

CITY OF
HARVARD *ILLINOIS*

**UNIFIED
DEVELOPMENT ORDINANCE**

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ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

- 1.1 TITLE
- 1.2 PURPOSE
- 1.3 APPLICABILITY
- 1.4 TRANSITION RULES
- 1.5 SEVERABILITY

1.1 TITLE

This Unified Development Ordinance, which incorporates the Official Zoning Map, is known, cited, and referred to as the “Unified Development Ordinance” or “Ordinance.”

1.2 PURPOSE

The intent of this Unified Development Ordinance is to establish land use regulations to serve the City of Harvard. The purpose of this Ordinance is to:

- A. Promote the public health, safety, and welfare.
- B. Promote the orderly development of the City in accordance with the Comprehensive Plan and adopted land use policies.
- C. Divide the City into zoning districts, according to use of land and structures, bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- D. Preserve and enhance the value of structures, communities, and neighborhoods that constitute the distinct places within the City.
- E. Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- F. Provide for preservation, protection, and conservation of natural resources, and promote the principles of sustainability.
- G. Maintain, develop, and plan for public facilities and utilities in an economical and environmentally sound manner.
- H. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- I. Focus growth to support the principles of smart growth by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving quality of life.
- J. Provide for the gradual elimination of nonconformities.

1.3 APPLICABILITY

A. Territorial Application

This Ordinance applies to all land, uses, and structures within the City.

B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

C. Required Conformance

Any portion or whole of a structure must be erected, constructed, reconstructed, moved, or enlarged in conformance with the requirements of this Ordinance. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.

D. Relation to Private Agreements

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. Those charged with administration and enforcement of this Ordinance do not enforce any private agreement.

E. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Ordinance controls over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.

F. Rules Regarding Illustrations and Graphics

Any illustrations, graphics, and/or photos contained in this Ordinance are to assist the reader in understanding and applying the Ordinance. If there is any inconsistency between the text of the Ordinance and any such illustration, graphic, and/or photo, the text controls unless specifically stated otherwise.

1.4 TRANSITION RULES

A. Existing Uses

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a conditional use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is deemed a lawful conditional use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for conditional uses.

2. If a structure or land is used in a manner that was classified as a conditional use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the conditional use ordinance under which it was originally approved.

3. If a structure or land is used in a manner that was classified as either a permitted use or a conditional use requiring an approval prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, but this Ordinance no longer classifies that use as either a permitted or conditional use in the zoning district in which it is located, that use is deemed a nonconforming use.

B. Structures Rendered Nonconforming

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure.

C. Lots Rendered Nonconforming

If a lot existing on the effective date of this Ordinance was a conforming lot of record before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot.

D. Site Elements Rendered Nonconforming

If a site element existing on the effective date of this Ordinance was conforming before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such site element does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site element is deemed a nonconforming site element.

E. Previously Issued Building Permits

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, and if construction has begun within 90 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.

F. Previously Granted Variances

All variance approvals granted prior to the effective date of this Ordinance, or any subsequent amendment to this Ordinance, remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions.

G. Pending Applications

An application that has been received and deemed complete, and scheduled for a public hearing or meeting is subject to the rules in effect on the date the application was deemed complete.

1.5 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

- 2.1 RULES OF INTERPRETATION
- 2.2 GENERAL ABBREVIATIONS
- 2.3 DEFINITION OF GENERAL TERMS
- 2.4 RULES OF MEASUREMENT

2.1 RULES OF INTERPRETATION

A. General Interpretation

The terms in the text of this Ordinance must be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural, and the plural the singular.
2. The present tense includes the past and future tenses, and the future tense includes the present.
3. The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
4. The terms “must not,” “will not,” “shall not,” and “may not” are prohibiting.
5. Any gender includes all genders.
6. Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

B. All uses found within Table 8-1 are defined in Section 2.3.

1. Certain uses are defined to be inclusive of many uses.
2. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.
3. A use that is not specifically allowed in a zoning district, does not fall within a use definition, or is interpreted as not part of a use definition, is prohibited.

2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance:

- A. BTL is an abbreviation for “built-to line.”
- B. BTZ is an abbreviation for “built-to zone.”
- C. DBH is an abbreviation for “diameter at breast height.”
- D. GFA is an abbreviation for “gross floor area.”
- E. “ft” is an abbreviation for “feet.”
- F. N/A is an abbreviation for “not applicable.”
- G. SF is an abbreviation for “square feet.”

2.3 DEFINITION OF GENERAL TERMS

Abut. To share a common wall or lot line without being separated by a street or alley.

Accessibility Ramp. A ramp or similar structure that provides wheelchair or similar access to a structure.

Accessory Structure. A detached structure located on the same lot as the principal building that is incidental to the use of the principal building.

Accessory Use. A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure. An accessory use is prohibited without the principal use to which it is related.

Addition. Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Agricultural Equipment and Supply Sales. A business primarily engaged in the sale or rental of farm tools, machinery and implements, tack, animal care products and farm supplies, and includes farm machinery repair services. Sale of feed, grain and seed are also allowed.

Agriculture. Land and associated structures used to grow crops and/or raise livestock for sale, commercial use, personal food production, donation, and/or educational purposes. The agriculture use includes single-family dwellings and any accessory dwellings that are ancillary to the principal activity of agriculture.

Agriculture, Specialty. Small-scale agriculture devoted to the growing of unique or special agricultural products. This use can include exhibiting agricultural products or techniques to tourists, as well as limited sales of agricultural products.

Agritourism. Establishment of activities on an existing agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the agricultural operation. Agritourism activities may include, but are not limited to, animal shows, petting zoos featuring farm animals and other domestic animals, U-pick operations, community supported agriculture operations, corn mazes, cider mills, pumpkin patches, picnic areas, hay rides, tractor rides, haunted houses, live entertainment, and community supported agricultural operations.

Alley. A public right-of-way that normally affords a secondary means of access to abutting property.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Amusement Facility - Indoor. A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, gymnasiums (excluding those within public parks), sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls. An indoor amusement facility may include ancillary uses such as, but not limited to, concession stands, restaurants, and retail sales.

Amusement Facility - Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, fairgrounds, batting cages, miniature golf courses, and amusement parks. An outdoor amusement facility may include ancillary uses such as, but not limited to, concession stands, restaurants, and retail sales.

Ancillary. In regard to principal uses, a structure or use that provides support and/or is typically integral to a principal structure or use.

Animal Care Facility. A business which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, and pet boarding facilities, where animals are boarded during the day or for overnight stays.

Animal Kennel: Commercial. An establishment where dogs over six months of age are boarded, bred, raised, and trained for commercial gain. A commercial animal kennel does not include animal shelters or shelter and training facilities for canine units of public safety agencies.

Animal Shelter. An establishment that houses and provides care for homeless, lost, or abandoned dogs, cats, and/or other animals until such animals are reclaimed by their owner, placed in a new home, placed with another organization for adoption, and/or euthanized.

Apiary. A structure for the keeping of honeybees.

Aquaculture/Aquaponics. A structure designed for the farming of aquatic organisms such as fish, crustaceans, mollusks, and aquatic plants under controlled conditions

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Art Gallery. An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

Arts Studio. An establishment where an art, type of art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes.

Awning. A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banner. A sign with copy on non-rigid material, such as cloth, plastic, fabric or paper, that is not supported by a framework.

Bar. An establishment for the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

Bed and Breakfast. A single-family detached dwelling where a resident/owner, who lives on the premises, provides lodging for a daily fee in guest rooms with no in-room cooking facilities and prepares meals for guests.

Block. Defined in Section 2.4.

Blockface. Defined in Section 2.4.

Blue Roof. A roof designed to store water and discharge rainfall.

Body Modification Establishment. An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

Book Exchange Box. An outdoor accessory structure maintained by a property owner on private property where books and recorded performing arts and media are kept for public and/or exchanges with no fees or sales and are publicly accessible.

Brew Pub. A restaurant-based establishment where beer is manufactured and stored on the licensed premises and sold at retail from storage tanks to non-licensees, and sold in packages to importing distributors, distributors, and non-licensees in accordance with the brewpub license. The brewing capacity is limited to less than 6,000 barrels per year.

Broadcasting Facility - TV/Radio. A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

Buffer Yard. Land area with landscape plantings and other components used to separate one use from another and to shield or block noise, lights, or other nuisances.

Build-To Line (BTL). Defined in Section 2.4.

Build-To Zone (BTZ). Defined in Section 2.4.

Build-To Percentage. Defined in Section 2.4.

Buildable Area. The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

Building Coverage. Defined in Section 2.4.

Building Height. Defined in Section 2.4.

Building Line. A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

Building Pad. The actual foundation area of a building and a ten foot clear area around the foundation necessary for construction and grade transitions.

Caliper. Defined in Section 2.4.

Campground. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters.

Car Wash. An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

Carport. An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

Cemetery. Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment.

Changeable Copy. Letters, numerals, or other graphics that are not permanently affixed to a structure and/or set for permanent display, and are intended to be alterable through manual means.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Clear-Cutting. The act of cutting and removing most or all trees from a stand of timber

Cluster Design. A subdivision design that allows for smaller lot sizes but remains lot neutral as compared to a tradition subdivision layout. Cluster design is intended to promote environmentally sensitive development, to preserve the natural and scenic qualities of open space, and to achieve a balance between aesthetically pleasing, well-designed neighborhoods, meaningful open space conservation, and natural resource protection.

Community Center. A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of social, educational, community service activities.

Community Garden. The cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Community gardens do not include the raising of livestock or the use of heavy machinery.

Conservation Design. A subdivision design that evaluates land features and if applicable requires a percentage of conserved open space while allowing for a slight increase in the number of allowable lots. Conservation design is intended to promote environmentally sensitive development, to preserve the natural and scenic qualities of open space, and to achieve a balance between aesthetically pleasing, well-designed neighborhoods, meaningful open space conservation, and natural resource protection.

Contiguous. See abut.

Contractor Office – With Equipment Storage. Offices for businesses in the conduct of any building trade or building craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, or building materials related to and used by the building trade or craft. A contractor office with no equipment storage is considered an office.

Conservation Area. Designated open space that preserves and protects natural features, wildlife, and critical environmental features. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without having to exit to the street.

Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items, and restaurants as ancillary uses.

Day. A calendar day.

Day Care Center. A facility where, for a portion of a 24 hour day, care and supervision is provided for: 1) children not related to the owner or operator of the facility; or 2) elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator.

Day Care Home. A residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for: 1) care children not related to the owner or operator of the facility; or 2) elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator of the facility. A child day care home does not include a dwelling that receives children from a single household. For the purposes of applying district dimensional standards, day care homes are subject to the standards for the dwelling type.

Deck. A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill or land disturbance, or any change in use, or alteration or extension of the use, of land.

Drainageway. A route or course along which water moves or may move to drain an area.

Drive-Through Facility. That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility is approved separately as a principal use in conjunction with other principal uses such as restaurants and financial institutions.

Driveway. A pathway for motor vehicles from a street to a lot used only for service purposes or for access to the lot.

Dwelling. A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings - detached and attached, two-family dwellings, townhouse dwellings, and multi-family dwellings, but excluding manufactured homes and hotels.

Dwelling, Manufactured Home. A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1984, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes are not considered manufactured homes, and refer to a method of construction.

Dwelling, Multi-Family. A structure containing three or more attached dwelling units used for residential occupancy on a single lot. A multi-family dwelling does not include a townhouse dwelling.

Dwelling, Single-Family - Detached. A structure containing only one dwelling unit on a single lot.

Dwelling, Townhouse. A structure that that contains two or more dwelling units attached by a party wall on separate lots or separate tax parcels.

Dwelling, Two-Family. A structure containing two dwelling units on a single lot.

Easement. A grant by a property owner for the use of a strip or area of land by the City, a public utility, a corporation, or a person for specified purposes.

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Encroachment. The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

Energy System - Solar (Principal). An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy.

Energy System - Wind (Principal). An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Erect. To build, construct, attach, hang, place, suspend, or affix.

Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

Farmer's Market. Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from two or more farmers or from vendors that have taken such items on consignment for retail sale. Not on use table.

Farmstand. A temporary structure where agricultural products produced on the premises are sold.

Fence, Open. A fence constructed of materials that allow for visibility through the fence. A fence must have at least 50% opacity to qualify as an open fence.

Fence Solid. A fence constructed of materials that do not allow for visibility through the fence. Fences having less than 50% opacity shall be considered solid.

Financial Institution. An institution licensed as a receiver of deposits, a savings and loan, credit union, or mortgage office.

Firearm. A firearm is a portable weapon that is designed to discharge projectiles, typically bullets, by means of rapidly burning propellant. (Ord. 2023-120, §1)

Foot-Candle. A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

Full Cutoff Luminaire. A luminaire having zero intensity at or above horizontal (90°) and limited to a value not exceeding 10% of lamp lumens at or above 80°. Such luminaire is determined by a photometric test and certified by the manufacturer.

Funeral Home. An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial. A funeral home may or may not perform cremation and have crematoriums.

Garage. A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure.

Gas Station. An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, an ancillary car wash bay, ancillary minor vehicle repair facilities, and solar and/or electric charging stations.

Gazebo. A freestanding outdoor structure designed for recreational use and not for habitation.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

Golf Course/Driving Range. A tract of land designed with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters, and country club facilities. A driving range may be designed as a standalone facility or included as part of a larger golf course.

Government Facility. Facilities owned, operated, or occupied by a governmental agency to provide a governmental service to the public. Government offices do not include public safety or public works facilities.

Green Roof. A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Greenhouse (Accessory). A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross Floor Area (GFA). Defined in Section 2.4.

Group Home. A dwelling unit occupied as a single housekeeping unit for specialized residential care for persons with disabilities in need of personal services or assistance essential for activities of daily living or in need of supervision, including community residences for persons in recovery. Group home does not include facilities for adults or minors as an alternative to incarceration, typically referred to community correctional centers.

Gunsmith. A dealer is "engaged in the business" of gunsmithing, as defined in 18 U.S.C. 921(a)(21)(D) and 27 CFR 478.11, when he/she receives firearms (frames, receivers, or otherwise) provided by a customer for the purpose of repairing, modifying, embellishing, refurbishing, or installing parts in or on those firearms. Once the work is completed, the gunsmith returns the firearms, and charges the customer for labor and parts. As with an individual customer, a licensed dealer-gunsmith may receive firearms (properly identified with a serial number and other information required by 27 CFR 478.92) and conduct gunsmithing services for a customer who is a licensed importer or manufacturer. A dealer-gunsmith is not "engaged in the business" of manufacturing firearms because the firearms being produced are not owned by the dealer-gunsmith, and he/she does not sell or distribute the firearms manufactured. Once the work is completed, the dealer-gunsmith returns the firearms to the importer or manufacturer upon completion of the manufacturing processes, and does not sell or distribute them to any person outside the manufacturing process. Under these circumstances, the licensed dealer-gunsmith is not "engaged in the business" of manufacturing firearms requiring a manufacturer's license. (Ord. 2023-120, §1)

In contrast, a dealer-gunsmith may make or acquire his/her own firearms, and repair, modify, embellish, refurbish, or install parts in or on those firearms. If the dealer-gunsmith then sells or distributes those firearms for livelihood and profit, the dealer-gunsmith is engaged in his/her own business of manufacturing firearms. A person engaged in the business of manufacturing firearms for sale or distribution is required to be licensed as a manufacturer, identify/mark all firearms manufactured, maintain permanent records of manufacture, submit annual manufacturing reports, and pay any taxes imposed on firearm manufacturers. A licensed dealer-gunsmith who becomes licensed as a manufacturer must also segregate all firearms manufactured for that business separately from firearms for which gunsmithing services are being performed. (Ord. 2023-120, §1)

Healthcare Facility. Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

Heavy Retail, Rental, and Service. Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage, display, and rental components, lumberyards, truck rental establishments, and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

Hedge. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Home-Based Business. Any commercial activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling unit.

Hotel. A facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

Impervious Surface Coverage. Defined in Section 2.4.

Industrial Design. An establishment where the design, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

Industrial – General. The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

Infrastructure. Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities, including, but not limited to, water lines, sewer lines, and rights-of-way.

Installed Height. The height above grade of the lowest light emitting point of an installed luminaire.

Intensity of Use. Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

Landscape Business. A business that provides services designing, installing, planting or maintaining yards, gardens, or other outside grounds, and where equipment, supplies, and plant material may be grown or stored on-site. A landscape business may include plant material available for retail sales.

Live Entertainment. A venue that stages live performances, performed live by one or more persons including, but not limited to, musical acts including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, and may be included as part of the operation of a bar, restaurant, amusement facility, or similar use.

Loading Berth. A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

Lot. Defined in Section 2.4.

Lot Area. Defined in Section 2.4.

Lot, Corner. Defined in Section 2.4.

Lot Depth. Defined in Section 2.4.

Lot, Interior. Defined in Section 2.4.

Lot Line. Defined in Section 2.4.

Lot Line, Corner. Defined in Section 2.4.

Lot Line, Front. Defined in Section 2.4.

Lot Line, Interior. Defined in Section 2.4.

Lot Line, Rear. Defined in Section 2.4.

Lot Line, Street. Defined in Section 2.4.

Lot of Record. A parcel of land that was lawfully recorded per the requirements of this Chapter.

Lot, Through. Defined in Section 2.4.

Lot Width. Defined in Section 2.4.

Lumen. A unit of measure of luminous flux.

Luminaire, Light Luminaire. The complete lighting assembly (including the lamp(s), housing, ballasts, photocells, globes, reflectors or refractors, lenses, sensors and shield(s) and excluding the support assembly or pole, mounting bracket and base) consisting of one or more lamps, together with the attachment parts designed to distribute light, position and connect the lamp to the power supply.

Medical/Dental Office. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

Micro-Brewery. A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items; ancillary live entertainment for patrons of the tasting room is also permitted. Sales of alcohols manufactured outside of the facility are prohibited. (See “general industrial” for capacity in excess of 15,000 barrels per year.)

Micro-Distillery. A facility for the production and packaging of alcoholic beverages in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products

manufactured on site and purchase related sales items; ancillary live entertainment for patrons of the tasting room is also permitted. Sales of alcohols manufactured outside of the facility are prohibited. (See “general industrial” for capacity in excess of 25,000 gallons per year.)

Micro-Winery. A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items; ancillary live entertainment for patrons of the tasting room is also permitted. (See “general industrial” for capacity in excess of 25,000 gallons per year.)

Multi-Tenant Parking. An area designated as parking for employees of multiple business tenants legally occupying space at one location. (Ord 2022-135, §1)

Multi-Tenant Retail Center. A group of three or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Nonconforming Lot. A lot of record that at one time conformed to the lot dimension requirements (lot area, lot width, lot depth) of the zoning district in which it is located but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

Nonconforming Sign. A sign that once conformed to zoning district regulations but because of subsequent amendments to the Ordinance no longer conforms to applicable sign regulations.

Nonconforming Site Element. A site development element, such as landscape, fences or walls, lighting, and parking, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming.

Nonconforming Structure. A principal or accessory structure that once conformed to zoning district regulations but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional standards.

Nonconforming Use. The use of a structure or land that at one time was an allowed use within a zoning district but because of subsequent amendments to the Ordinance is no longer allowed.

Non-Residential Use. A structure or land arranged, designed, used, or intended to be used for non-residential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other non-residential uses. Structures with dwellings above ground floor non-residential uses are considered mixed-use development and considered a non-residential use for the purposes of this Ordinance.

Nursery/Greenhouse – Retail. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include a bank or financial institution, government facility, or industrial design.

Off-Street Parking. The storage space for an automobile on premises other than streets or rights-of-way.

Open Space. That portion of land, either landscaped or left unimproved, which is used to meet active or passive recreation or spatial needs, and/or to protect water, air, or plant resources.

Organized Sporting Event. A prearranged sports or recreational event involving at least one group or team with a roster and schedule.

Outdoor Dining. A seating area that is located outdoors and contiguous to a restaurant or bar/ brew pub, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.

Outdoor Storage. The storage of material outdoors as a principal use of land.

Outlot. An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line.

Owner. Any person, including the owner of title or a mortgage holder whose interest is shown of record in the mortgage and conveyance records; a person shown as owner in the records of the tax assessor of the county in which the property is situated.

Parapet. The extension of a false front or wall above a roof-line.

Park. A facility that serves the recreational needs of residents and visitors. Park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor or outdoor amusement facilities, including zoos and amphitheatres, ancillary uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

Parking Lot. An open, hard-surfaced area, other than a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge. This includes park-and-ride lots, where commuters and others park their vehicles and transfer to a bus, rail system (rapid transit, light rail, or commuter rail), or carpool, and the vehicle is left in the lot during the day and retrieved when the owner returns.

Parking Structure. A structure of one or more levels or floors used for the parking or storage of operable vehicles, whether for compensation or at no charge.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

Patio. A hard surface designed and intended for recreational use by people and not used as a parking space.

Pennant. Any lightweight plastic, fabric, or other material either containing a message or not containing a message, suspended from a rope, wire, string or other material, usually in a series.

Performance Standards. A set of criteria or limits relating to elements that a particular use or process must either meet or may not exceed.

Pergola. A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

Permitted Use: A use that is allowed in a zoning district without administrative review and approval upon satisfying the standards of this Zoning Code.

Personal Service Establishment. An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

Pervious Paving. A range of sustainable materials and techniques for permeable paving with a base and sub-base that allow the movement of stormwater through the surface. Gravel and loose rock are not considered pervious paving.

Places of Worship. A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction.

Plat. A map, chart, and drawings that are appropriate for recording, and indicate the subdivision, consolidation, or resubdivision of land.

Playing Field. An open outdoor field or court used for, but not limited to, playing sports such as baseball, soccer, football, tennis, volleyball, and basketball.

Porch. An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

Porch – Unenclosed. A porch that is open on all sides that do not abut a principal building wall.

Porch – Enclosed. A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch.

Private Agreements. Legally binding agreements between private parties concerning the use or improvement of property.

Private Clubs or Lodge. A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Property Line. For the purposes of this Ordinance, a property line is a lot line. (See lot line definition.)

Principal Building. A non-accessory structure in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use of land or structures as distinguished from an accessory use.

Public Improvements. All improvements for which the City may ultimately assume responsibility for maintenance or operation, or which may affect an improvement for which City responsibility is established. This includes, but is not necessarily limited to, storm drainage, sanitary sewerage and water supply facilities, streets, curbs, gutters, sidewalks, parkways, trees, street lights, street signs, and other accessory works and appurtenances.

Public Safety Facility. A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine units of public safety agencies.

Public Works Facility. A facility operated by the municipal public works departments to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

Reception/Banquet Facility. A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception/banquet facility is not operated as a restaurant with regular hours of operation.

Recreational Vehicle. Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

Research and Development. A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and

development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

Residential Care Facility. A licensed care facility that provides 24-hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, assisted living, hospice care, and continuum of care facilities.

Residential Use. A structure arranged, designed, used, or intended to be used for residential occupancy by one or more families or households, which includes, but is not limited to, the following types: single-family – detached, two-family, townhouse, and multi-family dwellings. Structures with dwellings above ground floor non-residential uses are considered mixed-use development, which are considered a non-residential use for the purposes of this Ordinance.

Restaurant. An establishment where food and drinks are prepared and sold to the public, typically for on-premises consumption by seated patrons.

Resubdivision. The division of an existing subdivision into additional lots

Retail Goods Establishment. An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.

Right-of-Way. A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, parkways, sidewalks, and shoulders.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

School - Primary or Secondary. A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

School - College or University. A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. School – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

School - Trade or Vocational. A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. School – trade or vocational also applies to privately operated schools that do not offer a complete educational curriculum.

School – Trade or Vocational, Dormitory. A building where sleeping accommodations, dining facilities and common bathroom facilities are provided for more than twenty (20) unrelated individuals, exclusive of the resident family, who are students or members of a religious order, college, university, convent, monastery, or other institutional use. (Ord 2022-135, §1)

Self-Storage. A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

Setback. Defined in Section 2.4.

Setback, Front. Defined in Section 2.4.

Setback, Interior Side. Defined in Section 2.4.

Setback, Corner Side. Defined in Section 2.4.

Setback, Rear. Defined in Section 2.4.

Shed. An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

Significant Natural Resources. Plant and animal species and the area capable of providing habitat for plant and animal species and capable of functioning to support environmental systems, including migratory patterns, and maintain the City's environmental balance. Such resources include, but are not limited to, woodlands, surface and groundwater, soils, drainage systems, wetlands, prairies, and grasslands.

Solar Energy System. Any equipment that involves the generation, capture or storage of energy from natural sunlight.

Specialty Food Service. A business that specializes in the small quantity production and sale of specific food products, such as a coffee roaster, cheesemonger, candy maker, or meat market, and includes areas for ancillary retail sales and/or restaurants that sell and/or serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

Stable. A facility where equines are kept, fed, and cared for.

Stacking Space. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

Stoop. An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

Street. A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways.

Street Lighting. One or more luminaires or light installations designed to illuminate a public roadway or intersection.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

Subdivision. The division of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots.

Temporary Contractor's Office. A temporary structure utilized as a watchman's quarters, construction office, equipment shed, or sales center during the construction of a new development.

Temporary Mobile Food Sales. A mobile food establishment where food preparation and service is housed in a truck or trailer or a non-motorized mobile food cart.

Temporary Outdoor Entertainment. A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

Temporary Outdoor Sales. Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Undeveloped Land. Land where infrastructure has not been installed and that has not been built on. Undeveloped land does not include land in agricultural use.

Utility. All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication, and telephone cable, including facilities for the generation of electricity.

Utility, Private. Utilities that are not subject to City acceptance for operation or maintenance.

Utility, Public. Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water.

Vehicle Dealership. An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

Vehicle Rental Agency. An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

Vehicle Repair. A business that provides repair services to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles.

Unified Control. The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

Use. The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Wall. A constructed solid barrier of concrete, stone, brick, tile, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

Warehouse. An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

White Roof. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

Wholesale. A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Energy System. Any equipment that involves the generation, capture or storage of energy from natural wind.

Yard. Defined in Section 2.4.

Yard, Front. Defined in Section 2.4.

Yard, Interior Side. Defined in Section 2.4.

Yard, Corner Side. Defined in Section 2.4.

Yard, Rear. Defined in Section 2.4.

Zoning Lot. A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may or may not coincide with a lot of record.

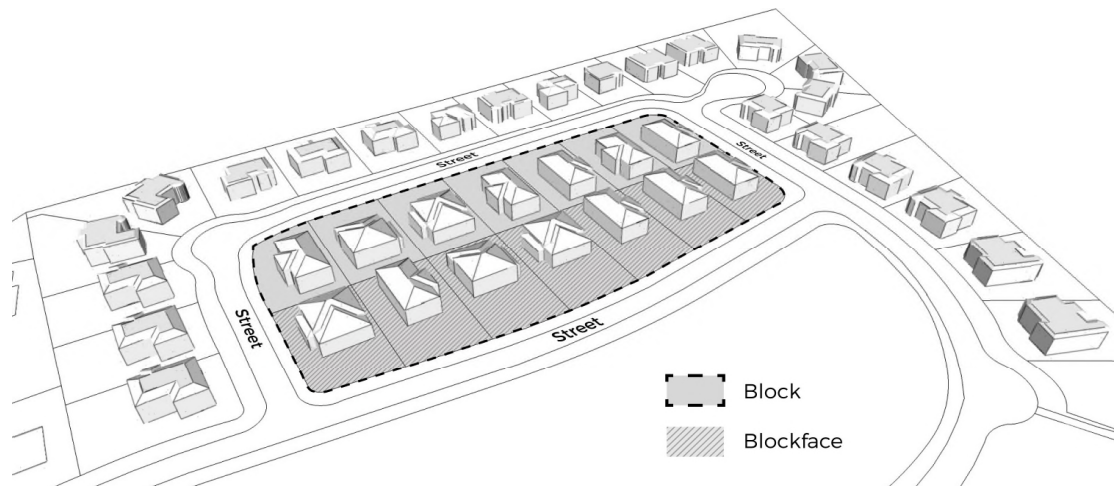
Zoning Map. The map or maps that are a part of this Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City.

2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

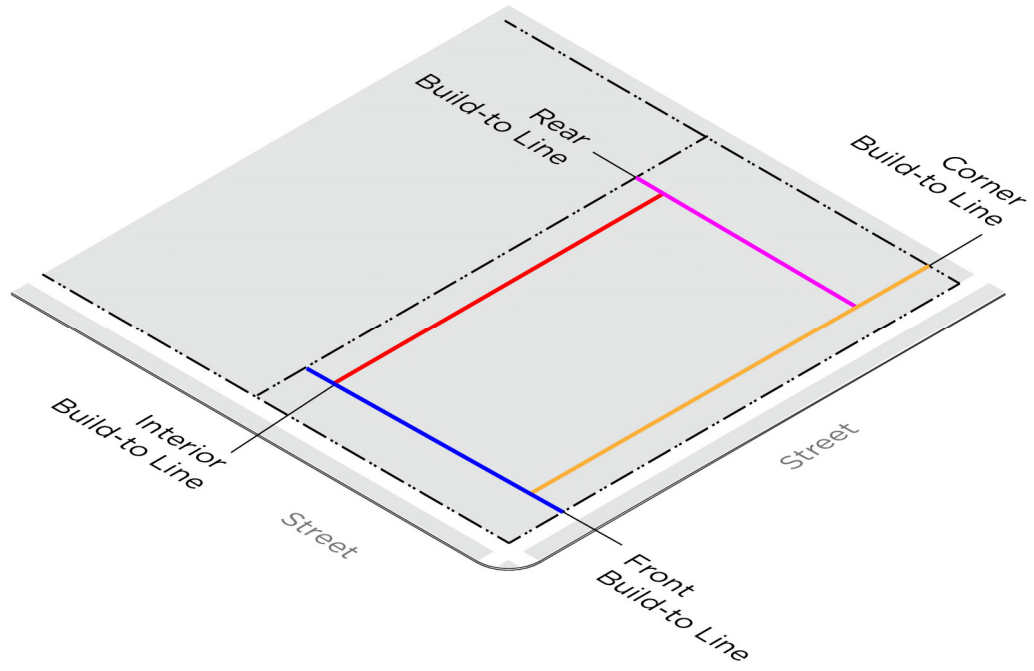


B. Build-To Dimensions

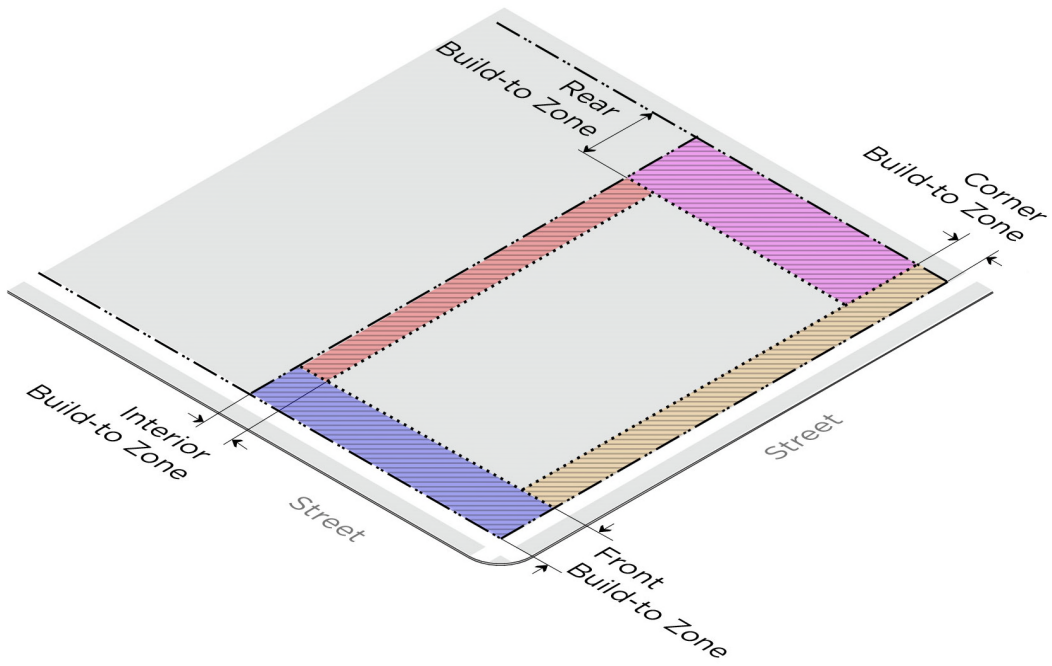
Certain dimensional requirements within the district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Ordinance includes three types of build-to dimensions:

1. A build-to line (BTL) is a set building line on a lot, measured parallel from the front and/or corner side lot line, where the structure must be located.
2. A build-to zone (BTZ) is the area on a lot, measured parallel from the front and/or corner side lot line, where a structure must be located within the minimum and maximum range of setback provided.
3. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line or build-to zone. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.

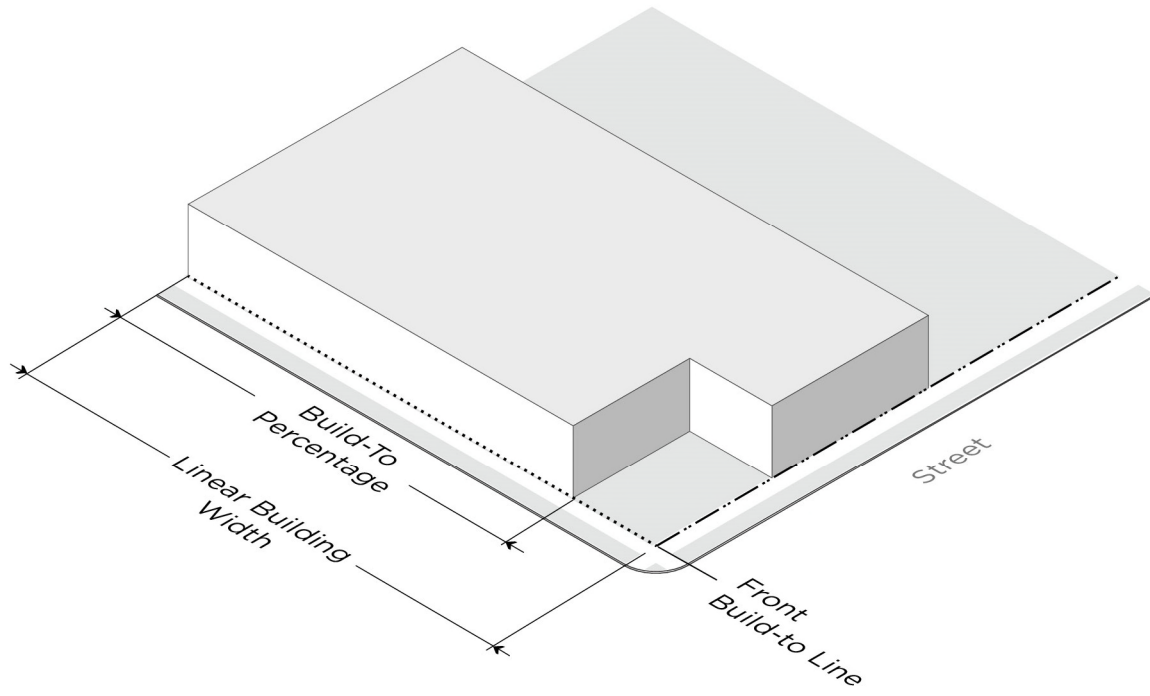
BUILD-TO LINE



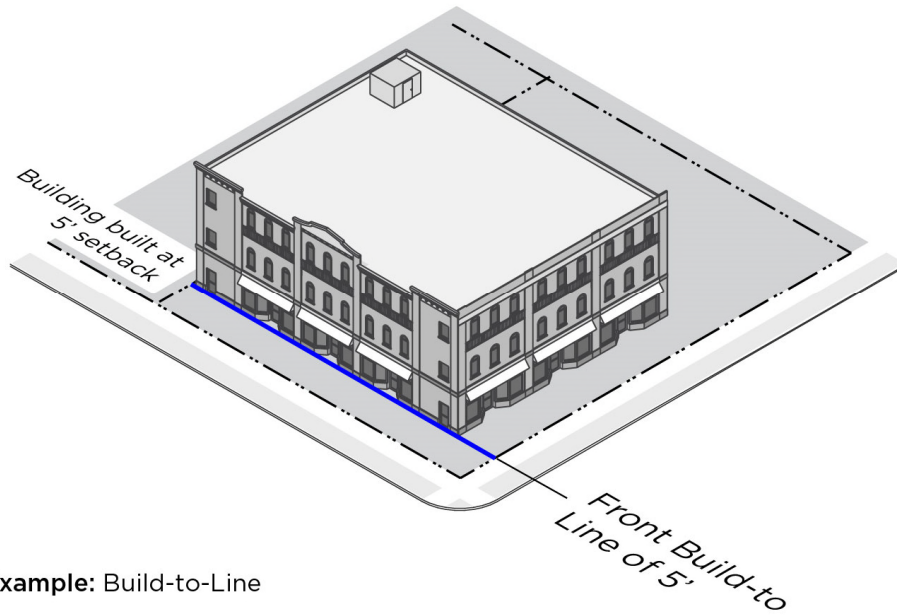
BUILD-TO ZONE



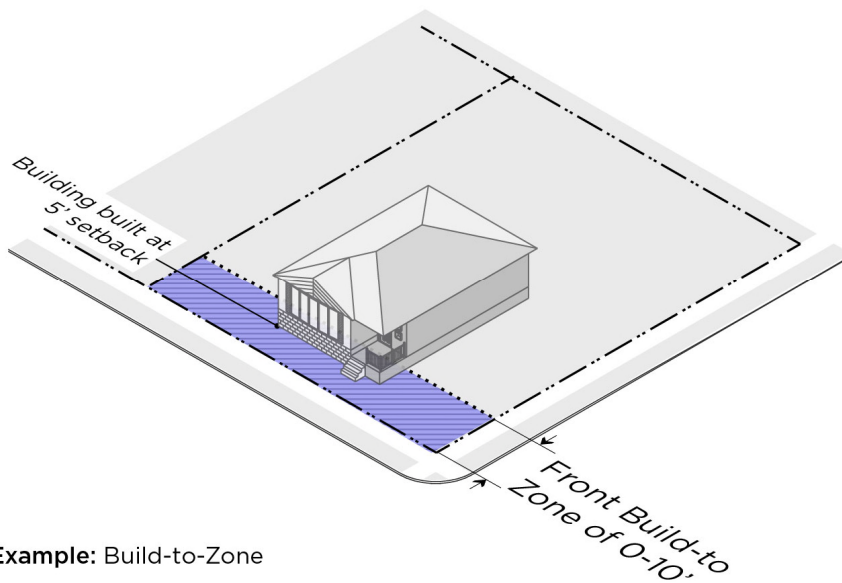
BUILD-TO PERCENTAGE



The following are examples of how build-to lines (BTL) and build-to zones (BTZ) are applied. When the front setback BTL is indicated as 5', the structure must be built at 5' from the front lot line. When the front setback BTZ is indicated as 0' to 10', the structure must be built within that range, shown in the example below as 5'; the property owner may choose any setback within that range.



Example: Build-to-Line



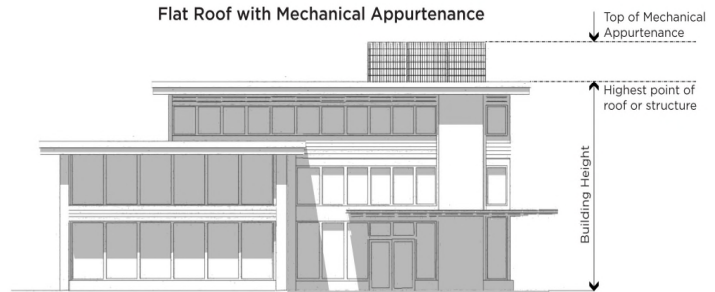
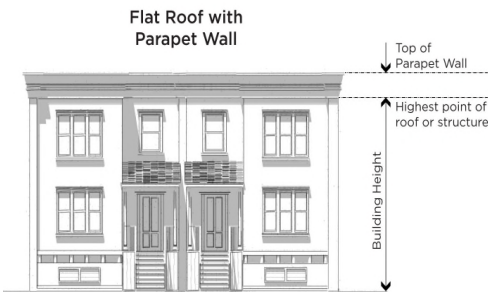
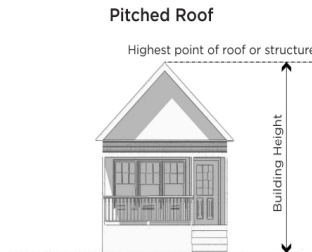
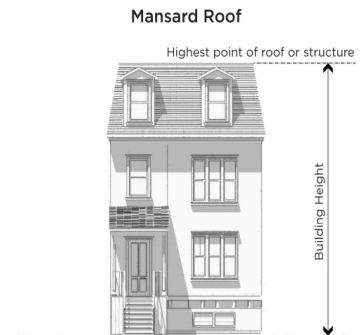
Example: Build-to-Zone

C. Building Coverage

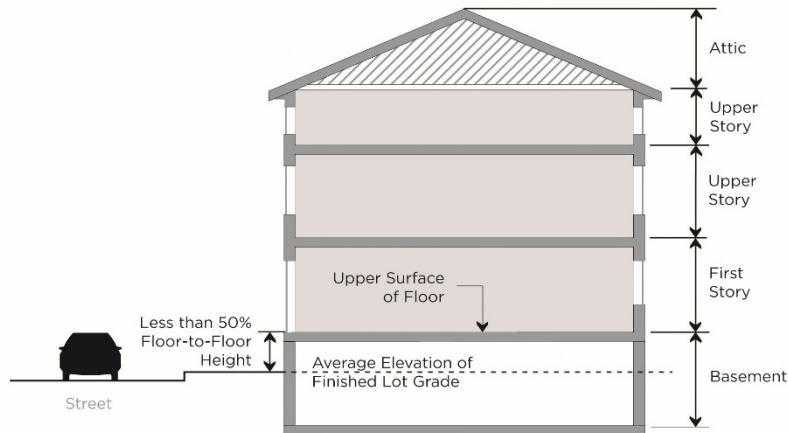
That portion of the lot that is covered by principal buildings and accessory structures.

D. Building Height

1. The vertical distance measured from finished grade at the middle of the front of the building to the highest point of the roof, excluding elevator or mechanical equipment rooms, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building, as shown below.
2. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
 - a. Public utility poles, towers, and wires. This does not include wireless telecommunication towers and wind turbines that are regulated separately by this Ordinance.
 - b. Water tanks and standpipes.
 - c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.



3. A story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, including any portion of a building used for human occupancy between the topmost floor and the roof.



E. Caliper

Tree caliper is the diameter of a tree trunk, measured at four and one-half feet above the adjacent ground.

F. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

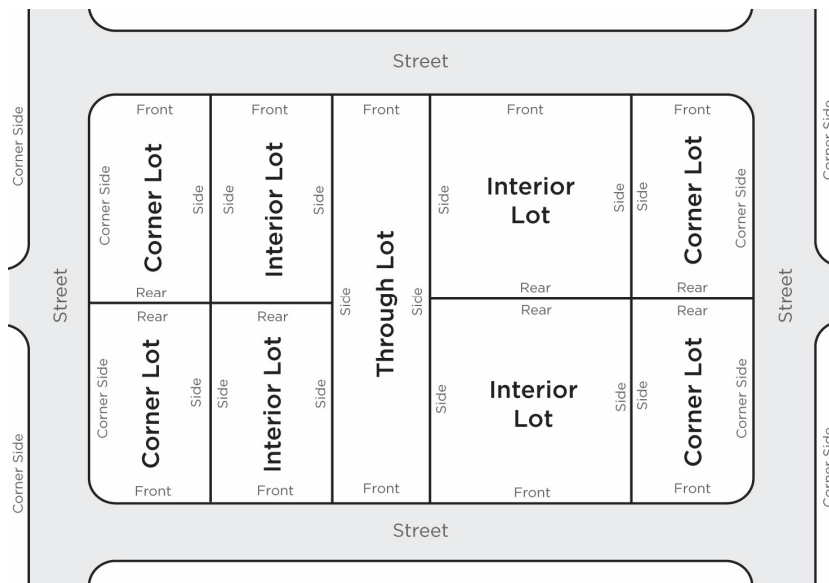
G. Impervious Surface Coverage

1. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.
2. When pervious paving is used, it is calculated at a reduced percentage of impervious coverage, as follows:
 - a. Pervious concrete and open grid paving systems are calculated as 50% impervious surface, provided that no barrier to infiltration is installed beneath the material. Open grid pavers must be installed on a sand base, without an impervious liner, to qualify.
 - b. Other types of pervious surfaces, such as permeable pavers, porous asphalt, or gravel-crete, are credited based upon field performance data and coefficients of permeability provided by the manufacturer.

H. Lot

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.



I. Lot Area

The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet.

J. Lot Depth

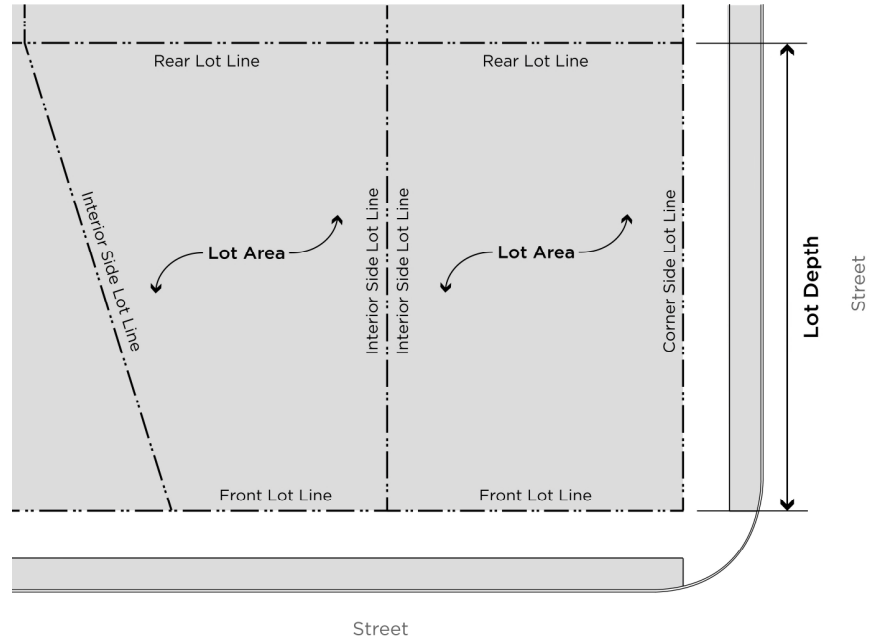
The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is the depth calculated at the deepest part of the lot.

K. Lot Line

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.
2. A rear lot line is the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. On a corner lot, the corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer street abutting lot line of a corner lot.

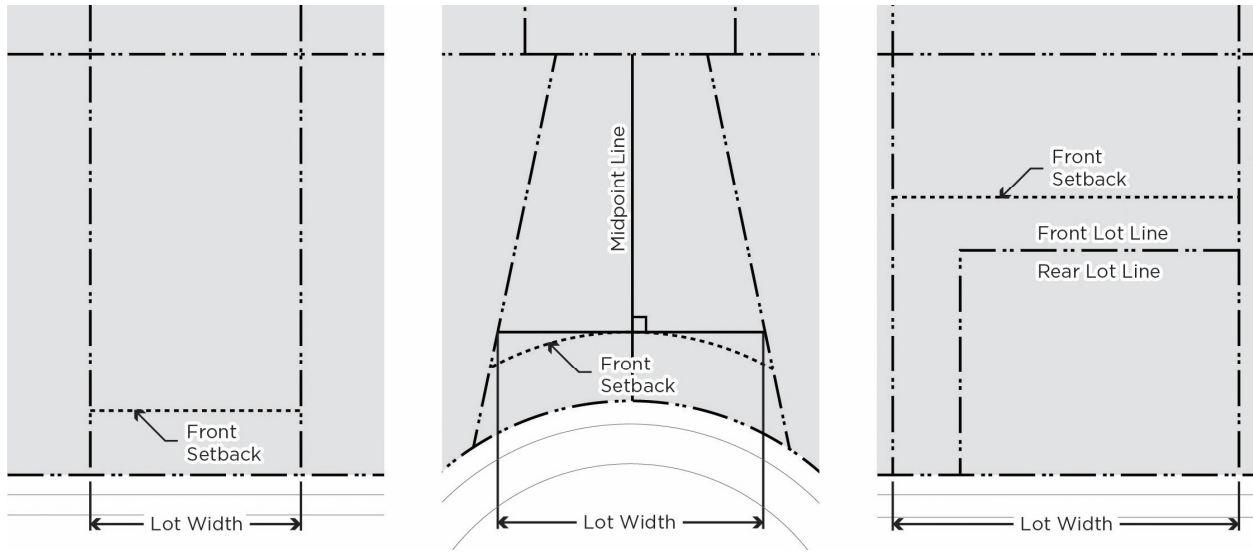
4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts the adjacent lot.
5. A street lot line is any lot line separating a lot from a street right-of-way.



L. Lot Width

1. For regular lots, lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone.
2. On a lot with a radial (curved) front lot line, lot width is measured as follows:
 - a. A line is drawn at the midpoint of the lot between the side lot lines, extending from the front lot line to the rear lot line.
 - b. Where the required front setback intersects the midpoint line at a right angle, a line is drawn perpendicular to the midpoint line.
 - c. Lot width is determined as the length of the line between side lot lines.
3. For flag lots, lot width is measured at the required front setback as defined in this section.

LOT WIDTH



M. Yards and Setbacks

1. General Definitions

- a. A yard is the open space area between the building line, of a principal building and the adjoining lot lines, exclusive of facade articulation, such as window or wall recesses and projections.
- b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Code.
 - i. A build-to zone or build-to line is considered a required setback.
 - ii. In the case of a build-to line it is where the principal building must be located.
 - iii. In the case of a build-to zone, it is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- c. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. Front setbacks on irregular lots are subject to the additional provisions:
 - i. On a lot with a radial (curved) front lot line, the required front setback follows the curve of the lot line.

ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.

3. Interior Side Yard and Interior Side Setback

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. Interior Side Yard: An interior side yard is located between a principal building line and the interior side lot line.
- b. Interior Side Setback: An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.
- c. For townhouse developments, the interior side yard and interior side setback are applicable to end units only.

4. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. Corner Side Yard: A corner side yard is located between a principal building line and the corner side lot line.
- b. Corner Side Setback: A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

5. Rear Yard and Rear Setback

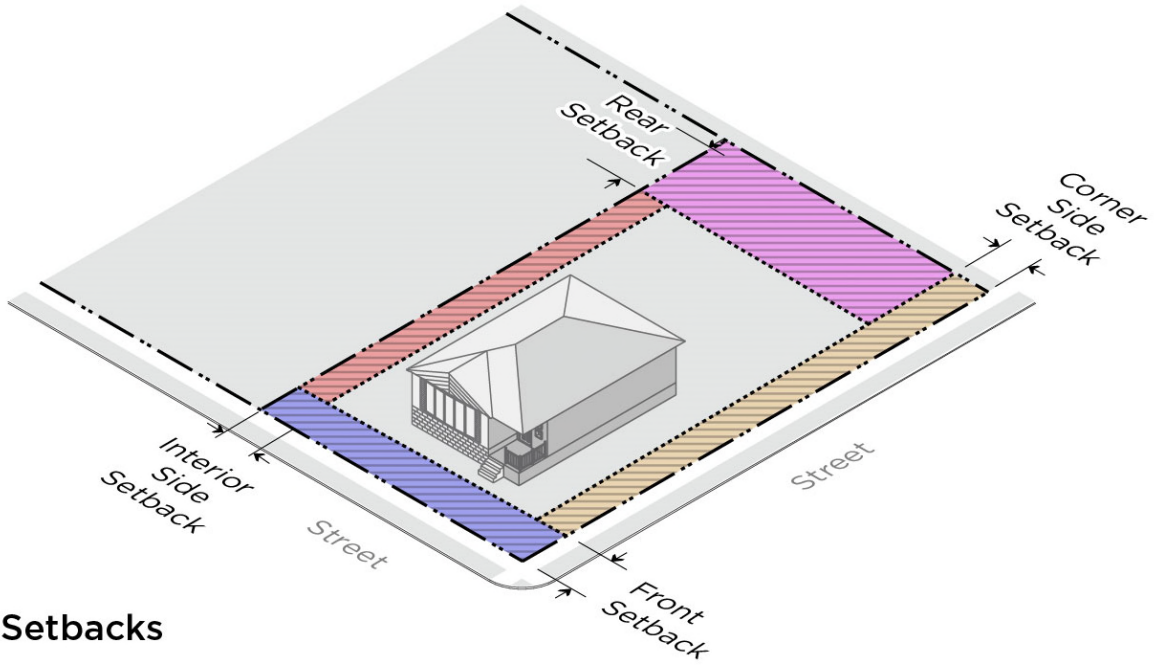
The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

- a. Rear Yard: A rear yard is located between a principal building line and the rear lot line.
- b. Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.
- c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback line, measured perpendicular to the rear lot line.

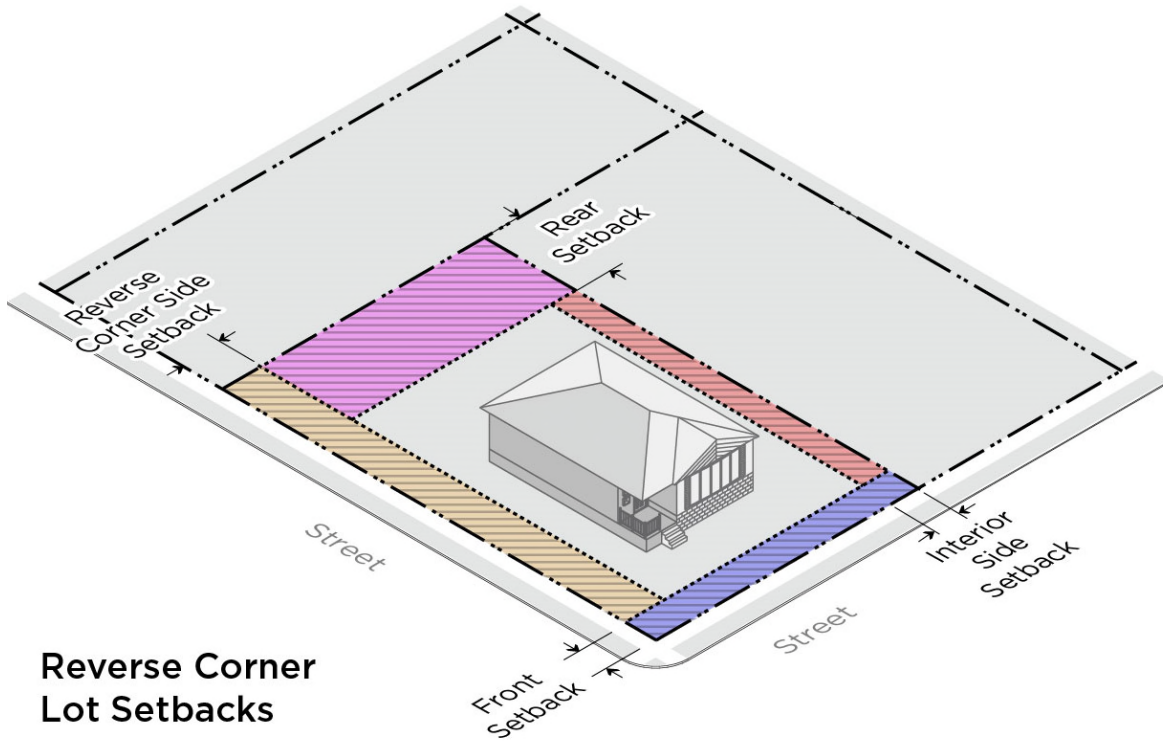
6. Yard and Setback Requirements for Through Lots

For through lots, both the front and the rear required setbacks must meet the required front setback of the zoning district.

SETBACKS

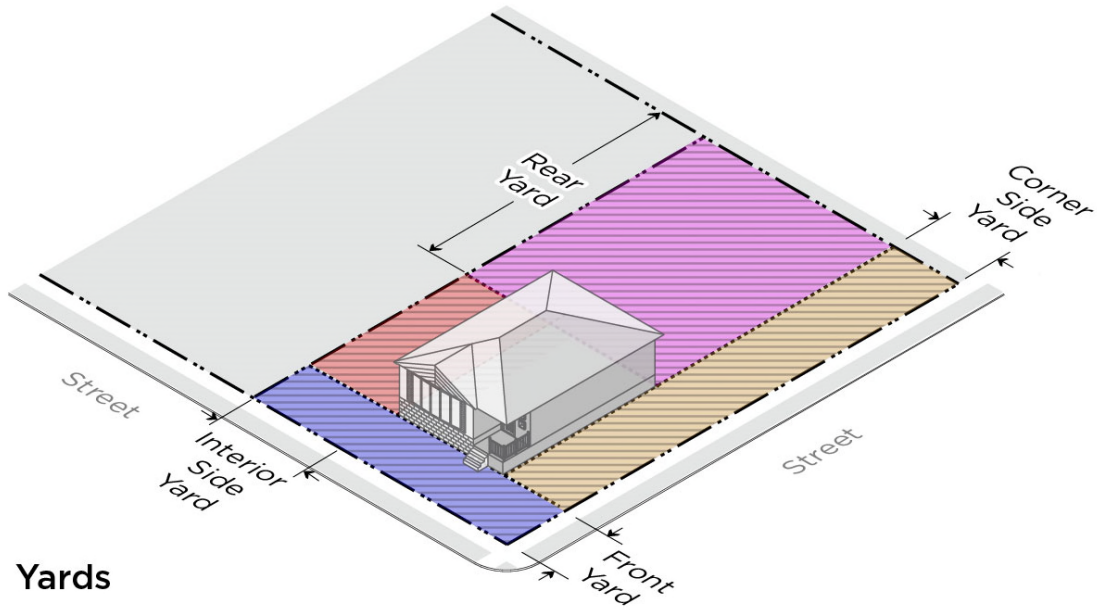


Setbacks

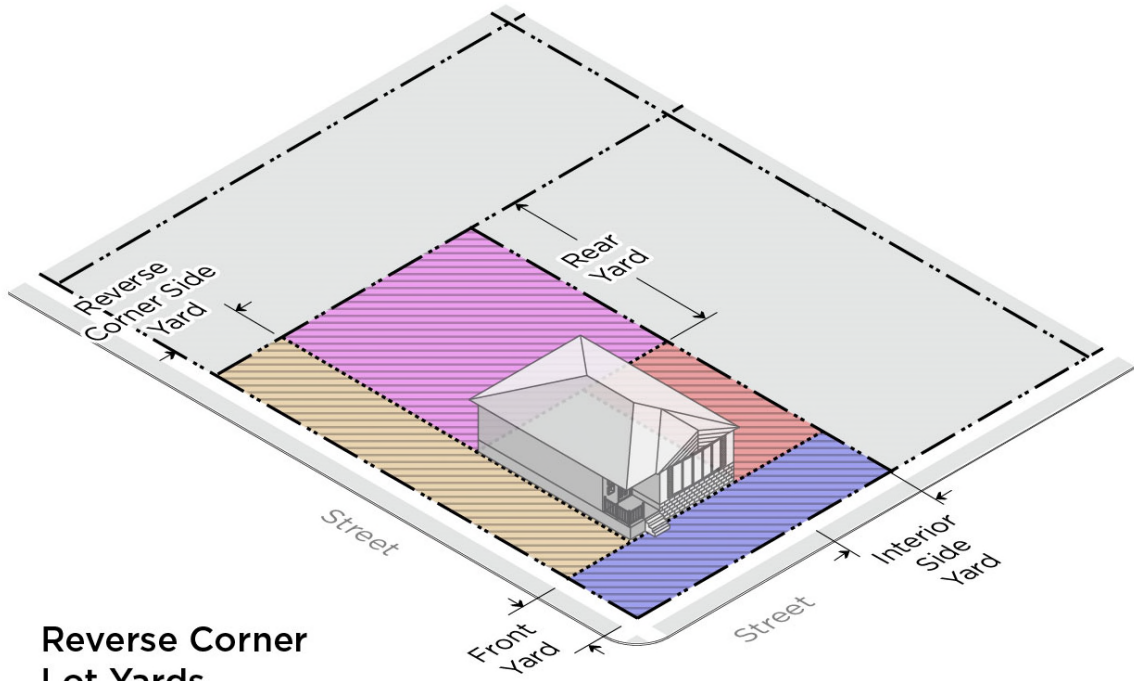


Reverse Corner Lot Setbacks

YARDS



Yards



Reverse Corner Lot Yards

ARTICLE 3. ZONING DISTRICTS

- 3.1 DISTRICTS
- 3.2 ZONING MAP
- 3.3 ANNEXED LAND
- 3.4 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES

3.1 DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the City of Harvard is divided into the following zoning districts:

A. Agricultural District

A Agricultural District

B. Residential Districts

RA Residence Agriculture

R-1 Large Lot Residential District

R-2 Residential District

R-3 Traditional Residential District

R-4 Two-Family Residential District

R-5 Traditional Multi-Family District

R-6 Multi-Family Residential District

C. Business Districts

B-1 Central Business District

B-2 General Business District

D. Manufacturing and Office Districts

M-1 Manufacturing District

B-P Business Park District.

T-C Technology Campus District

3.2 ZONING MAP

A. Location of Districts

1. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made an integral part of, this Ordinance.
2. It is the intent of this Ordinance that the entire area of the City, including all land and water areas, are included in the zoning districts established by this Ordinance. Any land lying within the City, but not shown on the Official Zoning Map as being included within a district, is classified as the R-1 Residential District.

B. Interpretation of Boundary Lines

1. Right-of-Way Lines

Where zoning district boundary lines coincide with streets, highways, expressways, easements, railroads, or waterways (streams, rivers, canals, lakes, or other bodies of water), the boundary line is construed to be the centerline of the right-of-way.

2. Property Lines

Where zoning district boundary lines coincide with a recorded property line, the property line is construed to be the boundary line of the district.

3. Scaled Lines

Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary is determined by measuring such boundary line(s) by using the map scale as provided on the Official Zoning Map.

4. Clarification of Boundary Lines

The Planning and Zoning Commission will decide any interpretations of zoning district boundary lines, where the application of items 1 through 3 of this section above leaves doubt as to the boundary between two zoning districts.

3.3 ANNEXED LAND

Any territory annexed into the City is automatically, upon annexation, zoned as the R-1 Residential District, unless otherwise provided for in the annexation agreement or until the territory is rezoned.

3.4 EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES

- A.** The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves and water supply wells.
- B.** This exemption does not include utilities, as defined in Article 8, wireless telecommunications, amateur HAM radio towers, solar energy systems, or wind energy systems. All such structures must comply with this Ordinance and any other applicable City ordinances.

ARTICLE 4. AGRICULTURAL DISTRICT

- 4.1 PURPOSE STATEMENT
- 4.2 USES
- 4.3 DIMENSIONAL STANDARDS
- 4.4 GENERAL STANDARDS OF APPLICABILITY

4.1 PURPOSE STATEMENT

The A Agricultural District is intended for the traditional large-scale production of crops, livestock, or other agricultural products.

4.2 USES

Article 8 lists allowed principal uses and temporary uses for the A District.

4.3 DIMENSIONAL STANDARDS

Table 4-1: Agricultural District Dimensional Standards establish the dimensional standards for the A District. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

4-1: Agricultural District Dimensional Standards	
	A District
BULK	
Minimum Lot Area	5 Acres
Minimum Lot Width	300'
Maximum Building Height	35'
Floor Area Ratio	NA
Maximum Building Lot Coverage	NA
SETBACKS	
Minimum Front Setback	50'
Minimum Interior Side Setback	25'
Minimum Corner Side Setback	40'
Minimum Rear Setback	100'
Minimum Yard Abutting a Residential District	50'

4.4 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 10 for off-street parking and loading standards and requirements.

C. Landscape

See Article 11 for landscape, buffering, and screening standards and requirements.

ARTICLE 5. RESIDENTIAL DISTRICTS

- 5.1 PURPOSE STATEMENTS
- 5.2 USES
- 5.3 DIMENSIONAL STANDARDS
- 5.4 GENERAL STANDARDS OF APPLICABILITY

5.1 PURPOSE STATEMENTS

A. RA Residence Agriculture

The RA Residence Agriculture District is intended to accommodate small-scale, specialty agricultural uses located near developed areas of the City.

B. R-1 Large Lot Residential District

The R-1 Large Lot Residential District is intended to accommodate single-family residences on larger lots of at least 13,000 square feet.

C. R-2 Residential District

The R-2 Residential District is intended to accommodate single-family use and development on Harvard's established standard lot size of 8,712 square feet.

D. R-3 Traditional Residential District

The R-3 Traditional Residential District is intended to accommodate single-family use and redevelopment in the older, traditional neighborhoods of Harvard, where smaller lot size and widths are common.

E. R-4 Two-Family Residential District

The R-4 Two-Family Residential District would accommodate two-family dwellings on standard sized lots of 8,712 square feet.

F. R-5 Traditional Multi-Family District

The R-5 Traditional Multi-Family District is intended to accommodate small-scale multi-family dwellings in the older, traditional neighborhoods in Harvard.

G. R-6 Multi-Family Residential District

The R-6 Multi-Family District is intended to accommodate multi-family development in both the older, traditional neighborhoods as well as newer development areas.

5.2 USES

Article 8 lists allowed principal uses and temporary uses in the residential districts.

5.3 DIMENSIONAL STANDARDS

Table 5-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

5-1: Residential Districts Dimensional Standards							
BULK	RA	R-1	R-2	R-3	R-4	R-5	R-6
Minimum Lot Area	100,000 SF	13,000 SF	8,712 SF	6,000 SF	8,712 SF	7,500 SF	20,000 SF
Lot Area per Dwelling	-	-	-	-	6,000 SF	2,500 SF	1,750 SF
Minimum Lot Width	225'	66'	66'	50'	66'	66'	100'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'
Maximum Building Coverage	10%	30%	35%	40%	40%	45%	45%
Maximum Impervious Surface	25%	35%	40%	55%	50%	55%	55%
Minimum Floor Area per Dwelling	1,600 SF	1,600 SF	1,200 SF	1,200 SF	1,000 SF	750 SF	750 SF
SETBACKS							
Minimum Front Setback	25'	25'	25'	25*	25'	25*	25'
Minimum <u>Total</u> Interior Side Setback Combined (Interior Lots)	25'	25'	15'	12'	15'	12'	15'
Minimum <u>Single</u> Interior Side Setback	12'	12'	6'	6'	6'	6'	6'
Minimum Corner Side Setback	25'	25'	25'	15'	25'	15'	25'
Minimum Rear Setback	40'	30'	30'	30'	30'	30'	30'

* The required front yard shall be the lesser of 25 feet or the average setback along the block face.

5.4 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 10 for off-street parking and loading standards and requirements.

C. Landscape

See Article 11 for landscape, buffering, and screening standards and requirements.

ARTICLE 6. BUSINESS DISTRICTS

- 6.1 PURPOSE STATEMENTS
- 6.2 USES
- 6.3 DIMENSIONAL STANDARDS
- 6.4 DESIGN STANDARDS
- 6.5 GENERAL STANDARDS OF APPLICABILITY

6.1 PURPOSE STATEMENTS

A. B-1 Central Business District

The B-1 Central Business District is intended to accommodate uses appropriate for Harvard's downtown area, including retail businesses, office/service uses, eating and drinking establishments, and upper story residential within a pedestrian-oriented district. The B-1 District is also intended to preserve and enhance the traditional character of the downtown area. The B-1 District is divided into two sub-districts in order to address differences in allowed uses as follows. These sub-districts are subject to the design and dimensional standards of the B-1 District.

1. B-1-RC Retail Core Sub-District

The B-1-RC Retail Core Sub-District is intended to foster an active ground floor environment where retail, restaurant, and service uses are located. Residential uses are allowed only above the ground floor.

2. B-1-MU Mixed-Use Sub-District

The B-1-MU Mixed-Use Sub-District is intended to support the retail core with a broad mix of uses including residential development on the ground floor.

B. B-2 General Business District

The B-2 General Business District is intended for areas outside the downtown area, typically along arterial roads. In these automobile-oriented settings, land parcels will be larger and setbacks established to facilitate motorist visibility and on-site parking. The B-2 District standards are intended to enhance the appearance of these areas, and provide adequate buffering between residential areas located adjacent to the district.

6.2 USES

Article 8 lists allowed principal uses and temporary uses in the business districts.

6.3 DIMENSIONAL STANDARDS

Table 6-1: Business Districts Dimensional Standards establish the dimensional standards for the business districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

6-1: Business Districts Dimensional Standards		
	B-1	B-2
BULK		
Minimum Lot Area	None	20,000 SF
Minimum Lot Width	None	100'
Maximum Building Height: Feet	36'	36'
Maximum Building Height: Stories	3	3
Maximum Building Lot Coverage	None	40%
SETBACKS		
Minimum Front Setback	None	40'
Minimum Interior Side Setback	None	10'
Minimum Corner Side Setback	None	40'
Minimum Rear Setback	None	20'
Minimum Yard Abutting a Residential District	None	40'

6.4 DESIGN STANDARDS

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation or addition apply. These standards do not apply to interior remodeling.

A. Business District Design Standards

Table 6-2: Design Standards indicates the applicability of general building design standards to the business districts. An "X" indicates that the standard is applicable in the district indicated. A blank cell indicates that compliance with that standard is not required in that district.

6-2: Design Standards		
	B-1	B-2
Façade Design		
When visible from the public right-of-way, facades must include architectural features to avoid the appearance of blank walls facing the street. These include, but are not limited to, windows, changes in the wall plane of at least two feet, changes in wall texture or masonry patterns, colonnade, columns or pilasters.	X	X
Building facades in excess of 100 feet along public rights-of-way must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 feet.	X	
Building facades in excess of 100 feet along public rights-of-way must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 75 feet.		X
Public entrances and primary building elevations must be oriented toward public streets. Main entrances to buildings must be defined and visually distinctive from the remaining portions of the façade on which they are located.	X	X
Fenestration Design		
The ground floor must maintain a transparency of 50%, measured between two and ten feet in height from grade.	X	
The ground floor must maintain a transparency of 35%, measured between two and ten feet in height from grade.		X
Upper floors must maintain a transparency of 25% of the wall area of the story.	X	
Roof Design		
Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 feet.	X	X
Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.	X	X
Green roof, blue roof, and white roof designs are encouraged.	X	X
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	X	X
Site Design		
Retail centers shall be designed to accommodate safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development itself.		X
Retail center outlet buildings must include showcase windows and public entrances oriented toward both the street and the interior parking lot.		X
Retail center outlet buildings must define the street frontage by placement within 0 to 35 feet of the lot line.		X

B. Building Materials

The following building materials are prohibited along any façade that abuts a public right-of-way. However, such materials may be used as decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material, for up to 30% of the facade.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel, or other metal sidings

4. Metal wall panels
5. Exposed aggregate (rough finish) concrete wall panels
6. Exterior insulating finish systems (EIFS)
7. T-111 composite plywood siding
8. Plastic
9. Vinyl

B-1 AND B-2 DISTRICTS DESIGN STANDARDS: GENERAL APPLICABILITY



- | | |
|--|---|
| <p>A When visible from the public right-of-way, facades must include architectural features. These include, but are not limited to, windows, changes in the wall plane of at least two feet, changes in wall texture or masonry patterns, colonnade, columns or pilasters.</p> <p>B Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib.</p> | <p>C Public entrances and primary building elevations must be oriented toward public streets. Main entrances to buildings must be defined and visually distinctive.</p> <p>D Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 feet.</p> <p>E Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.</p> |
|--|---|

6.5 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 10 for off-street parking and loading standards and requirements.

C. Landscape

See Article 11 for landscape, buffering, and screening standards and requirements.

ARTICLE 7. MANUFACTURING AND OFFICE DISTRICTS

- 7.1 PURPOSE STATEMENTS
- 7.2 USES
- 7.3 DIMENSIONAL STANDARDS
- 7.4 DESIGN STANDARDS
- 7.5 GENERAL STANDARDS OF APPLICABILITY

7.1 PURPOSE STATEMENTS

A. M-1 Manufacturing District

The M-1 District is intended accommodate all conventional industrial development in the community, with a range of uses including manufacturing, processing, assembly, warehouse, and office uses. The M-1 District is intended to maintain and encourage the employment and tax base of the City.

B. B-P Business Park District

The B-P District is intended to accommodate all office and business park development in the community within an attractive campus setting. The B-P District is intended to maintain and encourage the employment and tax base of the City.

C. T-C Technology Campus District

The T-C Technology Campus District is intended to accommodate large-scale research, development and production of high-technology products and services within a unified campus setting. The T-C District is intended to maintain and encourage the employment and tax base of the City.

7.2 USES

Article 8 lists principal uses and temporary uses in the manufacturing and office districts.

7.3 DIMENSIONAL STANDARDS

Table 7-1: Manufacturing and Office Districts Dimensional Standards establish the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

7-1: Manufacturing and Office Districts Dimensional Standards			
	M-1	B-P	T-C
BULK			
Minimum Lot Area	20,000 SF	20,000 SF	250 Acres
Minimum Lot Width	100'	100'	1,000'
Maximum Building Height: Feet	35'	45'	100
Maximum Building Height: Stories	2	4	10
Maximum Building Lot Coverage	50%	50%	50%
SETBACKS			
Minimum Front Setback	40'	40'	150'
Minimum Interior Side Setback	10'	15'	50'
Minimum Corner Side Setback	40'	40'	150'
Minimum Rear Setback	20'	20'	150'
Minimum Yard Abutting a Residential District	40'	40'	200'
Minimum Separation Between Buildings on the Same Lot	Not Applicable	Not Applicable	30'

7.4 DESIGN STANDARDS

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation or addition apply. These standards do not apply to interior remodeling.

A. Manufacturing and Office District Design Standards

Table 7-2: Design Standards indicates the applicability of general building design standards to the manufacturing and office districts. An “X” indicates that the standard is applicable in the district indicated. A blank cell indicates that compliance with that standard is not required in that district.

7-2: Design Standards			
	M-1	B-P	T-C
Façade Design			
Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.	X	X	X
Roof Design			
Green roof, blue roof, and white roof designs are encouraged.	X	X	X
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	X	X	X
Entrance Design			
Public entrances and primary building elevations must be oriented toward public streets. Main entrances to the buildings must be well defined.		X	X
Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.		X	X
Operations within Enclosed Buildings/Outdoor Storage			
All activities and business operations must be conducted within fully enclosed buildings.		X	X
Outdoor storage and operations are permitted, but only when enclosed by fencing with 100% opacity. Outdoor storage cannot exceed the height of the fence.	X		
Outdoor storage cannot be located in a front yard.		X	X
Site Design			
In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.		X	X
Off-street parking cannot be located within the required front yard.		X	X
The parking lot must not be the dominant visual element of the site when viewed from the primary roadway. Multiple smaller lots separated by landscaping and buildings, or placement behind buildings, are required.			X
Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.		X	X

MANUFACTURING AND OFFICE DISTRICTS DESIGN STANDARDS: GENERAL APPLICABILITY



- A** Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.

B-P AND T-C DISTRICTS DESIGN STANDARDS: GENERAL APPLICABILITY



A Public entrances and primary building elevations must be oriented toward public streets. Main entrances to the buildings must be well defined.

B Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.

7.5 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, fences and walls, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 10 for off-street parking and loading standards and requirements.

C. Landscape

See Article 11 for landscape, buffering, and screening standards and requirements.

ARTICLE 8. USES

- 8.1 GENERAL USE REGULATIONS
- 8.2 USE MATRIX
- 8.3 PRINCIPAL USE STANDARDS
- 8.4 TEMPORARY USE STANDARDS

8.1 GENERAL USE REGULATIONS

A. Table 8-1: Use Matrix identifies principal and temporary uses allowed within each zoning district.

1. P indicates that the use is permitted by-right in the district.
2. C indicates that the use is a conditional use in the district and requires conditional use permit approval.
3. If a cell is blank, the use is not allowed in the district.
4. In the case of temporary uses, a T indicates the temporary use is allowed in the district and may require approval of a temporary use permit per Section 8.4.

8.2 USE MATRIX

Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. For accessory uses, see Article 9.

TABLE 8-1: USE MATRIX															
Use	A	RA	R1	R2	R3	R4	R5	R6	B-1-RC	B-1-MU	B2	M-1	BP	TC	Use Standard
Agricultural Equipment & Supply Sales	C										C				
Agriculture	P														
Agriculture, Specialty	P	P													Sec. 8.3.Q
Agri-tourism	P	P													
Amusement - Recreation Facility: Indoor									C	C	P	C			
Amusement – Recreation Facility: Outdoor											C	C			
Animal Care Facility	C								P	P	P		C		Sec. 8.3.A
Animal Kennel: Commercial	P										P	C			Sec. 8.3.A
Animal Shelter											C	P			Sec. 8.3.A
Art Gallery									P	P	P				
Arts Studio									P	P	P				
Bed and Breakfast	C	C	C	C	C	C	C	C							Sec. 8.3.B
Body Modification Establishment									C	C	C				
Broadcasting Facility - With Antenna									C	C	C	P	C	C	
Broadcasting Facility - No Antenna									P	P	P	P	P	P	
Bar									P	P	P				
Brew Pub									P	P	P	P			
Campground	C														
Car Wash											C				Sec. 8.3.C
Cannabis Dispensary									C	C	C				
Cannabis Cultivation Center	C											C			
Cannabis Craft Grower											C				Sec. 8.3.D
Contractor Office - No Outdoor Equipment Storage									P	P	P	P			
Contractor Office - With Outdoor Equipment Storage												P			
Conservation Area	P	P													
Cultural Facility									P	P	P				

TABLE 8-1: USE MATRIX																
Use	A	R-A	R1	R2	R3	R4	R5	R6	B-1-RC	B-1-MU	B2	M-1	BP	T-C	Use Standard	
Day Care Center									P	P	P				Sec. 8.3.E	
Day Care Home	P	P	P	P	P	P	P	P							Sec. 8.3.E	
Drive-Through Facility										P	P				Sec. 8.3.F	
Dwelling, Above the Ground Floor									P	P	C					
Dwelling, Detached Single-Family	P	P	P	P	P	P	C	C							Sec. 8.3.H	
Dwelling, Townhouse							P	P		P					Sec. 8.3.G	
Dwelling, Two-Family						P	C	C							Sec. 8.3.H	
Dwelling, Multi-Family							P	P		P					Sec. 8.3.G	
Dwelling, Manufactured Home	P															
Energy System - Solar (Principal Use)												C	C	C	Sec. 8.3.I.1	
Energy System - Wind (Principal Use)												C	C	C	Sec. 8.3.I.2	
Farmstand	P	P								P	P					
Financial Institution									P	P	P		P	P		
Firearms Retailer											C					
Funeral Home									P	P	P					
Gas Station									C	C	P		C	C	Sec. 8.3.J	
Golf Course/Driving Range	C															
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Group Home	P	P	P	P	P	P	P	P							Sec. 8.3.K	
Gunsmith										C	C	C				
Healthcare Facility				C							P			P		
Heavy Retail, Rental, & Service											C	P				
Hotel									P	P	P		C	C		
Indoor Shooting Range											C					
Industrial Design									P	P	P	P	P	P		
Industrial, General												P	P	P		
Landscape Business	P											P				
Live Entertainment									P	P	P	C				
Medical/Dental Office or Clinic									P	P	P			P		
Micro-Brewery/Distillery/Winery										C	C	P				
Nursery/Greenhouse - Retail										P	P			P		
Mining and Mineral Extraction	C												C		Sec. 8.3.T	
Office									P	P	P	P	P	P		
Outdoor Dining									P	P	P		P	P	Sec. 8.3.L	
Outdoor Shooting Range											C					
Outdoor Storage											C	C		C	Sec. 8.3.M	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Parking Lot (Principal Use)									C	C	C	P	C	C	Article 10	
Parking Structure (Principal Use)									C	C	C	P	C	C	Article 10	
Parking Designated Area Multi-Tenant														P		
Personal Service Establishment									P	P	P					
Places of Worship	P	P	P	P	P	P	P	P		P	P					
Private Clubs or Lodge	P								P	P	P	P	P	P	Sec. 8.3.N	
Public Safety Facility							C	C	P	P	P	P	P	P		
Public Works Facility									P	P	P	P	P	P		
Reception/Banquet Facility	C								C	C	P				Sec. 8.3.O	
Research & Development												P	P	P		
Residential Care Facility							C	C		C	P			C	Sec. 8.3.P	
Restaurant									P	P	P	P	P	P		
Retail Goods Establishment									P	P	P	P	P	P		

TABLE 8-1: USE MATRIX																
Use	A	R-A	R-1	R-2	R-3	R-4	R-5	R-6	B-1-RC	B-1-MU	B-2	M-1	BP	T-C	Use Standard	
School - Primary or Secondary	C	C	C	C	C	C	C	C								
School - College or University													P	P		
School - Trade or Vocational									C	C	C	C	P	P		
School - Trade or Vocational, Dormitory														C		
Self-Storage											C	P				
Specialty Food Service		P							P	P	P	P				
Stable	P	C														
Vehicle Dealership											C				Sec. 8.3.R	
Vehicle Operation Facility											C	C		C		
Vehicle Rental Agency											C	C	C			
Vehicle Repair									C	C	C	C		C	Sec. 8.3.S	
Warehouse												P	P	C		
Wholesale												P	P			
Temporary Uses	A	R-A	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-1	B-2	M-1	BP	T-C		
Farmer's Market	T								T	T	T	T	T	T	Sec. 8.4.A	
Temporary Contractor's Office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 8.4.B	
Temporary Mobile Food Sales									T	T	T	T	T	T	Sec. 8.4.C	
Temporary Outdoor Entertainment									T	T	T	T	T	T	Sec. 8.4.D	
Temporary Outdoor Sales									T	T	T	T	T	T	Sec. 8.4.E	

8.3 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or conditional use, in addition to all other regulations of this Code.

A. Animal Care Facility, Animal Kennel, Commercial, and Animal Shelter

1. Exterior exercise areas must be located to the interior side or rear of the principal building on the lot. Exterior exercise areas must provide covered areas over a minimum of 25% of the exterior area to provide shelter against weather.
2. Exterior exercise areas are prohibited in required setbacks.
3. Exterior exercise may be located on rooftop, when determined by the City to be structurally sound for such use.
4. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
5. All animal overnight boarding facilities must be located indoors.

B. Bed and Breakfast

1. The owner of the bed and breakfast must reside in and continue to reside in the dwelling as a principal residence. The owner must provide a sworn statement certifying to such residency upon request of the City.
2. Bed and breakfasts are allowed only within single-family dwellings.
3. Bed and breakfasts must not generate a significant increase in pedestrian or vehicular traffic within the residential district in which it is located.
4. Bed and breakfasts must not change the character of the single-family dwelling unit or adversely affect the character of the neighborhood or the enjoyment of adjacent properties.
5. No more than one person who is not a principal resident of the dwelling may be an employee at the dwelling site at any one time. The term employee does not apply to contractors providing short-term temporary services, such as repairs or landscaping.

6. One permanent sign is allowed on the property of up to eight square feet per sign face, and may be attached to the exterior or placed in the window of the residence or an accessory structure, or placed within the front setback, mounted on an architectural post not to exceed four feet in height, or a monument sign not to exceed four feet above grade in the front setback. No sign may interfere with vision clearance on adjoining public rights-of-way.

C. Car Wash

1. Car wash facilities must be screened along interior side and rear lot lines with a privacy fence or wall, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall.
2. The site must be graded to drain away from adjoining properties.

D. Community Garden

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures such as sheds, gazebos, and pergolas are also permitted.
3. Farmstands are permitted and are limited to sales of items grown at the site. Farmstands must be removed from the premises or stored inside a structure on the premises during that time of the year when the use is not open to the public. Only one Farmstand is permitted per lot.

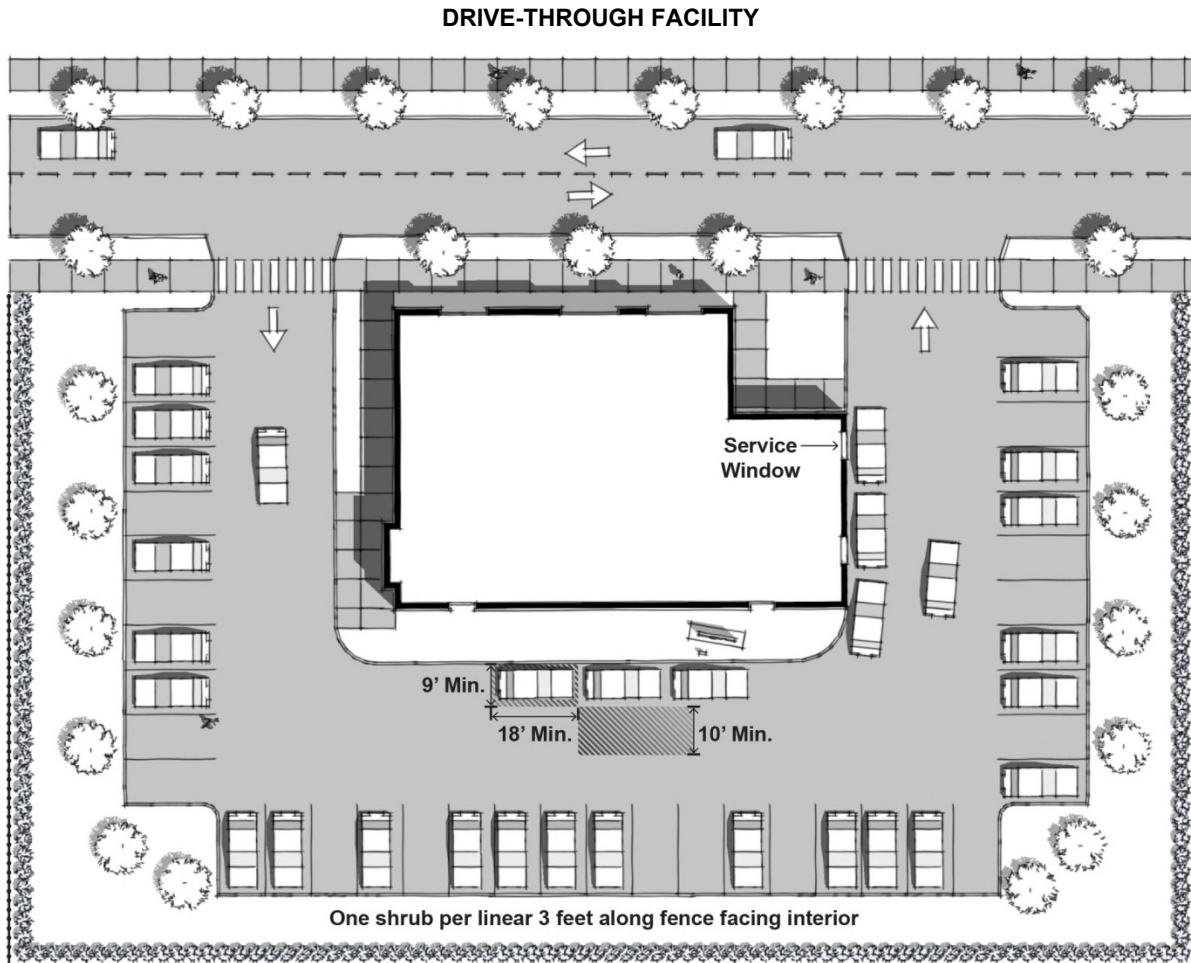
E. Day Care Center and Day Care Home

1. Each day care must comply with all applicable state and federal regulations. The operator of a day care must be licensed by the state.
2. A day care home must maintain its original appearance as a residential dwelling.
3. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

F. Drive-Through Facility

1. All drive through facilities require site plan review per Section 14.6.
2. All applications for a drive-through facilities must provide a professional study that projects the number of stacking spaces needed. Stacking spaces provided for drive-through uses must be:
 - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement must be taken from the building wall.
 - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menuboard). Spaces must be placed in a single line behind each lane or bay.
3. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.
4. Drive-through facilities must be screened along interior side and rear lot lines with a wall or privacy fence, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall. This standard does not apply to drive-through facilities within multi-tenant retail centers.

5. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.



G. Dwelling - Multi-Family or Townhouse

1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
2. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
3. The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:
 - a. Townhouse: 15%
 - b. Multi-Family Dwelling: 25%
4. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation

between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.

5. The following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

a. The following building materials are prohibited on any part of any façade:

- i. Plain concrete block
- ii. Plastic
- iii. Exterior insulating finish systems (EIFS)

b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:

- i. Corrugated metal
- ii. Aluminum, steel or other metal sidings
- iii. Exposed aggregate (rough finish) concrete wall panels
- iv. T-111 composite plywood siding
- v. Vinyl

MULTI-FAMILY/TOWNHOUSE DWELLING



A Consistent materials and architectural treatments must wrap around all façades. The entire townhouse or multi-family development must have a unifying architectural theme.

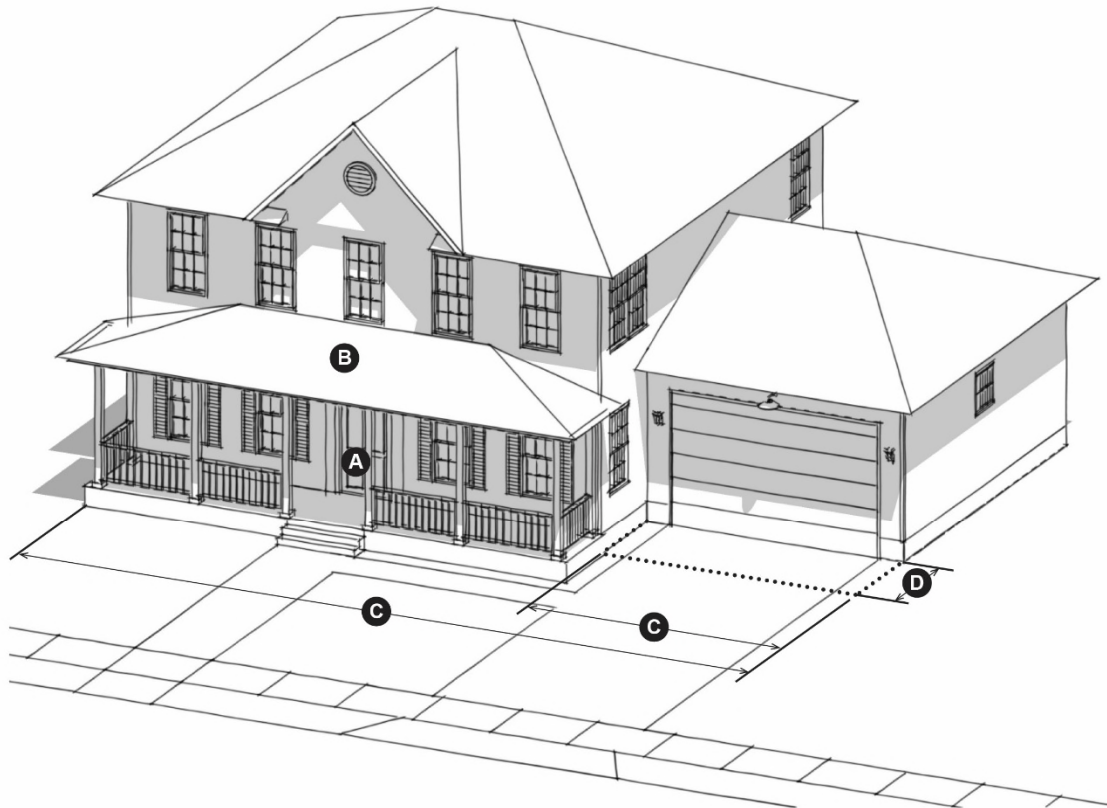
B Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features to provide dimensional elements on a façade.

C Minimum separation of 15 feet between building sidewalls.

H. Dwelling - Single-Family or Two-Family

1. A dwelling must have a primary entrance from the façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.
2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
3. A 15% minimum transparency requirement applies to any façade and is calculated on the basis of the entire area of the façade.
4. Front-loaded attached garages are limited to 60% of the width of the front building line or 22 feet, whichever is greater. Garage width is measured between garage doors; in the case of garages designed with multiple garage doors the distance is measured between the edge of the outmost doors.
5. To protect the character of older neighborhoods, the provisions of this Section 8.3.H-5 shall apply only to lots subdivided prior to January 1, 2000. Attached garages must be set back a minimum of five feet from the front building façade line. This façade line does not include architectural features, such as bay windows, or porches.

SINGLE-FAMILY/TWO-FAMILY DWELLING



- A** The primary entrance from the façade must face the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure.
- B** Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
- C** Front-loaded attached garages are limited to 60% of the width of the front building line or 22 feet, whichever is greater.
- D** Attached garages must be set back a minimum of five feet from the front building façade line.

I. Energy Systems (Principal Use)

1. Solar Energy System

- a.** Systems, equipment, and structures are limited to the maximum height of the district.
- b.** All solar farm structures must meet the district setbacks.
- c.** No grid tied photovoltaic system may be installed until evidence has been provided that it has been approved by the utility company to install the system.
- d.** The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more.
- e.** To ensure the decommissioning of solar farms that have reached the end of their useful life, owners and operators must pay a decommissioning fee of \$25,000 to the City prior to starting operations, which the City shall hold in escrow to pay the cost of decommissioning.
- f.** All facilities for a solar energy system must be screened. Screening is required on all sides of the structure except access openings to the structure. Screening must be a masonry wall, privacy fence, or hedge, and must be the height of the structure or eight feet, whichever is less.

2. Wind Energy System

- a.** The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
- b.** All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a conditional use.
- c.** All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
- d.** All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.
- e.** An engineer's certificate must be completed by a structural engineer, licensed in the State of Illinois, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
- f.** Wind turbines must comply with the following design standards:
 - i.** Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
 - ii.** Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
 - iii.** Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
 - iv.** On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
 - v.** Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.

- vi. A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.
- g. The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert having no less than ten years of experience conducting wildlife assessments, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
- h. Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- i. Wind turbines must be set back from all surrounding buildings (at the date of installation) a distance of no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- j. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
- k. All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
- l. The facility owner or operator must comply with all applicable codes regulating sound generation. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.
- m. A wind turbine's shadow flicker must not fall on any window of an existing structure or within the buildable area of an adjacent lot, as defined by current setback requirements at the time of installation.
- n. The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.

J. Gas Station

1. All gas station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.
2. All structures and pump islands must be set back a minimum of 20 feet from interior side and rear lot lines. Structures are exempt from any build-to lines required by the district.
3. Minor motor vehicle repair is permitted as part of a gas station use if allowed within the district. All repair work must be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure. Any vehicles awaiting repair must be stored so that no fluids will drain into the storm sewer system, such as the use of drip pans and other coverings.
4. The ancillary uses of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use.
5. The volume on any audio component must be maintained at a level so as not to be audible in adjoining properties. The volume on any audio component must comply with all local noise regulations. Audio components are permitted only on the gas station pump. Audio components are prohibited as part of any other structure, including canopies and buildings.

K. Group Home

1. Group homes must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. The facility must retain a residential character, which is compatible with the surrounding residential neighborhood.

L. Outdoor Dining

These standards address outdoor dining areas on private property only.

1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within the zoning district and in conjunction with another principal use, such as a restaurant.
2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.

M. Outdoor Storage

1. All parking, storage, or maneuvering areas must be paved with an impervious material.
2. The storage area must be completely enclosed along all lot lines by a privacy fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet. Within that setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.
3. Storage of any kind is prohibited outside the fence or wall. No items stored within 25 feet of the fence may exceed the height of the fence or wall.
4. Any vehicles stored on-site must be operational.
5. Salvage yards are not considered outdoor storage and are prohibited.
6. Outdoor storage for new retail related products is allowed in the B-2 District as a Conditional Use, which shall require a public hearing according to procedures delineated in Section 14.3 of the Unified Development Ordinance.

N. Private Club or Lodge

1. No more than 30% of the gross floor area may be used as office space.
2. Private clubs and lodges are permitted to serve meals and alcohol on the premises for members and their guests only.
3. Sleeping facilities are prohibited.
4. Private clubs and lodges leased or used as reception/banquet halls must comply with the requirements for reception/banquet halls.
5. The serving of alcohol must conform to all applicable laws.

O. Reception/Banquet Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or schools.
2. Outdoor areas are permitted for the use of guests.
3. Outdoor areas used for reception/banquet facility functions shall be located adjacent to the building.

P. Residential Care Facility

1. Residential care facilities must meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. A copy of state license must be visible at all times.

3. When located in a residential district, the facility must retain a residential character, which is compatible with the surrounding residential neighborhood. When located in a non-residential district, the structure must be designed with a lobby entrance along the primary frontage.
4. Residential care facilities must meet all district design and dimensional standards for multi-family dwellings.

Q. Specialty Agriculture

The following use regulations on specialty agriculture apply only to the RA District.

1. A minimum ten foot landscape buffer must be maintained on the perimeter of the lot.
2. Livestock and the breeding of domestic animals is allowed in the Specialty Agriculture District as a Conditional Use, which shall require a public hearing according to procedures delineated in Section 14.3 of the Unified Development Ordinance.
3. Apiaries are permitted.
4. The raising/breeding of domestic pet animals is prohibited.
5. Hydroponics are permitted.
6. The making of beer, wine and other alcoholic beverages is permitted provided that at least 25% of the ingredients are produced on-site.
7. Exhibiting products produced and agricultural techniques to tourists are permitted.
8. The sale of goods produced on-site is permitted.
9. Parking for visitors cannot exceed ten spaces. The use of exterior lighting to illuminate visitor parking is not permitted.
10. Greenhouses are permitted, provided they do not cover more than 25% of the lot area.
11. Power equipment and machinery used to work the soil and harvest crops shall be limited to "walk behind" types of equipment. No limitation is placed on power equipment used for cutting grass or plowing snow. No limitation is placed on the use of non-power equipment. Tractors are permitted, with a limitation of 50 horsepower.
12. Outdoor agricultural activities may occur only during daylight hours.
13. Signs are limited to 25 square feet of sign area and cannot be illuminated.

R. Vehicle Dealership

1. Vehicle dealerships must have a minimum lot area of one acre.
2. Any ancillary repair operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors. Any vehicles awaiting repair must be stored so that no fluids will drain into the storm sewer system, such as the use of drip pans and other coverings.

S. Vehicle Repair

1. Vehicle repair establishments may not store the same vehicles outdoors on the site for longer than 20 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. All repair operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors. Any vehicles awaiting repair must be stored so that no fluids will drain into the storm sewer system, such as the use of drip pans and other coverings.
3. Vehicle repair establishments that abut a residential district must be screened along interior side and rear lot lines with a wall or privacy fence, a minimum of six feet and a maximum of seven feet in height.

4. No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
5. The sale of used or new vehicles is prohibited.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

T. Extraction of Earth Products

1. An application for extractive operations shall be accompanied by a map, drawn at a scale of one inch equals 100 feet showing the following:
 - a. Existing topography at two foot contour intervals.
 - b. Locations of watercourses and drainage systems.
 - c. An outline of the area to be excavated.
2. An additional map shown at a scale of one inch equals 100 feet shall show a general plan for proposed operations and rehabilitation of the site including the following:
 - a. The locations of proposed watercourses and drainage systems, including lakes, ponds, and retention areas.
 - b. The sequence of operations and the schedule of rehabilitation measures.
 - c. The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products.
 - d. The proposed locations of any buildings, scalehouse, equipment storage areas, and equipment repair sheds or areas.
 - e. Site rehabilitation plans shall include proposed future land uses, proposed roadways, park lands and recreational features.
 - f. The operation and rehabilitation of extractive products areas shall be in accordance with the following conditions:
 - i. Excavation shall not take place within a minimum of one hundred feet of any street or boundary line. Where deep quarrying (30 feet or more) is planned, boundary setbacks shall be a minimum of 150 feet or shall conform to State reclamation standards.
 - ii. Buildings, structures, and storage or repair areas shall be located in conformance with yard requirements of the zone in which they are located.
 - iii. Access ways and roads shall be maintained in a dust-free condition either by oiling or by spraying with calcium chloride.
 - iv. Perimeter roads shall be buffered from extraction activities with earth mounds at least 10' in height which store topsoil. Mounds shall be planted with grass or other suitable material, such as viburnum, as an erosion retardant.
 - v. All truckloads of extracted materials removed from the site shall be covered with tarpaulins in conformance to State standards to insure public safety and prevent damage to individuals or other vehicles.
 - vi. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation. All operations shall be fenced. No extractive operation shall be conducted in a manner so as to lower the water table on surrounding properties.
 - g. No excavation, removal, or fill shall be permitted if the finished conditions would contain the following:

- i. Deep pits having side slopes of greater than thirty degrees.
 - ii. Serious on-site erosion problems or erosion problems which could extend to neighboring properties.
 - iii. Undrained depressions other than artificial lakes, or drainage problems which adversely affect neighboring properties.
- h. No processing and stockpiling operations shall be conducted closer than six hundred sixty (660) feet from any estate, residential, commercial or office district or within six hundred sixty (660) feet of any public or private educational facility. All processing operations should be enclosed whenever possible and should be enclosed whenever the operation is to be for a larger period of time than nine (9) months. Stockpile areas shall be screened from view.

No extraction operations shall be conducted in such a manner that the groundwater table of surrounding properties is lowered. This determination is to be made from data secured from testing wells installed, located, operated and maintained by the operator on the perimeter of the excavation area.

i. Conditional Use Permits for the extraction of earth products shall be issued for a period of time not to exceed ten years. Such permits are renewable for additional five-year periods as provided in this Section 8.3T (Ord 2014-127, §1)

ii. A corporate surety bond or guaranteed letter of credit shall be furnished to the City to assure compliance with the approved rehabilitation map. The bond or letter of credit shall be in the amount of \$100,000 or \$1,000.00 per acre, whichever is greater, for the completion of operations and the rehabilitation of the tract. (Ord. 87-134, 1987)

i. Renewals for additional five-year periods shall be governed by the following procedure: (added Ord 2014-127, §2)

Conditional Use Permit

- a. In order for administrative renewal to occur, the original property owner or his representative must file a complete application for administrative renewal with the Administrator after the one hundred eightieth (180) day but before the one hundred twentieth (120) day before the expiration of the current Conditional Use Permit time period. The applicant shall pay such fee as may be fixed by City Council pursuant to the Municipal Code. The renewal, if granted, shall be for a five-year (5-year) extension of the Conditional Use Permit. The Conditional Use Permit may be extended in the same manner for five-year (5-year) periods provided the property owner is in compliance with this Section 8.3T
- b. An Administrative renewal does not result in an amendment to the Conditional Use Permit Ordinance. An applicant seeking to change the Conditional Use Permit conditions or to otherwise amend the Conditional Use Permit Ordinance must go through the procedure for obtaining a new Conditional Use Permit.
- c. A sworn application for administrative renewal must be filed with the City. The applicant or its representative shall state that all existing Conditional Use Permit conditions have been complied with, and that no changes to the conditions or other Conditional Use Permit Ordinance provisions are being requested. The application must contain a progress/status of the mining/extraction operation, along with an anticipated date of completion and reclamation. The application shall also contain copies of current state permits and bond certificates along with any other documentary evidence of compliance.
- d. Issuance of an administrative appeal is subject to the applicant being in good standing and compliance with statutory and regulatory requirements of the State of Illinois, the Illinois Environmental Protection Agency, the City and other regulatory agencies with jurisdiction over the operation. These requirements shall include, but not be limited to the conditions in the original Conditional Use Permit and payment of the applicable tonnage fees related to the operation, which fees shall be imposed to cover the costs and expenses associated with the disproportionate impact of truck traffic and related repair of roads and other affected public improvements.
- e. Failure to timely file a complete application required under paragraph (a) renders the Conditional Use Permit ineligible for administrative renewal. Should an applicant fail to continue a Conditional Use after the initial time period or after renewals expire, a new application pursuant to Section 8.3T must be filed.

- f. No renewal or expiration of a Conditional Use Permit may occur while the application is pending. If the application is pending at the end of the current time period stated in the Conditional Use Permit Ordinance, the time period shall be extended until such time as the renewal application is acted on by the Administrator.

8.4 TEMPORARY USE STANDARDS

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property only. Unless otherwise indicated, all temporary uses require a temporary use permit per Article 14.

A. Farmers Market

1. The timeframe of a farmers market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmers market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.
3. A management plan is required for a farmers market, to be submitted as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during hours of operation who directs the operations of vendors participating in the market.
 - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
 - c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
 - d. Provision for waste removal.
 - e. The days and hours of internal operation, including vendor set-up and take-down times.

B. Temporary Contractor's Office

1. A temporary contractor's office is allowed incidental to any construction project.
2. The temporary use permit is valid for the duration of the building permit, including any extensions.
3. The temporary contractor's office must be removed within 30 days of completion of the construction project.

C. Temporary Mobile Food Sales

1. A temporary mobile food sales use is permitted for a maximum of 30 days per temporary use permit. There is no restriction on renewal of a temporary use permit, however no single permit may exceed 30 days validity.
2. The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
4. Sale of alcohol is prohibited.
5. During business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.
5. Outdoor seating may be provided on the site, but no seating may be permanently installed.
6. A permanent water or wastewater connection is prohibited.
8. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.

9. Drive-through service is prohibited.
10. A permit from the McHenry County Dept. of Health is required.

D. Temporary Outdoor Entertainment

A temporary use permit is not required for outdoor entertainment events within public parks when organized by a public agency.

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during the event.
 - b. A general site plan of performance areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
 - c. Provision for recycling and waste removal.
 - d. The days and hours of operation, including set-up and take-down times.
 - e. A description of crowd control and security measures.
2. Any temporary structures must be removed within seven days of conclusion of the event.
3. Temporary outdoor entertainment events are limited to three events per calendar year on the same lot and a maximum duration of four days per event, with a minimum of 15 days between events, with the following exception:
 - a. A temporary use permit for a carnival or circus is valid for a period of two events per calendar year on the same lot no more than 15 days in duration, with a minimum of 30 days between events.

E. Temporary Outdoor Sales

A temporary use permit is not required for outdoor sales within public parks when organized by a public agency.

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during hours of operation who directs the operations of all participating vendors.
 - b. An established set of operating rules addressing the governance structure of the sales event, hours of operation, and maintenance.
 - c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
 - d. Provision for recycling and waste removal.
 - e. The days and hours of operation, including vendor set-up and take-down times.
2. Any temporary structures must be removed within seven days of conclusion of the event.
3. Temporary outdoor sales events are limited to three events per calendar year and a maximum duration of seven days per event, with a minimum of 30 days between events, with the following exceptions:
 - a. A temporary use permit for a seasonal sale, such as Christmas tree lots or pumpkin patches, are limited to three events per calendar year and a maximum duration of 45 days. There is no minimum time between events.

ARTICLE 9. SITE DEVELOPMENT STANDARDS

- 9.1 GENERAL REQUIREMENTS
- 9.2 EXTERIOR LIGHTING
- 9.3 ACCESSORY STRUCTURES AND USES
- 9.4 PERMITTED ENCROACHMENTS
- 9.5 ENVIRONMENTAL PERFORMANCE STANDARDS
- 9.6 FENCES

9.1 GENERAL REQUIREMENTS

A. Number of Structures on a Lot

For lots used for single-family detached and two-family dwellings, there must be no more than one principal building per lot. This does not include permitted accessory structures or agricultural structures. In all other instances, more than one principal building is permitted on a lot, provided that it complies with all dimensional standards of the district.

B. All Activities within an Enclosed Structure

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and ancillary.
2. Park/playground, conservation areas, and similar open space uses.
3. Establishments with a permitted outdoor component, including, but not limited to, agriculture, outdoor amusement facilities, outdoor storage yards, heavy retail, rental, and service, outdoor storage yards, outdoor dining, car washes, reception/banquet facilities, animal care facilities, animal boarding, animal kennels, general industrial, and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use, when special use approval is applicable.
4. Permitted outdoor temporary uses.

C. Applicability of Required Setbacks

No lot may be reduced in area so that the setbacks are less than required by this Ordinance. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Ordinance or a variance is approved.

D. Applicability of Bulk Requirements

All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located unless a variance is approved.

E. Sight Triangle

All structures, including signs, a privacy fence or wall, and all plantings are limited to a maximum height of 30 inches within the sight triangle, which is the a triangular area of 25 feet from the point of intersection of the two street right-of-way lines forming such corner lot. A non-privacy fence that complies with all fence requirements that does not impair the sight triangle is permitted.

9.2 EXTERIOR LIGHTING

The following exterior lighting requirements apply to lighting on private property and do not apply to signs.

A. Lighting Plan Required

1. A lighting plan is required for all non-residential (including mixed-use), multi-family, and townhouse developments. Single-family and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. A lighting plan must include the following:
 - a. A plan showing all light poles, building-mounted lights, bollard lights, and any other lighting.
 - b. Specifications for luminaires and lamp types, and poles, including photographs or drawings of proposed light fixtures.

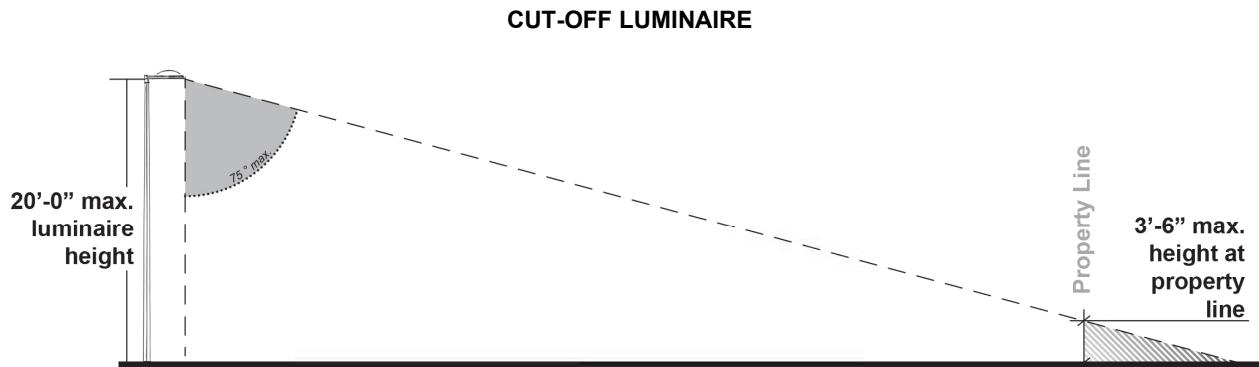
- c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
- d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.
- e. Photometric plans that show the foot candle measurement at all lot lines.

B. Maximum Lighting Regulations

1. The maximum allowable foot candle at any lot line is one foot candle. When a structure is located at the lot line or within five feet of the lot line, foot candle is measured at the curb line.
2. When additional security lighting is required in excess of the foot candle limit imposed by item 1 above, stronger lighting may be allowed based on evidence for the need for additional security during lighting plan review.
3. No glare onto adjacent properties is permitted.

C. Permitted Luminaires

1. All luminaires must be of the cut off luminaire design. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
2. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 20 feet.
3. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 feet above the ground at any point along an abutting lot line.



D. Exceptions to Lighting Standards

1. Public roadway illumination is not subject to the requirements of this section.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are not subject to the requirements of this section.
3. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may be approved by conditional use permit.
4. Holiday and seasonal lighting is not subject to the requirements of this section.
5. Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are allowed, approval of such lighting is required as part of the temporary use permit.
6. Security lighting triggered by photocells shall be permitted, but shall in no case shine onto an adjacent building.

E. Ornamental and Architectural Landscape Accent Lighting

Notwithstanding the other provisions of this Section 9.2., ornamental landscape and architectural accent lighting shall be permitted, subject to the following:

1. The maximum wattage of any individual luminaire shall not exceed 35 watts.
2. The total wattage of any exterior accent lighting system shall not exceed 200 watts.
3. Accent lighting shall be directed away from buildings on adjacent property and public right-of-ways.

F. Prohibited Lighting

1. No non-cut off luminaires.
2. Flickering or flashing lights are prohibited.
3. Searchlights, laser source lights, or any similar high intensity lights are prohibited.
4. Lighting by exposed bulbs is prohibited.
5. Any lighting that may be confused with emergency services, such as red and blue lighting, and any lighting that may be confused with traffic signals, such as red, yellow, and green lighting.

9.3 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this section. Additional accessory structures not regulated in this section may be regulated in Section 9.4.

A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section. Where an accessory structure is not subject to specific standards in this Section or Section 9.4, it is subject to the general regulations of this item.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
2. A building permit is required for the construction of an accessory structure, unless specifically exempted by this Ordinance. If the standards for an accessory structure do not specifically state that a building permit is not required, such accessory structure requires a building permit.
3. Only those accessory structures permitted by this section and Section 9.4 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. Required setbacks are stated in the district standards. The use of the term "yard" refers to the area between the applicable building line and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, it is permitted within the required setback subject to any additional limitations. Where there is no structure to determine yard location, yards are equivalent to the minimum district setback dimensions. In applying the regulations of this section, the permissions and restrictions for structures within a front setback and yard apply to a reverse corner side setback and yard, unless specifically allowed otherwise.
4. The maximum height of any detached accessory structure is 15 feet or the height of the principal structure, whichever is less, unless otherwise permitted or restricted by this Ordinance. This does not apply to accessory structures for any lot in active agricultural use, which are limited to the maximum height of the district with the exception of silos, which are not limited in height.
5. The total floor area of accessory structures cannot exceed 1,000 square feet.
6. Accessory structures must be at least four feet from any lot line, unless otherwise permitted or restricted by this Ordinance.
7. An accessory building exceeding 8 feet by 10 feet shall be constructed of wood, masonry or metal.

B. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 9.5 are permitted only in the rear yard, and must be located ten feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional ten feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and a special use approval is obtained.
2. Antennas may also be building-mounted and are limited to a maximum height of ten feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.
3. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.
4. An antenna or tower that is proposed to exceed the height limitations is a conditional use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 9.5. As part of the application, the applicant must submit a site plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.
5. Any such antennas and/or towers owned and operated by the City are exempt from these requirements.

C. Apiary

Apiaries as an accessory use do not apply to lots that are in use for agriculture as a principal use.

1. Apiaries are permitted only in the rear yard and must be located ten feet from any lot line and the principal building.
2. All bee colonies must be kept in a removable frame hive, which must be kept in sound and usable condition. Apiaries, with the exception of lots that are in agricultural use, are limited to a maximum of two hives.
3. Where any colony is located within 25 feet of a lot line, as measured from the nearest point on the hive to the lot line, the beekeeper must establish and maintain a flyway barrier at least six feet in height consisting of a hedge, fence, solid wall, or combination that is parallel to the lot line and extends 10 feet beyond the colony in each direction so that bees are forced to fly at an elevation of at least six feet above ground level over adjacent lots in the vicinity of the apiary. When located more than 25 feet from a lot line, such barrier is not required.
4. Each beekeeper must provide a convenient source of water available to the bees at all times.
5. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony.
6. Apiaries do not require a building permit.
7. The opening of the hive shall face the principal use of the property on which the hive is located.

D. Aquaculture/Aquaponics

Aquaculture/aquaponics facilities as an accessory use do not apply to lots that are in use for agriculture as a principal use.

1. Aquaculture/aquaponics facilities do not require a building permit.
2. Aquaculture/aquaponics facilities are permitted only in the rear yard and must be located ten feet from any lot line.
3. All aquaculture/aquaponics operations must be located within fully or partially enclosed structures designed for holding and rearing fish, and contain adequate space and shade.

E. Book Exchange Box

1. Only one book exchange box is allowed per lot.
2. No book exchange box may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition. Boxes cannot be constructed in a manner that obstructs visibility of intersections.
3. Boxes are prohibited in the public right-of-way or within 10 feet of any vehicular drive.
4. Each box must be designed and constructed in such a manner that its contents are protected from the elements. All media must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the book exchange box.
5. Boxes are limited to a maximum height of six feet to the highest point on the structure, and a maximum width and depth of three feet.
6. Boxes are permitted only in the front yard or side corner yard, and must be located a minimum of five feet from any lot line.
7. Temporary foundations comprised of concrete or masonry pavers or other similar movable materials may be utilized. Single metal or wooden posts set in concrete for pedestal mounted boxes or to provide additional stability to ground mounted boxes are allowed. Permanent concrete slab foundations are prohibited.

F. Electric Vehicle Charging Station

1. Commercial electric vehicle charging stations are permitted as an accessory use within any parking lot, parking structure, or gas station in all districts.
2. Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwellings located on that property.
3. Electric charging station equipment may not block the public right-of-way.
4. Each public charging station space must be posted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if time limits or tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
5. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.

G. Garage, Detached

1. The area above the vehicle parking spaces in a detached garage may not contain a kitchen but may contain an office or recreation room.
2. Detached garages are permitted only in the rear, interior side, and corner side yards. Detached garages must not be constructed in front of the front building line.
3. Carports are prohibited.

H. Home-Based Business

1. The home-based business must be conducted by an individual permanently residing within the dwelling. Only residents of the dwelling may be employed in the home-based business.
2. Signs for home-based businesses are regulated in the Harvard Sign Ordinance.
3. The home-based business and all related activity, including storage, must be conducted completely within a principal or accessory building.
4. No fire hazards shall be created.
5. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.

6. The home-based business cannot create greater vehicular or pedestrian traffic than normal for a residential area. The home-based business and any related activity must not create any traffic hazards or nuisances in public rights-of-way.
7. Alterations to the residence that would alter the residential character of the dwelling are prohibited.
9. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home-based business is located in excess of that normally associated with residential use.
9. Repair and service of any vehicles or any heavy machinery is prohibited as a home-based business. Day care homes are not considered a home-based business and are regulated separately by this Ordinance.
10. No more than one commercial vehicle may be used in connection with a home-based business.
11. In addition to the foregoing regulations, home-based businesses shall conform to Chapter 21.14 of the Harvard Municipal Code.

I. Mechanical Equipment

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment.

1. Ground-Mounted Equipment

- a. Mechanical equipment is prohibited in the front yard. If mechanical equipment is located in the front yard as of the effective date of this Ordinance, the equipment may remain and may be repaired and maintained unless it is replaced in its entirety or the principal structure is demolished.
- b. Mechanical equipment is permitted only in the interior side, corner side, or rear yards.

2. Roof-Mounted Equipment

Roof-mounted equipment must be screened from view from a public street as follows:

- a. For structures four or more stories in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet by which the equipment extends above the roof.
- b. For structures less than four stories in height and for any building where roof equipment cannot meet the setback requirement of item "a" above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

J. Outdoor Sales and Display (Ancillary)

Retail goods establishments, heavy retail, rental, and service, and vehicle dealerships are permitted to have accessory outdoor sales and display of merchandise. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor sales and display and permit such use to include outdoor sales and display on the site.

1. Outdoor sales and display of goods not offered for sale by the establishment is prohibited.
2. Any outdoor display must be located on the same lot as the principal use. No outdoor display is permitted in the public right-of-way.
3. All outdoor sales and display of vehicles for vehicle dealerships must comply with the parking lot perimeter landscape requirements of Article 11. Outdoor display of vehicles on hydraulic lifts, manufactured ramps, or similar mechanisms is prohibited.
4. No required parking area may be used as outdoor display.

K. Outdoor Storage (Ancillary)

The following uses are permitted outdoor storage: greenhouse/nursery – retail, including the growing of plants in the open, heavy retail, rental, and service, vehicle dealerships, vehicle rentals, vehicle operations facility, vehicle repair/service, minor or major, and light and heavy industrial. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site. These uses are permitted ancillary outdoor storage in accordance with the following provisions:

1. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic. Outdoor storage is prohibited in a required setback.
2. All manufacturing, assembly, repair, or work activity must take place inside an enclosed building. This does not apply to heavy industrial uses that are typically conducted outdoors or have an outdoor component.
3. No required parking area may be used as an outdoor storage.

L. Refuse Containers, Dumpsters, and Recycling Containers

1. Dumpsters and recycling containers are prohibited in the front or corner side yard. No dumpsters or recycling containers may be located on any public right-of-way.
2. All dumpsters and recycling containers must be fully enclosed on three sides by a privacy fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The enclosure must be gated. Such gate must be solid. Such construction requires a building permit. This requirement does not apply to refuse containers located in an alley.
3. Dumpsters must not be located so that the disposal area drains toward a storm drain or off-site. Dumpsters must be covered and are not allowed to drain freely.
4. Existing properties, as of the effective date of this Ordinance, whose dumpsters and recycling containers are not required to be enclosed, are exempt from this section unless the site is being redeveloped, or the existing building or parking lot is being expanded.

M. Satellite Dish Antennas

1. General Requirements

- a. Small satellite dish antennas do not require a building permit. Large satellite dish antennas require a building permit.
- b. Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- c. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- d. Cables and lines serving ground-mounted satellite dish antennas must be located underground.
- e. Compliance with all federal, state, and local regulations is required in the construction, installation, and operation of satellite dish antennas.
- f. All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance.
- g. Antennas no longer in use must be immediately removed.
- h. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.
- i. Any such satellite dish antennas owned and operated by the City are exempt from these requirements.
- j. Wires from the satellite dish must enter the building within 10 feet of the dish. No external wiring is permitted. All wiring to rooms must be internal.

2. Small Satellite Dish Antennas

Small satellite dish antennas, which are one meter (3.28 feet) or less in diameter, are subject to the general requirements above.

3. Large Satellite Dish Antennas

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

a. Residential Districts

- i. Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- ii. The overall height of a large satellite dish antenna cannot exceed 12 feet.
- iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes privacy fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be, a minimum of five feet tall at the time of installation.

b. Non-Residential Districts

- i. Large satellite dish antenna are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- ii. Roof-mounting is permitted only if the satellite dish antenna is screened by an architectural feature.
- iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes privacy fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

N. Solar Panels (Accessory)

1. General Requirements

- a. Solar panels for the generation of electricity for use on premises are permitted and may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

2. Building-Mounted Systems

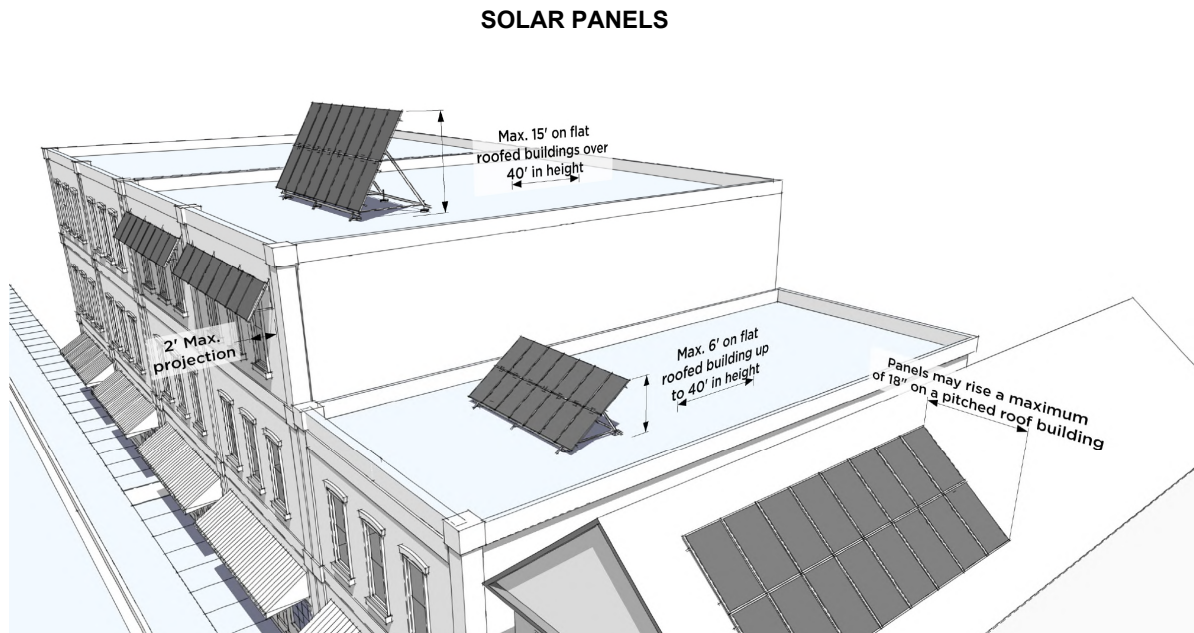
- a. A building mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
- d. Building-mounted solar panels may project up to two feet from a building façade and must be integrated into the structure as an architectural feature.

3. Freestanding Systems

- a. A freestanding system is permitted only in the interior side and rear yard.
- b. The maximum height of a freestanding system is eight feet. Freestanding systems are prohibited in the front yard and setback.

4. Co-Location

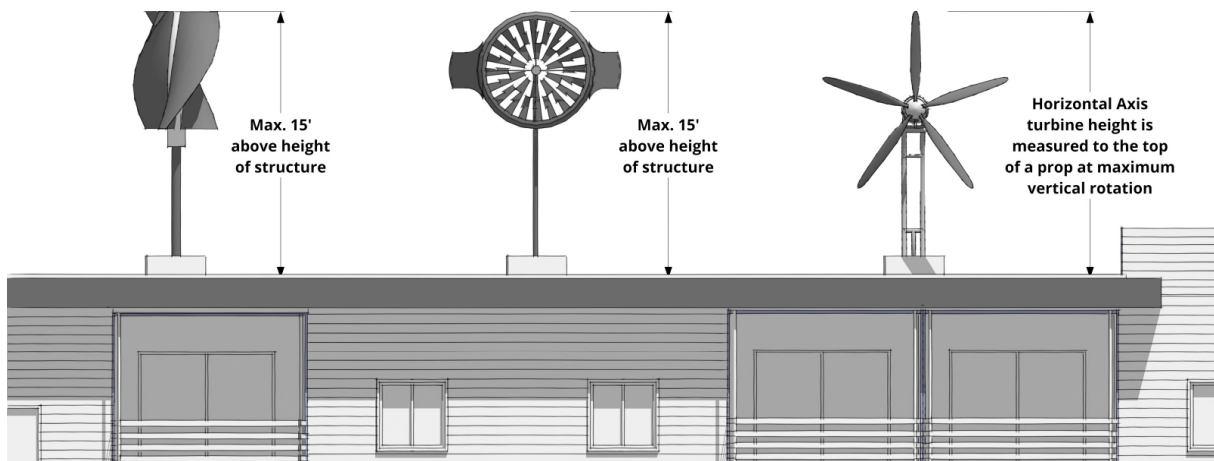
Solar panels may be co-located on structures such as light poles.



O. Wind Turbines (Accessory)

1. Wind turbines for the generation of electricity for use on premises are permitted and may be designed as either vertical or horizontal axis turbines with or without exposed blades, including designs that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
 - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district. A taller height may be allowed by special use.
 - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
 - c. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.
 - d. No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within 10 feet of the ground.
3. Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than ten feet to any lot line. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

WIND TURBINES



9.4 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of any attached or detached accessory structure or architectural feature into a required setback. Permitted encroachments are indicated in Table 9-1: Permitted Encroachments into Required Setbacks.

- A. Additional restrictions on certain permitted encroachments, including additional placement restrictions and dimensional standards, can be found in Section 9.3. In the case of conflict between Section 9.3 and Table 9-1, Section 9.3 controls.
- B. Unless constructed as part of and concurrently with the principal building, attached or detached accessory structures or architectural features require a separate building permit, unless exempted by this section or Section 9.3.
- C. Unless otherwise indicated, all accessory structures and architectural features must be at least four feet from any lot line, which controls over permissions to encroach into a required setback, unless otherwise specifically permitted or further restricted by this section.
- D. When an attached or detached accessory structure or architectural feature regulated by Table 8-1 is permitted to locate in a required setback, it also indicates permission to locate in the corresponding yard.

TABLE 9-1: PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall</i> <i>No building permit required</i> <i>No min. distance from lot lines required</i>	Y	Y	Y	Y
Amateur (HAM) Radio Equipment (Section 9.3)	N	N	N	Y
Apiary (Section 9.3)	N	N	N	Y
Aquaculture/Aquaonics (Section 9.3)	N	N	N	Y
Awning or Sunshade	Y	Y	Y	Y

TABLE 9-1: PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Max. of 3' into any setback No min. distance from lot lines required				
Balcony Max. of 5' into required setback Max. vertical clearance of 8'	Y	Y	Y	Y
Bay Window Max. of 3' into any setback No min. distance from lot lines required	Y	Y	Y	Y
Book Exchange Box (Section 9.3)	Y	Y	N	N
Canopy: Non-Structural (Non-Sign) Max. of 3' into any setback	Y	Y	Y	Y
Canopy: Structural (Non-Sign) or Porte-Cochere Min. of 10' from any lot line	Y	Y	Y	Y
Chimney Max. of 24" into setback No min. distance from lot lines required	Y	Y	Y	Y
Cistern	N	N	N	N
Deck or Patio Max. of 8' into rear setback	N	N	N	Y
Eaves Max. of 3' into setback No min. distance from lot lines required	Y	Y	Y	Y
Exterior Lighting (Section 9.2)	Y	Y	Y	Y
Garage – Detached (Section 9.3)	N	Y	Y	Y
Gazebo or Pergola Prohibited in front yard	N	N	Y	Y
Greenhouse Prohibited in front yard	N	N	N	Y
Mechanical Equipment – Ground-Mounted (Section 9.3)	N	Y	Y	Y
Personal Recreation Game Court Prohibited in front yard Min. of 10' from any lot line	N	N	N	Y
Porch - Unenclosed Max. of 5' into front, interior side, or corner side setback Max. of 8' into rear setback Min. of 10' from any lot line Enclosed porches are considered part of the principal structure	Y	Y	Y	Y
Rain Barrels	Y	Y	Y	Y
Satellite Dish Antenna, Ground-Mounted (Section 9.3)	N	N	N	Y
Shed Prohibited in front yard Min. of 4' from any lot line	N	N	Y	Y
Sidewalk No min. distance from lot lines required	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features Max. of 30" into setback No min. distance from lot lines required	Y	Y	Y	Y
Solar Panels - Freestanding (Section 9.3)	N	N	Y	Y

TABLE 9-1: PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS				
Y= Permitted // N= Prohibited				
Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Steps and Stoops (roofed or unroofed, includes support posts) <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 10' from any lot line</i>	Y	Y	Y	Y
Wind Turbine (Private) - Freestanding (Section 9.3)	N	N	N	Y

9.5 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

A. Noise

No activity or use must be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

B. Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

C. Stormwater Management

All development must comply with local, county, state, and federal stormwater management requirements.

D. Vibration

No earthborne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

E. Dust and Air Pollution

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

F. 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 applicable federal, state, and local laws, and regulations governing such materials or waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

G. Electromagnetic Interference

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

H. Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped or modified so as to remove the odor.

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 federal, state, and local regulations.

9.6 FENCES

A. Applications

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will determine if the application meets the requirements of this Section. For applications that meet the requirements of this Section, the Zoning Administrator shall process these applications. For applications that do not meet the requirements of this Section, the Zoning Administrator shall advise the applicant of the process for Variations. (See Section 14.4)

B. Open Fences

1. Open fences shall not be more than six feet in height in any residential district except that in a front yard the height shall not exceed 48 inches. Open fences in any business or manufacturing district shall not exceed eight feet in height. Heights of fences shall be measured at the natural average grade. Open fences may be set on the lot line.
2. "Fence" includes gates and any tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement; however, shrub fences will not be considered as fences when used as a buffer zone between commercial, industrial, and residential; a solid fence must be constructed where screening is required.
3. No fence shall be constructed or erected until a building permit has been issued and the fee for said permit paid; no fence shall be constructed within a public way or public utility easement; no fence shall be constructed of barbed wire, iron spikes or other sharp pointed instruments or barbed plants, nor shall any fence be erected which is connected in any way to any source of electricity; nor shall any snow fences, farm fences or chicken wire bag fences be allowed; all fence posts shall be decay or corrosion resistant and shall be set in concrete bases.
4. An accurate sketch showing the proposed location of the fence on the premises shall be furnished to the Building Officer at the time application is made for the permit to erect a fence.
5. It shall be unlawful for the owner, occupant or person in custody of any premises in the City, having a fence thereon, to permit such fence to exist in a state or condition which is liable to cause injury to any person or to property, or which is liable to collapse, or which encroaches upon or leans upon the premises of another or to property. (Ord. 87-134, 1987)

C. Solid Fences

1. Solid fences shall not be more than six feet in height in any business district or residential district and not more than eight feet in height in any manufacturing district. A solid fence shall not be erected in a front yard. Solid fences are permitted on the lot line or along access strips backing thoroughfares providing written permission from the utility company and/or easement holder has first been obtained. (Ord. 2008-132, §4; Ord. 99-107, §1, 1999; Ord. 90-140, §2, 1990; Ord. 89-140, §1G, 1989)
2. No fence shall be constructed or erected until a building permit has been issued and the fee for said permit paid; no fence shall be constructed of barbed wire, iron spikes or other sharp pointed instruments or barbed plants nor shall any fence be erected which is connected in any way to any source of electricity; all fence posts shall be decay or corrosion resistant and shall be set in concrete bases.
3. An accurate sketch showing the proposed location of the fence on the premises shall be furnished to the Building Officer at the time application is made for the permit to erect a fence. The sketch shall show the location of any utility easements on the property. (Ord.99-107,§2, 1999)
4. It shall be unlawful for the owner, occupant or person in custody of any premises in the city having a fence thereon, to permit such fence to exist in a state or condition which is liable to cause injury to any person or to property, or which is liable to collapse, or which encroaches upon or leans upon the premises of another.

D. Variations

The City Council may authorize variations from the provisions of this ordinance according to procedures delineated in Section 14.4, Variations, of the Unified Development Ordinance.

E. Restrictions

1. Those fences existing in front yards that are legal non-conforming on the effective date of this Ordinance shall be completely removed when more than 50 percent of said fence has been damaged or is in a state of disrepair. Other than routine maintenance, alterations, structural changes and additions to such non-conforming fences is prohibited. (Ord 2008-132, §2)
2. For the purposes of this Section, on a corner lot, any yard abutting a roadway should be considered a front yard. (Ord 2008-132, §2)

ARTICLE 10. OFF-STREET PARKING AND LOADING

- 10.1 GENERAL APPLICATION**
- 10.2 COMPUTATION OF REQUIREMENTS**
- 10.3 REQUIRED OFF-STREET VEHICLE SPACES**
- 10.4 REQUIRED OFF-STREET LOADING BERTHS**
- 10.5 REQUIRED BICYCLE SPACES**
- 10.6 DESIGN OF VEHICLE PARKING FACILITIES**
- 10.7 DESIGN OF OFF-STREET LOADING BERTHS**
- 10.8 SHARED PARKING**
- 10.9 STORAGE OF COMMERCIAL VEHICLES**

10.1 GENERAL APPLICATION

A. Existing Facilities

1. The existing number of off-street vehicle parking spaces and loading berths may not be reduced below the minimum requirements of this Ordinance. If the number of existing spaces is already less than the requirements of this Article, it may not be further reduced.
2. If a building permit was lawfully issued prior to the effective date of this Ordinance, and if substantial construction has begun within 90 days of the issuance of a permit, the number of off-street vehicle and loading spaces is that required by building permit and supersedes the requirements of this Ordinance.

B. New Construction

The construction of a new principal building must provide all required parking unless the site is eligible for a parking exemption or other parking flexibility allowed by this Article.

C. Change in Use

When the existing use of a structure or land is changed to a new use, vehicle parking spaces must be provided as required for the new use.

D. Change in Intensity of Use

Whenever the intensity of a use is increased based on an increase in the number of dwelling units, floor area, seating capacity, or other unit of measurement used to calculate the number of required number of vehicle parking spaces, additional spaces must be provided for that increase.

E. Provision of Additional Spaces

The establishment of additional off-street parking or loading facilities above the minimum required by this Ordinance is not prohibited.

F. Use of Parking Facilities

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies, or the display of goods in off-street parking areas is prohibited, unless otherwise permitted by this Ordinance.
2. The property owner is responsible for ensuring that parking and loading facilities are only used by tenants, employees, visitors, or other authorized persons.
3. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street vehicle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

10.2 COMPUTATION OF REQUIREMENTS

This section describes how the number of vehicle and loading spaces are calculated based upon the requirements of this Article. The total number of required vehicle parking and loading spaces is based upon the requirements for the principal use or uses located on the lot.

- A. Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this Ordinance.
- B. A fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one parking or loading space.
- C. For uses where patrons or spectators occupy benches, pews or open floor areas used for service, each 48 linear inches of benches, pews, or permanent seating areas, or five square feet of open floor areas used for seating is counted as one seat for the purpose of determining the requirement for the required number of spaces.

10.3 REQUIRED OFF-STREET VEHICLE SPACES

A. General Requirements

- 1. Except as otherwise provided in this Ordinance, the minimum number of off-street vehicle parking spaces to be provided for each use is listed in Table 10-1: Off-Street Vehicle Parking Requirements.
- 2. Table 10-1 lists parking requirements for each use. In some cases, uses that are considered part of a generic use category are listed with specific vehicle parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district. Certain uses listed within the districts are not listed in Table 10-1 and therefore do not have vehicle parking requirements.

B. Provision of Car- and Bike-Share Facilities

- 1. Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Ordinance.
- 2. Spaces within parking lots and structures may include designated areas for bike-share facilities. A bike-share facility provides bicycle rentals to the public and it is not considered a vehicle rental establishment. When a minimum of 15 bicycles are provided for rental, such bike-share facilities may substituted for up to four automobile spaces or 5% of the required parking spaces, whichever is less.

C. Provision of Electric Vehicle Charging Stations

Spaces within parking lots and structures may include designated parking spaces for electric vehicle charging. Spaces reserved for electric vehicle charging count toward minimum parking requirements of this Ordinance.

D. Multi-Tenant Retail Center Parking Calculation

A multi-tenant retail center is defined as a group of three or more separate commercial establishments, primarily retail, but also including personal service, restaurant, office, and similar non-residential uses, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers and strip centers. Multi-tenant retail centers require a minimum of one parking space per 300 square feet of total gross floor area, rather than calculation by the individual uses.

TABLE 10-1: OFF-STREET VEHICLE PARKING REQUIREMENTS	
USE	MINIMUM REQUIRED
Agricultural Implement Sales	1 per 500sf GFA (includes any outdoor display or sales)
Amusement Facility - Indoor	1 per 500sf GFA
<i>Movie Theater</i>	<i>1 per 4 seats for first 400 seats + 1 per 6 seats after first 400</i>
Amusement Facility - Outdoor	1 per 500sf of total site area
Animal Care Facility	1 per 300sf GFA
Animal Kennel: Commercial	5 spaces
Animal Shelter	1 per 500sf GFA
Art Gallery	1 per 300sf GFA
Arts Studio	1 per 300sf GFA

TABLE 10-1: OFF-STREET VEHICLE PARKING REQUIREMENTS	
USE	MINIMUM REQUIRED
Bed and Breakfast	2 + 1 per guestroom
Body Modification Establishment	1 per 300sf GFA
Bar/Brew Pub	1 per 100sf GFA
Brew Pub	1 per 250sf GFA
Broadcasting Facility	1 per 1,000sf GFA
Campground	2 per campsite
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Cemetery	1 per 200sf of GFA of office, chapel/parlor, and/or preparation area
Community Center	1 per 500sf GFA
Contractor Office – With Outdoor Equipment Storage	1 per 300sf of GFA of office
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 500sf GFA
Dwelling, Residential Above Ground Floor in B-1RC and B-1 MU Districts	0 per dwelling unit
Dwelling, Single-Family	2 per dwelling unit
Dwelling, Two-Family	2 per dwelling unit
Dwelling, Townhouse	2 per dwelling unit
Dwelling, Manufactured Home	2 per dwelling unit
Dwelling, Multi-Family	2 per dwelling unit + 1 visitor space per 10 dwelling units
Financial Institution	1 per 500sf GFA + 4 stacking spaces per drive-through lane
Funeral Home	1 per 200sf GFA
Gas Station	2 per pump (in addition to pump space) + 1 per 500sf GFA of retail area + 2 per service bay of accessory motor vehicle service and repair + 4 stacking spaces for car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Facility	1 per 300sf GFA
Group Home	1 per 2 beds
Healthcare Institution	3 per room
Heavy Retail, Rental & Service	1 per 500sf GFA (includes any outdoor display or sales)
Hotel	1.5 per room
Industrial Design	1 per 500sf GFA
Industrial, General	1 per 1,000sf of GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Landscape Business	1 per 300sf of GFA of office + 1 per work vehicle stored on-site
Live Entertainment	1 per 200sf GFA
Medical/Dental Office	1 per 300sf GFA
Micro-Brewery/Distillery/Winery	1 per 200sf of tasting room and retail areas + 1 per 1,000sf of production facility
Nursery/ Greenhouse - Retail	1 per 500sf of GFA (includes any outdoor display or storage)
Office	1 per 500sf GFA
Outdoor Storage	1 per 300sf of GFA of office
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 3 seats + 1 per 1,000sf of residential living component (convent, rectory, etc.)
Private Club or Lodge	1 per 500sf GFA

TABLE 10-1: OFF-STREET VEHICLE PARKING REQUIREMENTS	
USE	MINIMUM REQUIRED
Public Safety Facility	1 per 500sf GFA
Public Works Facility	1 per 500sf GFA
Reception/Banquet Facility	1 per 300sf GFA
Research & Development	1 per 300sf GFA
Residential Care Facility	To be calculated per facility type or combination of facilities provided below
<i>Independent Living Facility</i>	<i>0.75 per dwelling unit</i>
<i>Assisted Living Facility</i>	<i>0.5 per dwelling unit</i>
<i>Nursing Home, Hospice</i>	<i>1 per patient room</i>
Restaurant	1 per 100sf GFA
Retail Goods Establishment	1 per 500sf GFA
School – Primary or Secondary	2 per classroom and office
School - University or College	2 per classroom and office + 1 per 4 students of maximum enrollment
School - Vocational	2 per classroom and office + 1 per 8 students of maximum enrollment
Self-Storage Facility	1 per 20 storage units
Specialized Food Service	1 per 500sf GFA
Stable	1 per 2 stalls
Vehicle Dealership	1 per 500sf GFA of indoor sales and display area + 4 per service bay
Vehicle Operations Facility	1 per 300sf of GFA of office
Vehicle Rental Agency	1 per 300sf of GFA of office
Vehicle Repair	4 per service bay
Warehouse	1 per 300sf of GFA of office + 1 per 20,000sf of GFA of warehouse area
Wholesale	1 per 1,000sf GFA

10.4 REQUIRED OFF-STREET LOADING BERTHS

A. Off-street loading berths must be provided for any use that distributes or receives materials or merchandise by trucks or other commercial vehicles in accordance with Table 10-2: Off-Street Loading Requirements. In the case of multi-tenant developments, required loading berths are calculated on the basis of each individual tenant. For example, if only one commercial tenant of a multi-tenant development is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required.

B. No structure is required to provide more than five loading berths.

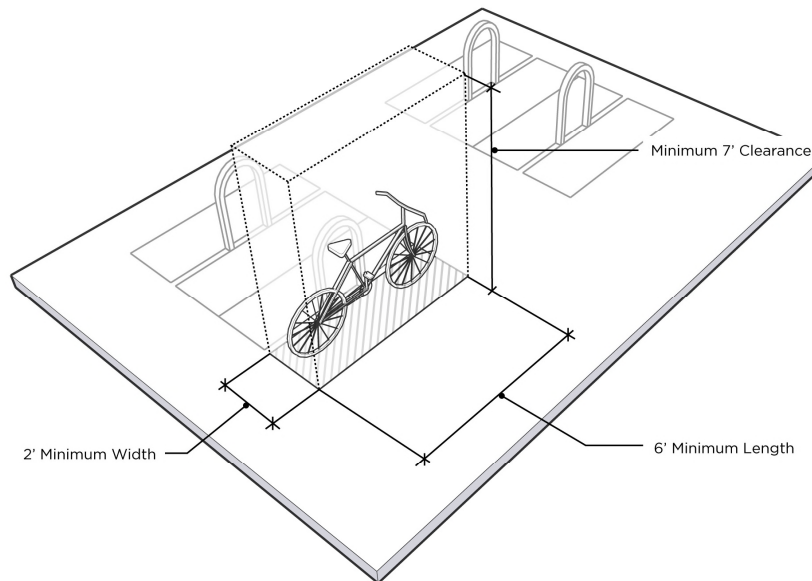
TABLE 10-2: OFF-STREET LOADING REQUIREMENTS	
Use Type	Number of Berths Required
Multi-Family Dwelling	
40,000sf or more GFA	1 loading berth
Commercial & Institutional Use	
20,000 - 100,000sf GFA	1 loading berth
100,001 - 200,000sf GFA	2 loading berths
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 200,000sf)	1 additional loading berth
Industrial Use	
10,000 - 40,000sf GFA	1 loading berths
40,001 - 100,000sf GFA	2 loading berths
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 100,000sf)	1 additional loading berth

10.5 REQUIRED BICYCLE SPACES

As of the effective date of this Ordinance, new development is required to provide bicycle parking.

A. Design

1. Required bicycle spaces must have a minimum dimension of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet. Bicycle spaces are counted by the number of bicycles that can be stored on a rack, meeting these dimensions for a bicycle space.
2. Bicycle parking facilities must provide racks where the bicycle may be locked by the user or lockable enclosed lockers. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the structure to prevent the racks and lockers from being removed from the location.
3. If required bicycle parking facilities are not readily visible, signs must be posted indicating their location.
4. Areas used for required bicycle parking must be paved and drained to be free of mud, dust, and standing water, and must be well-lit.



B. Location

1. All required bicycle spaces must be located on the same lot as the use served. However, the Zoning Administrator, upon consultation with other City Departments, may approve the location of bicycle spaces in the public right-of-way.
2. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible secure areas. Space within dwelling units, including areas such as balconies, are not counted toward satisfying bicycle parking requirements.

C. Required Number of Bicycle Spaces

Where off-street parking facilities are provided, the number of bicycle parking spaces must be provided as indicated in Table 10-4: Required Bicycle Spaces. In all cases where bicycle parking is required, a minimum of two spaces is required. However, no more than a total of 50 bicycle parking spaces are required to be provided.

TABLE 10-3: REQUIRED BICYCLE SPACES	
Use	Required Bicycle Spaces
Multi-Family Dwelling	1 per 10 dwelling units
Retail Goods Establishment, Personal Service Establishment, Office, or Multi-Tenant Retail Center over 10,000sf in GFA	1 per 10 parking spaces
Indoor or Outdoor Amusement Facility	1 per 10 parking spaces
School, Primary or Secondary	1 per 10 parking spaces
School, University or Vocational	1 per 25 parking spaces

10.6 DESIGN OF VEHICLE PARKING FACILITIES

A. Location

1. Residential Uses

- a. All required off-street vehicle parking spaces for residential uses and the residential component of mixed-use developments must be located on the same lot as the structure.
- b. For single-family (detached and attached) and two-family dwellings, required vehicle parking spaces are permitted in private driveways, but must not encroach onto the public right-of-way.

2. Non-Residential Uses

- a. Vehicle parking for a nonresidential use may be located on the same lot or within 500 feet of the use served within the same zoning district. The maximum 500 foot distance restriction does not apply to valet parking services. However, valet parking services must provide evidence of a lot reserved for vehicle parking within the same zoning district.
- b. Off-street parking facilities serving nonresidential uses of property may be permitted in the R-1, R-2, and R-3 Districts as a conditional use, subject to the following requirements and any other section of the Municipal Code that pertains to private parking lot standards:
 - i. The parking lot must be accessory to and for use in connection with one or more nonresidential establishments located in adjoining zoning districts or in connection with one or more existing professional or institutional office buildings or institutions.
 - ii. The parking lot must be used solely for the parking of passenger automobiles.
 - iii. No commercial work or service of any kind may be conducted on the parking lot.
 - iv. No parking lot can access a residential area.
 - v. Each entrance to and exit from the parking lot must be no less than 20 feet from any adjacent property located in any residential district, except where egress and ingress to the parking lot is provided from a public way or public alley separating the residential areas from the proposed parking lot.
 - vi. The number of parking spaces is the minimum required by this Article.
 - vii. Parking facilities must be designed with appropriate means of vehicular access to a street or alley in such a manner that will least interfere with the movement of traffic.
 - viii. No driveway or curb cut in any zoning district can exceed 25 feet in width.
 - ix. Buffer yards as required by Section 11.8 must be on any lot line of a parking lot that adjoins a residential district.
 - x. The parking lot must be located on property that is contiguous to the principal use. For purposes of this section, contiguity is not construed to include properties across public streets and rights-of-way unless a variance is granted.
 - xi. A parking lot cannot be less than 132 feet in width or cover more than 75% of the lot.

- xii. Any lighting used to illuminate a parking lot must be designed to direct light away from adjoining residential properties and must be approved by the City Council.
- xiii. Parking lots must conform to any further requirements and conditions as may be required by the City Council for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

B. Dimensions of Vehicle Parking Spaces

Off-street vehicle parking space dimensions must meet the standards of Table 10-4: Off-Street Parking Space Dimensions.

TABLE 10-4: OFF-STREET PARKING SPACE DIMENSIONS						
Parking Angle	Stall Width	Stall Depth	Stall Length of Line	Aisle Width Two-Way	Aisle Width One-Way	Vertical Clearance
0° (Parallel)	9'	18'	N.A.	22'	14'	7' 6"
90° (Head-In)	9'	18'	18'	24"	20'	7' 6"
60°	9'	21'	22'	N/A	18'	7' 6"
45°	9'	19.8'	25'	N/A	12.5'	7' 6"

C. Circulation Requirements for Off-Street Vehicle Parking Areas

1. Each off-street vehicle space must open directly upon an aisle or driveway of adequate width to provide access to a vehicle parking space. All off-street parking facilities must provide access in a manner that least interferes with traffic movement. For all uses except single-family detached and two-family dwellings, the parking area must be designed so that the driver of the vehicle proceeds forward into traffic rather than backs out.
2. All required off-street parking facilities must have vehicular access from a street, alley, driveway, or cross-access easement.
3. Clearly delineated crosswalks of paving, brick paver, bituminous brick pattern stamping, or painted striping must connect landscaped areas and parking lot islands to building entrances to improve safe passageway for pedestrians. Curb cuts must be included on landscaped areas or islands where such crosswalks are located.
4. All parking lots must comply with the "ADA Accessibility Guidelines for Buildings and Facilities" regulations issued by federal agencies under the Americans with Disabilities Act (ADA) and State of Illinois and local requirements for the amount and design of accessible vehicle parking spaces required in parking lots and structures.

D. Striping

Off-street parking areas must be marked by painted lines a minimum of four inches in width and maintained in clearly visible condition. Signs or markers should be used as necessary to ensure efficient and safe circulation within the lot. Vehicle parking spaces for handicapped persons must be identified with the appropriate sign and visible at all times of the year, regardless of plant growth or similar conditions.

E. Curbing and Wheel Stops

Wheel stops or curbing are required when a parking space abuts a pedestrian walkway, landscape area, or fence.

F. Surfacing

All parking lots must be surfaced with a durable all-weather material, such as asphalt, concrete, or other product, as approved by the City. Pervious paving may be allowed, subject to review and approval by the City.

G. Maintenance

Off-street parking areas must be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

H. Lighting

Parking lot lighting must meet the exterior lighting standards of Article 9.

I. Landscape and Screening

All parking lots must be landscaped and screened in accordance with Article 11.

J. Turnaround Space

Dead end parking lots are prohibited. A turnaround space is required, and the minimum depth and width of such turnaround space must be nine feet and designated with signs stating "No Parking."

K. Townhouse and Multi-Family Dwellings, and Non-Residential Driveways

1. All parking lots must be surfaced with a durable all-weather material, such as asphalt, concrete, or other product. Pervious paving is allowed. Gravel is prohibited except for non-residential uses the A District.
2. With the exception of loading berths, driveways are limited to a maximum width of 18 feet for one-way drives, and a maximum of 24 feet for two-way drives.

L. Cross-Access Easements

1. Adjacent non-residential uses, including mixed-use development, with dedicated parking areas are encouraged to provide a cross-access drive to allow circulation between sites. Property owners are encouraged to pursue cross-access with adjacent property owners at the time of development. If cross-access is provided, the Zoning Administrator may require that the property owner provide proof that adjacent property owners have been contacted in writing regarding the provision of cross-access.
2. Joint use driveways and cross-access easements must incorporate the bump-outs and other site design features to make it visually obvious that the abutting properties are tied together.
3. Pursuant to this section, property owners who establish cross-access easements must:
 - a. Record an easement allowing cross-access to and from properties served by the joint use driveways and cross-access easement.
 - b. Any pre-existing driveways must be closed and eliminated after construction of the joint-use driveway.
 - c. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

10.7 DESIGN OF OFF-STREET LOADING BERTHS

A. Location

All off-street loading berths must be located on the same lot as the use served. No off-street loading berths may project into a public right-of-way. No off-street loading berths are permitted in the front yard.

B. Dimensions

All required off-street loading berths must be a minimum of 12 feet in width, a minimum of 35 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of 15 feet.

C. Surfacing

All off-street loading berths must be paved with a durable, all-weather material paving.

D. Drainage and Maintenance

Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street loading areas must be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

E. Access

Each required off-street loading space must be designed with adequate means of vehicular access to a street or alley and in a manner that will minimize interference with traffic movement.

F. Lighting

Parking lot lighting must meet the exterior lighting standards of Article 9.

G. Landscape and Screening

All parking lots must be landscaped and screened in accordance with Article 11.

10.8 SHARED PARKING

A. Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required in Table 10-5: Shared Parking Calculation. Multi-tenant retail centers are not eligible for shared parking. Mixed-use developments, multi-use office parks, and similar types of development, and property owners that establish cross-access easements are all eligible for shared parking.

B. Table 10-5 is applied in the following manner:

1. The required number of spaces for each use is calculated according Table 10-1.
2. The required number of spaces for each use is then applied to the percentages for each timeframe according to the appropriate land use category in Table 10-5 to determine the number of required spaces. This is done for each timeframe category.
3. The numbers are summed for within each timeframe and the highest sum total in a timeframe is the required number of spaces.

C. Shared parking may be located off-site so long as it complies with the location requirements of this Article.

TABLE 10-5: SHARED PARKING CALCULATION						
LAND USE	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	100%	100%	100%	100%	100%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel	100%	50%	90%	100%	65%	80%
Office	5%	100%	5%	0%	40%	10%
Industrial	5%	100%	5%	0%	60%	10%

10.10 STORAGE OF COMMERCIAL VEHICLES

A. No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

B. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside overnight on a lot in a residential district.

C. For non-residential uses in the non-residential districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition. Signs placed or painted on parked vehicles where the only purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited.

ARTICLE 11. LANDSCAPE

- 11.1 LANDSCAPE PLAN**
- 11.2 ENFORCEMENT OF LANDSCAPE PLAN**
- 11.3 SELECTION, INSTALLATION AND MAINTENANCE**
- 11.4 LANDSCAPE DESIGN STANDARDS**
- 11.5 PARKING LOT PERIMETER LANDSCAPE YARD**
- 11.6 INTERIOR PARKING LOT LANDSCAPE**
- 11.7 SITE LANDSCAPE**
- 11.8 BUFFER YARDS**
- 11.9 TREE PRESERVATION**

11.1 LANDSCAPE PLAN

A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and non-residential (including mixed-use) development, and any planned unit development. The landscape plan approval is a condition of the issuance of a building permit.

B. Content of Landscape Plan

1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Any proposed berming, earthwork, or stormwater management basins must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Any other details as determined necessary by the Zoning Administrator.

C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes that reduce the amount of plant materials contained within an approved landscape plan are a major change and must be approved by the body granting approval of the landscape plan initially.

D. Alternative Landscape Design

Alternative landscape design intended to improve stormwater quality and/or intended to decrease stormwater quantity will be considered if submitted as part of a site-specific stormwater management plan.

11.2 ENFORCEMENT OF LANDSCAPE PLAN

A. No certificate of occupancy will be issued until all the requirements of this Article and the landscape plan have been fulfilled. Failure to implement the landscape plan, or to maintain the lot in conformance with the landscape plan, may result in the application of fines and penalties, as established in this Ordinance. All landscape is subject to periodic inspection.

B. If weather prohibits the installation of landscape at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued with provision of funds equaling 125% of the cost of the item(s) to be completed are held in escrow with a bank or title company or are available to be drawn down from an approved mortgage.

11.3 SELECTION, INSTALLATION AND MAINTENANCE

A. Plant Selection

1. All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
2. Species must be capable to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimate.
3. The use of species native or naturalized to northeastern Illinois is required.
4. 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.
5. The use of drought and salt tolerant plant material is preferred.

B. Installation

All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

C. Maintenance

1. Landscape materials depicted on approved landscape plans are considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements.
2. All landscape materials must be maintained in good condition, present a healthy, neat, and orderly appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 60 days of notification, unless an extension is approved by the Zoning Administrator.

11.4 LANDSCAPE DESIGN STANDARDS

A. Minimum Planting Sizes

1. Shade trees must have a minimum trunk size of three inches in caliper at planting.
2. Evergreens trees must have a minimum height of six feet at planting.
3. Single stem ornamental trees must have a minimum trunk size of two and one-half inches in caliper at planting. Multiple stem ornamental trees must have a minimum height of eight feet at planting.
4. Evergreen or deciduous shrubs must have a minimum height of 24 or 30 inches in height at planting.

B. Tree Species Diversity

Diversity among required trees planted is required for visual interest and to reduce the risk of losing a large population of trees due to disease. Table 11-1: Tree Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees. When the calculation of tree diversity requirements results in a fraction, the fraction is rounded up.)

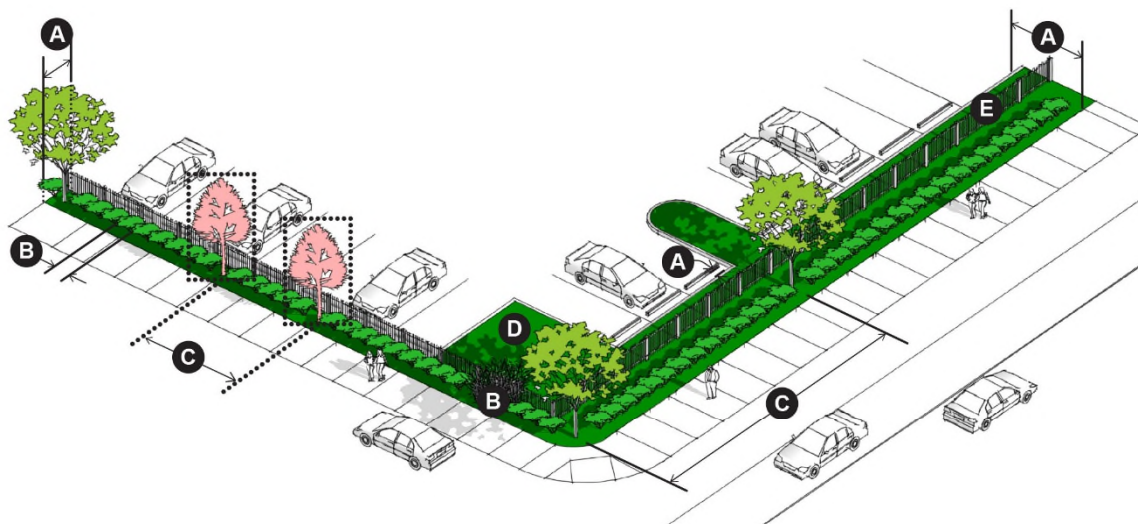
TABLE 11-1: TREE DIVERSITY REQUIREMENTS		
Total Number of Trees	Maximum Number of One Species	Minimum Number of Species
1-4	100%	1
5-10	60%	2
10-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

11.5 PARKING LOT PERIMETER LANDSCAPE YARD

A perimeter landscape yard is required for all parking lots that abut a public right-of-way and must be established along the edge of the parking lot to screen vehicle parking. The landscape treatment must run the full length of the parking lot perimeter along the right-of-way and must be located between the lot line and the edge of the parking lot. The landscaped area must be improved as follows:

- A. Landscape Yard Width.** The perimeter parking lot landscape area must be at least five feet in width, excluding a minimum linear distance of two feet along perimeter any wheels stops or curbs located next to the landscape area to accommodate vehicle bumper overhang.
- B. Shrub Screening.** Shrubs to screen parked vehicles must be planted at the rate of one shrub for every three linear feet of landscape yard. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.
- C. Tree Planting.** A minimum of one shade tree must be provided for each 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree.
- D. Groundcover, Perennials or Ornamental Grasses.** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.
- E. Decorative Metal Fencing.** In any Business District, a four foot high decorative metal fence, painted black, shall be installed located one foot inside the parking lot.

PARKING LOT PERIMETER LANDSCAPE



- A** The perimeter parking lot landscape area must be at least five feet in width with a minimum distance of two feet between the landscape area and any wheel stops.
- B** One shrub must be planted for every three linear feet, or a mix of shrubs, perennials, native grasses, and other planting types.
- C** A minimum of one shade tree must be provided every 50 linear feet. Two ornamental trees may be substituted for one shade tree.
- D** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.
- E** A decorative metal fence four feet high shall be installed within the landscape area one foot inside the parking lot. The requirement for the decorative metal fence applies only to parking lots in Business Districts.

11.6 INTERIOR PARKING LOT LANDSCAPE

All parking lots consisting of 20 or more spaces require interior parking lot landscape as described in this section.

- A.** All rows of parking stalls must terminate in a parking lot island or landscape area.
- B.** Where more than 20 parking stalls are provided in a row, one parking lot island must be provided between every 20 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 20 spaces.
- C.** Parking lot islands must be the same dimension as the parking stall, or larger. Double rows of parking must provide parking lot islands that are at least the same dimension as the double row.
- D.** A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. In addition to the required shade trees, a minimum of 60% of every parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, or ornamental grasses.
- E.** The use of stormwater management techniques, such as rain gardens and bioswales, is encouraged in landscape areas. Parking lot islands and landscape areas are encouraged to be designed to accommodate stormwater infiltration.
- F.** In addition to parking lot islands, additional landscape areas must be provided within the interior of parking lots when the parking area is 10,000 square feet or more in area. The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area square footage and is not counted toward required landscape area.

PARKING LOT INTERIOR LANDSCAPE



- A** All rows terminate in a parking lot island or landscape area.
- B** Where more than 20 parking stalls are provided in a row, one parking lot island must be provided between every 20 parking spaces.
- C** Parking lot islands are the same dimension as the parking stall.
- D** A minimum of one shade tree provided in every parking lot island or landscape area. In addition, a minimum of 60% of the area of every parking lot island is planted in shrubs, live groundcover, perennials, or ornamental grasses.
- E** Additional landscape areas provided within the interior of parking lots when the parking area is 10,000 square feet or more in area

11.7 SITE LANDSCAPE

A. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of the landscape area.

B. Where multi-family and non-residential (including mixed-use) developments are located ten feet or more from a street lot line and no parking is located in front of the structure and also where any the façade abuts any parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate entry design and other building functional operations during landscape plan review.

1. A single hedge row is required planted with one shrub every 36 inches on center, spaced linearly
2. Shade trees are required in the amount of one tree every 40 feet. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 20 feet.
3. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are required for any remaining area.
4. Planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement.

SITE LANDSCAPE



- A** Multi-family and non-residential (including mixed-use) developments are located ten feet or more from a street lot line.
- B** A single hedge row must be planted with one shrub every 36 inches on center.
- C** Shade trees are required in the amount of one tree every 40 feet, or two ornamental trees every 20 feet.
- D** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.

11.8 BUFFER YARDS

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required.

A. As of the effective date of this Ordinance, buffer yards are required for new construction along interior side and rear yards in the following cases:

1. Where a multi-family dwelling abuts a single-family, two-family, or townhouse dwelling.
2. Where a non-residential use is located within a residential district. This does not include public parks.
3. Where a non-residential district abuts a residential district.

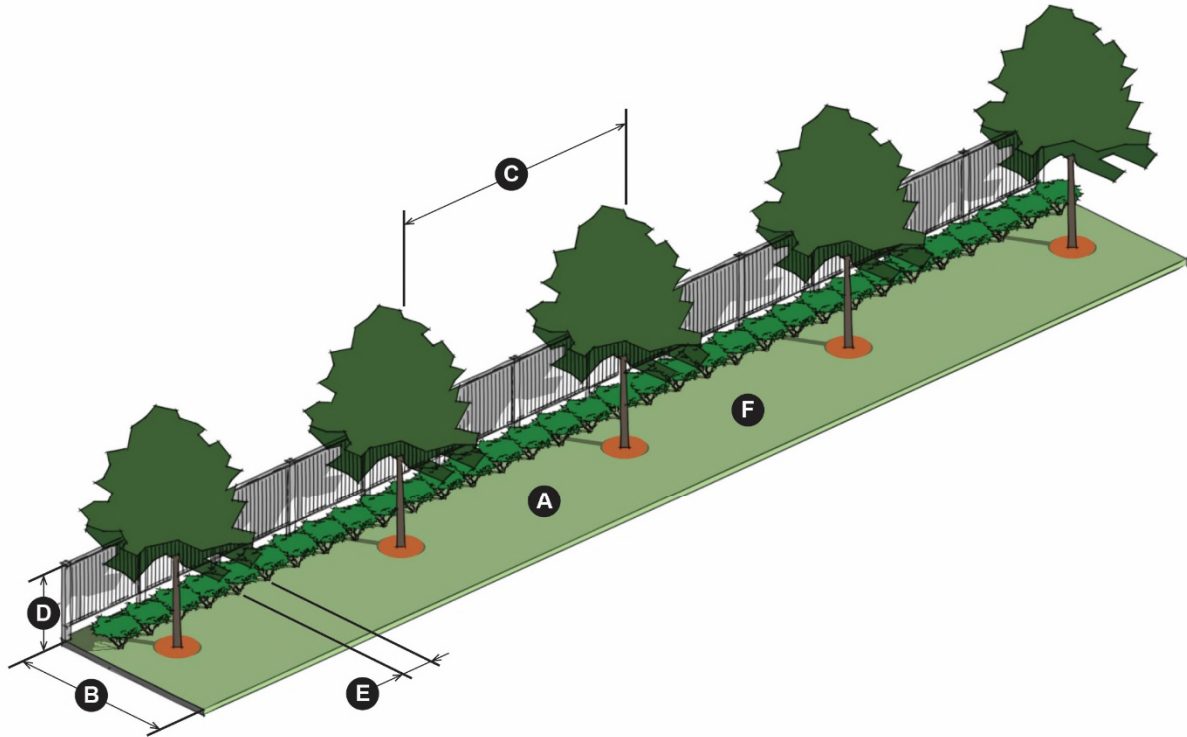
B. Buffer yards may be located within required yards, but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or other impervious surfaces are permitted within the buffer yard area.

C. The required design of buffer yards is as follows:

1. A buffer yard must be a minimum of ten feet in width.
2. One shade tree must be planted for every 25 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 25 linear feet of buffer yard length.
3. Existing trees that are preserved may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
4. Unless otherwise specifically required by the use standards of this Ordinance, a solid fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the buffer yard length.

5. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at maturity, must be planted for every three linear feet of buffer yard length, spaced linearly.
6. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.

BUFFER YARD



- | | |
|---|--|
| <p>A Reserved for the planting of material and installation of screening as required by this section.</p> <p>B Minimum of ten feet in width.</p> <p>C Shade or evergreen trees planted one per 25 linear feet.</p> | <p>D Solid fence or wall at a minimum of six feet and a maximum of eight feet in height erected along 100% of the buffer yard length.</p> <p>E Shrubs planted one per three linear feet.</p> <p>F 60% of the landscape area planted in live groundcover, perennials, or ornamental grasses.</p> |
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11.9 TREE PRESERVATION

Tree preservation is regulated by a separate chapter of the Harvard Municipal Code.

ARTICLE 12. SUBDIVISIONS

- 12.1 PURPOSE
- 12.2 APPLICABILITY AND SUBDIVISION CLASSIFICATIONS
- 12.3 SUBDIVISION APPLICATION PROCESS
- 12.4 EXCEPTIONS
- 12.5 DEVELOPMENT AGREEMENTS AND PERFORMANCE BONDS
- 12.6 PROTECTION OF PUBLIC IMPROVEMENTS
- 12.7 MAINTENANCE GUARANTEE
- 12.8 INSPECTION OF IMPROVEMENTS
- 12.9 CONSERVATION AND CLUSTER SUBDIVISION DESIGNS
- 12.10 SUBDIVISION DEVELOPMENT STANDARDS
- 12.11 RIGHT-OF-WAY STANDARDS
- 12.12 ILLEGAL SALES AND/OR RECORDING

12.1 PURPOSE

The subdivision of land within the City must be guided and regulated to ensure orderly development, environmental and economic sustainability, and harmonious growth. To satisfy these objectives, the proposed subdivision must demonstrate the adequacy of the following:

- A. Provisions for infrastructure such as storm drainage, water supply, sewage, and electricity.
- B. Streets and sidewalks to provide safe, convenient, and functional pedestrian, bicycle, and vehicular traffic flow.
- C. Lot and building layout to provide access to solar radiation, natural views, and air flow, to facilitate fire protection, and to provide ample access for firefighting equipment to all buildings.
- D. Landscape and vegetation to maintain the natural beauty of the land, preserve and provide habitat for wildlife, and preserve and protect existing ecosystems and ecological functions.
- E. Use trees and other green infrastructure to provide shelter, urban heat island reduction, and separation between modes of transportation.
- F. Recreational areas within or easily accessible to the subdivision, schools and other community services to meet the needs of future residents.

12.2 APPLICABILITY AND SUBDIVISION CLASSIFICATIONS

The regulations of this Article shall augmented by two separate documents: 1) Engineering Design Policies; and 2) Engineering Construction Details. No person may divide, consolidate, or otherwise alter the boundaries of any lot within the City except in compliance with these regulations. No permits will be issued by the City authorizing the building on, occupancy of, or improvement of any lot not on record until the requirements of this Article have been fully met and an approval of the subdivision issued. This Article regulates three types of subdivision:

A. Administrative Subdivision

An administrative subdivision involves the consolidation of, or change in boundary between existing adjoining lots. A conservation features inventory is not required.

B. Minor Subdivision

A minor subdivision is the division of a single lot into no more than four lots, which front on an existing public or private right-of-way, are served by existing municipal facilities, and do not involve the dedication of land. A conservation features inventory of previously undeveloped land or land previously in agricultural use, per Section 12.7 is required to determine whether the minor subdivision must follow conservation design subdivision standards.

C. Major Subdivision

A major subdivision involves any of the following actions. A conservation features inventory of previously undeveloped land or land previously in agricultural use, per Section 12.7, is required to determine whether the major subdivision must follow conservation design subdivision standards.

1. The division of a single lot into five or more lots.

2. Any division of land that involves construction of new public or private rights-of-way, the extension of municipal facilities, or the dedication of land for public rights-of-way, parks, or other public purposes.

D. Sustainable Subdivision Designs

1. Conservation Subdivision Design

Conservation subdivision design is an evaluation and design process intended to reduce the overall impact of developments in areas of significant natural resources by creating better site layout to reduce the effects of development to the existing natural land features and habitat. Utilizing conservation design promotes smart growth practices and sustainable development practices. If a conservation features inventory indicates that 20% or more of the total land area on-site has significant natural resources, conservation subdivision design is required.

2. Cluster Subdivision Design

Cluster subdivision is an optional subdivision process for minor or major subdivisions intended to preserve natural and scenic qualities while allowing for smaller lot sizes, while maintaining the lot count as calculated under the minimum lot size of the district, which normally would not be achievable through conventional development. Cluster subdivision allows for smaller lot development with access to common open space, both natural and improved, which is an asset that can enhance property values as well as quality of life. The conservation features inventory should be utilized in the planning and design of a cluster subdivision.

12.3 SUBDIVISION APPLICATION PROCESS

A. Pre-Application Conference (All Subdivision Types)

1. A pre-application conference with the Zoning Administrator is required prior to the filing of a preliminary plat.
2. The purpose of the pre-application conference is to make advice and assistance available to the applicant before preparation of the preliminary plat. The Zoning Administrator may include other relevant City departments and interested agencies in the pre-application conference.
3. The pre-application conference does not require a formal application or fee, unless the City finds it necessary to bring professional consultants to the meeting. Any opinions or advice provided are not binding with respect to any official action that may be taken on the subsequent preliminary plat.

B. Administrative Subdivision

1. Only a preliminary plat is required for an administrative subdivision application.
2. A preliminary plat must be filed with the Zoning Administrator.
3. Within 30 days of receipt of a complete application, the Zoning Administrator will review the proposed preliminary plat.
4. The Zoning Administrator must approve, approve with conditions, or deny the preliminary plat. Once approved, the preliminary plat is considered the final plat.

C. Minor Subdivision

1. Only a preliminary plat is required for a minor subdivision application.
2. A preliminary plat must be filed with the Zoning Administrator. The Zoning Administrator will review the preliminary plat and make recommendations to be forwarded to the City Council.
3. Within 60 days of receipt of the Zoning Administrator's recommendation, the City Council will review the proposed preliminary plat.
4. The City Council must approve, approve with conditions, or deny the preliminary plat. Once approved, the preliminary plat is considered the final plat.

D. Major Subdivision

1. A preliminary plat must be filed with the Zoning Administrator. The Zoning Administrator will review the preliminary plat and make recommendations to be forwarded to the Planning and Zoning Commission.
2. The applicant may be required to establish an escrow account to pay for professional services required by the City in reviewing the preliminary plat. Such escrow account shall also be used to pay for other professional services required by the City related to the subdivision.
3. The Planning and Zoning Commission will hold a public meeting on the preliminary plat within 60 days of receipt of the Zoning Administrator's recommendation.
4. The Planning and Zoning Commission will make a recommendation and forward such to the City Council.
5. The City Council, within 60 days of receipt of the Planning and Zoning Commission's recommendation, in a public meeting, may approve, approve with modifications, or deny the preliminary plat.
6. Within one year of approval by the City Council of the preliminary plat, the applicant must submit a final plat to the Zoning Administrator. The Zoning Administrator will review the final plat and make recommendations to be forwarded to the City Council regarding the final plat's conformance with the preliminary plat.
7. The City Council will make a determination of whether the final plat is in substantial agreement with the approved preliminary plat.
8. If the City Council determines that the final plat is in substantial agreement with the preliminary plat, they must approve or approve with conditions the final plat.
9. If the City Council determines that the final plat is not in substantial agreement with the preliminary plat, the applicant may revise the final plat and resubmit to the City Council for review. Alternately, the applicant may resubmit the final plat as a new preliminary plat and follow the process for a new preliminary plat.
10. Before the plat is approved as a final plat by the City Council, the owner must make all payments of any and all taxes and special assessments levied against the property being platted. In vacating subdivisions previously platted, the petitioner must submit evidence of the payment of all taxes and special assessments levied against the property in the same manner as is required for subdividing.

E. Recording of Final Plat

1. Following approval of the plat by the City Council and/or approval of revisions to the plat based on conditions imposed by the City Council, the final plat shall be recorded with the McHenry County Recorder's Office. One copy of the recorded document must be deposited with the City, and will become the property of the City, with all fees of such copies being the responsibility of the applicant.
2. The final plat must be recorded within 90 days of City Council approval of the final plat, unless the applicant requests an extension of time in writing and such extension is agreed to by the City Council. The plat approval will expire if the final plat is not recorded in such timeframe, including any agreed upon extensions of time,
3. No building permits will be issued until the final plat has been recorded with the McHenry County Recorder's Office and a copy of the recorded document deposited with the City.

F. Phasing

The City Council may permit a major subdivision to be completed in phases. The City Council may include any requirements or conditions on such phasing plan it deems necessary to ensure orderly development.

G. Modifications to Approved Plats

1. The moving of lot lines and rearrangement of easements are considered minor modifications and may be approved by the Zoning Administrator, provided that the lots meet the minimum requirements of this Ordinance and all other applicable regulations, and the number of lots remains the same. All other modifications are deemed major modifications and require resubmission of a preliminary plat.

2. No changes, erasures, modifications, or revisions may be made in any final plat after approval has been given by the City Council, unless the Zoning Administrator deems the changes a minor modification as noted above.
3. In the event that any such plat is recorded without complying with this requirement, the plat is considered null and void, and the Zoning Administrator must institute proceedings to have the plat stricken from the records of the McHenry County Recorder's Office.

H. Filing

The signature of the Mayor on the plat constitutes final approval of a plat, and authorizes the filing of the plat with the McHenry County Recorder's Office.

I. Appeals

An aggrieved party may appeal the preliminary plat or final plat decision of the City Council to courts. Appeals must be filed within 30 days after the decision.

J. Subdivision Application Requirements

1. Pre-Application Conference Submittal

- a. A sketch plan of the proposed subdivision indicating the general layout of any proposed streets, lots, and other improvements if applicable.
- b. A location map or sketch showing the general relationship of the proposed subdivision to its surrounding area, including the general location of existing major streets, schools, parks, and other relevant developments.
- c. A depiction of land reserved for streets, stormwater management, sewers, water, fire protection, public buildings, utilities, and other facilities is applicable.
- d. A map of the general locations of conservation features.

2. Preliminary Plat Submittal

- a. The preliminary plat and application materials prepared by a professional engineer or land surveyor licensed by the State of Illinois.
- b. Evidence of site control.
- c. A site plan drawn to a scale of not more than 100 feet to one inch with the following information:
 - i. A north point indication, scale, date of preparation of the preliminary layout, and the signature of the professional engineer or land surveyor preparing the same.
 - ii. A legal description of the land proposed to be subdivided.
 - iii. The boundary lines of the proposed subdivision, drawn to scale, including angles and distances, and a statement of the total area encompassed by such boundary lines.
 - iv. The location, dimensions, and layout of rights-of-way, blocks, easements, improvements, and utilities within and contiguous to the proposed subdivision, as well as the location and dimensions of such major features as railroad lines, waterways, and exceptional topography. This is not required for an administrative subdivision.
 - v. The layout, number, dimensions, and area of each lot within the proposed subdivision.
 - vi. The location, dimensions, and layout of all parcels of land intended to be dedicated for public use or reserved as common space for subdivision property owners, such as parks and other open spaces, if applicable. This is not required for an administrative subdivision.
 - vii. The location of all existing and proposed connections with existing and proposed water, sewer, and other utility lines, and an indication of provisions for and location of stormwater management facilities. This is not required for an administrative subdivision.

- e. An outline and description of all public improvements, if required, together with preliminary drawings and information as required by City departments and interested agencies.
- f. When required by the Zoning Administrator, to be determined during the pre-application meeting:
 - i. A topography map with contours at specified intervals.
 - ii. The location, size, and approximate grades of proposed sewers.
 - iii. Cross-sections of proposed rights-of-way, showing roadway widths and grades, bicycle and pedestrian facilities, green infrastructure, and street trees.
 - iv. The proposed location of water, gas, electric, cable, data delivery, and telephone outlets or lines.
- g. The conservation features inventory per Section 12.7.

3. Final Plat Submittal

The final plat submittals must include hardcopies in the number required by the Zoning Administrator and one electronic copy of the final plat and application materials, bearing the seal and signature of the professional engineer or land surveyor who prepared it. The final plat must conform to the approved plans and specifications for required improvements and the preliminary plat, incorporating any conditions required by the City Council, and including the following information, as applicable:

- a. Formal offers of dedication, when not set forth on the final plat, of any public rights-of-way or parks. All such offers of dedication must be accompanied by the appropriate deeds bearing a certification of approval by the City Attorney.
- b. The plans and specifications for required improvements containing the certifications required by this section, together with any required bonds and waivers.
- c. The final plat must contain the following:
 - i. The date of preparation of the final plat and by whom it was prepared.
 - ii. The boundary of the plat, based on accurate traverse, with angles and linear dimensions.
 - iii. The exact location, width, and name of all rights-of-way within and adjoining the plat.
 - iv. True angles and distances to the nearest established right-of-way line or official monuments.
 - v. Municipal, county, and section lines accurately tied to the lines of the subdivision by distances and angles.
 - vi. Radii, internal angles, points, curvatures, tangent bearings, and lengths of all arcs.
 - vii. All easements established for public use and utilities.
 - viii. All lot numbers and lot lines, with accurate dimensions given in hundredths of a foot.
 - ix. Accurate outlines of all areas dedicated or reserved for public use, with the proposed uses indicated, and all areas to be reserved for the common use of the property owners, with the proposed uses indicated.
 - x. Forms of dedication, approval, and certification as required by this Ordinance.
- d. Prior to submitting the final plat, the following approvals and certifications must be secured and evidenced on the final plat or by written documents supplementing such final plat:
 - i. An endorsement from abstract or title company certifying that there are no liens against the land to be subdivided arising from nonpayment of City taxes, water or sewer charges, or fines.

- ii. A certification by all who have an interest in the property to be subdivided, authorizing and acknowledging the preparation of the subdivision plat and the dedication of any thoroughfares and other public areas.
- iii. The approval of the City Engineer that the subdivision agrees with the City survey and is mathematically correct.
- iv. A certification from authorities where approval is required, of the plans and specifications for required public improvements, or waivers from the same.

12.4 EXCEPTIONS

- A. The City Council may grant exceptions to the standards and requirements of this Article, including applicable referenced sections, where there are particular difficulties or unnecessary hardships in the way of carrying out the strict letter of said standards and requirements.
- B. In no case may an exception to any requirement of the zoning district regulations be granted as part of subdivision approval; exceptions to the zoning district regulations must be granted per the variance processes of the Ordinance.
- C. In considering requests for exceptions, the City Council may impose additional conditions as deemed necessary to protect the quality of life, public health, safety, and welfare.

12.5 DEVELOPMENT AGREEMENTS AND PERFORMANCE BONDS

The requirements of this section shall be complied with prior to the approval and recording of a final plat of subdivision, except as noted otherwise.

A. Action By The Applicant:

- 1. Prior to the approval of a final plat, the applicant shall submit an executed subdivision development agreement, acceptable to the City, providing for the completion and guarantee of all required improvements in accordance with the approved plans and specifications, completion of all required improvements, and submission of as-built plans thereafter, to occur as provided for in such agreement.
- 2. After final plat approval, but prior to construction activity, the applicant shall submit a performance bond in accordance with subsection A2a of this section, naming the City as beneficiary thereto from an approved Illinois banking institution, savings and loan association, surety or insurance company, authorized to do business in this state, in a form acceptable to the City attorney. The cost of improvements shall be in accordance with cost estimates prepared by the Applicant at his expense by a registered professional engineer and approved by the City engineer.

a. Performance Bond:

A corporate surety bond, letter of credit, certified check, cash account or other financing surety submitted in accordance with this section to guarantee the completion of public improvements shall be in an amount equal to or greater than one hundred fifteen percent (115%) of the estimated cost of installing and constructing said public improvements, including labor and material required for the work, whether by subcontractor or otherwise, and shall provide as follows:

- i. An expiration date not less than one year from the date of issuance and an express provision that such surety or bond will not expire prior to completion and City Council acceptance of said public improvements;
- ii. That written notice shall be given by certified or registered mail to the City clerk of the expiration date, if any, of the surety bond not less than sixty (60) days before said expiration, and that the surety or bond shall not expire absent such notice;
- iii. That failure of the applicant to complete the public improvements secured by such surety or bond prior to the completion date and acceptance by the City Council shall be considered a default by the applicant and the issuing institution;

- iv. That failure of the applicant to submit a new surety or bond in accordance with this section upon expiration of such surety or bond shall be considered a default by the applicant and the issuing institution;
 - v. That the surety or bond shall be irrevocable and shall be clearly marked "irrevocable";
 - vi. That the surety or bond will not be discharged or reduced by the issuing institution except upon written certificate of the City clerk that said surety or bond may be discharged or reduced in accordance with this section and the amount of such discharge or reduction;
 - vii. That the issuing institution will pay all attorney fees and other costs reasonably incurred in enforcing collection of such financing surety in the event that the issuer wrongfully fails to honor the City's demand for payment under the terms of such surety or bond.
3. An Applicant may, at its option, submit separate sureties or bonds for each public improvement to be accepted.
 4. A surety or bond submitted in accordance with this section to guarantee the completion of public improvements may be reduced or partially discharged prior to completion and acceptance of such public improvements by the City Council such that:
 - a. A sworn statement by the applicant's engineer of the cost of work performed and labor and materials provided toward the completion of such improvement and estimating the amount and cost of work, labor and material remaining to be performed or provided in order to complete such improvement. This statement may be waived by the City Council where the estimated cost of the public improvement is less than five thousand dollars (\$5,000.00).
 - b. Written waivers of lien for all labor or material provided for such public improvement where public funds are involved.
 5. Any partial reduction or discharge of a surety or bond submitted in accordance with this section to guarantee completion of public improvements shall be subject to the following restrictions:
 - a. No partial reduction or discharge approved on account of work performed and labor and materials provided shall exceed the cost of such work, labor or materials;
 - b. No partial reduction or discharge shall be approved to the extent that it would cause the balance of funds remaining to be less than one hundred fifteen percent (115%) of the estimated cost of work, labor, and material remaining to be performed or provided in order to complete such improvements;
 - c. A partial reduction or discharge may be requested by the applicant a maximum of three times.
 6. When the Applicant has supplied all of the documents or materials required by this title to be submitted in support of its request for discharge of a surety or bond or acceptance of the public improvement as completed, the City Council shall approve or disapprove such request within sixty (60) days of the applicant's request. If the applicant's request is disapproved, a written statement of the reasons for such disapproval shall be given to the applicant. The applicant and the City Council may mutually agree to extend the sixty (60) day period. In addition, the sixty (60) day period shall be extended as necessary in the event that weather prevents the City from verifying the facts contained in the applicant's request.
 - a. Except as provided herein, all public improvements to be transferred to the City must be properly completed before acceptance by the City. Where it is determined that it is in the best interest of the City that completion of parkway restoration, landscaping, and/or sidewalks be delayed to prevent damage during subsequent construction activity, the City may accept all properly completed public improvements, retaining a portion of the construction security to ensure proper completion of the parkway restoration, landscaping and/or sidewalks.

12.6 INSPECTION OF IMPROVEMENTS

- A.** A pre-construction conference between the applicant, City Engineer, and any affected department head must be held prior to any work being initiated. The applicant must furnish an itemized construction schedule, giving dates for performing each portion of the work.
- B.** It is the responsibility of the applicant to properly notify the City Engineer and each affected City department to inspect the required improvements, which will eventually become the maintenance responsibility of that

department. All required improvements that will not be the responsibility of a specific department of the City will be inspected by the Zoning Administrator with assistance, as necessary, from other departments and the City Engineer, or the affected utility vendors. Upon inspection, if any of the required road improvements have not been constructed in accordance with the applicable construction standards and specifications, the applicant is responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company are severally and jointly liable for completing the improvements according to specifications.

- C. The City will inspect the required improvements during construction to ensure their satisfactory completion, per City standards. Inspection of improvements by City representatives will not be the basis of the applicant's evaluation of the work performed by his contractors. The applicant's design engineer for the development must ensure compliance of the improvements in a certification to City. If the appropriate governmental representative finds upon inspection that any of the required improvements have not been constructed in accordance with the governing body's construction standards and specifications, the applicant is responsible for completing the improvements to the required standards and specifications. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company are liable severally and jointly for completing said improvements according to specifications.
- D. Prior to release of the performance bond, the applicant must provide a letter from the design engineer indicating that he/she has inspected the project and attest that it has been constructed, as per the approved design. This letter must be signed and sealed by the design engineer.

12.7 PROTECTIONS OF PUBLIC IMPROVEMENTS

- A. During the construction phases of development of the subdivision, and prior to acceptance by the City of the public improvements, the applicant shall be solely responsible for all required public improvements which shall be maintained in good condition, as well as any existing public improvement within, or otherwise affected by, the subdivision. All such required and existing public improvements shall be protected and maintained in good condition, and as necessary repaired and restored, to prevent material deterioration thereof, and to assure that no imminent hazard to life or property shall exist or be created.
- B. In the event the applicant fails to properly protect, maintain or restore existing public improvements, as required herein, the City of Harvard may, upon ten days prior written notice to the applicant, perform or have performed on its behalf any protection, maintenance or restoration work which is reasonably necessary to assure the protection of the public, any required or existing public improvements, or to otherwise ensure compliance with this Unified Development ordinance. Such notice shall be either personally served upon the applicant or sent by regular mail and by certified mail, return receipt requested and shall be considered served by the earlier of the date of personal service, the date of receipt as evidenced by certified return, or five days after regular mailing.
- C. In the event that it is determined by the City that failure of the applicant to properly protect, maintain or restore such required or existing public improvements will result in imminent hazard to life or property, the City may, at the sole discretion of the City Engineer and without prior notice to the applicant, perform or have performed on its behalf any maintenance or restoration work reasonably necessary to prevent such hazards. Within ten days thereafter the applicant shall be notified in writing by the City of the performance of such work by the City and the cost thereof.
- D. The applicant shall pay all costs incurred by the City for work performed under this section within thirty days of completion of such work and receipt of a notice setting forth the work performed and expenses incurred. In the event such payment is not made in a timely manner, the City shall withdraw the construction security required by this Unified Development ordinance in an amount equivalent to the cost of such work and any collection costs, including professional services, incurred in collecting such amount.

12.8 MAINTENANCE GUARANTEE

- A. Prior to the acceptance of the public improvements by the City of Harvard, and prior to the issuance of any occupancy permits, the applicant shall provide to the City a Maintenance Guarantee in the amount of 115% of the cost of the public improvements for a period of 1 year.
 - 1. The cost for each improvement must be itemized in a list prepared, signed and sealed by the applicant's design engineer.
 - 2. Such maintenance guarantee must be in the following form and conditions, subject to approval by the City.

- i. The maintenance guarantee must be secured by a letter of credit, certified check or insurance bond from an approved Illinois financial institution prior to the start of any construction. It must be in the amount of 115% of the cost of all public improvements as approved by the City Engineer.
 - ii. This must also be used as a guarantee for any repairs which may be required to City roads that have been identified or designed during the review process by the City as having been damaged as a result of any construction vehicle or equipment used during the construction by the developer/applicant.
 - iii. The term will be for a minimum of one-year maintenance period.
 - 3. Where a development has been improved in phases, the applicant is responsible for the proper functioning of drainage improvements for the entire development site.
 - 4. Record drawings prepared by the applicant's design engineer are submitted and approved by the City Engineer.
 - 5. Appropriate bills of sale and waivers of liens for the public improvements to be transferred to the City must be delivered to the City.
 - 6. Maintenance and monitoring for wetlands and stormwater best management practices, are negotiated and in place if required.
- B. During the one-year maintenance period, the applicant shall be obligated, upon written notice from the City as provided herein, to repair or reconstruct any public improvement or portion thereof which may deteriorate, fail or otherwise cease to meet the standard established by the engineer's certificate or record drawings. Provided ordinary maintenance shall not be the obligation of the Applicant.

The City shall provide written notice to the applicant of deterioration of public improvements, specifying a time period in which such deterioration is to be remedied and the applicant shall perform the necessary repair or reconstruction at his/her own expense, within the time specified.

In the event that it is determined by the City that failure of the applicant to restore existing public improvements will result in imminent hazard to life or property within the subdivision or in areas adjacent thereto the City may, without prior notice to the applicant, perform or have performed on its behalf any restoration work reasonably necessary to prevent such hazards. Within thirty days thereafter the applicant shall be notified in writing by the City of the performance of such work and of the cost thereof.

In the event that during the maintenance guarantee period the applicant shall fail to repair, reconstruct or otherwise remedy conditions of deterioration of public improvements in the subdivision within the time specified in the City's written notice of such conditions, or shall fail to reimburse the City for the cost of emergency restoration performed by or on behalf of the City pursuant to this section within thirty days of receiving notice of such costs, the City may draw on the maintenance guarantee.

In the event the maintenance guarantee is insufficient to fund any charges, costs or expenses described in this section, including collection costs and professional services fees, the applicant shall be responsible for such deficiency. The applicant shall cause such deficiency to be paid to the City upon thirty (30) days notice. In the event such payment is not timely made, the City may institute appropriate proceedings to collect such amounts, plus all costs associated with such collection, including professional services.

12.9 CONSERVATION AND CLUSTER SUBDIVISION DESIGNS

A. Conservation Features Inventory Required

- 1. A conservation features inventory (CFI) must be included in an application for any subdivision of previously undeveloped land or land previously in agricultural use, with the exception of an administrative subdivision.
- 2. The CFI must be submitted prior to the preliminary plat. If the CFI indicates that 20% or more of the total land area on-site has significant natural resources, conservation design is required. Review and verification of whether or not conservation design is required will be conducted by the Zoning Administrator, which has the ability to consult with other City staff and/or the ability to hire outside consultants for the review at the applicant's expense.

3. The CFI must include the entirety of the subject area. For context, it is encouraged to show any CFI features on adjacent land within 150 feet of the subject area.

B. Conservation Features Inventory Contents

A CFI must address each element of this section, including statements that such resources are not present.

1. Streams and Floodplains

- a. The CFI must show all streams and drainage courses, and floodplains as shown on FEMA flood insurance rate maps or more current sources of information.
- b. Topographic maps must be used to determine the presence of streams and drainage courses. If engineering studies provide the basis for topographic or flood plain information, they must be approved by a professional engineer.

2. Steep Slopes

The CFI must show existing slopes greater than 12%. Slopes between 12% to 30% must be distinguished from slopes greater than 30%.

3. Soil Limitations

The CFI must show sensitive soils as identified on any soil survey prepared for a government body. Soil limitations on development must be noted on the CFI. Severe soil limitations must also be noted and described, which are defined as having one or more of the following characteristics as identified below:

- a. Seasonal high water table
- b. Subject to flood hazard
- c. Poor drainage
- d. Wetland/hydric soil conditions
- e. High shrink/swell potential
- f. Shallow depth to bedrock
- g. Excessive slopes
- h. High susceptibility to erosion

4. Wetlands

- a. The CFI must show all wetlands as defined by the Federal Clean Water Act.
- b. U.S. Fish and Wildlife Service National Wetlands Inventory maps and other sources required by the City may be used to identify wetlands.
- c. Wetlands must be shown on the CFI by a line denoting the boundary of wetlands or a note stating that no wetlands exist on the site.
- d. If the applicant is considering development that will impact or remove wetlands, a report must be submitted explaining the functional value of wetlands and measures proposed to mitigate any loss of wetlands.

5. Woodlands

The CFI must show woodlands indicated by the most current aerial photos or other available sources. Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more. Such areas must be delineated by a circumferential line extending to the outer perimeter of the tree canopies. Tree varieties and range of size must be indicated.

6. Threatened and Endangered Species

The CFI must show generally the habitat and location of flora and fauna designated as rare, threatened, endangered, in need of conservation, or listed as watch list species, as determined by the U.S. Fish and Wildlife

Service or other sources required by the City, known to exist on the property proposed for development.

7. Existing Wildlife

A general description of existing wildlife seen or known to exist on the subject property must be set forth in a note on the CFI. The note must address potential wildlife management problems (e.g., displacement, residential interactions, road crossings, movement corridors) related to the proposed development.

8. Cultural and Historic Resources

Any cultural or historic resources identified by the City and/or any other known or identified cultural or historic resources.

C. Conservation Subdivision Design Standards

1. Intent

Conservation subdivision design is intended to guide development so that it locates and coordinates areas for development where the conservation of natural features is prioritized, and provides common open space areas for passive and/or active recreational use by residents of the development and, where appropriate, the larger community.

2. General Requirements

- a. Lots must be configured to minimize the loss of natural resources, including wetlands, water bodies, woodlands, and historical resources.
- b. The development must preserve scenic natural views, including views from roadways.
- c. If agricultural uses are being maintained within the development, lots must be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

3. Development Standards

- a. Lots must be arranged in a manner that protects areas of conservation value identified in the CFI, and facilitates pedestrian and bicycle circulation throughout the development.
- b. For lots without public sewer or water, wells and septic systems may be located within no more than 30% of the required common open space, provided that necessary easements are provided for maintenance of these facilities.
- c. The permitted residential density for the development as a whole is calculated as follows:
 - i. First, determine the maximum residential density of the zoning district by dividing the area of the entire development site by the minimum lot area required for a detached single-family dwelling of the underlying district. If other City ordinances require a larger lot size when there is no public sewer and/or water available, such lot sizes are used in the calculation.
 - ii. Second, increase the resulting density by 25%.
- d. There are no required lot area or lot width standards for residential development in a conservation design. However, such lot sizes and the development as a whole are still subject to City ordinances and approvals if no public sewer and/or water available. Other dimensional standards, such as setbacks, height, and coverage, are those of the R-3 District for the dwelling type.
- e. Residential dwellings must be clustered according to the following standards.
 - i. Each residential cluster is limited to no more than 30 dwellings.
 - ii. Residential clusters should be located a minimum of 150 feet apart lot line to lot line, separated by greenbelts or other natural features. The greenbelts may include bike paths or hiking trails, no development is permitted within these separation areas.
 - iii. Residential clusters must be located to minimize negative impacts on the natural, scenic, and cultural resources of the site.

iv. Residential clusters must be sited to achieve the following goals:

(a) Minimize disturbance to natural areas. Clear-cutting is prohibited.

(b) Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.

(c) Protect scenic views of open land from adjacent roads to the extent practical.

v. Whenever possible, open space must connect with existing or potential open space on adjoining parcels and local or regional recreational trails.

vi. Whenever possible, fragmentation of woodland areas and other natural ecosystems must be avoided. Contiguous swaths of undisturbed or restored habitat should be preserved to create corridors for the movement of wildlife and natural resources, and to promote biodiversity.

f. There must be a perimeter buffer yard around the entire conservation design development of no less than 50 feet. No development is permitted in this perimeter buffer yard, which must remain landscaped with no structures. This perimeter buffer yard may be included in the required percentage of open space if undivided and restricted in perpetuity from future development. Access points to the development are permitted within this perimeter buffer yard.

4. Required Common Open Space

40% of the land area in a conservation design must be maintained as active or passive common open space, as described in Section 12.11.

D. Cluster Design Standards

1. Intent

The cluster subdivision is intended to allow for denser residential development of varying lot sizes that is organized around common open space primarily for use by the residents of the development.

2. General Requirements

a. Cluster subdivision is permitted in the following districts: RA, R-1, R-2, R-3, R-4 and R-6.

b. Lots must be organized around access to common open space.

3. Development Standards

a. The permitted residential density for the development is as follows:

i. No lot may exceed the minimum lot size established in the residential district.

ii. Minimum lot sizes established in the district may be reduced by 30%. In the RA District this may be reduced by 50%.

b. Residential dwellings must be clustered and organized around access to the common open space.

c. Lots must be arranged in a manner that facilitates pedestrian and bicycle circulation throughout the development.

4. Required Common Open Space

25% of the land area in a cluster design must be maintained as active or passive common open space, as described below.

5. Common Open Space Standards

Any subdivision that requires or includes common open space must meet the standards of this section.

- a. The minimum open space required must be owned and managed as described in this section. The uses within the open space must be accessible to the residents of the development. These uses may also be available to the general public. The required open space must be undivided and restricted in perpetuity from future development.
- b. The following active and passive open space uses are counted as common open space:
 - i. Natural water features, wetlands, and conservation areas. No more than 20% of the total area required to be common open space area may consist of water bodies, ponds, floodplain, or wetlands.
 - ii. A trail system connecting open space areas.
 - iii. Recreational facilities such as swimming pools, tennis courts, and skateparks. No more than 30% of the total area required to be common open space may consist of structures for recreational facilities.
 - iv. Hiking trails and greenways.
 - v. Parks and playgrounds.
 - vi. Detention/retention areas accessible to occupants or the public via nature trails, boardwalks, perimeter walkways, or streets, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation.
 - vii. Botanical gardens, greenhouses, and community gardens.
 - viii. Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing barn or silo, etc.).
 - ix. Agricultural uses, including vineyards with wineries and stables.
- c. The following are permitted but are specifically excluded from the required common open space percentage:
 - i. Yards on individual lots or yards that are reserved for the exclusive use of an individual property owner.
 - ii. Dedicated streets, alleys, or other public rights-of-way.
 - iii. Vehicular drives, private streets, and parking, loading and storage areas.
 - iv. Golf courses.
- d. A management plan must be prepared and submitted for all common open space, including any man-made drainage facilities that serve more than one property, such as detention/retention ponds. The designated common open space and common facilities must be owned and managed by one or a combination of the following and the management plan must meet the standards for each type:
 - i. **Homeowners Association**
(Amended Ord 2023-120, §3)
 - (a) The developer must provide the City with a description of the association, proof of incorporation of the association, a copy of its bylaws, and satisfactory proof of adoption thereof, a copy of the declaration of covenants, easements, or restrictions or similar document(s) regulating the use of the property and setting forth methods for maintaining the open space.
 - (b) The association must be organized by the developer consistent with the development agreement entered into with the City of Harvard.
 - (c) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to the homeowners must be identified.

- (d) The association is responsible for maintenance and insurance on open space owned by the association, enforceable by liens placed by the homeowners' association. Maintenance obligations also may be enforced by the City, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- (e) The members of the association must share equitably the costs of maintaining open space owned by the association. Shares must be defined within the association bylaws or declaration. Association dues must be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any facilities and must be reserved for such purposes.
- (f) The association must have or hire adequate staff to administer common facilities and to properly and continually maintain the open space.
- (g) The homeowners' association may lease open space lands to any other qualified person or corporation for operation and maintenance of such lands, but such a lease agreement must provide:
 - (1) That the residents of the development will at all times have access to the open space lands contained therein (except that access to land that is actively farmed).
 - (2) That the open space lands to be leased must be maintained.
 - (3) That the operation of open space facilities may be for the benefit of the residents only or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be.
- (h) Homeowners' association documentation approved by the City demonstrating compliance with these provisions must be recorded with the final subdivision, and proof of recording thereof must be provided to the City prior to the issuance of any building permits for the property. At the time of preliminary plan submission, the applicant must provide draft homeowners' association documentation with sufficient detail to demonstrate compliance with this section.
- (i) Secure and permanent funding arrangements shall be established for the long-term management and maintenance of common open space, deed-restricted open space, and stormwater facilities once said responsibilities are turned over to a public agency, private land conservation organization, or homeowners/property owners' association. Said funding arrangements shall be noted and made part of the covenants and restrictions. A management entity with demonstrated experience and qualifications in natural land management and ecologic stewardship shall be utilized to perform short- and long-term management responsibilities for open space and natural areas. The entity may be a public or private land conservation organization or a professional natural land management specialist or company.
- (j) A back-up special service area (SSA) is required to provide funds necessary to support the maintenance and upkeep of site elements to be maintained by and the responsibility of a homeowner's association, such as sidewalks, open space, and stormwater management areas. The back-up SSA shall be established and detailed in the covenants and restrictions as a condition of the final plat. The back-up SSA shall give the City the ability to levy an ad valorem special tax against all taxable property within the proposed SSA in order to fund necessary maintenance, program administration, and other associated costs. The subdivider shall submit to the Community Development Department a fully-executed SSA ordinance.
- (k) Purpose and Intent: The purpose of this section is to provide for the acquisition of common areas within subdivisions by the municipality in the event that the homeowners association responsible for the maintenance and management of the common areas ceases to exist or becomes inactive. This section is intended to ensure that the common areas are maintained and used for their intended purpose for the benefit of the public.
- (l) Inclusion in Covenants and Restrictions: All covenants and restrictions governing the use and maintenance of common areas within subdivisions located within the municipality shall include a provision that, in the event that the homeowner's association responsible for the common areas becomes inactive or is dissolved, the common areas shall be subject to acquisition by the municipality through eminent domain for public use.

- (m) **Municipal Acquisition:** Upon the dissolution or inactivity of the homeowner's association responsible for the common areas, the municipality may acquire the common areas through the exercise of eminent domain in accordance with the Eminent Domain Act (735 ILCS 5/7-101 et seq.) and other applicable state and local laws.
- (n) **Compensation:** The property owners shall be entitled to just compensation for the acquisition of the common areas by the municipality, as determined through the eminent domain process.
- (o) **Use of Common Areas:** Upon acquisition of the common areas by the municipality, the areas shall be used for public purposes consistent with the intended use of the areas, such as parks, trails, or other community amenities.
- (p) **Dedication of Adjacent Land:** In the event that the common areas adjacent to a property are acquired by the municipality, the municipality may dedicate the adjacent land to the property owner to become part of their property for private use. This dedication shall create new property boundaries and legal descriptions and shall comply with all applicable state and local laws.

ii. Condominium Association

To the degree applicable, condominium documents must comply with item i above for homeowners' associations. Condominium documents must be recorded with the final subdivision. At the time of preliminary plat submission, the applicant must provide draft condominium documents with sufficient detail to demonstrate compliance with this section.

iii. Private Conservation Organization

With the permission of the City, an owner may transfer either fee-simple title of the open space or easements on the open space to a private, conservation organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

- (a) The organization is acceptable to City, and is a bona fide conservation organization with perpetual existence.
- (b) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- (c) The open space is permanently restricted from future development through a conservation easement and the City is given the ability to enforce these restrictions.
- (d) A maintenance agreement acceptable to the City is entered into by the developer and the organization.

iv. Private Ownership

An individual who will maintain the land for common open space purposes, as provided by a conservation easement. This option may be used only on a very limited basis for unique situations where no other options are practical, as approved by the City Council.

12.10 SUBDIVISION DEVELOPMENT STANDARDS

A. Public Facility Requirement

Land proposed for subdivision must be served adequately by essential public facilities and services. Land will not be approved for subdivision unless and until public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, and transportation facilities necessary to serve the proposed development, whether such facilities are located within the land being platted or outside of the site.

B. Conformance to Plans

Proposed land division and public improvements must be consistent with the Comprehensive Plan and any applicable public facilities and capital improvements plans.

C. Water

All platted lots must be connected to a public water system or properly permitted to ensure water for health and emergency purposes, including adequate fire protection. Where a connection to a public water system is present at the boundary of the subdivision:

1. Water distribution facilities, including fire hydrants, must be installed to serve all properties within the subdivision, in addition to any additional requirements for public sewer in state law.
2. Connections must be extended for and throughout the entire subdivision in such a manner that each lot within a subdivision is serviced by means of a connection to the water system within its own frontage.

D. Sewer

1. All platted lots must be served by public sewer system or an alternate approved means of wastewater collection and treatment.
2. The location of sewers must be approved by the City Engineer. Whenever possible, they should be located within the parkway.
3. Where sewers are provided, sewer service lines must be installed to serve all lots within the subdivision at the time they are constructed. Sewer service lines must extend to the lot line and the preferred location is the low side of the lot.

E. Streets

All streets must provide a safe, convenient and functional system for vehicular and pedestrian circulation. All streets must be appropriate for the traffic characteristics and impacts of the proposed development. All rights-of-way must meet City right-of-way standards and the standards of Section 12.9.

F. Drainage

Drainage improvements must accommodate potential runoff from upstream drainage areas and designed to prevent overloading the capacity of the downstream drainage system. This may require the phasing of development, the use of control methods such as retention, detention, or pumping systems, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development. All developments must meet the stormwater management requirements of the McHenry County Stormwater Ordinance. Green infrastructure stormwater management best practices are encouraged.

G. Phasing

Phasing of development or improvements may be required as part of subdivision approval to maintain current levels of service for existing public services and facilities or for other reasons based upon protecting the health, safety, and welfare of residents. Subdivided undeveloped and tree cleared lots that create a negative effect on the health and wellbeing of the surrounding neighborhoods or wildlife communities must be avoided through phasing; no exceptions are allowed.

H. Lot Configuration

1. Lot width and area, and all setback lines, must conform to all requirements of the zoning district standards of this Ordinance. The following exceptions apply:
 - a. If the subdivision is a conservation design, it is subject to the regulations of conservation design.
 - b. If the subdivision is a cluster design subdivision, it is subject to the regulations of cluster design.
2. All lots must front directly upon and take access from a public or private road.
3. Every lot created by subdivision must be substantially similar in shape to those lots on the same block, unless the contours of an adjacent street or previously established lot render such shape impractical. Every lot or parcel of land that is subdivided must contain a relatively straight boundary line between each lot. Side lot lines must be approximately at right angles or radial to the street line.
4. Flag lots are prohibited. Through lots must be avoided, except where needed to overcome specific disadvantages of topography and orientation.

I. Utilities

1. If located outside of a right-of-way that will be deeded over to the City, easements must be provided for utility services including, but not limited to, sanitary sewer, storm sewer, water, gas, telecommunication, cable television, and electric. The location of a utility easement is determined by the City Engineer. Utility services should be clustered within a single easement when practical.

2. Underground utility is required unless specific site conditions make the installation of underground utilities impractical.

J. Right-of-Way Design

1. All rights-of-way must meet City right-of-way standards as provided in Section 12.9.
2. The plat must indicate that the City will take responsibility for maintaining the rights-of-way after final acceptance.
3. The subdivider must furnish and erect all necessary traffic control and directional signs, including street signs, as designated by the City Engineer. All signs must be of a type approved by the City Engineer.
4. Shoulders are required along all streets not provided with curbs and gutters. Green infrastructure design is encouraged for shoulders. Curbs and shoulders must be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) standards.
5. All street construction must meet City standards.
6. Streets will not be accepted by the City until all construction detailed in the plans is completed. It is the responsibility of the subdivider to consult with the City Engineer before the work has begun to afford the City Engineer an opportunity to inspect the work as construction progresses.

12.11 RIGHT-OF-WAY STANDARDS

A. Applicability

1. All new construction, reconstruction, and reconfiguration of City rights-of-way must comply with this Article; however, any standard may be modified as needed by the City Engineer to address specific site conditions. A right-of-way must be designed in relation to topographic and drainage conditions, public convenience and safety, and the existing and proposed development served by the right-of-way.
2. Right-of-way design and construction is subject to or may reference standards outside of this Ordinance. These include but are not limited to most recent editions and as updated:
 - a. Standards issued by the Illinois Department of Transportation (IDOT)
 - b. Manual on Uniform Traffic Control Devices (MUTCD)
 - c. Standards issued by American Association of State Highway and Transportation Officials (AASHTO)
 - d. Standards issued by National Association of City Transportation Officials (NACTO)

B. Connectivity

1. New public rights-of-way must extend to the boundary lines of the tract to be subdivided to connect to abutting rights-of-way. The City Council may require construction easements to be established on the plat to allow the adjacent development to construct and adjoin the streets in the future onto the property currently under consideration for development. When proposed streets are extended by dedication to the boundary of such property, stub streets must be provided with a temporary turnaround easement. All turnarounds must be paved and maintained by the developer until the permanent road connection is made.
2. Extensions must include street construction and dedication of right-of-ways to the property lines. If the street cannot be constructed without the use of retaining walls or other special features it is the responsibility of the owner/developer to construct such features to facilitate construction of the roadway to the property line for a future connection by adjoining property development.
3. All major subdivisions must provide a minimum of two separate remote means of ingress and egress.
4. The creation of reserve strips adjacent to any existing or proposed public right-of-way to deny access from adjacent property to the right-of-way are prohibited.

5. Blocks must connect to and extend the existing block network where possible. This requirement does not apply when connections cannot be made because of a natural or man-made barrier, such as existing structures, steep slopes, waterbodies, railroad and utility rights-of-way, and parks.
6. All rights-of-way must terminate at other rights-of-way, forming a network. The City Engineer may approve cul-de-sacs and dead-end streets only when a natural or man-made barrier, such as a waterway, railroad, limited-access expressway, or unusual topography exists that prevents connection. Any cul-de-sac or dead end street must meet the following:
 - a. The cul-de-sac or dead-end street is no more than 750 feet in length, as measured along the centerline from the closest intersection to the center of the cul-de-sac.
 - b. If a cul-de-sac or dead-end street is allowed, a 96 foot minimum width is required for the paved area of the turnaround, with the center of the turnaround maintained in turf/landscape area.

C. Blocks

1. Blocks must be of a sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public rights-of-way, railroads, or waterways.
2. Residential blocks must not exceed 1,000 feet in length.
3. The shape of a new block must be generally rectangular, but may vary to conform to natural features, highway and rail rights-of-way, park boundaries, or site constraints. Where blocks curve, they must generally maintain their general orientation of north/south and east/west over their trajectory.

D. Construction

All street right-of-way construction, grading, and repair must be in accordance with the City's Engineering Design Standards and Engineering Construction Details. Grades of public rights-of-way must conform as closely as possible to the original topography. A combination of steep grades and curves is not permitted. The maximum grade is 10% unless otherwise allowed by the City Engineer. Roadways must not be constructed so that residential dwellings on adjacent lots sit below right-of-way grade.

E. Sidewalks

1. Sidewalks are required on both sides of a street. The City Council may waive requirements for sidewalks on one side of a local street based on densities of development, anticipated traffic volumes, and street lengths and connections.
2. All sidewalk construction and repair must be in accordance with City standards and specifications. In addition, sidewalks must meet the following standards:
 - a. The minimum width of any sidewalk must be five feet and located one foot from the right-of-way line. All sidewalks must meet all standards of the Americans with Disabilities Act (ADA), including properly constructed handicap ramps with installation of truncated/bubble tread plate brick inserts constructed as part of the ramp.
 - b. Concrete curb and gutters are required for all public rights-of-way where sidewalks are to be constructed.
 - c. Concrete curbing widths are not calculated as part of the required sidewalk width. The curb of a curb and gutter section must contain an expansion joint between the curb and the sidewalk when the sidewalk is constructed against the back of curb and gutter section. The width of a sidewalk located adjacent to curb must be not less than seven feet wide. The expansion joint is not calculated as part of the required sidewalk width.
 - d. Sidewalks must be constructed of concrete or other masonry material (brick, stone, etc.) approved by the City Engineer.
3. Sidewalk location, width, and material must be delineated on both the preliminary and final plat. Sidewalks must be completed within all subdivisions within five years of the recording of the final plat for that particular phase/section of the development. The developer is responsible for the installation of sidewalks.

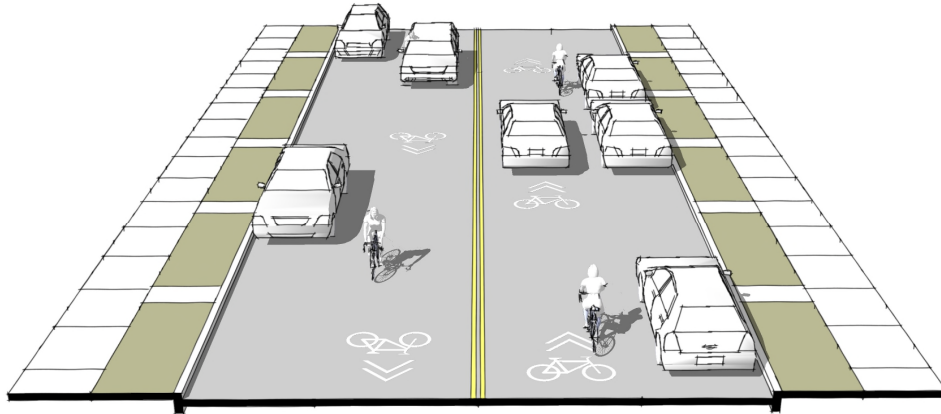
F. Bicycle Lanes

Where bicycle lanes are included in right-of-way construction, appropriate designs include, but are not limited to, the types of design described in this section. Where installed, bicycle facilities should be constructed in accordance with the Manual on Uniform Traffic Control (MUTCD) and the Urban Bikeway Design Guide published by the National Association of City Transportation Officials (NACTO).

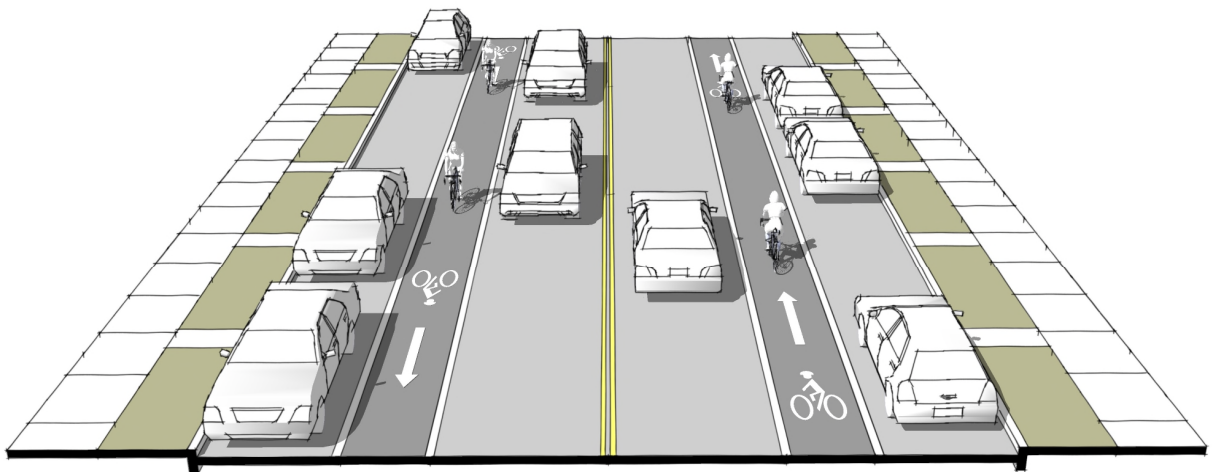
1. **Shared:** A marking placed in a vehicular travel lane to indicate that a bicyclist may use the full lane. Also called a shared-lane marking.
2. **Bike Lane:** A portion of the roadway that has been designated by striping, signs, and pavement markings for the preferential or exclusive use of bicyclists, typically located adjacent to motor vehicle travel lanes and flowing in the same direction as motor vehicle traffic.
3. **Buffered Bike Lane:** A conventional bicycle lane paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane.
4. **Contra-Flow Bike Lane:** A bicycle lane designed to allow bicyclists to ride in the opposite direction of motor vehicle traffic, typically used to convert a one-way traffic street into a two-way street, one direction being for motor vehicles and bikes, and the other being for bikes only.
5. **Left-Side Bike Lane:** A conventional bike lane placed on the left side of one-way streets or two-way median divided streets.
6. **Cycle Track:** An exclusive bike facility that combines the user experience of a separated path with the on-street infrastructure of a conventional bike lane. A cycle track is physically separated from motor traffic and distinct from the sidewalk.
7. **Raised Cycle Track.** A bicycle facility that is vertically separated from motor vehicle traffic, typically paired with a furnishing zone between the cycle track and motor vehicle travel lane and/or pedestrian area, and allowing for one-way or two-way travel by bicyclists.
8. **Two-Way Cycle Track.** A physically separated cycle track that allows bicycle movement in both directions on one side of the road.

EXAMPLES OF BICYCLE FACILITIES

Shared Lane

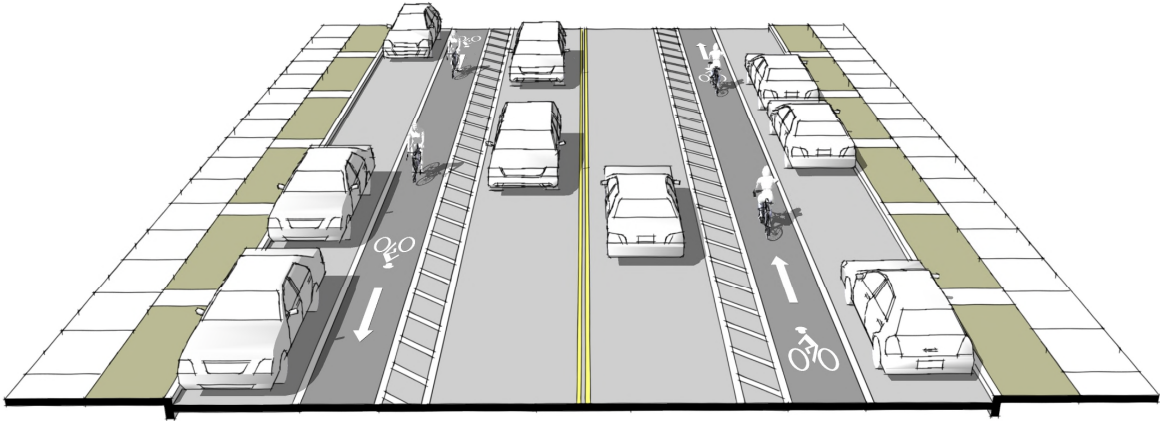


Bike Lane

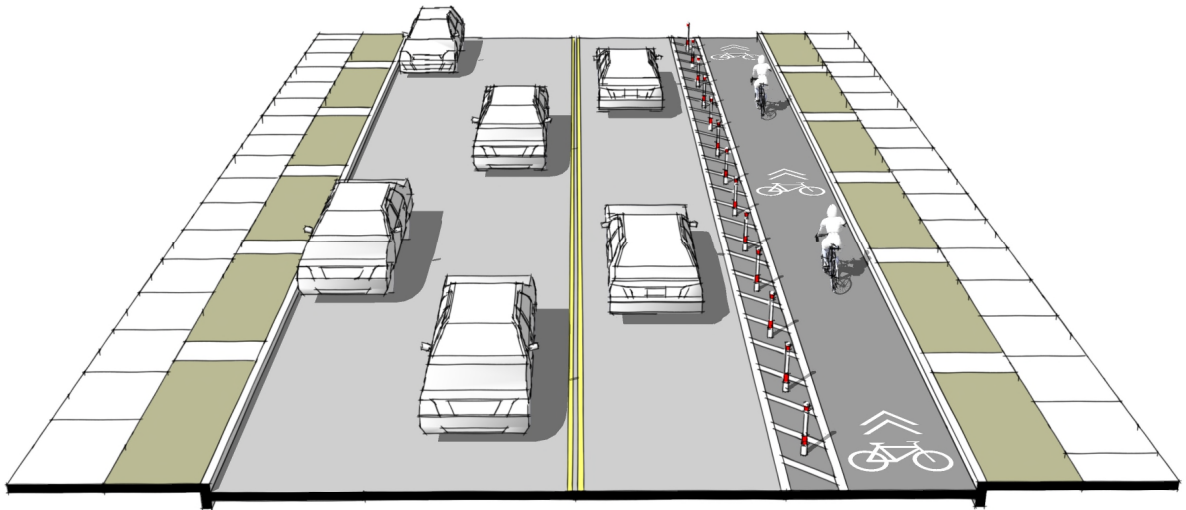


EXAMPLES OF BICYCLE FACILITIES

Buffered Bike Lane



Cycle Track



G. Right-of-Way Dimensions

All rights-of-way must meet the right-of-way dimensions of this section, which may be modified as needed by the City Engineer to address specific site conditions. Right-of-way dimensions and designs must implement the policies of the Comprehensive Plan and other adopted City policies.

1. Right-of-Way Types

The right-of-way classifications are divided into the following types:

- a. Arterial streets are designed to move traffic and provide some access to major developments.
- b. Collector streets collect traffic from local streets and other collectors and distribute the traffic to roadways with higher classifications.
- c. Local streets primarily provide direct access to abutting land and are lower speed facilities.
- d. This Code also provides for special right-of-way types:
 - i. Alleys are a vehicular drive located to the rear of lots providing access to service areas, parking, and outbuildings, and often containing utility easements.

2. Right-of-Way Dimensions

- a. This section provides the minimum dimensions for rights-of-way types and well as the components that make up these rights-of-way. The minimum right-of-way width for each type must be reserved, however the components within that area are determined by the applicant and the City Engineer, subject to the requirements of this Code. Larger minimum right-of-way width reservation as well as increase in the size of the components is permitted. The City Engineer may modify the minimum width for the right-of-way and any component based on site specific conditions.
- b. Utility, drainage, and stormwater easements may be located within the right-of-way area.
- c. Right-of-way types must meet the following minimum right-of-way widths

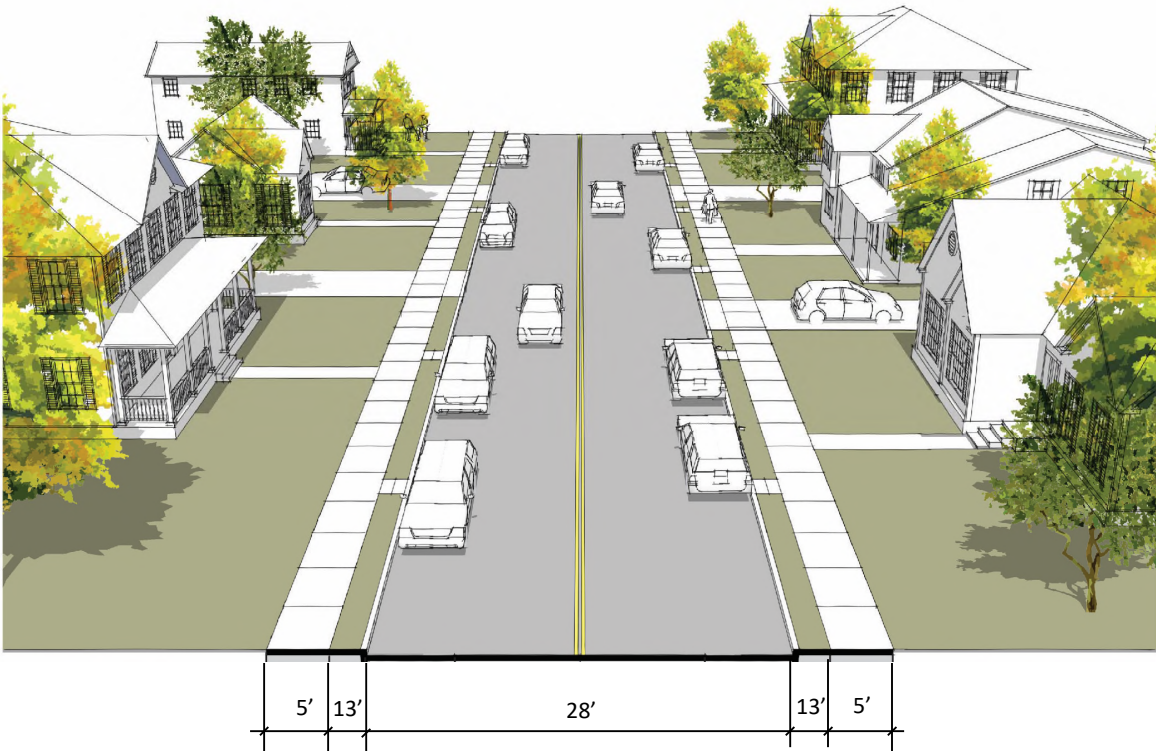
Right-Of-Way Types	Minimum ROW Width
Local Street	66'
Collector Street	75'
Arterial Street	100'

- d. An alley is a special right-of-way type that must meet the following standards:
 - i. A minimum paved area of 24 feet.
 - ii. A minimum travel lane of 20 feet.
- e. The following are the minimum widths for the components of rights-of-way:

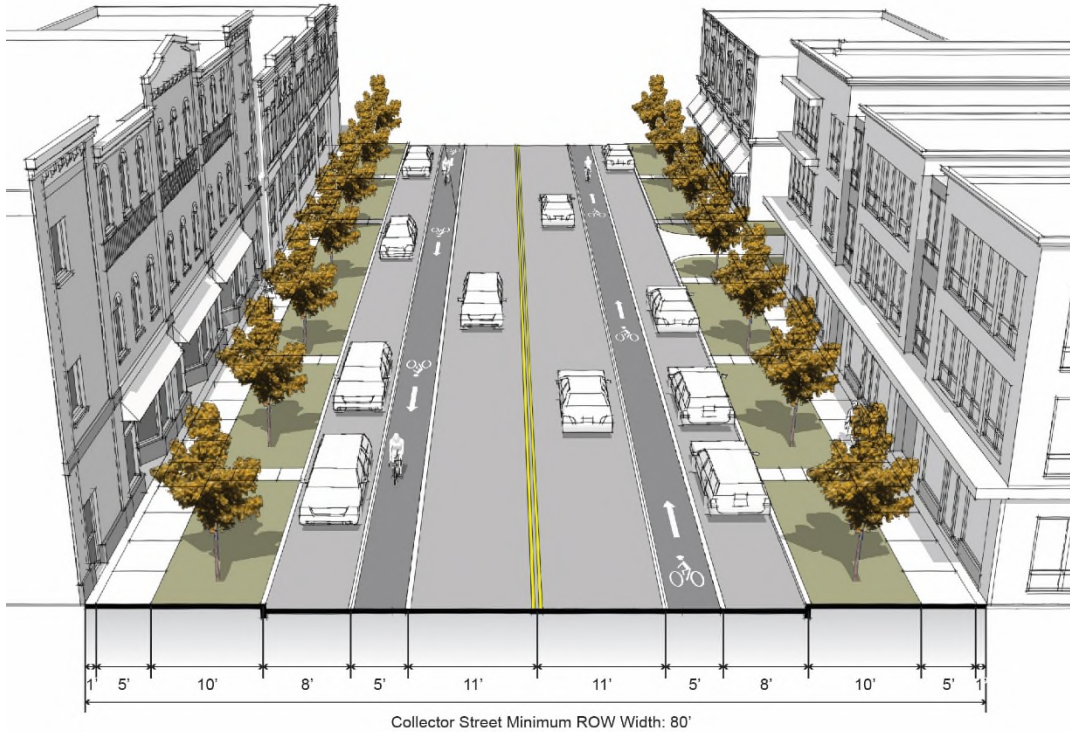
Right-Of-Way Components	Minimum Width
Travel Lane	12'
Parking Lane	8'
Turning Lane	11'
Median	4'
Bike Lane	5'
Grass Parkway	Local: 11.5' Collector: 12' Arterial: 11.5'
Sidewalk; 1' inside ROW	5'

EXAMPLES OF RIGHT-OF-WAY TYPE DESIGN

Local Street



Collector Street



12.12 ILLEGAL SALES AND/OR RECORDING

A. Illegal Sale

Any person who sells, offers for sale, or leases any lot within the City before all of the requirements of these regulations are met, before the lot or the subdivision containing such lots has been approved by the City Council, and/or before the lot has been properly recorded as a lot of record within a legal subdivision with the McHenry County Recorder's Office, is in violation of these regulations and the City and/or any interested persons are authorized to prosecute such person and institute proceedings to have the conveyance of the illegal lot declared to be a nullity and stricken from the records.

B. Illegal Recording

No subdivision within the City is entitled to record the final plat with the McHenry County Recorder's Office until it has been approved in accordance with these regulations. In the event that an unapproved subdivision is recorded, it is invalid and the City and/or any interested person is authorized to institute proceedings to have the plat stricken from the records of the McHenry County Recorder's Office.

ARTICLE 13. ADMINISTRATIVE BODIES

- 13.1 DESIGNEES**
- 13.1 CITY COUNCIL**
- 13.2 PLANNING AND ZONING COMMISSION**
- 13.3 ZONING ADMINISTRATOR**

13.1 DESIGNEES

Certain City officials within this Article are cited as having powers that may also be administered by a designee, indicated by the language "or his/her designee." The ability to direct powers to a designee applies to the actions of such officials throughout this Ordinance.

13.2 CITY COUNCIL

The City Council has the following powers, pursuant to this Ordinance:

- A.** To make final decisions on zoning text and map amendment applications.
- B.** To make final decisions on conditional use applications.
- C.** To make final decisions on variation applications.
- D.** To make final decisions on planned unit development applications.
- E.** To make final decisions on applications for subdivision approval.

13.3 PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission has the following powers, pursuant to this Ordinance:

- A.** To make recommendations to the City Council on zoning text and map amendment applications.
- B.** To make recommendations to the City Council on conditional use applications.
- C.** To make recommendations to the City Council on variation applications.
- D.** To make recommendations to the City Council on planned unit development applications.
- E.** To make final decisions on zoning appeals.
- F.** To hear and report to the City Council on such other matters as may be referred to it by the City Council.
- G.** To make recommendations to the City Council on applications for subdivision approval.

13.4 ZONING ADMINISTRATOR

The Zoning Administrator may designate one or more City staff to act as the Zoning Administrator; however, a zoning decision may only be rendered once. The Zoning Administrator, or his/her designee, has the following powers, pursuant to this Ordinance:

- A.** To make final decisions on site plan review applications.
- B.** To make final decisions on zoning interpretation applications.
- C.** To make final decisions on temporary use permit applications.
- D.** To process applications for fence permits.
- E.** To receive and forward zoning applications as required by this Ordinance to the Planning and Zoning Commission, City Council, or City official, as appropriate.
- F.** To maintain permanent and current records as required by this Ordinance.
- G.** To maintain and make available the City's Official Zoning Ordinance and Zoning Map, and all permanent and current records required by this Ordinance.
- H.** To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, order corrective action.

ARTICLE 14. ZONING PROCEDURES

- 14.1 GENERAL REQUIREMENTS
- 14.2 ZONING TEXT AND MAP AMENDMENT
- 14.3 CONDITIONAL USE
- 14.4 VARIATION
- 14.5 PLANNED UNIT DEVELOPMENT
- 14.6 SITE PLAN REVIEW
- 14.7 ZONING INTERPRETATION
- 14.8 TEMPORARY USE PERMIT
- 14.9 ZONING APPEALS

14.1 GENERAL REQUIREMENTS

- A. All applications must be submitted in accordance with Section 15.1.
- B. All notice for public hearings or meetings must meet the requirements of Section 15.2.
- C. All public hearings must be conducted in accordance with Section 15.3

14.2 ZONING TEXT AND MAP AMENDMENT

A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation

1. The City Council, the Planning and Zoning Commission, or a property owner in the City, or his/her designee, may propose a zoning text amendment.
2. The City Council, the Planning and Zoning Commission, or a property owner in the City, or his/her designee, may propose zoning map amendments.

C. Authority

The City Council, after receiving a recommendation from the Planning and Zoning Commission, will take formal action on requests for zoning text or map amendments.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Commission. Amendments initiated by the City Council or the Planning and Zoning Commission also require an application, but are exempt from fees.

1. Action by Planning and Zoning Commission

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Planning and Zoning Commission, the Planning and Zoning Commission will consider the proposed zoning amendment at a public hearing.
- b. The Planning and Zoning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. For zoning text amendments, the Planning and Zoning Commission must recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Planning and Zoning Commission must recommend approval or denial of the application.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Commission must forward its recommendation to the City Council, unless an extension is agreed to by the applicant.

2. Action by City Council

The City Council will review the application within 60 days of receipt of the Planning and Zoning Commission recommendation, unless an extension of time is agreed to by the applicant and the City Council. The City Council must take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments.

E. Approval Standards

The Planning and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

1. Approval Standards for Map Amendments

- a. The proposed amendment shall be compatible with the existing use and zoning of nearby property.
- b. The proposed amendment shall promote the public health, safety, and welfare of the City.
- c. The degree to which the proposed amendment results in a gain to the public, as compared to the hardship imposed upon the applicant.
- d. The property proposed for amendment is suitable for the uses permitted in the proposed zoning district.
- e. The length of time that the property in question has been vacant, as presently zoned, shall be considered in the context of development in the area where the property is located.
- f. The proposed amendment shall be consistent with the Comprehensive Plan and any adopted land use policies.
- g. The proposed amendment will benefit the residents of the City as a whole, and not serve solely the interest of the applicant.
- h. The extent to which the proposed amendment creates nonconformities shall be considered as a factor against the amendment.
- i. The proposed amendment should be consistent with the trend of development, if any, in the general area surrounding the property in question.
- j. The permitted uses in the zoning district being requested can be adequately served by public facilities that are existing or can be reasonably provided prior to new development on the property including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines.

2. Approval Standards for Text Amendments

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
- b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- c. The consistency of the proposed amendment with the Comprehensive Plan.
- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- f. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.
- g. The extent to which the proposed amendment creates nonconformities.
- h. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

F. Written Protest of Amendment

Written protest of an amendment may be filed in accordance with Illinois state law.

14.3 CONDITIONAL USE

A. Purpose

This Ordinance is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. Initiation

A property owner in the City, or his/her designee, may file an application to use his/her land for one or more of the conditional uses authorized within the zoning district. A property owner may only propose a conditional use for property under his/her control.

C. Authority

The City Council, after receiving a recommendation from the Planning and Zoning Commission, will take formal action on conditional use applications.

D. Procedure

An application for a conditional use must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Commission.

1. Action by Planning and Zoning Commission

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Planning and Zoning Commission, the Planning and Zoning Commission will consider the conditional use at a public hearing.
- b. The Planning and Zoning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning and Zoning Commission must recommend either approval, approval with conditions, or denial of the conditional use.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Commission must forward its recommendation to the City Council, unless an extension is agreed to by the applicant.

2. Action by City Council

The City Council must act on the conditional use within 60 days of receipt of the Planning and Zoning Commission recommendation. The City Council must approve, approve with conditions, or deny the conditional use.

3. Conditions on Conditional Uses

The Planning and Zoning Commission may recommend, and the City Council may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as may be deemed necessary for the protection of the public health, safety, and welfare. The City Council may require such guarantees, as it may deem necessary, to assure compliance with any stipulated conditions.

E. Approval Standards

The listing of a use as a conditional use within a zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each conditional use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed. The recommendation of the Planning and Zoning Commission and decision of the City Council must make findings to support each of the following conclusions:

1. The proposed conditional use will not endanger the public health, safety, or welfare.
2. The proposed conditional use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

3. The conditional use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted City land use policies.

F. Modifications to Approved Conditional Uses

Any modifications to the conditions of approval for a previously approved conditional use must be resubmitted as a new conditional use application. Any modifications that meet Ordinance standards are permitted, subject to the regulations of this Ordinance.

G. Expiration

A conditional use approval expires if any one of the following conditions occurs and no request for an extension of the conditional use approval is pending.

1. When an approved conditional use is changed to another use.
2. For conditional uses approved in conjunction with new construction or additions or enlargements to an existing structure, the conditional use approval expires within one year of the date of approval if a building permit has not been issued.
3. For conditional uses approved in conjunction with an existing structure or on lot where no structure is planned, the conditional use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.
4. For conditional uses approved in conjunction with a preliminary plan for a planned unit development, the conditional use approval expires in conjunction with the preliminary plan expiration.
5. When the conditional use has been abandoned for one year or more.

14.4 VARIATION

A. Purpose

The purpose of the variation process is to provide a narrowly proscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a variation. A property owner, or his/her designee, may only propose a variation for property under his/her control.

C. Authority

The City Council, after receiving a recommendation from the Planning and Zoning Commission, will take formal action on variations.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Commission.

1. Action by Planning and Zoning Commission

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Planning and Zoning Commission, the Planning and Zoning Commission will consider the variation at a public hearing.
- b. The Planning and Zoning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning and Zoning Commission must recommend either approval, approval with conditions, or denial of the variation.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Commission must forward its recommendation to the City Council, unless an extension is agreed to by the applicant.

2. Action by City Council

The City Council must act on the variation within 60 days of receipt of the Planning and Zoning Commission recommendation. The City Council must approve, approve with conditions, or deny the variation.

3. Conditions

- a. The Planning and Zoning Commission may recommend and the City Council impose such conditions and restrictions upon the variation as may be deemed necessary for the protection of the public health, safety, and welfare.
- b. The Planning and Zoning Commission may recommend and the City Council may grant a variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variation application.

E. Approval Standards

The recommendation of the Planning and Zoning Commission and the decision of the City Council must make the following findings to support a ruling in favor of a variation:

1. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
2. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
3. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.

F. Expiration of Variation

An approved variation will expire 180 days from the date of approval unless a building permit is obtained or applied for within such period. The City Council may grant an extension for a period of validity longer than 180 days, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

14.5 PLANNED UNIT DEVELOPMENT

A. Purpose

Planned unit developments (PUD) are allowed as a distinct category of conditional use. In particular, however, the planned unit development technique is intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City. The underlying district dimensional and use regulations apply to a PUD unless specifically modified through the approval process. Through the flexibility of the planned unit development technique, the planned unit development is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
7. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

B. Initiation

The entire property proposed for the planned unit development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

C. Authorization

A planned unit development is authorized in all zoning districts. A planned unit development must be granted in accordance with the procedures and standards of this section. Unless specifically approved as part of the planned unit development approval, the requirements of the underlying district apply.

D. Exceptions From District Regulations

1. The planned unit development is subject to the underlying district dimensional and use regulations unless an exception is specifically granted. The Planning and Zoning Commission may recommend and the City Council may grant exceptions to the zoning district use and dimensional regulations where a planned unit development is located. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:

- a. Enhance the overall merit of the planned unit development.
- b. Promote the objectives of both the City and the development.
- c. Enhance the quality of the design of the structures and the site plan.
- d. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
- e. Are compatible with adopted City land use policies.
- f. Provide a public benefit to the City, as described below.

2. The underlying zoning district requirements apply, unless an exception is granted as part of the planned unit development approval. Exceptions to district regulations may be granted where it is determined that such modifications do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or traffic circulation on-site and off-site. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:

- a. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and public transit facilities
- b. Preservation of existing environmental features.
- c. Preservation of historic features.
- d. Open space and recreational amenities such as:
 - i. Swimming pools.
 - ii. Tennis courts.
 - iii. Recreational open space accessory buildings.
 - iv. Jogging trails and fitness courses.
 - v. Playgrounds, dog parks, skate parks, and similar recreational features.
 - vi. Natural water features and conservation areas.
 - vii. Multi-use trails, nature trails, boardwalks, overlooks, landscaped areas with native plantings, which may incorporate water features, such as a detention pond.
- e. The use of green building and sustainable development techniques, including LEED or LEED-equivalent certification of structures.

- f. Incorporation of stormwater management techniques above that required by the development.
- g. Adaptive reuse of existing buildings.
- h. Provision of public car and/or bike share facilities
- i. A senior housing set-aside, either rental or for-sale.

E. Procedure

The following procedures, requirements, restrictions, and conditions are required. Approval of a planned unit development includes a pre-application consultation, required concept plan review, preliminary plan approval, and final plan approval. A preliminary plan and a final plan may not be submitted and reviewed simultaneously but must follow the procedures as laid out sequentially in this section.

1. Pre-Application Consultation

- a. Prior to formal submittal of an application, a pre-application conference with the Zoning Administrator is required.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed planned unit development, the proposed uses, proposed improvements including the public benefits and amenities, anticipated exceptions to this Ordinance, and any other information necessary to explain the planned unit development.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of concept plan, so that the applicant may determine whether the proposed planned unit development is in compliance with the provisions of this Ordinance and other applicable regulations, and whether the proposed planned unit development aligns with the adopted land use policies of the City.
- d. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Zoning Administrator are in no way binding with respect to any official action that may be taken on the subsequent formal application.

2. Concept Plan

- a. Before submitting a formal application for a planned unit development, the applicant must present a concept plan before the Planning and Zoning Commission for the purpose of obtaining information and guidance prior to formal application. The concept plan will be presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:
 - i. A map or maps in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the planned unit development, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.
 - ii. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
 - iii. The Planning and Zoning Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning and Zoning Commission is in no way binding with respect to any official action the Planning and Zoning Commission or City Council may take on the subsequent formal application. The review of the concept plan is not a public hearing.

3. Preliminary Plan

a. Action by Zoning Administrator

An application for a preliminary plan for a planned unit development must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Commission.

b. Action by Planning and Zoning Commission

- i. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Planning and Zoning Commission, the Planning and Zoning Commission will consider the preliminary plan at a public hearing.
- ii. The Planning and Zoning Commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning and Zoning Commission must recommend either approval, approval with conditions, or denial of the preliminary plan.
- iii. Following the close of the public hearing, the Planning and Zoning Commission will forward its recommendation to the City Council.

c. Action by City Council

The City Council will review the preliminary plan within 60 days of receipt of the Planning and Zoning Commission recommendation, unless an extension of time is agreed to by the applicant and the City Council. The City Council must approve, approve with conditions, or deny the preliminary plan.

d. Conditions

The Planning and Zoning Commission may recommend, and the City Council may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

e. Approval Standards

The recommendation of the Planning and Zoning Commission and decision of the City Council to approve a planned unit development must make a finding that the following standards for a planned unit development have generally been met.

- i. The proposed planned unit development meets the purpose of a planned unit development.
- ii. The proposed planned unit development will not be injurious to the use and enjoyment of other property in the vicinity.
- iii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
- iv. There is provision for adequate utilities, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- v. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
- vi. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

f. Expiration

The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within two years after the date the City Council grants preliminary plan approval. As part of the City Council approval of the preliminary plan, the City Council may extend this period of time. An extension of this two years period may also be granted by the City Council if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

4. Final Plan

Following the approval of the preliminary plan, an application for a final plan for a planned unit development must be filed with the Zoning Administrator.

a. Action by City Engineer

The City Engineer will review the final plan within 30 days of receipt of the complete final plan application and take the following action:

- i. If the final plan is in substantial compliance with the approved preliminary plan, the City Engineer will recommend approval of the final plan to the City Council. The City Engineer will certify to the City Council that the final plan is in substantial conformance with the previously filed preliminary plan.
- ii. If the final plan is not in substantial conformance with the approved preliminary plan, the City Engineer must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the City Engineer with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the City Engineer to render a decision to be forwarded to the City Council. In such case, the City Engineer will recommend to the City Council that the final plan be denied. If denied, the applicant may reapply by submitting a new preliminary plan.

b. Action by City Council

Within 60 days of receipt of the City Engineer recommendation, the City Council must review the final plan. The City Council must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect.

c. Effect of Approval

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned unit development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Ordinance and constitutes grounds for revocation of all approvals granted for the planned unit development.

d. Expiration

The final plan approval expires if a building permit has not been issued within two years after the date the City Council grants final plan approval. As part of the City Council approval of the final plan, the City Council may extend this period of time. An extension of this two year validity period may be granted by the City Council prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval.

F. Modifications to Approved Final Plans

No adjustments may be made to the approved final plan, except upon application to the City in accordance with the following.

1. Administrative Modifications

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Zoning Administrator, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Planning and Zoning Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
- b. Changes in building location of no more than five feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- c. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- d. Interior modifications that do not increase the area of the building footprint.
- e. Changes in building design, including building materials, which continue to meet the requirements of this Ordinance and any conditions of the final plan approval.

- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
- g. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform to all landscape requirements of this Ordinance.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

2. Minor Modifications

The Planning and Zoning Commission may approve the following minor modifications to an approved final plan when it is determined by the Planning and Zoning Commission that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Planning and Zoning Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the City Council. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

- a. An increase or decrease in the number of dwelling units of up to 10%.
- b. An increase or decrease in building height of up to 10%.
- c. An increase or decrease in building coverage up to 10%.
- d. An increase or decrease in open space up to 10%.
- e. A change of in the location of walkways, vehicle circulation ways, and parking areas between 10 to 20 feet.
- f. A change in the location and arrangement of general land use categories within the development, or an increase or decrease of up to 10% in the overall final approved land use mix in any phase.
- g. A change or relocation of any rights-of-way.
- h. An increase or decrease in the number of parking spaces of up to 10 parking spaces.
- i. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.
- j. Altering any final grade by no more than 20% of the originally planned grade.

3. Major Modifications

- a. The City Council may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
 - i. Any request for an extension of time of the final plan approval.
 - ii. Changes to any conditions imposed as part of final plan approval.
 - iii. Reductions or alterations in the approved public benefit and amenities to be provided.
 - iv. Any development action that does not comply with zoning district regulations.
- b. All major modifications to the final plan must be approved by the City Council. Approval of major modifications will follow the conditional use process. The City Council may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted City land use policies.

- c. Upon review of the proposed major modifications, the City Council may determine that the proposed modifications constitute a new planned unit development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section.

14.6 SITE PLAN REVIEW

A. Purpose

The site plan review process is intended to promote orderly development and redevelopment in the City, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with City's adopted land use policies, and promotes the public health, safety, and welfare of the City. This section provides standards by which to determine and control the physical layout and design to achieve compatibility of land uses and structures, efficient use of land, minimization of traffic and safety hazards, and incorporation of stormwater management and sustainable design techniques.

B. Authority

The Zoning Administrator will conduct site plan review as required by this Section. The Zoning Administrator may convene a technical review committee, comprised of City staff, as the Zoning Administrator deems appropriate.

C. Required Site Plan Review

No zoning approval or building permit may be issued until site plan approval has been granted. In addition, all other requirements of all other applicable City codes and ordinances must be met. Site plan review and approval is required for the following developments:

1. New townhouse, multi-family, non-residential, and mixed-use construction.
2. As of the effective date of this Ordinance, additions to existing townhouse, multi-family, non-residential, and mixed-use that increase the total floor area by 30% or more.
3. Parking lots of 20 or more spaces.
4. Drive-through facilities.

D. Procedure

1. Applications for site plan review must be submitted to the Zoning Administrator.
2. The Zoning Administrator will begin the review of the site plan within 30 days of the date the application is deemed complete. The Zoning Administrator will review and evaluate the application, pursuant to the standards of this section and the Ordinance, and approve, approve with conditions, or deny the site plan.
3. If the Zoning Administrator approves the site plan subject to certain conditions, all plans and drawings to be submitted as part of the application for a building permit or zoning approval must include those conditions.
4. If the Zoning Administrator denies site plan approval, the applicant may appeal the decision to the Planning and Zoning Commission within 30 days of the date of the final decision.

E. Approval Standards

The following will be evaluated in the review of site plans:

1. Conformity with the regulations of this Ordinance and any other applicable regulations of the City Code, and the City's Comprehensive Plan and adopted land use policies.
2. The location, arrangement, size, design, and general site compatibility of all structures, lighting, and signs to ensure:
 - a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities, and infrastructure.
 - b. Compatibility with and mitigation of any potential impact upon adjacent property.

- c. Lighting designed and installed to minimize adverse impact on adjacent properties.
 - d. Signs in conformance with the Ordinance.
3. Landscape and the arrangement of open space or natural features on the site should:
- a. Create a desirable and functional open space environment for all site users.
 - b. Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
 - c. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
 - d. Utilize plant materials suitable to withstand the climatic conditions of the City and microclimate of the site. The use of species native or naturalized to northeastern Illinois is encouraged.
 - e. Use of screening to minimize the impact of the development on adjacent uses and mitigate impacts between incompatible uses, creating a logical transition to adjoining lots and developments.
4. Circulation systems and off-street parking designed to:
- a. Provide adequate and safe access to the site for motor vehicles as well as other modes of transportation, including pedestrians, bicyclists, and public transit users.
 - b. Minimize potentially dangerous traffic movements.
 - c. Minimize curb cuts, including the use of cross-access easements and shared parking.
 - d. Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces, and structures that is safe, visible, and identifiable.

F. Modifications to Approved Site Plans

1. An application for an amendment to an approved site plan must be submitted to the Zoning Administrator. Amendment applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. The Zoning Administrator may approve the following minor modifications to approved site plans:
 - a. Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
 - b. Exterior renovations to a building facade.
 - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
 - d. The construction of additional bicycle or parking spaces.
 - e. The addition of any open space.
 - f. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance.
 - g. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and remains in conformance with all landscape requirements.
 - h. The modification of existing signs or the addition of new signs when in conformance with the requirements of the Ordinance.

3. The Zoning Administrator must approve or deny the proposed site plan modifications within 30 days of receipt of a complete application. The Zoning Administrator may decide that the proposed change or changes to the approved site plan is such a significant change that it constitutes a new application and is subject to the complete site plan review provisions of this Section.

14.7 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

B. Initiation

The City Council, the Planning and Zoning Commission, or a property owner in the City, or person expressly authorized in writing by the property owner, may initiate a zoning interpretation application. All interpretation requests must be for the purpose of furthering some actual development

C. Authority

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

D. Procedure

1. All applications for interpretations must be filed with the Zoning Administrator.
2. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within 30 days of receipt of a complete application.
3. The Zoning Administrator may request additional information prior to rendering an interpretation. Until such additional material is received, the 30 day period described in item 2 above is temporarily suspended.

14.8 TEMPORARY USE PERMIT

A. Purpose

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the City Code.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application

C. Authority

The Zoning Administrator will review and make final decisions on temporary use permit applications.

D. Procedure

1. All applications for temporary use permit must be filed with the Zoning Administrator.
2. The Zoning Administrator must render a decision on the temporary use permit within 30 days of the date of receipt of a complete application. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

E. Approval Standards

All temporary uses must comply with the requirements of this Ordinance, including the temporary use standards of Article 8, and the following standards:

1. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not adversely impact the public health, safety, and welfare.
3. The temporary use is operated in accordance with any restrictions and conditions as the Police and Fire Department, or other City officials, may require.
4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

F. Expiration

The temporary use permit is valid for the time period granted as part of the approval.

14.9 ZONING APPEALS

A. Purpose

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator

B. Initiation

A property owner in the City that is directly affected by a determination of the Zoning Administrator may file an appeal of the Zoning Administrator's decision on a site plan review, zoning interpretation, temporary use permit, or other administrative decision related to this Ordinance.

C. Authority

The Planning and Zoning Commission will take formal action on zoning appeal applications.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Planning and Zoning Commission.

1. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Planning and Zoning Commission, the Planning and Zoning Commission will consider the appeal at a public hearing.
2. The Planning and Zoning Commission must evaluate the application based upon the evidence presented at the public hearing.
3. Within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant, the Planning and Zoning Commission must either confirm or overturn the Zoning Administrator's decision.

E. Limitations on Zoning Appeals

A decision of the Zoning Administrator may only be appealed if an application is filed within 30 days of the date the decision is made.

ARTICLE 15. ZONING APPLICATIONS

- 15.1 APPLICATION**
- 15.2 NOTICE**
- 15.3 PUBLIC HEARING**

15.1 APPLICATION

A. Filing, Pre-Application Conference, and Referrals

1. All zoning applications must be filed with the Zoning Administrator. The application must be on forms provided by the City and filed in such quantity as required by the instructions.
2. Prior to formal submittal of an application, the applicant may request a pre-application conference with the Zoning Administrator. The purpose of a pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application.

B. Completeness

1. An application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Zoning Administrator will examine all applications within 30 days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator will reject the application and provide the applicant with the reasons for the rejection. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.
4. Once the application is under consideration by the appropriate body, additional information, or revisions are not subject to this provision.

C. Fees

Each application must be accompanied by the required filing fee as established and modified, from time to time, in Chapter 20 of the City Code. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the City Council or Planning and Zoning Commission, then all fee requirements are considered waived.

D. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled by a board or official. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

E. Consideration of Successive Applications

1. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

15.2 NOTICE

A. Required Notice

Table 15-1: Required Notice, indicates the types of notice required for zoning applications.

Table 15-1: Required Notice		
Zoning Application	Notice Type	
	Published	Mailed
Zoning Text Amendment Notice for Public Hearing	X	
Zoning Map Amendment Notice for Public Hearing	X	X
Conditional Use Notice for Public Hearing	X	X
Variation Notice for Public Hearing	X	X
Zoning Appeals Notice for Public Hearing	X	

B. Published Notice

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the City. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date.

C. Mailed Notice

The following mailed notice requirements apply to all applications cited in Table 15-1 as requiring notice for a public hearing.

1. Written notice will be mailed by the City no less than 15 and no more than 30 days in advance of the scheduled hearing date to all property owners within 250 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the City, notification must also be mailed to the owner of the subject property.
2. Nothing in this section is intended to prevent the applicant or the City from giving additional notice as he/she may deem appropriate.
3. The applicant is responsible for providing mailing material and postage costs.

15.3 PUBLIC HEARING

A. Pre-Hearing Examination

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

B. Conduct of the Public Hearing

The public hearing must be conducted in accordance with any applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing.

C. Continuances

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that is required for the initial public hearing.

ARTICLE 16. NONCONFORMITIES

- 16.1 GENERAL APPLICABILITY**
- 16.2 NONCONFORMING USE**
- 16.3 NONCONFORMING STRUCTURE**
- 16.4 NONCONFORMING LOT OF RECORD**
- 16.5 NONCONFORMING SITE ELEMENTS**

16.1 GENERAL APPLICABILITY

A. Authority to Continue

Any use, structure, lot, or site element that legally existed as a nonconformity as of the effective date of this Ordinance, and any use, structure, lot, or site element that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal. A use, structure, lot, or site element that is illegal as of the effective date of this Ordinance, remains illegal.

B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming use, structure, lot, or site element, or the operator of the use.

C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

16.2 NONCONFORMING USE

A. Definition

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

B. Expansion

A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.

C. Relocation

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other structure or location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

D. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

E. Discontinuation or Abandonment

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of one year, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located.

16.3 NONCONFORMING STRUCTURE

A. Definition

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional regulations.

B. Maintenance

Normal maintenance and repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

C. Structural Alterations

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. (For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if that addition meets all other bulk and setback requirements of the district.)

D. Relocation

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

E. Damage or Destruction

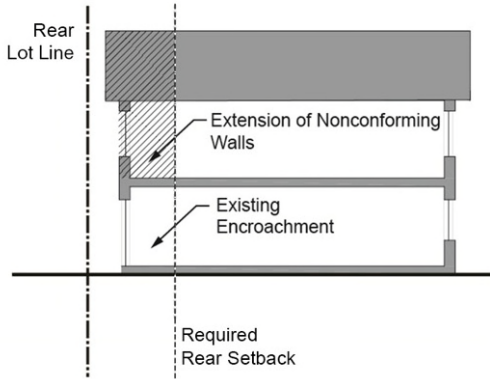
1. In the event that a nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
2. When a nonresidential nonconforming structure is damaged or destroyed to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed to its pre-damaged state provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. Substantial, continuing construction must be underway within one year of the date of damage or destruction. In the event that the construction has not begun within one year, the property owner may request one extension of time from the Zoning Administrator prior to the expiration of the initial one-year timeframe for an additional year. If substantial continuing construction is not underway within the timeframe, the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
3. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the City.

F. Extension of Walls for Nonconforming Single-Family and Two-Family Dwellings

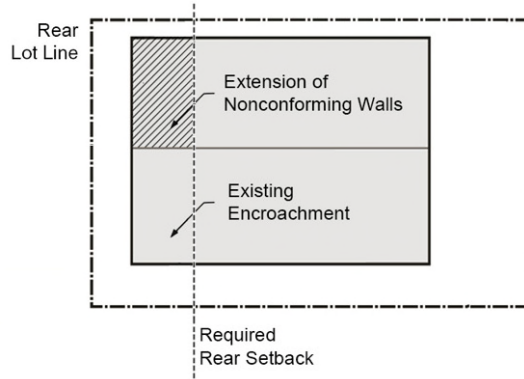
Where a single-family or two-family dwelling is deemed nonconforming because of encroachment into a required rear or interior side setback, the structure may be enlarged or extended horizontally or vertically along the same plane as the existing perimeter walls, so long as the resulting structure does not violate any other district regulation.

EXTENSION OF NONCONFORMING WALLS

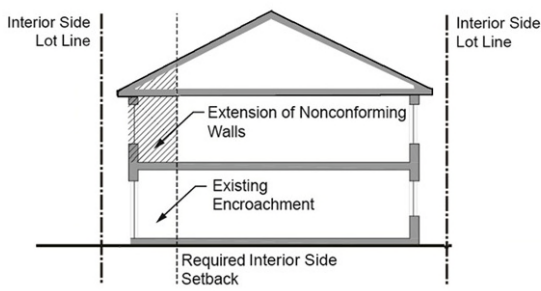
Vertical Extension into Rear Setback
(Elevation View)



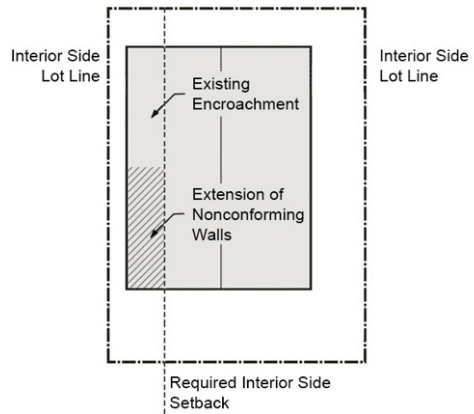
Horizontal Extension into Rear Setback
(Plan View)



Vertical Extension into Interior Side Setback
(Elevation View)



Horizontal Extension into Interior Side Setback
(Plan View)



16.4 NONCONFORMING LOT OF RECORD

A. Definition

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

B. Use

A nonconforming lot of record may be used for a permitted or conditional use allowed within the zoning district.

C. Development

Development of a nonconforming lot of record must meet all applicable dimensional or bulk regulations of the district in which it is located with the exception of that lot dimension requirement that renders it nonconforming.

D. Lot Division

No division of a nonconforming lot is permitted that creates a nonconforming lot and/or renders a lot or lots remaining nonconforming.

E. Building Permits

No building permit will be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Article.

16.5 NONCONFORMING SITE ELEMENTS

A. Definition

A nonconforming site element is a site development element, such as landscape or lighting, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming. This does not include nonconforming signs, which are regulated separately.

B. Maintenance

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

C. Required Conformance

1. General

All nonconforming site elements must be brought into conformance when the following occurs:

- a. A new principal building (or additional principal building) is constructed on a lot
- b. An existing principal building is increased in building footprint or gross floor area by 30% or more.

2. Nonconforming Parking Lot Landscape

When a parking lot of 20 or more spaces does not conform to required parking lot landscape requirements, it must be brought into conformance when such parking lot is fully reconstructed or expanded by an additional 50% or more spaces (viz., the total number of spaces after expansion is 150% or more of the spaces prior to expansion).

- a. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other paving material, is not considered reconstruction.
- b. If such action would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lot is not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site and such finding must be verified by the Zoning Administrator.
- c. If only certain requirements are able to be accommodated on the site, those elements are required. The Zoning Administrator will make the determination that all or a portion of required landscape does not have to be installed.

3. Nonconforming Exterior Lighting

For exterior lighting, when 25% or more of exterior lighting fixtures are replaced, all exterior lighting on the site

must be brought into conformance. This is calculated as installation of new lighting posts and/or non-post mounted lighting fixtures based on the total lighting installed by the type of mounting. For example, if over 25% of the wall-mounted fixtures are to be replaced, all wall-mounted fixtures must be brought into conformance while nonconforming freestanding fixtures may remain.

ARTICLE 17. ENFORCEMENT

- 17.1 ENFORCEMENT OFFICIAL**
- 17.2 APPLICATION OF PENALTIES**
- 17.3 FINES**

17.1 ENFORCEMENT OFFICIAL

This Ordinance is enforced by the Zoning Administrator. The Zoning Administrator may secure the assistance of the City Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the City.

17.2 APPLICATION OF PENALTIES

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, will be fined for each offence. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the City. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

17.3 FINES

- A.** Each violation, and each day that such violation continues, is subject to a fine as established in the City Code. However, where an application has been filed to City approval to correct the violation has been filed, and such application is awaiting City action, the City shall stay further fines pending the resolution of the application.
- B.** Upon proof of compliance, the Zoning Administrator may reduce accumulated fines. Such recommendation shall be at the discretion of the Zoning Administrator. The violating party may appeal the decision of the Zoning Administrator should he not recommend a reduction in accumulated fines.