rooms, gymnasiums, tennis courts, racquetball courts, swimming pools or similar uses directly related to exercising the human body that do not derive more than five percent (5%) of yearly income from massage services.

- (g) Specified Sexual Activities: The phrase "specified sexual activities" in connection with adult uses means:
 - (1) Human genitals in the state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (h) Specified Anatomical Areas: The phrase "specified anatomical areas" in connection with adult uses means:
 - (1) Less than completely and opaquely covered: a) human genitals, pubic region, b) buttock and c) female breast below a point, immediately above the top of the areola; and
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Animal Services:

- (a) Shelters And Kennels: Any premises where three (3) or more animals are owned, boarded, bred and/or offered for sale, including, but not limited to, boarding kennels, dog training centers and animal rescue shelters.
- (b) Veterinary Services: Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.
- 3. Art Gallery: Uses dedicated to the showing or sale of art, including art galleries and studios. Art museums are classified in the "cultural exhibits and libraries" use category.
- 4. Banks And Financial Services:
 - (a) Banks: Financial or securities brokerage services, including, but not limited to, banks, savings and loan, or consumer investment businesses.
 - (b) Payday Loan Store: An establishment other than a bank that engages in the business of offering payday loans, cashing checks, or exchanging currency. A "payday loan" is a loan transaction where a postdated check or other check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan.
 - (c) Consumer Loan Establishment: Any business that makes loans in a principal amount not exceeding twenty five thousand dollars (\$25,000.00) secured other than by a mortgage or lien on the borrower's real property or on personal property acquired by the borrower with the proceeds of the loan, not including any bank, savings bank, savings and loan association or credit union.
 - (d) Pawnshop: An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger.
- 5. Body Art Services: Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Illinois Medical Board, which may not be performed in a body art services establishment.
- 6. Business Support Services: Provision of clerical, employment, protective, or minor processing services to firms rather than individuals, excluding any storage of goods other than samples. Typical uses include secretarial services, telephone answering services and copying or blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes.

- 7. Construction Sales And Service: Construction activities and incidental storage on lots other than construction sites. Also includes the retail or wholesale sale of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, and excluding those uses classified under "vehicle sales and service". This category includes, but is not limited to, uses such as building materials stores, tool rental or sales and building contracting/construction offices.
- 8. Eating And Drinking Establishment:
 - (a) Restaurant: An establishment primarily engaged in serving prepared food to the public, including those with outdoor seating areas.
 - (b) Tavern: An establishment primarily engaged in serving alcoholic beverages for consumption on the premises and in which the serving of prepared food and live entertainment may be provided.
- 9. Entertainment And Spectator Sports: Provision of cultural, entertainment, athletic and other events to spectators.
- 10. Funeral And Interment Services:
 - (a) Cemetery: Land or facilities used for burial of the dead.
 - (b) Cremating: Services involving the purification and reduction of human remains by fire.
 - (c) Funeral Home: An establishment providing services of preparing the dead for burial and arranging or managing funerals.
- 11. Gas Station: Any building or premises whose principal use is the dispensing, sale or offering for sale at retail of any motor vehicle fuels, oil or accessories, where repair service or car wash facilities is incidental, where no motor vehicle storage is present and where no motor vehicles are offered for sale.
- 12. Lodging:
 - (a) Bed And Breakfast: An owner occupied detached house in which sleeping rooms are available for rent for transient occupancy by registered guests, not including multi-unit residential or accessory buildings.
 - (b) Hotel/Motel: An establishment containing lodging rooms for occupancy by transient guests, with the extent of occupancy limited to thirty (30) days. Such an establishment may provide customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, central desk, and meeting rooms.
- 13. Medical Or Dental Clinic: An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine.
- 14. Mini Warehouse: Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise located elsewhere, where such storage space is not used for any retail, manufacturing, wholesale, business or service use.
- 15. Office: Professional, governmental, executive, management or administrative offices of private or governmental organizations.
- 16. Personal And Consumer Service: Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of personal services such as beautician and barbering services, specialized instruction, laundry and dry cleaning services, and all other similar services.
- 17. Retail Sales: Businesses that sell, lease, or rent new or used products to the general public that are not intended for resale.
- 18. Shopping Center Planned Development: A large commercial development improved according to an overall unified plan that was approved according to the procedure in chapter 11 of this title.

19. Vehicle Sales And Service:

- (a) Car Wash: Any building or site providing facilities for washing motor vehicles, using either automatic equipment or providing space and equipment for hand washing of vehicles by either customers or employees.
- (b) Motor Vehicle Repair: A business or premises where repair work on or for motor vehicles, the replenishing of parts thereto, the changing of tires, the diagnosis of malfunctions of a motor vehicle, or the estimating of damage and necessary repairs is conducted.
 - (1) Major: Any motor vehicle repair business or premises that also performs bodywork, painting or commercial vehicle repairs.
 - (2) Minor: Any motor vehicle repair business or premises that does not perform bodywork, painting or commercial vehicle repairs.
- (c) Light Equipment And Vehicle Sales/Rental: Businesses that sell, lease, rent, or wholesale from the premises automobiles, noncommercial trucks, motorcycles, trailers with less than ten thousand (10,000) pounds of gross cargo capacity, motor homes and boat dealers, along with incidental maintenance.
- (d) Heavy Equipment Sales Or Rental: Businesses that sell, lease, rent or wholesale from the premises heavy construction equipment, farm implements, tractors, trucks, or aircraft, along with incidental maintenance.
- (e) Vehicle, Recreational Vehicle Or Boat Storage/Towing: The operating of a vehicle towing service or the storage of automobiles, recreational vehicles or boats as a principal use.

(D) Industrial Use Group:

- 1. Manufacturing, Production And Industrial Service:
 - (a) Limited: Manufacturing of finished parts or products, primarily from previously prepared materials, including, but not limited to, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

(b) General:

- (1) Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials, including, but not limited to: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- (2) Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or byproducts, including, but not limited to: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry cleaning, and carpet cleaning plants; and photo finishing laboratories.
- 2. Manufacturing Planned Development: An industrial development improved according to an overall unified plan that was approved according to the procedure in chapter 11 of this title.
- 3. Research Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not primarily facilities for the manufacture or sale of products.

- 4. Trucking/Freight Terminal: A building or area where freight is collected, stored and/or dispatched for intrastate or interstate shipment.
- 5. Waste Related Use:
 - (a) Junkyard: Any land or structure used for a salvaging operation, including, among other things, the storage and sale of wastepaper, rags, scrap metal and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.
 - (b) Sanitary Landfill: A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two feet (2') or more on the top surface and one foot (1') or more on the sides of the bank.
 - (c) Recycling Facility: Any business that engages in the collection, storage or processing of any type of aluminum, glass, paper, plastic, rubber, textile, landscape waste or other similar materials for the purpose of marketing the material for use in the manufacturing process of new, reused or reconstituted products.
- 6. Warehousing And Wholesaling: Storage, wholesale sales and distribution of materials and equipment, including, but not limited to, storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, and wholesale sales of materials and equipment to parties other than the general public.

(E) Agricultural Use Group:

 Farming: Activities including, but not limited to, horticulture, forestry, crop and tree farming, truck farming, natural areas, gardening, dairy, stock and poultry farming, incidental operation of vehicles; and excluding uses in violation of IEPA performance standards.

(F) Other Use Group:

- 1. Accessory Use: A subordinate use that is incidental to and customary in connection with the principal building or use and is located on the same lot.
- 2. Drive-Through Facilities: Facilities used to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A drive-through facility may be in combination with other uses, such as a financial institution, personal service use, retail store, or eating establishment. A drive-through facility does not include a car wash or gas station.
- 3. Home Occupation: A business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator.
- 4. Parking:
 - (a) Accessory: Motor vehicle parking facilities that provide parking that is accessory to a specific use or uses.
 - (b) Nonaccessory: Facilities that provide motor vehicle parking that is not accessory to a specific use, regardless of whether a fee is charged.
- 5. Wireless Communication Facility: Facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, and may include, but is not limited to, radio towers, television towers, telephone exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. The wireless communication facility use category includes all associated equipment unless the written context clearly indicates that another meaning is intended. The term "associated equipment" is to be read broadly and in context. Associated equipment may include, but is not limited to: antenna, equipment shelter or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment.
 - (a) Freestanding: A wireless telecommunication facility that is attached to an existing pole, tower, or other structure including, but not limited to, a structure that can

accommodate the future installation of two (2) or more antenna systems.

(b) Collocated: A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

14-14-2: DEFINITIONS: © 🖃

The words and terms set forth in this section, wherever they occur in this title, must be interpreted as defined in this section. Any words not defined as follows will be construed in their general accepted meanings as defined in the most recent edition of "Merriam-Webster's Collegiate Dictionary". For a detailed description of the measurement of lot area, setbacks, height, building coverage and other dimensional standards, see section 14-4-3 of this title.

ACCESSORY BUILDING OR STRUCTURE: A building or structure that is customarily incidental to and subordinate in size or purpose to the principal building or use and is located on the same lot as the principal building or use.

ACCESSORY USE: A use that is customarily incidental and subordinate to the principal use of the lot and is located on the same lot.

ALLEY: A public right of way that provides a secondary means of access to abutting property.

ALTERATION: Any enlargement, addition, relocation, remodeling, or change in number of dwelling units of buildings that would improve or prolong the life of the building by affecting supporting members of a building or structure, such as bearing walls or partitions, columns, beams, girders, or exterior walls that are not cosmetic or decorative in nature; an alteration to other than a building may include a change in site grading, open space, or topography, changes to signs or other structures, but excluding painting and incidental maintenance and repairs to buildings and structures that do not require a permit.

APARTMENT: See definition of Dwelling Unit.

BASEMENT: A portion of a building that is entirely or partly below grade. A basement is counted as a story when more than one-half $\binom{1}{2}$ of its floor to ceiling height is below grade.

BERM: A raised earth form that provides screening from adjoining land uses.

BUILDING: Any structure having a roof supported by columns or walls and built for the support, shelter or enclosure of persons, animals, or property of any kind.

BUILDING, DETACHED: A building that is surrounded by open space on the same lot.

BUILDING LINE: A line representing the actual location of an exterior building wall.

BUILDING, PRINCIPAL: A building of primary importance or function containing the principal use of the lot.

CALIPER: The diameter of a tree trunk measured six inches (6") above the ground, or measured at twelve inches (12") above the ground for trees larger than six inches (6") in diameter.

CITY: The city of Oglesby, Illinois.

COMMERCIAL MESSAGE: Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

COMPREHENSIVE PLAN: The plan for the development of the City of that is prepared by the Plan Commission and adopted by the City Council.

CONDITIONAL USE: See definition of Use, Special.

CONSERVATION: Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

CONTRACTOR: Any person or firm engaged in construction, building services or maintenance on a contract basis.

CROSSWALK: A right of way that crosses a block and provides pedestrian access to adjacent streets or properties.

CUL-DE-SAC: A street with one open end and the other end permanently closed with a vehicle turnaround.

DECIDUOUS: A plant that sheds its leaves at the end of each growing season.

DENSITY: The number of dwelling units per acre.

DEVELOPER: The legal or beneficial owner or the representative thereof, of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this code.

DRIP LINE: A tree protection zone that is measured as the diameter defined by the outermost leaves on a tree.

DRIVEWAY: A strip of land that provides access from the public right of way onto a lot.

DWELLING UNIT: A building or portion of a building designed or used as living quarters for a single family.

EASEMENT: A grant by a property owner by lawful agreement for the use of a strip of land by the general public, a corporation, or persons for specific purposes.

FACADE: The exterior face of a building.

FAMILY: Two (2) or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than three (3) persons, who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants. For the purpose of this title, however, an unrelated family does not include persons living together in a community residence.

FENCE: A structure that is a barrier used to mark a boundary, or for protection, confinement, screening, or decoration.

FLOOR AREA: The sum of the horizontal areas of each floor of a building, measured from the exterior limits or faces of the building, not including areas below grade or accessory structures.

FOOT-CANDLE: A unit of illumination produced on a surface, all points of which are one foot (1') from a uniform point source of one standard candle.

GARAGE: An accessory building, or an accessory portion of a principal building, enclosed on at least three (3) sides that is intended for and used to store private passenger motor vehicles and no more than one $\frac{3}{4}$ -ton or lesser sized truck.

GRADE: The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

HOMEOWNERS' ASSOCIATION: An incorporated nonprofit organization operating under recorded land agreements through which:

- (A) Each lot and/or homeowner in a subdivision or development or other described land area is automatically a member;
- (B) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities that may include enforcement of governing documents and restrictive covenants, rules regarding construction and maintenance, and maintenance of common open space and facilities; and
- (C) The charge if unpaid becomes a lien against the property.

ILLUMINATION: As related to a sign, means any light directed at, attached to or otherwise related to a sign, including exposed tubing or bulbs on the sign, lamps or lights shining onto its surface, or illumination transmitted through the sign face(s).

- (A) "Direct illumination" means a light source that is placed outside of or away from the sign in a manner so as to illuminate the sign externally.
- (B) "Internal illumination" means a light source that is enclosed within the sign and viewed through a translucent panel.

IMPERVIOUS SURFACE AREA: A hard surface area that prevents or substantially impedes the natural infiltration of water into the underlying soil, resulting in an increased volume and velocity of surface water runoff. Impervious surface includes, but is not limited to, buildings, roadways, driveways, parking, sidewalks, patios and courts for sports activities.

INTERSECTION, STREET: The point of crossing or meeting of two (2) or more streets.

LANDSCAPED AREA: An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

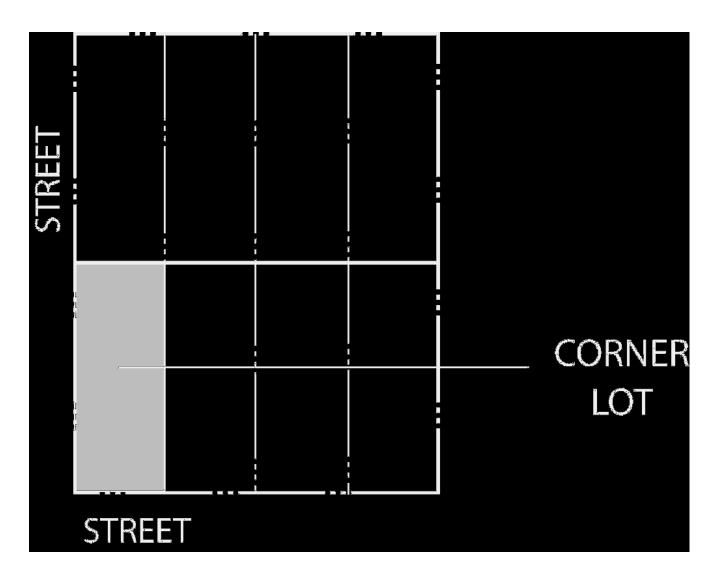
LOADING SPACE: A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having adequate ingress and egress to a public street.

LODGING ROOM: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room providing sleeping accommodations will be counted as one lodging room.

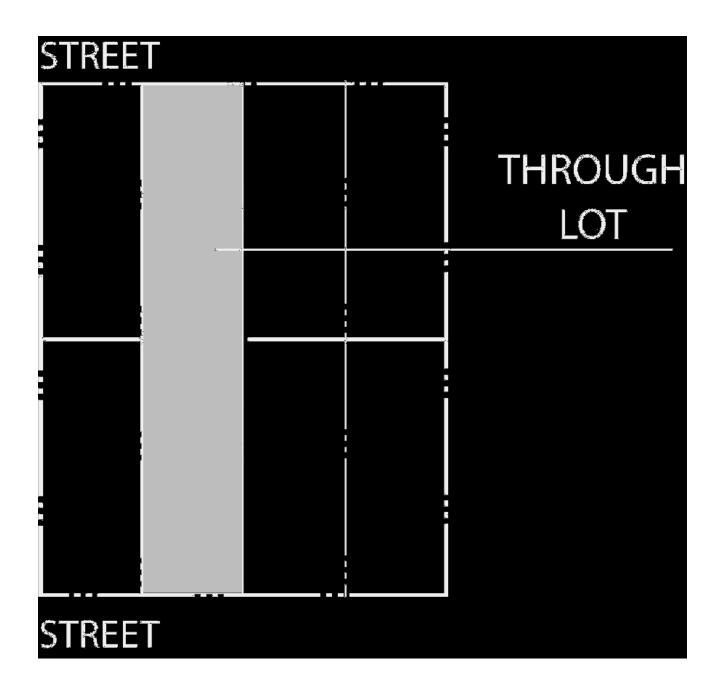
LOT: A "zoning lot" unless the context clearly indicates a "lot of record". The term lot includes the terms "site", "parcel", and any other similar undefined term.

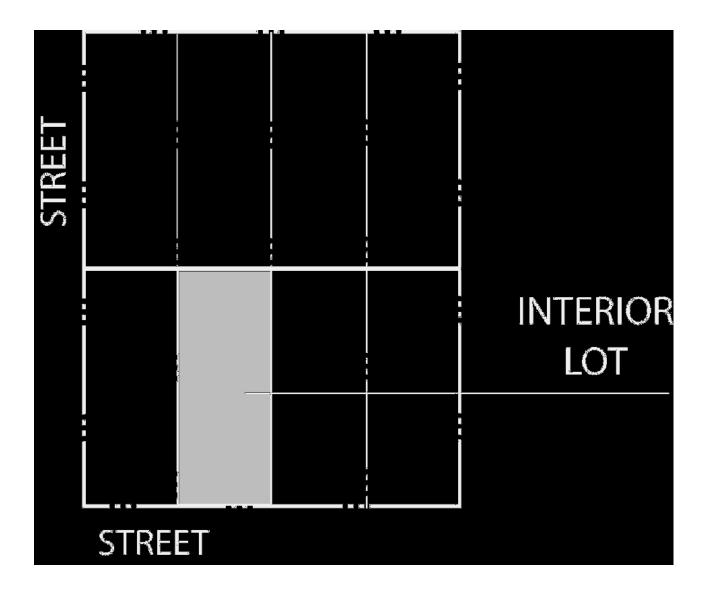
LOT AREA: The area of a horizontal plane bounded by the vertical planes through front, side and rear property lines of a lot.

LOT, CORNER: A lot abutting two (2) streets at their intersection.



LOT, DOUBLE FRONTAGE OR THROUGH LOT: A lot that has a pair of opposite property lines along two (2) substantially parallel streets and that is not a corner lot. On a through lot both street lines will be considered front property lines, but in the case of two (2) or more contiguous through lots, there will be a common property line.





LOT, RECORDED: A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the county recorder's office. A recorded lot may or may not coincide with a zoning lot.

LOT, ZONING: A parcel of land, composed of one or more recorded lots; occupied or to be occupied by a principal building or buildings, or principal use or uses along with permitted accessory buildings or uses; and meeting all the requirements for area, buildable area, frontage, width, yards, setback and any other requirements set forth in this title.

MANUFACTURED HOME: A residential structure that:

- (A) Is transportable in one or more sections and is essentially ready for occupancy upon leaving a factory and being installed on a building site;
- (B) Does not require a significant amount of construction on site, unlike other structures with factory produced components such as modular, panelized or precut homes;
- (C) Is designed to be used with or without a permanent foundation and connected to utilities such as plumbing, heating, and electrical systems; and

(D) Complies with the federal manufactured home construction and safety standards, but does not comply with local building codes. Any home defined as a "mobile home" in this title is included in this definition of "manufactured home".

MANUFACTURED HOME PARK: A lot or adjacent lots providing sites and utilities for manufactured homes either free of charge or for a fee, including any structure or enclosure used or intended for use by occupants. This does not include mobile homes without plumbing facilities or motorized recreational vehicles. Any park defined in the mobile home park act² or by the city of as a "mobile home park" is defined as a "manufactured home park".

MANUFACTURED HOME PARK SERVICE OR COMMUNITY BUILDING: A building housing the manager's office, recreation facilities, storage facilities, laundry facilities, maintenance equipment, toilet facilities for employees, emergency sanitary accommodations, and/or other facilities intended for the use of manufactured home park occupants.

MANUFACTURED HOME SPACE: A parcel of land designated for the exclusive use of the occupants of a single manufactured home.

MANUFACTURED HOME STAND: A part of a manufactured home space that has been reserved for the placement of the manufactured home, related structures, and/or additions.

MASSAGE THERAPIST: Any person who practices or administers therapeutic massage, and who has completed at least five hundred fifty (550) hours in a regular course of study of the underlying principles of anatomy and physiology as generally recognized by an approved school of massage.

MOBILE HOME: A factory built residential structure that is transportable on temporary or permanent wheels that was produced prior to the national manufactured housing construction and safety standards act, effective June 30, 1976, and contains toilet and bath or shower facilities. Any home defined as a "mobile home" in this title is included in the definition of "manufactured home". This definition does not include recreational vehicles, travel trailers, campers, or buses.

MODULAR HOME: A residential structure built in a factory up to local building code standards, that is then transported to the site and installed.

NONCONFORMING STRUCTURE: A building or structure or portion thereof that was lawfully established in accordance with zoning and other regulations at the time it was established but no longer complies with the standards of this title.

NONCONFORMING USE: A use that was lawfully established in accordance with zoning regulations at the time it was established, but no longer complies with the standards of this title.

ORNAMENTAL TREE: A tree less than thirty feet (30') tall at maturity that is planted for its aesthetic and/or screening value.

PANELIZED HOME: A residential structure partially built in a factory and then transported in sections, such as an entire wall with windows, doors, electrical wiring, and siding, and assembled on a site. Panelized homes must comply with local building codes.

PARTICULATE MATTER: Material other than water that is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid at outdoor ambient conditions.

PERMANENT FOUNDATION: A closed concrete or other masonry foundation that extends to a depth below the frost line and extends above the surface a sufficient height to safely support the weight (all lateral and vertical loads) of the structure. Loose blocks, loose brick or silt construction will not be considered a permanent foundation.

PERSON: An individual, firm, partnership, corporation, company or association.

Plan Commission: The Plan Commission of the city of Oglesby .

PLANNED DEVELOPMENT: A development improved according to an overall unified plan that was approved according to the procedure in chapter 11 of this title.

PLOT: A map, drawing, or chart on which the subdivider's plans of the subdivision are presented, submitted for approval and intended to be recorded in final form.

PRECUT HOME: A residential structure constructed of building materials that are precut in a factory to design specifications, and then constructed on a site. Precut homes must comply with local building codes and may include "kit" type homes or log homes.

PROPERTY LINE, CORNER SIDE: The boundary of a corner lot that adjoins a public street, other than the front property line.

PROPERTY LINE, FRONT: The boundary of a lot that adjoins an existing or dedicated public street; or where no public street exists, is along a public way. On a corner lot, the front property line is the property line adjacent to the street that is substantially parallel to the facade with the primary building entrance.

PROPERTY LINE, REAR: The boundary of a lot that is most distant from and is, or is most nearly, parallel to the front property line; in the case of an irregular, triangular or gore shaped lot, a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front property line.

PROPERTY LINE, SIDE: A boundary of a lot that is not a front property line or a rear property line.

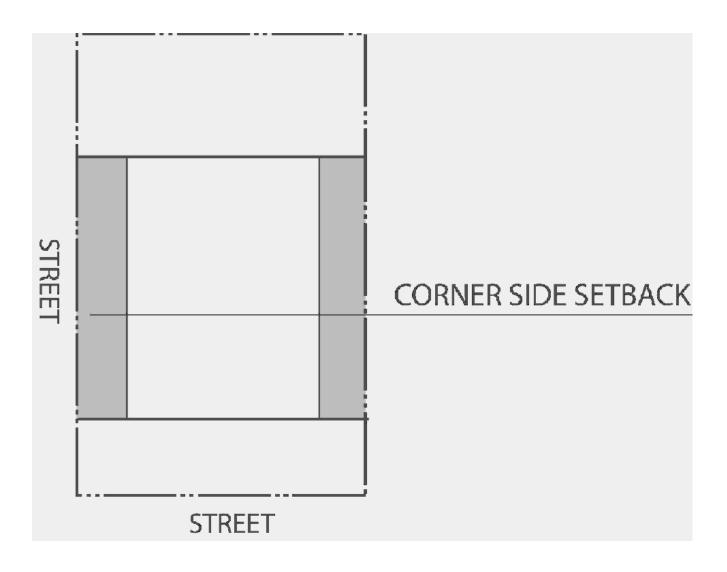
RECREATIONAL VEHICLE: Any boat, boat trailer, trailer, any camping trailer, travel trailer, pickup coach, motor home or other unit built or mounted on a vehicle or chassis, without permanent foundation, that may legally be driven or towed by a motor vehicle on a highway or street.

ROAD OR ROADWAY: The paved portion of the street right of way.

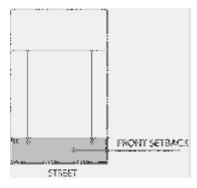
SCREENING: A structure erected or vegetation planted for concealing an area from view.

SETBACK: An area that must be maintained as open space between a building or structure and the property line.

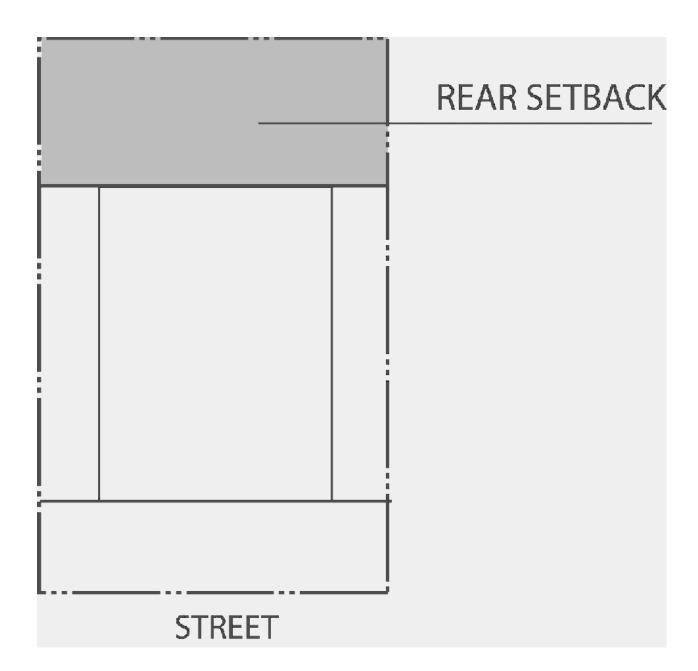
SETBACK, CORNER SIDE: The setback required between a building and the corner side property line, extending from the required front setback to the required rear setback.



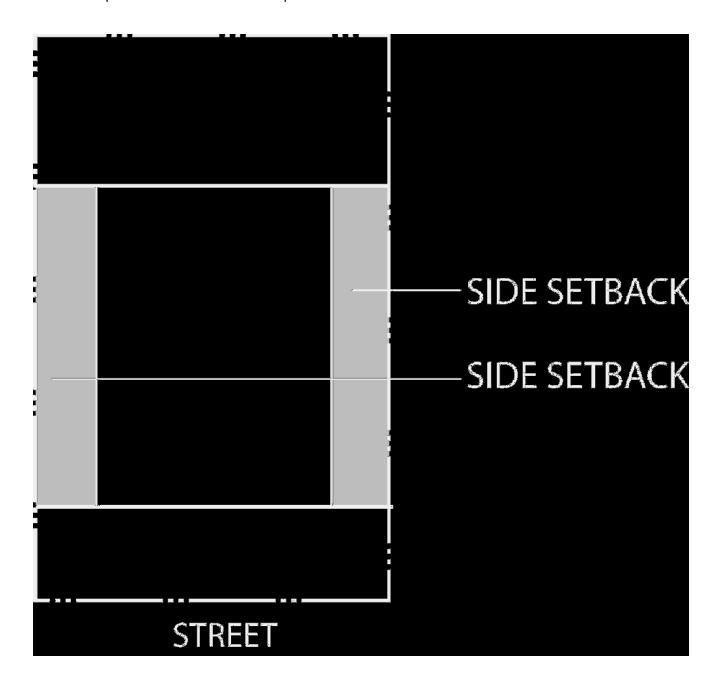
SETBACK, FRONT: The setback required between a building and the front property line, extending the full width of the lot between the side property lines.



SETBACK, REAR: The setback required between a building and the rear property line, extending the full width of the lot between the side property lines.



SETBACK, SIDE: The setback required between a building and the side property line, extending from the required front setback to the required rear setback.



SIGN: Any display, figure, painting, drawings, placard, poster or other device visible from a public way that is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly on a structure. This definition does not include any flag, pennant or insignia of any nation, state, city or other political units, as well as any sign, board or surface used to display or announce official notice of such political units.

SIGN, ADVERTISING: A sign that generally advertises goods or services that are not available on the premises on which the sign is located.

SIGN, ANIMATED: A sign with action, motion or color changes requiring electrical energy, electronic or manufactured sources of supply, including wind activated elements, including video screens, and including intermittent or sudden changes in light intensity, but not including signs defined as changeable copy signs.

SIGN, BUSINESS: Any sign that directs attention to the name of the business establishment's goods or commodities sold or services rendered, on the lot on which the sign is located.

SIGN, CHANGEABLE COPY: A sign, such as an electronically or electrically controlled time, temperature and date sign, message center or reader board where different copy changes of a public service or commercial nature are shown on the same lamp bank.

SIGN, FREE SPEECH: A sign that contains a message related to a matter of public interest deemed by the person posting the sign, including, but not limited to, a candidate for office or a ballot issue, but containing no commercial message.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and similar information and directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located will be considered incidental.

SIGN, MARQUEE: A sign that is attached to the side or underside of a marquee or canopy that extends from a building and covers the walkway, which identifies the entrance to an establishment or its attraction.

SIGN, PORTABLE: A sign that is freestanding, self-supporting and is not attached to, supported by or part of a structure that is designed to be transported by means of wheels, skids or other similar device. "Portable signs" does not include "sandwich board signs".

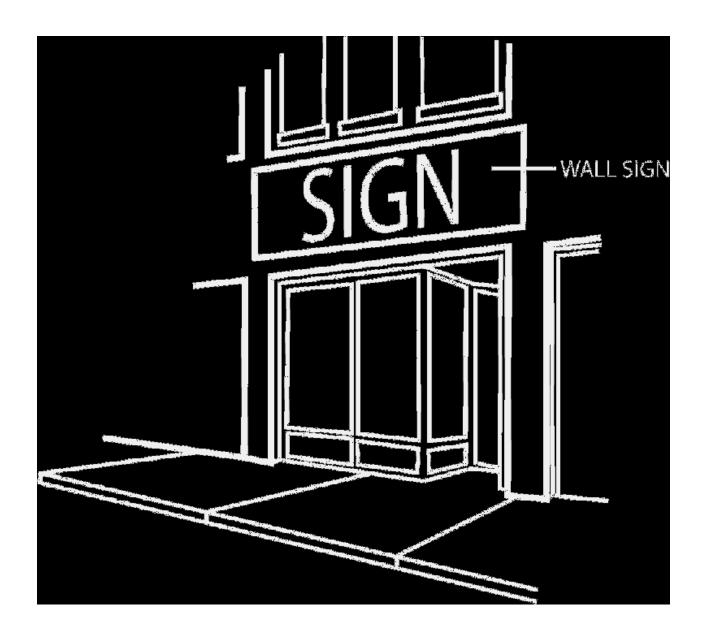
SIGN, PROJECTING: A sign that is suspended from, attached to or supported by a building or structure extending away from the building or structure a distance of more than twelve inches (12").

SIGN, REAL ESTATE: Any sign which advertises or announces the sale, rental or lease of the premises upon which lot the sign is located.

SIGN, SANDWICH BOARD: A portable sign constructed to form an "A" or tentlike shape, hinged or not hinged at the top.

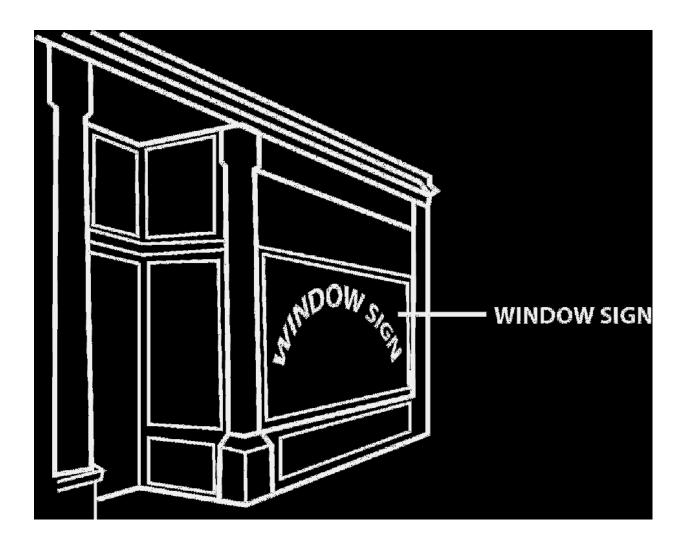
SIGN, TEMPORARY: A sign of any type to announce special events or sales or to announce the sale, lease or rental of property, and designed for use for a limited period of time.

SIGN, WALL OR PANEL: A sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches (12") from the wall.



SIGN, WINDBLOWN: A sign consisting of balloons or objects designed and fashioned in such a manner as to move when subjected to wind pressure.

SIGN, WINDOW: A sign painted, attached or affixed to the interior or exterior surface of the windows or doors of a building.



STORY: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and ceiling next above, including all levels with at least half of their height aboveground. A basement or below grade floor will be counted as a story when more than one-half $\binom{1}{2}$ its floor to ceiling height is aboveground.

STREET: A public right of way that provides a primary means of access to abutting property.

Frontage Road: A local street that is parallel and adjacent to arterial streets and expressways, and that provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the arterial streets and expressways.

Street, Arterial: A street designed to carry large traffic volumes between areas of the city, including Walnut Street, Ed Hand Highway and Colombia Street.

Street, Collector: A street designed to carry low to medium traffic volumes at lower speeds, including Richard Moyle Senior Highway, Orlando Smith Road, Mormon Street, Clark Street, Woodland Avenue, Second Street, Dale Avenue and Lewis Avenue.

Street, Local: A street intended primarily as access to abutting properties.

STRUCTURE: Anything erected, the use of which requires a more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting will be construed to be a structure.

SUBDIVISION: The division of land into two (2) or more parts, for the immediate or future purpose of transfer of ownership or building development, including all public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds or other public grounds, and all the tracts, parcels, lots, or blocks, and numbering all such lots, blocks or parcels by progressive numbers, giving their precise dimensions. The following will not be considered a subdivision and will be exempt from the requirements of this title:

- (A) The division of land for agricultural purposes into parcels or tracts of five (5) acres or more in size that does not involve any new streets or easements of access;
- (B) The redivision of land not involving more than three (3) lots and not requiring new streets to be dedicated;
- (C) The sale or exchange of parcels of land between owners of adjoining and contiguous land;
- (D) The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities that does not involve any new streets or access easements;
- (E) The conveyance of land owned by a railroad or other public utility that does not involve any new streets or access easements:
- (F) The conveyance of land for highway or other public purposes; grants or conveyances relating to the dedication of land for public use; or instruments relating to the vacation of land for a public use;
- (G) Conveyances made to correct descriptions in prior conveyances.

THERAPEUTIC MASSAGE: The practice of a profession, scientifically applied to the patient by the massage therapist by means of manual manipulation of the muscle tissue that affects all systems of the human body.

TOXIC SUBSTANCE: Material that is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRANSITION YARD: An area that functions as a buffer between land uses and/or zoning districts that is landscaped and free of buildings or other site improvements.

USE: The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained. Unless otherwise expressly indicated, the term "use" means "principal use".

USE, PERMITTED: A use that is allowed by right in the subject zoning district in accordance with all applicable regulations of this title.

USE, PRINCIPAL: The primary activity or combination of activities for which the land, buildings or structures on the lot are intended, designed or ordinarily used.

USE, SPECIAL: A use allowed in the subject zoning district only if reviewed and approved in accordance with the special use procedures of <u>chapter 11</u> of this title and with all applicable regulations of this title.

YARD: An open space on a lot that is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this title.

ZONING ADMINISTRATOR: The officer or other designated authority charged with the administration and enforcement of this title.

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: 210 ILCS 115.

Footnote 2: 210 ILCS 115.