

## **PART A. USE & STRUCTURE REGULATION**

### **SEC. 49-101 - SHORT TITLE AND AUTHORITY**

#### **101.1. Zoning Ordinance**

101.1-1. The regulations of this Chapter 49 of this code may be officially known, and cited as the " Zoning Ordinance." References in this code or in other official enactments by the city to the "AZO," or the "Aurora Zoning Ordinance" shall be construed to refer to this chapter.

101.1-2. This ordinance is enacted under the home rule powers granted to the city by Article VII, Section 6 of the Illinois Constitution of 1970 and powers further granted by the U.S. and Illinois Constitutions and the laws of the State of Illinois, including without limitation the extraterritorial zoning jurisdiction conveyed by Section 11-13-1, et. seq. of the Illinois Municipal Code.

### **SEC. 49-102 - INTENT AND PURPOSE**

#### **102.1. Intent and Purpose.**

102.1-1. To divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses with the general purpose of promoting and protecting the public health, safety and general welfare of the people of this city and of implementing the comprehensive plan;

102.1-2. To protect the character and the stability of the residential, business and manufacturing areas within the city and to promote the orderly and beneficial development of such areas;

102.1-3. To prevent the overcrowding of land and undue concentration of structures, so far as possible and appropriate in each district, and to provide adequate light, air, privacy and convenience of access to property;

102.1-4. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;

102.1-5. To fix reasonable standards to which buildings or structures shall conform therein;

102.1-6. To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

102.1-7. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

102.1-8. To conserve the taxable value of land and buildings throughout the city;

102.1-9. To provide for the elimination of nonconforming uses of land, buildings and structures;

- 102.1-10. To conserve and enhance the Downtown's architecture, history and pedestrian-orientation, mix of land uses and access to the Fox River; support and promote the Downtown as the city's center for civic, cultural, entertainment and specialty retail uses; encourage continued revitalization through establishment of new residential uses;
- 102.1-11. To conserve and enhance the character of the city's older, established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;
- 102.1-12. To encourage innovative and quality new residential development so that growing demand for housing may be met by greater variety in type, design and layout of dwellings and by conservation and more efficient use of open space ancillary to such dwellings;
- 102.1-13. Encourage pedestrian and vehicular connections between residential neighborhoods and between residential neighborhoods and nearby employment centers, shopping and community services such as parks and schools;
- 102.1-14. To encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape and that minimizes objectionable noise, glare, odor, traffic and other impacts of such development especially when adjacent to residential uses; and
- 102.1-15. To define and limit the powers and duties of the administrative officers and bodies as provided herein.

## **SEC. 49-103 - SPECIFIC REGULATIONS**

### **103.1. Construction of Terms.**

- 103.1-1. In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

### **103.2. Rules.**

- 103.2-1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
- 103.2-2. The word "shall" is mandatory and not discretionary.
- 103.2-3. The word "may" is permissive.
- 103.2-4. The word "lot" shall include the words "plot," "piece" and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- 103.2-5. Scope of Regulations.

103.2-5.1. No buildings or structures shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

103.2-5.2. If located in a Historic District or designated as a Historic Landmark, no buildings or structures shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the city's Historic Districts and Landmarks Guidelines, as approved by Resolution Number 01-152, dated April 10, 2001, and is from time to time amended.

#### 103.2-6. Permits.

103.2-6.1. No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the zoning administrator, and no permit or license shall be issued by any other city department, which would authorize the use or change in use of any land or building contrary to the provisions of this ordinance, or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this ordinance.

#### 103.2-7. Zoning maps.

103.2-7.1. The locations and boundaries of the districts established herein are shown upon the zoning map that is hereby incorporated into this ordinance. The zoning map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part of this ordinance and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

#### 103.2-8. New or annexed land.

103.2-8.1. Submerged land heretofore reclaimed or which may be reclaimed hereafter, and land heretofore annexed or which may be annexed to the city hereafter, and which is not shown on the zoning map made a part of this ordinance, shall be classified in the R-1 one-family dwelling district until such time as the city council designates the permitted use of the land in accordance with the provisions of this ordinance; provided, however, that the city council may, in the annexation ordinance, specifically determine the zoning district or districts into which such annexed land shall be classified. Where the land heretofore referred to abuts an existing or contemplated highway or street, which contemplated highway or street, in the opinion of the commission and the city council, may at some time in the future become a four-lane highway or street, then the city council in the case of vacant land shall require the dedication of sufficient land to provide for a future one-hundred foot right-of-way.

#### 103.2-9. Zoning of streets, alleys, public ways, and railroad rights-of-way.

103.2-9.1. All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same use district as the property immediately abutting upon such alleys, streets, public ways, and railroad rights-of-way. Where the centerline of a street, alley, public way, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

103.2-10. Boundary lines.

103.2-10.1. Wherever any uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

- A. Where district boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the centerlines thereof.
- B. Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. Where a lot held in one (1) ownership and of record at the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than twenty (20) percent.

103.2-11. General Provisions

103.2-11.1. Location of buildings.

- A. Except as otherwise provided for in this ordinance, every building shall be constructed or erected upon a lot, or parcel of land, which abuts upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of twenty-five (25) feet, unless an easement of lesser width was on record prior to the adoption of this ordinance.

103.2-11.2. Buildings on a zoning lot.

- A. Every building hereafter erected or structurally altered to provide dwelling units, shall be located on a zoning lot as herein defined and in no case, shall there be more than one (1) such building on one (1) zoning lot, except that in a two-story garage with living quarters upon the second floor such quarters may be occupied by a domestic employee (and his family) of the family occupying the main structure. There may also be constructed a guest house (without kitchen) or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the main structure and not for permanent occupancy by others as a housekeeping unit.

103.2-11.3. Rezoning of public and semipublic areas.

- A. An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the city council within three (3) months after the date of application filed for rezoning.

#### 103.2-11.4. Conditional uses.

- A. Whenever any provision of law, or this code classifies a use of property in any zoning district as a conditional use or requires the issuance of a special or conditional use permit as a mechanism to reduce any requirement imposed by this ordinance, the procedures for the issuance of a conditional use permit set forth in chapter 34 of this code shall apply to the application, review, and approval process of the conditional use.
- B. Whenever any provision of this code defines a use authorized in a planned development district to be conditional use, the procedures for the authorization of the conditional use within such district set forth in chapter 34 of this code shall apply to the application, review, and approval process of the conditional use.

#### 103.2-11.5. Rules generally applicable to all zoning districts.

- A. Unless specifically provided, these rules shall be construed to be a part of the regulations of every zoning district established pursuant to this ordinance.
- B. Unless specifically provided, these rules shall be construed to be a part of the regulations of every planned development district and overlay district established pursuant to chapter 34 of this code.

#### 103.2-11.6. Organization of ordinance.

- A. Consistent with the organization of the remainder of this code, the catch lines previously designed as “Chapters” in prior versions of this ordinance are designated as “Parts.”
- B. Consistent with the organization of the remainder of this code, sections appearing in previous versions of this ordinance have been renumbered to be preceded by “49-10” such that former Section 2 of this ordinance is now Sec. 49-102.”
- C. The re-designation of the catch lines and renumbering of the sections of this ordinance as described in this paragraph shall not be construed as a repeal or amendment of any existing provision of the code.

### **103.3. Definitions.**

- 1300 Hotel, Motel, Or Other Accommodation Services: This category is comprised of establishments which serve lodging accommodations for travelers and must be staffed with twenty-four-hour clerk service, maid and janitor services. They may offer a wide range of services, from overnight sleeping space to full-service hotel suites. They may offer these services in conjunction with other activities, such as entertainment or recreation.
- 1310 Bed And Breakfast Inn: This is a 1300 use category which is comprised of establishments which operate primarily in private homes and small buildings.
- 1320 Rooming And Boarding / Single Room Occupancy: This is a 1300 use category which is comprised of accommodation services such as rooming and boarding and single room occupancy establishments, rooming and boarding establishments serve a specific group or membership, such as a dormitory, fraternity or sorority house, or workers' camp, they provide accommodations and may offer housekeeping, meals, and laundry services. Single Room Occupancy are establishments where a room is provided, for compensation pursuant to previous arrangement, as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. Including but not limited to Lodging house; Rooming house; Dormitory
- 1330 Hotel, Minor: This is a 1300 use category which is comprised of establishments with fewer than fifty (50) guest rooms established prior to December 01, 1992.
- 1340 Motel: This is a 1300 use category which is comprised of establishments with no common corridor to access guest rooms, the rooms are individually accessible from the outside. Including but not limited to Tourist Courts; Motor Lodges; and Motels.
- 1350 Hotel, Limited Service: This is a 1300 use category which is comprised of establishments that have more than fifty (50) guest rooms, and has meeting space/banquet facilities for less than 100 persons, no food service and none or one of the following amenities: swimming pool, exercise facility, gift shop or hotel restaurant within the physical confines of the hotel.

- 1360 Hotel, Select Service: This is a 1300 use category which is comprised of establishments that have more than fifty (50) guest rooms, and has meeting space/banquet facilities for between 100 and 200 persons, limited food service (i.e. continental breakfast) and two or more of the following amenities: swimming pool, exercise facility, gift shop or hotel restaurant within the physical confines of the hotel. In addition to these required amenities others may also be provided for guests including but not limited to: spa facilities, dry cleaning service, recreational activities, or entertainment.
- 1370 Hotel, Full Service: This is a 1300 use category which is comprised of establishments that have more than one hundred and twenty (120) guest rooms, and has meeting space/banquet facilities for between 200 and 1,000 persons, a hotel restaurant within the physical confines of the hotel and room service that is accessory to the restaurant use and all three of the following amenities: swimming pool, exercise facility, and gift shop. In addition to these required amenities others may also be provided for guests including but not limited to: spa facilities, dry cleaning service, recreational activities, or entertainment.
- 1380 Hotel, Convention: This is a 1300 use category which is comprised of establishments that have at least 200,000 square feet of floor area of which a minimum of 50% must be occupied by meeting space/banquet facilities, and has meeting space/banquet facilities for at least 1,000 persons, a minimum of one hotel restaurant within the physical confines of the hotel and room service that is accessory to the restaurant use and all three of the following amenities: swimming pool, exercise facility, and gift shop. In addition to these required amenities others may also be provided for guests including but not limited to: spa facilities, dry cleaning service, recreational activities, or entertainment.
- 1510 Community Residence, Minor: This 1500 use category is comprised of establishments where a dwelling structure is occupied by a group of four (4) to six (6) unrelated persons with disabilities with onsite support staff provided by a sponsoring agency.
- 1520 Community Residence, Major: This 1500 use category is comprised of establishments where a dwelling structure is occupied by a group of seven (7) or more unrelated persons with disabilities with onsite support staff provided by a sponsoring agency.

1530 Community Residence, Transitional:	This 1500 use category is comprised of establishments where a dwelling structure is occupied by a group of unrelated persons who have been paroled for criminal offenses, or a dwelling structure which serves as an alternative to incarceration for persons with criminal offenses. Including but not limited to, work release center, halfway house (correctional), transitional living quarters or comparable facilities.
2115 Cannabis Dispensing Facility:	A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a registered cannabis cultivation facility for the purpose of dispensing cannabis, cannabis infused products, cannabis seeds, paraphernalia, or related supplies and educational materials to purchasers or registered qualifying patients and caregivers.
2160 Pawnshop:	A Business establishment that provides loans on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time
2195 Automated/ Unstaffed Business Devices:	This 2100 use category consists of any automated device which dispenses, sells, vends, or collects goods or services with no attendant required. Including but not limited to vending machines, "atm" banking machines, newspaper stands, and other coin/card operated devices.
2195.1 Donation Collection Bin:	This 2100 use category consists of containers intended to accept and store donated items for collection.
2198 Garage Sale:	This 2100 use category consists of general sales conducted from a residential property which is open to the public for the purpose of disposing personal property.
2199 Farmers Market:	This 2100 use category consists of a public market at which farmers and often other vendors sell produce directly to the consumer.
2220 Alternative Financial Services Businesses:	This category is the use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, cash-for-gold establishments or a credit access business as defined in this section. This use excludes: (1) a state or federally chartered bank, savings and loan association or credit union, or a pawnshop; and (2) a convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.



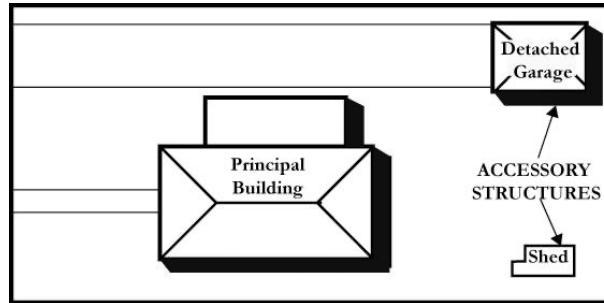
2520 Drive –In Restaurant	An eating establishment whose principal business is the sale of food and beverages served directly to the customer in a motor vehicle by an employee outside the confines of the building.
2831 Gasoline Station:	A place where gasoline or any other automotive engine fuel stored only in underground tanks, kerosene, or lubricating oil or grease for the operation of motor vehicles or boats are offered for sale directly to the public on the premises. Minor automotive repairs, accessories and servicing is permitted. Major automotive or boat repairs; tire recapping; and the washing of motor vehicles where no production-line methods, mechanized devices, or combination thereof is employed are not permitted. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.
2832 Car Wash, Multiple Bay	A structure, or portion thereof, containing two (2) or more bays for the washing of motor vehicles by manual means, by self-serve means, by mechanized means, by means of a production line, or any combination thereof; or which has an operating capacity of two (2) or more vehicles at any one (1) time.
2833 Car Wash, Single Bay:	A structure, or portion thereof, containing one (1) bay where motor vehicles are washed by means of a fully automated mechanized process, and which has an operating capacity of only one (1) vehicle at any one (1) time.
2834 Vehicle Repair, Minor:	Incidental repairs, replacement of parts, and motor service to motor vehicles, but not including any operation specified under "Vehicle repair, major" or the servicing of small automotive engines.
2835 Hand Wash, Detail Shop:	A building where motor vehicles are washed, waxed, polished or cleaned by hand; but not including any operation specified under "Car Wash, multiple or single bay".
2836 Vehicle Repair, Major:	Engine rebuilding or major reconditioning of worn or damaged motor vehicles, trailers, boats, industrial equipment, automotive or industrial engineering; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles but not including the recapping of tires, or the processing of other rubber or synthetic materials that may be used in the repair of the vehicles only.

2841 Truck Stop Establishments:	A place where gasoline or any other automotive engine fuel stored only in underground tanks, kerosene, or lubricating oil or grease for the operation of motor vehicles or boats are offered for sale directly to the public on the premises. These establishments have one or more diesel fuel stations with bays that are designed to accommodate semi-trucks or other commercial vehicles. Minor automotive repairs, accessories and servicing is permitted. Major automotive or boat repairs; tire recapping; and the washing of motor vehicles where no production-line methods, mechanized devices, or combination thereof is employed are not permitted. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.
3110 Food, Textiles, And Related Products:	This is a 3100 use category which is comprised of establishments which produce food products for intermediate or final consumption in a process that primarily uses raw materials from agricultural products. Including but not limited to establishments that produce tobacco, textiles, and leather products, beverage bottling and distributing; canning and preserving; food manufacture, packaging and processing; ice cream and ice manufacture.
3112 Cannabis Processing Facility:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.
3113 Cannabis Infuser Facility:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.
3150 Recycling Centers:	This 3100 use category is comprised of establishments which are entirely within a completely enclosed building where scrap metal, paper, rags or other recyclable materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, but excluding recycling yards/junk shops.
3410 Recycling Yards/Junk Shops:	This 3400 use category is comprised of establishments which consist of an open area where scrap metal, paper, rags or other recyclable materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding recycling centers. This use shall be wholly enclosed by a solid wall or fence, not less than 7 feet in height, and no material shall be piled or stacked to a height of fifteen (15) feet above the ground level.

4142 Cannabis Transporting Facility:	An facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishments or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.
4210 Above Ground Communication And Electric Utility Facility:	An above ground structure used by a wire utility, such as telephone, cable, cell towers, or electric service, to provide services to the public where the structure is sized greater than 4' x 3' x 2'
4310 Alternative Energy System:	For the purposes of Section 4.4-9, alternative energy system refers to a system that converts sunlight or wind into usable energy.
5200 Special Purpose Recreational Institutions:	This 5000 use category is comprised of establishments which, as a primary use, provide facilities for amusement, entertainment or recreational activities. Including but not limited to the following: arcade, auditorium, stadium, arena, armory, gymnasium, or other similar places for public events; health club, bowling alley, dance hall, skating rink, archery range, golf practice range, miniature golf course, swim club, tennis, handball and racquetball club and similar activities.
5210 Community Center:	This 5200 use category is comprised of establishments which as a primary use provide multi-use facilities for public events, recreation and community services. Establishments in this category are public locations where members of a community may gather for group activities, social support, public information and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.
5230 Golf Courses, Public Or Private:	This 5200 use category is comprised of establishments which, as a primary or accessory use, allow for playing of golf on a tract of land laid out for at least nine holes and improved with trees, greens fairways, and hazards and that may include a clubhouse and shelter.
5270 Juice Bars, Dry Cabarets, Teenage Cabarets, And Other Non-Alcoholic Bars:	This 5200 use category is comprised of establishments which are designed, used or intended to be used primarily for participation by the public assembling for entertainment or amusement purposes, including but not limited to music, music videos and dancing but excludes any establishment which serves alcoholic beverages.

- 5400 Natural And Other Recreational Parks: This 5000 use category is comprised of establishments, the primary use of which is recreational and open space without special economic functions. Including but not limited to the following: Community parks; Communitywide special parks; Conservation/protection parks; Linear parks; Neighborhood parks; Public and private parks or playgrounds.
- 5410 Amusement Or Theme Park Or Fair: This 5400 use category is comprised of indoor or outdoor establishments, which may include buildings, where there are various devices for entertainment, including but not limited to rides, games, sale of items, shows and entertainment, food services, and souvenir sales. This use excludes carnivals and circuses which comply with the requirements in Chapters 8 and 9 of the Aurora Municipal Code.
- 6310 Day Care: Any child care facility which regularly provides day care for less than twenty-four-hour days (1) for more than eight (8) children in a family home, or (2) more than three (3) children in a facility other than a family home, which complies with all the licensing requirements for the State of Illinois, Department of Children and Family Services (refer to Illinois Revised Statutes). The child care facilities provide supplemental parental care and supervision and/or educational instruction.
- 6400 Religious Institutions: Establishments that operate religious organizations, such as churches, temples, monasteries, synagogues, etc.
- 7110 Cannabis Cultivation Facility: A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis infused products to cannabis business establishments.
- 7115 Cannabis Craft Grower Facility: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing facilities or use at a processing organization.
- 7200 Community Gardening: This 7000 use category is comprised of establishments where the primary use of the land is for gardening and other horticultural uses where no building is involved and when no sale of product is conducted on the premises. This use typical includes rented or leased small plots of land where produce is grown for individual consumption.

Accessory Structures And Uses:



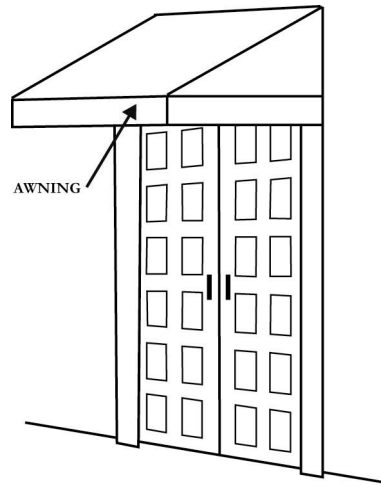
Is one which: is subordinate to and serves a principal building or principal use; and is subordinate in area, extent, or purpose to the principal building or principal use served; and contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

- Acre:** A measure of land containing 43,560 square feet.
- Adult Business Uses:** Any use described as an adult use in the License, Permits and Miscellaneous Business Regulations Chapter of the Aurora Municipal Code of Ordinances.
- Alley:** A public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.
- Apartment:** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.
- Automobile Intensive Uses:** A use that caters to automobile owners by offering services for automobiles or other non-automobile related services, which can be accessed without the owner leaving the automobile. These uses include but are not limited to Automotive Service Station, Automobile Laundry, Drive-Through Restaurant, and Drive-In Establishment.
- Automobile Service Bay:** Any area within a building in which a business or service involving the maintenance, servicing, repairing, painting, washing, or detailing, as defined herein, of vehicles is conducted or rendered.
- Automobile Uses:** Any uses engaged in furnishing to the general public vehicular maintenance, service, repair, painting, washing, detailing, leasing or parking, excluding automotive service stations as defined herein.

Automobile Wrecking Yard:

Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

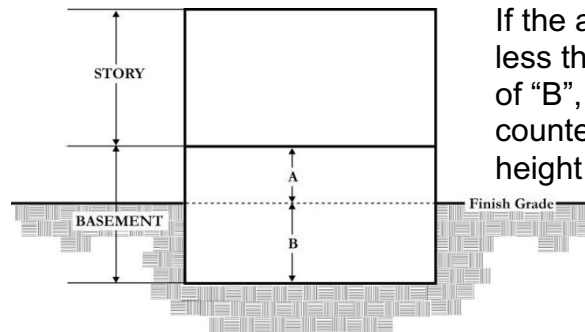
Awning:



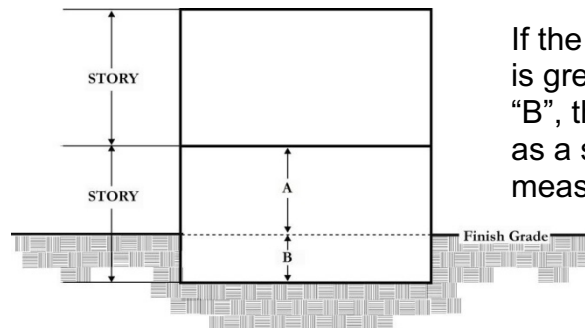
A roof like cover, temporary in nature, which projects from the wall of a building and overhangs the public way.

Basement:

That portion of a building which is partly or wholly below grade. A basement shall not be counted as a story for purposes of height measurement when the vertical distance from the average finish grade to the floor is greater than the vertical distance from the average finish grade to the ceiling.



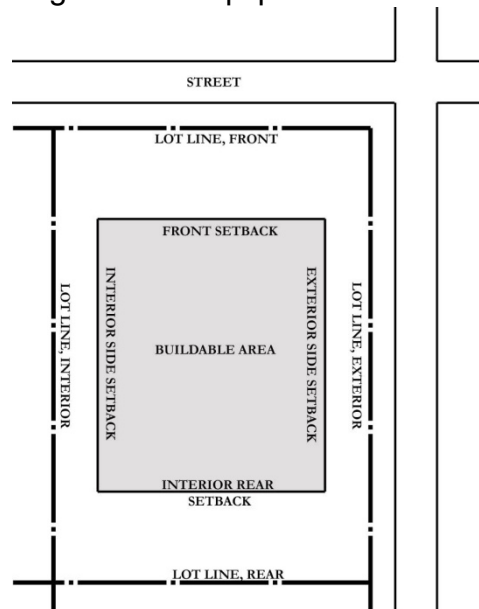
If the average of "A" is less than or equal to  $\frac{1}{2}$  of "B", this is not counted as a story for height measurements.



If the average of "A" is greater than  $\frac{1}{2}$  of "B", this is counted as a story for height measurements.

- Block: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or a corporate boundary line of the city.
- Boardinghouse: A building other than a hotel or restaurant where meals are provided for compensation to four (4) or more persons, but not more than twelve (12), who are not members of the keeper's family.
- Boat: Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.
- Boathouse: A building designed to serve as a private or public boathouse for the storage of boats and for the servicing of boats, boat engines and equipment.

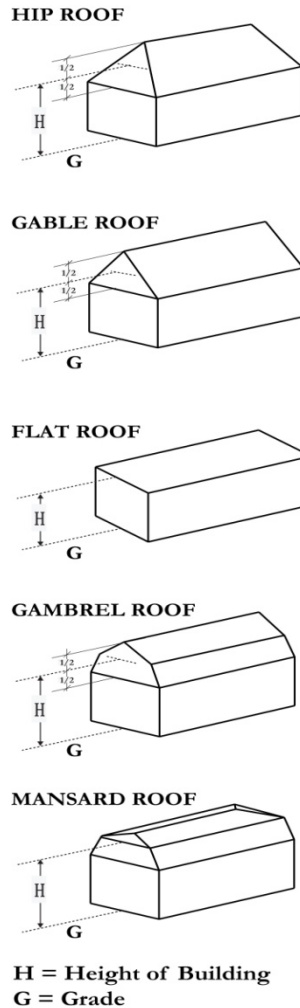
Buildable Area:



The space remaining on a zoning lot after the minimum setback and open space requirements of this ordinance have been complied with.

- Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as gasholders, oil tanks, water tanks, grain elevators, coalbunkers, oil cracking towers and other similar structures are not considered as buildings.
- Building, Completely Enclosed: A completely enclosed building is a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

**Building Height:**



The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; 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.

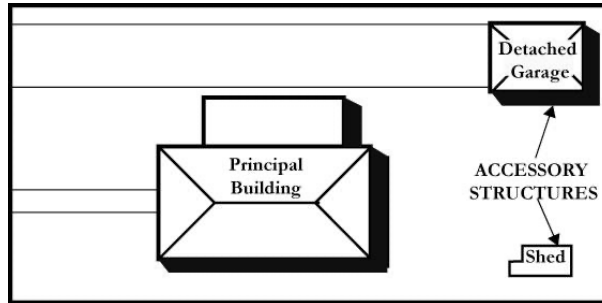
**Building Line:** See setback line, building

**Building Mounted System:** An alternative energy system that is mounted on either the principal or accessory structure or both.

**Building, Nonconforming:** Any building which does not conform to the regulations of this ordinance prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.



Building, Principal:



A building in which is conducted the main use of the zoning lot on which it is situated.

Bulk:

The term used to describe the size and mutual relationships of buildings and other structures, as to size; height; coverage; shape; location of exterior walls in relation to lot lines, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and to all open spaces relating to the building or structure.

Bus Lot:

Any lot or land area for the storage or layover of passenger buses or motor coaches.

Business:

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

Business Area:

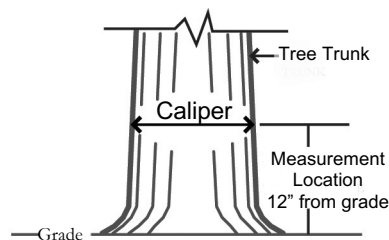
A zoning lot or portion of a zoning lot designed or used for purposes other than residential.

Business Establishment:

A structure, or lot, used in whole or in part as a place of business, the ownership or management of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

Caliper:

The diameter of a tree trunk. For purposes of the Aurora Zoning Ordinance, the caliper of a tree trunk is measured 12" from ground level or grade.



Carport

A structure intended for shelter of an automotive vehicle on residential property, which is formed by a roof projecting from the wall of the principal structure and has at least one side permanently open to the weather, and which, for the purposes of the Zoning Ordinance, is an integral part of an architectural design for an existing or proposed principal building.

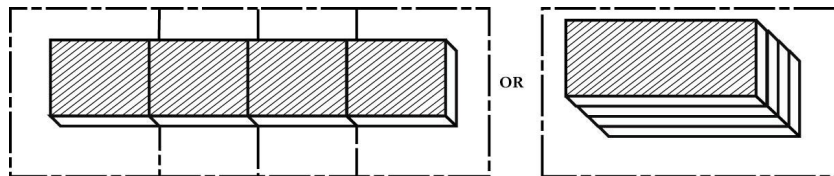
Carryout Or Delivery Food Establishments:	A retail food establishment whose principal business is the sale of food or beverage primarily for consumption off the premises. The establishment may deliver food to the customer or the customer may pick the food up by using a drive-up window or by entering the establishment. Limited seating (up to 8 seating spaces) may be provided for customers to use while waiting for their orders. A carry out or delivery establishment that has more than limited seating shall be deemed a dine-in food and beverage establishment for zoning purposes.
Cartage, Local:	Pickup and delivery of parcels, packages and freight by motor truck within and not exceeding twenty-five (25) miles of the city.
Cash-For-Gold Store:	A business establishment whose primary business activity is the purchase of gold or other precious metals. A cash for gold store as defined herein does not include the purchase of gold or other precious metals when located in a facility whose principal business activity is the retail sales of jewelry.
Category Line:	The line parallel to a major street and which serves as a boundary between different residential categories on a single parcel.
Category Yard:	An open space, unoccupied and unobstructed from its lowest level upward, and which extends along a category line to a depth or width specified in the yard regulations of the residential (housing) standards of the B-B district.
Cellar:	A "cellar" is a story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurements.
Clinic, Medical Or Dental:	A building containing an individual practitioner or an association or group of licensed physicians; surgeons, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and medical laboratories, and/or X-ray facilities, but shall not include in-patient care or operating rooms for major surgery.

Clinic Or Medical Center:	A "medical center" or "medical clinic" is an establishment where three (3) or more licensed physicians, surgeons or dentists engage in the practice of medicine or dentistry, operating on a group or individual basis with pooled facilities, which need not, but may, include coordinated laboratory, X-ray and allied departments, and the diagnosis and treatment of humans, a drug prescription counter (not a drugstore) for the dispensing of drugs and pharmaceutical products, orthopedic or optical devices to the patients of said physicians, surgeons and dentists; but not including any exterior display or advertising sign.
Club Or Lodge, Private:	A structure or part thereof used by a not-for-profit association of persons who are bona fide members paying dues and where facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use, and further providing that adequate dining room space and kitchen facilities are available and that the sale of alcoholic beverages is in compliance with applicable federal, state, and City of Aurora laws.
Commercial Vehicle	A vehicle that does not exceed the standards of a State of Illinois licensure classification of "B," (including, but not limited to, contractor's vans, mini-school buses, pick-up trucks, and smaller stake trucks).
Committee	The standing committee of the city council authorized by chapter 34 of this code to review matters referred from the planning and zoning commission.
Commission	The planning and zoning commission of the city.
Comprehensive Plan	The comprehensive plan adopted by the city council for the city or portion thereof pursuant to law.
Conditional Use	Any use of land or buildings, or both, described and permitted herein, subject to the provisions of the Use Regulations Section and the requirements of chapter 34.
Corner Lot:	See lot, corner.
Corner Lot, Reversed:	See lot, reversed corner.
Coverage, Lot:	See lot coverage.

Curb Level:	The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level."
Currency Exchange:	An establishment, except a bank, a post office, trust company, savings bank, savings and loan association, credit union, industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or traveler's checks, exchanging currency or transmitting money within the United States or overseas by any means for a fee. Check cashing shall not include stand-alone services located inside buildings so long as service incorporates no signage in the windows of the building visible from public view. For purposes of zoning, a currency exchange is considered an Alternative Financial Service.
Dog Run	An enclosed outdoor area intended for the exercising and/or containment of dogs.
Downtown Core:	The downtown core shall be as described in the Downtown Core Section hereof.
Downtown Fringe:	The downtown fringe shall be as described in the Downtown Fringe Section hereof.
Dish Antenna:	A parabolic-shaped receiver and/or transmitter for entertainment and communication transmissions.
Drive-In Establishment:	A business establishment, other than a drive-in or drive-through restaurant, so developed and used that its retail or service character is dependent, in whole or in part, on providing a driveway approach for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.
Drive-Through Restaurant:	An eating establishment that provides a driveway approach for the serving of food and beverages to customers in a motor vehicle and which may also provide an indoor seating area with a minimum of two (2) tables and four (4) chairs. Accessory outdoor seating may be provided. Carryout and delivery service must be an accessory use.
Dwelling:	A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boardinghouses or lodging houses.

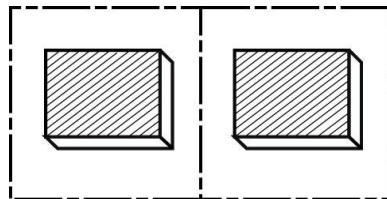
Dwelling, Group: Two (2) or more one-family, two-family or multiple-family dwellings, or boardinghouses or lodging houses, located on one (1) zoning lot, but not including tourist courts or motels.

Dwelling, Multiple-Family:



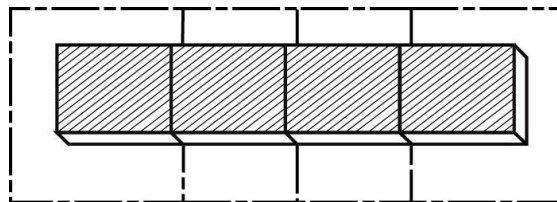
A building or portion thereof designed or altered for occupancy by three (3) or more families living independently of each other.

Dwelling, One-Family:



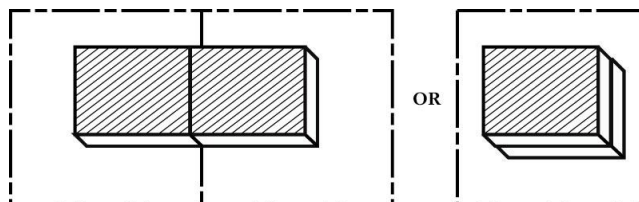
A building designed exclusively for use and occupancy by one (1) family, and entirely separated from any other dwelling by space.

Dwelling, Row (Party Wall):



A row of two (2) to six (6) attached, one-family, party wall dwellings, not more than two (2) rooms in depth measured from the building line.

Dwelling, Two-Family:



A building designed or altered to provide dwelling units for occupancy by two (2) families.

Dwelling Unit: One (1) or more rooms in a residential structure or apartment hotel, designed for occupancy by one (1) family, for living and sleeping purposes.

Educational Institution: Public, parochial, charitable or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Electronic Data Storage Center:	An establishment used for the storage and operation of computer systems and related equipment for the maintaining, storing, processing and routing of data and related activities. An Electronic Data Storage Center shall be at least 150,000 square feet with no more than five percent (5%) of the square footage being office use; and have at least three (3) generators and at least one (1) electrical substation and transformer(s) or similar infrastructure.
Essential Commercial Vehicle:	A Commercial vehicle, excluding a tow truck or a panel truck, that is used for essential emergency twenty-four (24) hour service such as electrical, mechanical and plumbing contracting, and does not exceed a State of Illinois licensure classification of "D" when the vehicle is also the owner's principal means of transportation to and from their place of employment
Estate Sale:	A type of garage sale where any person, or family member who finds themselves needing to sell or liquidate inherited personal property, or those who are in a position of having to liquidate their own property.
Facade:	Any side of a building that faces a public street or a main parking area on the site.
Family:	One (1) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or similar organizations.
Financial Institutions:	Banks, currency exchanges, credit unions, finance companies, brokerage offices, pay day loan stores, and other similar establishments.
Flea Market:	A retail facility that is divided into booths, which can be individually rented or leased to multiple vendors.
Flood-Crest Elevation:	The elevation equal to the flood-crest level of record designated by the city engineer or another governmental official or body having jurisdiction applicable to the property.

- Floodplain Area:** That continuous area adjacent to a stream, stream bed or any stormwater retention area and its tributaries, with an elevation equal to or lower than the flood crest elevation, including also land subject to the risk of overflow which is less than ten (10) acres in area and has an elevation higher than flood-crest elevation and which is surrounded by land with an elevation equal to or lower than the flood-crest elevation, and land subject to the risk of overflow which is less than five (5) acres in area, has an elevation equal to or higher than flood-crest elevation and is bordered on three (3) sides by land with an elevation equal to or lower than the flood-crest elevation.
- Floodplain Fringe Area:** An area lying outside of a floodplain area and is immediately adjacent to and adjoining the floodplain area but not extending more than one hundred (100) feet therefrom.
- Floor Area:** The sum of horizontal areas of each floor measured from the exterior faces of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas.
- Freestanding System:** An alternative energy system that is not attached to another structure and is mounted to the ground.
- Garage, Bus:** Any building used or intended to be used for the storage of three (3) or more passenger motorbuses, or motor coaches used in public transportation, including school buses.
- Garage, Bus Or Truck:** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half (1 1/2) tons in capacity.
- Garage, Private:** A detached accessory structure or portion of the principal building, fully enclosed, and designed, arranged, used or intended to be used for the storage of automobiles of the occupants of the premises.
- Garage, Public:** A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hired or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles extending one and one-half (1 1/2) tons in capacity.
- Grade:** For the purposes of Section 4.4-9, grade is the average ground level at the front property line of a zoning lot.

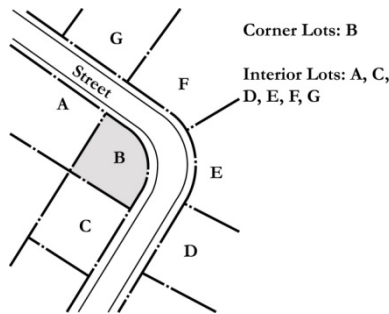
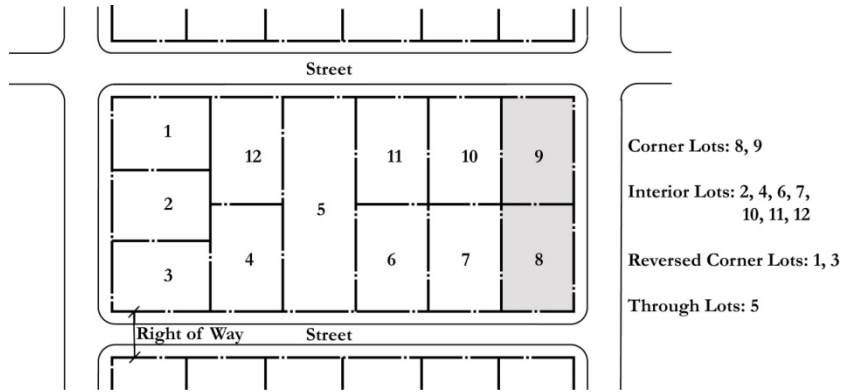
Green Businesses:	A business which adopts principles, policies, and practices to minimize negative impacts of the business on the global or local environment, community, society, or economy. These businesses strive to improve the quality of life for their customers, their employees, communities, and the environment.
Gross Leasable Area (Gla):	All area within the outside walls of a building less stairs, elevators, flues, pipe shafts, vertical ducts and balconies.
Ground Floor Area:	The sum of horizontal areas of the ground floor measured from the exterior faces of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating, or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas.
Guesthouse:	Living quarters within a detached accessory building located on the same premises with the principal building for use by contemporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.
Health Club:	The meeting place of a group of persons organized for the purpose of improving the general condition of their health through exercise.
Helicopter:	Any rotary wing aircraft which depends principally for its support and motion in the air upon the lift generated by one (1) or more power-driven rotors rotating on a substantially vertical axis. All helicopters using heliports/helistops shall comply with Federal Aviation Regulation (FAR) part 336.
Heliport:	Any area of land, water or structural surface which is designed, used or intended to be used for the landing and takeoff of helicopters and any pertinent areas which are designed, used or intended to be used for a helicopter building or other facilities which have received a certificate of approval from the Division of Aeronautics, State of Illinois, Department of Transportation and a conditional use permit from the city to operate said heliport.
Helistop:	An aeronautic facility used for periodic on and off loading of passengers and/or cargo as carried by helicopters with little or no ground support capability.



Home Occupation:	A Home Occupation is defined as any use that may be conducted entirely within a dwelling and carried on by the inhabitants and up to one employee who is not a resident thereof and clearly incidental or secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
Hospital:	An institution open to the public in which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or incurable patients.
Householder:	The occupant of a dwelling unit who is either the owner or lessee thereof.
Impact Area	The impact area consists of all zoning lots within 250 feet of a subject zoning lot and fronting on the public street that the infill lot fronts on.
Infill Lot	A zoning lot within an existing developed urban area where no more than four (4) zoning lots within the “impact area” have had new housing built upon them within the five (5) year period preceding the application date of a building permit for a zoning lot.
Individually Accessible Parking Space:	A required parking space that is designed so that access to said space shall not be obstructed by use of another required parking space.
Junkyard:	Open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.
Kennel, Commercial:	Any lot or premises on which two (2) or more domestic animals, at least four (4) months of age, are kept, boarded for compensation, or kept or bred for sale.
Kiosk:	An area within a structure, which is not wholly enclosed within its own unit is staffed by an attendant, and maybe used as a subordinate business to the primary business. A Kiosk is typically, but not required to be, delineated by a booth(s), counter(s) or table(s).
Laboratory, Commercial:	Laboratory is a building, structure, or portion thereof which is devoted to experimental study such as testing and analyzing but not including the manufacturing, assembly, or packaging of products for sale either directly or indirectly.

Laboratory, Research:	A building or group of buildings in which are located facilities for scientific research, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
Land Use Division Line:	The line, parallel to a major street and which serves as a boundary between commercial and residential developments on a single parcel.
Large Scale Development:	A development or redevelopment project having gross leasable area of thirty thousand (30,000) square feet or greater, which is developed as a unit under unified or coordinated control of its planning and development.
Limited-Access Highway:	A public highway or street, including a toll highway, designed for through traffic and to, from or over which owner of, or persons having interest in, abutting property or other persons having no right or easement, or only limited right or easement, of access, crossing, light, air or view by reason of the fact that said property abuts upon such highway or street, or for any other reason.
Line Of A Building (For Measuring Yards):	A line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as being permitted to extend into a yard.
Livestock:	Animals, including but not limited to cattle, pigs, and poultry, raised for food or other products.
Loading And Unloading Space, Off-Street:	An open hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public use of streets and alleys. Such space shall be not less than ten (10) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.
Lodging House Or Rooming House:	A building with not more than five (5) guestrooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or to overnight guests.
Lodging Room:	A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as one (1) lodging room for the purposes of this ordinance.
Lot:	The word "lot" when used alone shall mean a "zoning lot" unless the context of this ordinance clearly indicates otherwise.

Lot, Corner:

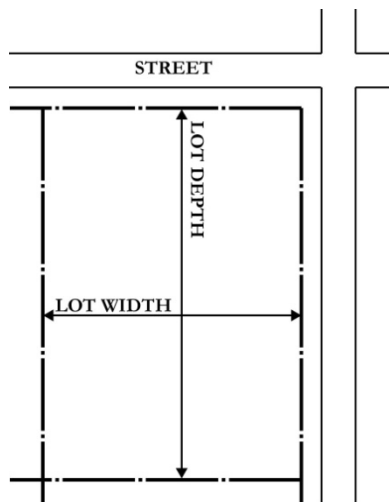


A parcel of land situated at the intersection of two (2) or more public and/or private streets or adjoining a curved street at the end of a block.

Lot Coverage:

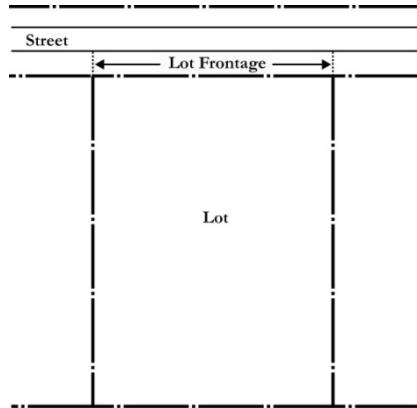
The maximum area of a zoning lot, expressed as a percentage of a lot's total area, which can be covered. This includes, but is not limited to the principal building or buildings, accessory structures, hardscape (driveways, sidewalks, pavement or any area of concrete asphalt, permeable pavement, gravel) and in-ground pools. Free-standing hot tubs, vehicles, above-ground pools, and decks do not count toward lot coverage calculations.

Lot Depth:



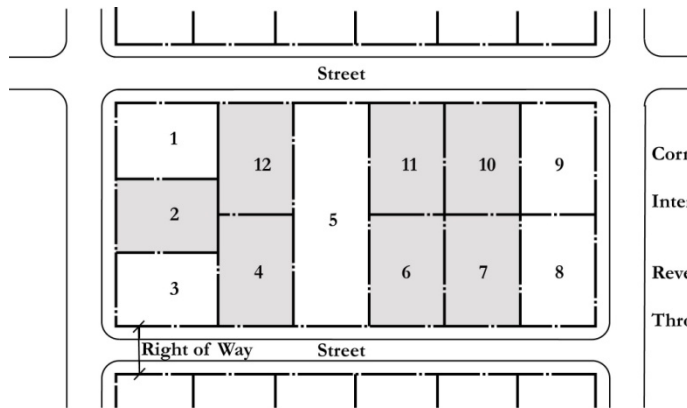
The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, Frontage:



The front of a lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street line as the front lot line.

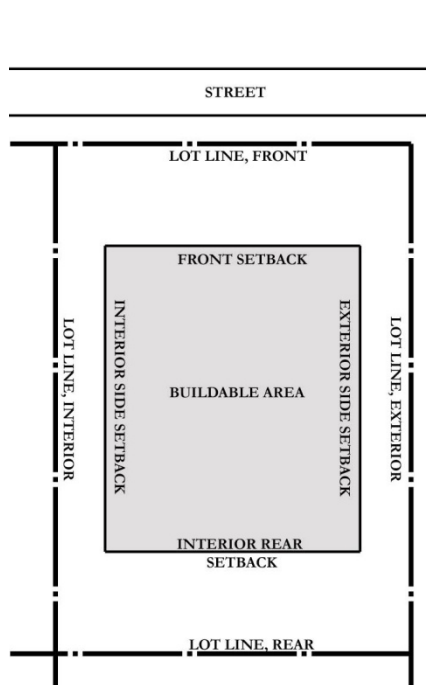
Lot, Interior:



Corner Lots: 8, 9  
 Interior Lots: 2, 4, 6, 7, 10, 11, 12  
 Reversed Corner Lots: 1, 3  
 Through Lots: 5

A lot other than a corner, reversed corner, or through lot.

Lot Line, Exterior:



A side lot line of a corner lot, said line being common with a public street property line. This definition includes front lot lines, exterior rear lot lines and exterior side lot lines.

Lot Line, Exterior Rear: A rear lot line on a zoning lot that abuts a right-of-way.

**Lot Line, Exterior Side:** A side lot line on a zoning lot that abuts a right-of-way.

**Lot Line, Front:** The front property line of a zoning lot. (see figure in definition of lot line, exterior)

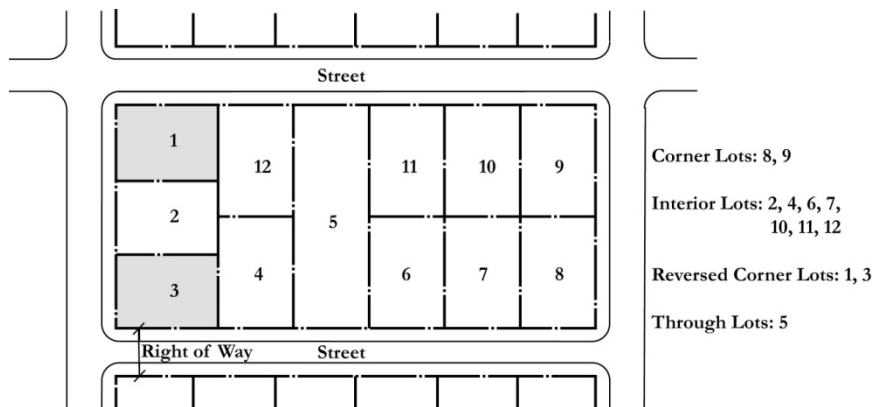
**Lot Line, Interior:** A side lot line common with another lot and which does not abut a right-of-way. This definition includes interior side lot lines and interior rear lot lines. (see figure in definition of lot line, exterior)

**Lot Line, Interior Rear:** A rear lot line that does not abut a right-of-way.

**Lot Line, Interior Side:** A side lot line that does not abut right-of-way.

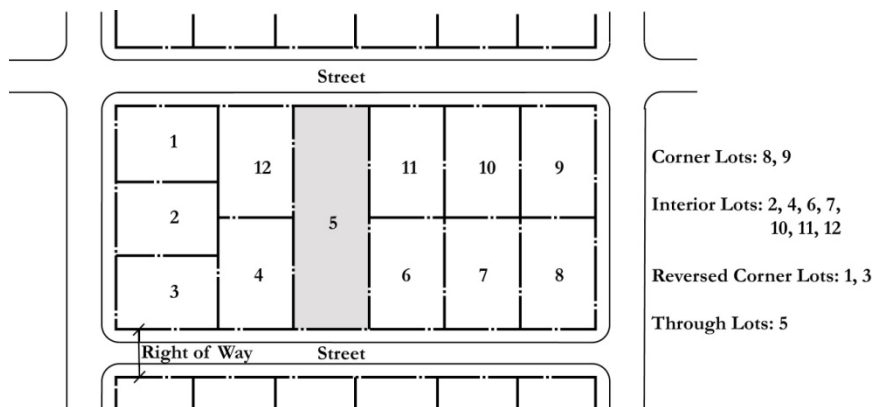
**Lot Line, Rear:** The "rear lot line" is the lot line or lot lines most parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines. (see figure in definition of lot line, exterior)

**Lot, Reversed Corner:**



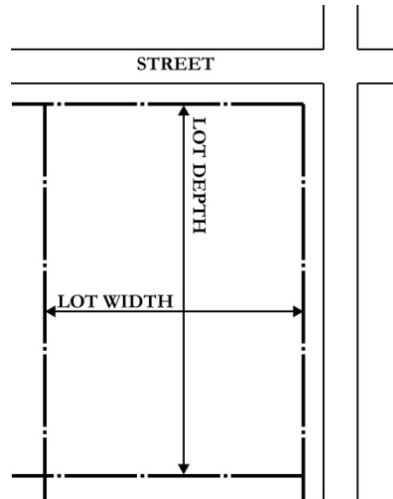
A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**Lot, Through (Also referred To As A Double Frontage Lot):**



A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot.

Lot, Width:



The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

- Lot, Zoning: See zoning lot.
- Manufacture: The making of anything by any agency or process.
- Manufacturing Establishment: A lot and structure, the principal use of which is manufacturing, fabricating, processing, assembling, repairing, storing, cleaning, servicing, or testing of materials, goods or products.
- Marquee Or Canopy: A roof like structure of a permanent nature, which projects from the wall of a building and overhangs the public way.
- Motor Freight Terminal, Private: A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.
- Motor Truck Repair Shop: A premise where motor trucks, tractors, truck trailers and industrial and commercial vehicles in excess of one and one-half (1 1/2) tons in capacity, or their bodies, are overhauled, rebuilt or repaired.
- Nightclub: A place of entertainment open at night, for eating, drinking, dancing, etc., and usually having a floorshow.
- Nonconforming Use: Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this ordinance or amendments hereto, which does not conform after the adoption of this ordinance or amendment hereto with the use regulations of this ordinance.
- Noxious Matter: Noxious matter is material that is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well being of individuals.
- Nursery, Day: An institution providing care for three (3) or more children under the age of four (4) years for periods of more than four (4) hours, but not exceeding twenty-four (24) hours.

Nursery School:	An institution providing day care service for children from four (4) to six (6) years of age.
Nursing Home Or Rest Home:	A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care, and which is licensed by the state and city if required by ordinance.
Octave Band:	An "octave band" is a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.
Operating Hours:	Those hours that a business is functioning, open, and accessible to the general public for the purposes of conducting business.
Panel Truck Or Step Van:	A motor vehicle designed, used or maintained primarily for transportation of property which does not exceed the standards of a State of Illinois licensure classification of "B" and which is at least eight and one-half (8 1/2) feet in height and eighteen (18) feet in length.
Parcel Delivery Station:	A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within the area.
Park, Community:	An active or passive recreational facility for all age groups within driving distance of its location (typically a thirty-minute driving time), which has an emphasis on family and group programmed activities available on a year-around basis.
Park , Communitywide Special:	An active or passive recreational facility for all age groups, which has an emphasis on one or more singular purpose activities outside the normal park setting.
Park, Conservation/ Protection:	A passive recreational facility for all age groups, which has an emphasis on preserving environmentally sensitive areas and natural resource features.
Park, Linear:	A recreational facility for all age groups, which has an emphasis on providing non-motorized recreational trail opportunity and regional linkages with other the open space system.
Park, Neighborhood:	A passive recreational facility with limited active capability for all age groups within walking distance of its location (typically one-half-mile radius), which has an emphasis on informal play activities rather than intensely scheduled activities

Parking Area, Private:	An open, hard-surfaced area of land, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory. All parking spaces must be individually accessible, and meet the requirements set forth in the Off-Street Parking and Loading/Design and Maintenance/Size section of this ordinance; if not the parking area shall be considered a Vehicle Storage Yard.
Parking Area, Public:	An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one-and-one-half-ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers. All parking spaces must be individually accessible, and meet the requirements set forth in the Off-Street Parking and Loading/Design and Maintenance/Size section of this ordinance; if not the parking area shall be considered a Vehicle Storage Yard.
Parking Space, Automobile:	Space within a public or private parking area of not less than one hundred and seventy (170) square feet (eight and one-half (8 1/2) feet by twenty (20) feet), exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one (1) passenger automobile or commercial vehicle under a one-and-one-half-ton capacity.
Parsonage:	The dwelling provided by a religious institution for the use of its minister or priest, in which no regular worship assemblies are held.
Particulate Matter:	Particulate matter is material that is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.
Passenger Vehicle:	A motor vehicle which is self-propelled and designed for not more than twelve (12) persons.
Payday Loan Store:	A business establishment that provides loans to individuals in exchange for one or more of the following forms of collateral, which are held for an agreed upon period of time prior to presentment for payment or deposit: personal checks, authorization to debit consumers' bank accounts, or interest in consumers' wages, including, but not limited to, wage assignments. For purposes of zoning a payday loan store is considered an Alternative Financial Service.
Performance Standards:	Performance standards are criteria established to control noise, odor, glare and heat, exterior lighting, vibration, smoke, toxic or noxious matter, gases, particulate matter, fire and



explosion hazards, wastes, and radiation hazards generated by or inherent in uses of buildings, structures, or land. Some of the terms most used in performance standards include but are not limited to the following:

Frequency signifies the number of oscillations per second in a sound wave and an index of the pitch of the resulting sound.

Noise pollution. The emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

Noxious matter. Is a material that is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well being of individuals.

Octave band. A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch. Odor. The minimum concentration of odorous matter in the air that can be detected as an odor.

Odorous matter. Material that is gas, liquid or solid that causes an odor sensation to a human being.

Odor threshold. The minimum concentration of odorous matter in the air that can be detected as an odor. Odor thresholds for many materials and compounds can be found in Table III, Chapter 5, of Air Pollution Abatement Manual, copyright 1951 by the Manufacturing Chemists Association, Inc., Washington, D.C.

Opacity means the quality of state of an object that renders it impervious to the rays of light; the degree of nontransparency.

Particulate matter. The material, other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid such as dust, at atmospheric pressure and temperature.

Radiation hazards. The deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in its passage through other matter. Such radiations shall include, but not limited to, electromagnetic radiations such as X-rays and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons, and alpha particles.

Ringelmann Chart. The chart published and described in the Bureau of Mines, U.S. Department of the Interior, Information Circular 8333 (Revision of IC 7718), May 1, 1967, or any adaptation thereof. The chart illustrates graduated shades of gray for use in estimating the light-obscuring capacity of smoke and smoke density.

**Ringelmann Number.** The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light-obscuring capacity of smoke.

**Sound level.** The intensity of sound of an operation or use as measured in decibels.

**Sound level meter.** An instrument standardized by the American Standards Association for the measurement of the intensity of sound.

**Smoke.** Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material, which form a visible plume in the air.

**Smoke units.** "Smoke units" represent the number obtained by multiplying the smoke density in Ringelmann Numbers by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading is made at least once every minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of smoke units observed during the total period under observation.

**Toxic material or matter.** A substance (liquid, solid, or gaseous) that by reason of an inherent deleterious property tends to destroy life or impair health.

**Toxic substances.** Any gas, liquid, solid, semisolid substance or mixture of substance, which if discharged into the environment could, along or in combination with other substances likely to be present in the environment, cause or threaten to cause bodily injury, illness, or death to members of the general public through ingestion, inhalation, or absorption through any body surface. In addition, substances that are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purposes of this ordinance.

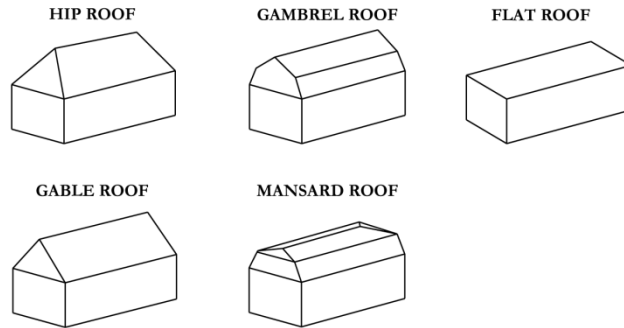
**Vibration.** The motion that repeatedly reverses itself. A continuously reversing motion, such as is produced by a machine (for example, a compressor or a fan) is known as steady-state vibration. Vibration may also result from suddenly applied force, which produces a reversing motion of decreasing intensity. Such vibrations are known as impact vibrations, and are produced by forge hammers, punch presses, and other impact machinery.

Person(S) With Disabilities:	For the purposes of this ordinance, persons with disabilities shall refer to those persons covered under the Americans with Disabilities Act.
Pilot Plant:	A building or structure used for the testing of commercial or industrial processes and products and for the manufacturing of products for testing purposes.
Planned Development:	A "planned development" is a tract of land which includes two (2) or more principal buildings and one (1) or more principal uses and which is developed as a unit under single ownership or under single, unified or coordinated control of its planning and development.
Police Incident:	A documented service call chronicled by the City's Police Department Records Division, which call occurs with regard to a given property, concerning quality of life issues for the residents of said property and the surrounding neighborhood, and involving crimes against people, crimes against property, drug/alcohol violations, and related matters.
Poolrooms:	As defined Chapter 8 AMUSEMENTS of the Aurora Code of Ordinances.
Porch:	A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.
Property Maintenance Ordinance:	Article IV of Chapter 12, et. seq. of the Code of Ordinances, City of Aurora, Illinois
Property User:	The owner, lessee, licensee or other party occupying each lot or similarly defined property for the purpose of operating a business.
Public Street Elevation:	See Street Elevation, Public
Public Utility:	Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.
Railroad Right-Of-Way:	A strip of land with tracks and auxiliary facilities for track operations, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

Recreational Vehicle:	<p>A vehicle originally designed or modified for living quarters, human habitation, or recreation and not used as a commercial vehicle, including, but not limited to, the following:</p> <p>A.. Camper Trailer. A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation, or vacation use.</p> <p>B. Motorized Home. A vehicular unit on a self-propelled motor vehicle chassis, primarily designed as temporary living quarters for travel, camping, recreation, or vacation use.</p> <p>C. Off-the-road-vehicle. A vehicle intended primarily for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, go-cart or snowmobile.</p> <p>D. Racing car or cycle. A vehicle intended to be used in racing competition, such as a race car, stock car, or racing cycle.</p> <p>E. Travel Trailer. A vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational or vacation use.</p> <p>F. Truck Camper. A structure designed primarily to be mounted on a pick-up or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational or vacation use. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.</p>
Residential Area:	A zoning lot or portion of a zoning lot designed or used exclusively for residential purposes.
Restaurant:	<p>An establishment where food and beverages can be purchased and eaten on the premises. Must provide an indoor seating area with a minimum of two (2) tables and four (4) chairs. Accessory outdoor seating may be provided. Carryout and delivery service may only be an accessory use. Establishments with drive-in or drive-through services are not permitted.</p>
Restaurant, Hotel:	An establishment where food and beverages can be purchased and eaten on the premises. Must provide an indoor seating area with a minimum of seventy five (75) seats, room service, and must have outside signage. Accessory outdoor seating may be provided.
Ringelmann Number:	The "Ringelmann Number" is the number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission.
Roof Line:	The part of the roof or parapet that covers the major area of the building.

Roof Types

The following roof types are illustrative examples of roofs types referenced to in the zoning ordinance.



Semi-Trucks

A truck that consist of a tractor and a trailer.

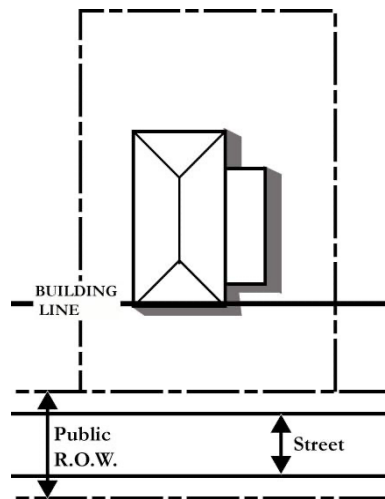
Setback

The minimum distance by which any building or structure must be separated from any existing or proposed lot lines.

Setback Line

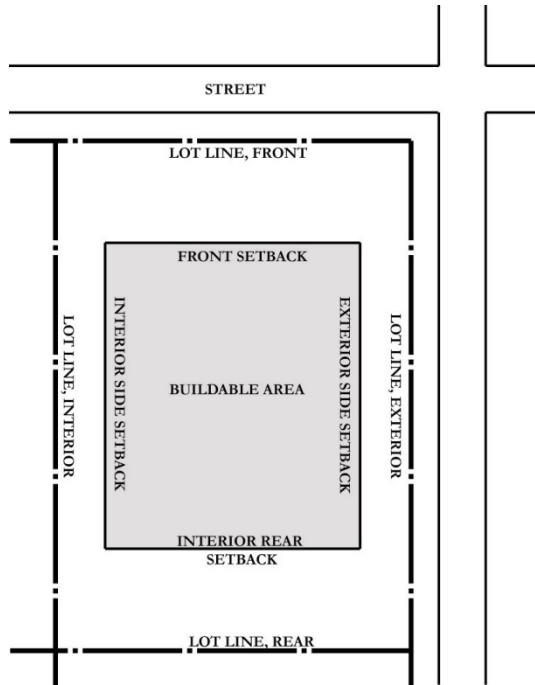
A line designating the minimum distance a building or structure must be setback from any existing or proposed lot line.

Setback Line, Building:



The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line

Setback Line,  
Exterior:



A line parallel to and at a distance from the exterior lot line that establishes the minimum distance between the exterior lot line and a structure on a lot.

Setback Line,  
Interior:

A line parallel to and at a distance from the interior lot line that establishes the minimum distance between the interior lot line and a structure on a lot (see figure in definition of setback line, exterior).

Setback Line,  
Front

A line parallel to and at a distance from the front lot line that establishes the minimum distance between said lot line and a structure on a lot (see figure in definition of setback line, exterior).

Setback Line,  
Exterior Front:

A line parallel to and at a distance from the front lot line that establishes the minimum distance between said lot line and a structure on a lot (see figure in definition of setback line, exterior).

Setback Line,  
Exterior Rear:

A line parallel to and at a distance from the exterior rear lot line that establishes the minimum distance between said lot line and a structure on a lot (see figure in definition of setback line, exterior).

Setback Line,  
Exterior Side:

A line parallel to and at a distance from the exterior rear lot line that establishes the minimum distance between said lot line and a structure on a lot (see figure in definition of setback line, exterior).

Setback Line,  
Interior Rear:

A line parallel to and at a distance from the interior rear lot line that establishes the minimum distance between said lot line and a structure on a lot (see figure in definition of setback line, exterior).

Setback Line, Interior Side:	A line parallel to and at a distance from an interior side lot line that establishes the minimum distance between said lot line and a structure on a lot. (see figure in definition of setback line, exterior).
Sign:	A "sign" is a name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business; however, a sign shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. It shall not include a sign located completely within an enclosed building unless the context shall so indicate. Each display of a sign shall be considered to be a sign.
Sign, Advertising:	An "advertising sign" is a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.
Signs, Business:	A "business sign" is a sign that directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
Sign, Flashing:	A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any revolving, illuminated sign shall be considered a flashing sign.
Sign, Gross Surface Area Of:	The gross surface area of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case, passing through or between any adjacent elements of same; however, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
Sign Ordinance	Chapter 41 of the Code of Ordinances, City of Aurora, Illinois.
Shed	A detached accessory structure, fully enclosed, which serves as a place of storage or shelter of household items incidental to the principal use of the main building or premises.

**Slaughterhouse:** An establishment where livestock are killed/slaughtered on premises. This use shall be considered as a heavy industrial use for the purpose of this ordinance.

**Smoke Units:** Smoke units represent the number obtained by multiplying the smoke density in Ringelmann Numbers by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of smoke units observed during the total period under observation.

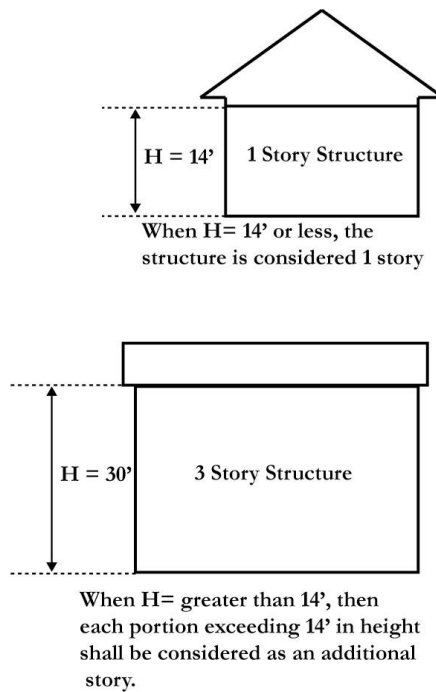
**Solar Energy System:** A system that converts solar energy into electricity or heat through the use of photovoltaic panels or film, solar thermal panels, and associated control or conversion electronics.

**Special Use:** See Conditional Use.

**Stable, Livery:** Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn vehicles, or both.

**Stockyard:** An enclosed or open area, in which livestock, are housed. This use shall be considered heavy industrial use for the purpose of this ordinance.

**Story:**



That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

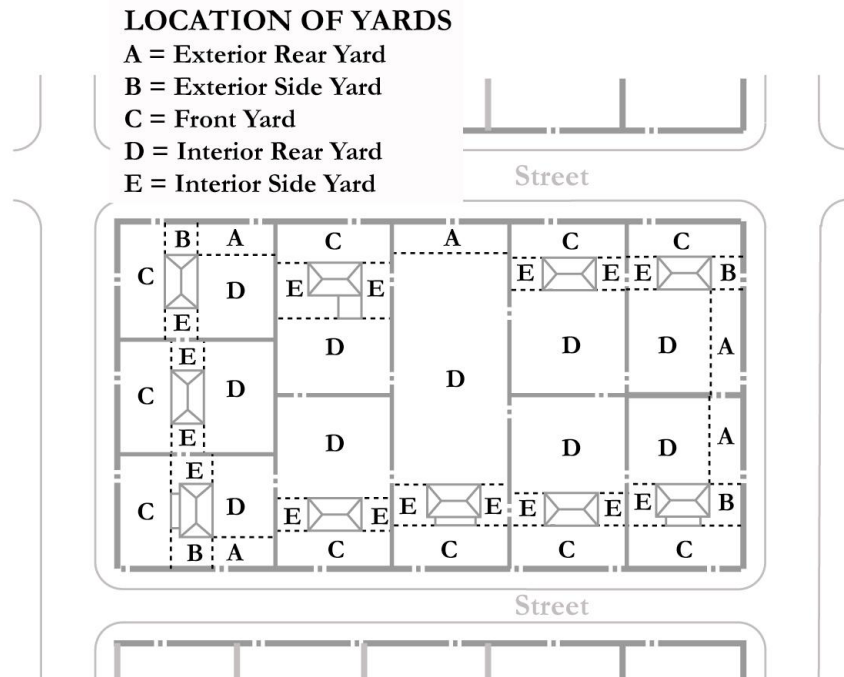


Story, Half:	A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4 1/2) feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings less than three (3) stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple-family dwellings, three (3) or more stories in height, a half story shall be counted as a story.
Street:	A public way other than an alley, including the following types: arterial, major collector, minor collector, local, and limited-access highway.
Street, Arterial	A major or minor street of greater continuity intended to serve as a large volume traffic way within the City of Aurora and region beyond, and so designated on the Aurora Comprehensive Plan, Land Use and Circulation. Access to abutting property is subject to control of entrance, exits, and curb use. Parking may be restricted.
Street Elevation, Public:	The portion of a structures architectural elevation facing a publicly dedicated street.
Street, Major Collector	A street distributing vehicular traffic between minor collectors and arterial streets, and so designated on the Aurora Comprehensive Plan, Land Use and Circulation. A major collector street will have moderate continuity and may serve intercommunity travel.
Street, Minor Collector	A street that collects and distributes local subdivision traffic to major collectors and arterial streets, and so designated in the Aurora Comprehensive Plan, Land Use and Circulation. Although these streets have a land access function, direct residential driveway access to these streets shall be minimized.
Street, Local	A street that its primary function is a land access to abutting land and which serves local traffic carrying it to collector streets.
Street, Limited-Access Highway	A traffic way including expressways and tollroads for through traffic, in respect to which owners or occupants of abutting property or land and other persons have no legal right of access to or from the same, except at such points only and in a manner as may be determined by the public authority having jurisdiction over such traffic way. A limited-access highway provides for expeditious movement of large volumes of traffic and is not intended to give land-access service.

Street Line:	A line separating an abutting lot, piece or parcel from a street.
Street, Private:	An undedicated street privately owned and maintained, or an easement of access benefiting a dominant tenant.
Street, Roadway:	Roadway is the paved area intended for vehicular traffic, including curb and gutter, if any.
Structural Alterations:	Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.
Structure:	Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.
Tavern:	A building where liquors are sold to be consumed on the premises.
Tearoom:	A restaurant, which is located in conjunction with and on the same premises as a retail use.
Terrace, Open:	An unroofed, paved area, or a raised flat mound of earth with sloping sides not more than four (4) feet in height above the average level of the adjoining ground and immediately adjacent to a house or structure.
Title Loan Store:	A business establishment that provides loans to individuals in exchange for receiving titles to the borrower's motor vehicles as collateral. For purposes of zoning a title loan store is considered an Alternative Financial Service.
Tollway:	Any route so designated by the Illinois Tollway Authority, including all land within the right-of-way.
Tourist Courts, Motor Lodges, Motels:	An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for the use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. In a motel less than twenty (20) percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.
Tourist Home:	A dwelling in which accommodations are provided or offered for transient guests.

Trailer	A vehicle without its own motive power that is designed to transport belongings or another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.
Trailer Camp, House:	Any premises occupied or designed to accommodate more than one (1) family living in an automobile house trailer or mobile home.
Trailer, House Or Mobile Home:	A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.
Transitional Use:	The use of a building or lot for permitted purposes in an area adjoining, adjacent or opposite to, but separated by a street or alley from an area of a lower classification.
Truck Parking Area Or Yard:	Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading, and which exceed one and one-half (1 1/2) tons' capacity.
Use:	The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.
Used Car And Boat Lot:	A zoning lot on which used cars, trailer or trucks, or boats are displayed for sale or trade.
Warehouse:	A building or structure or part thereof, used principally for the storage of goods and merchandise.
Wind Energy System:	A system that converts wind energy into electricity through the use of wind turbines, a tower or post, mounting hardware, and associated control or conversion electronics.
Wholesale Establishment:	Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers.

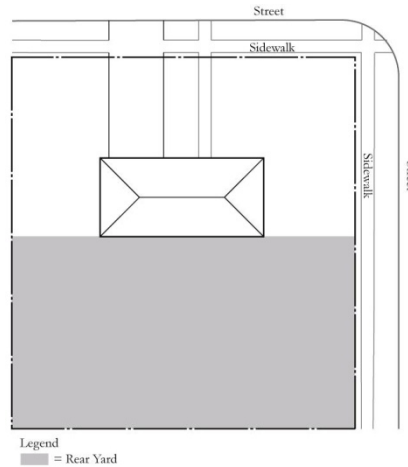
**Yard:** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from any portion of the building from the ground upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width extending to the specified line or lines of the principal building.



- Yard, Corner:** See yard, exterior side.
- Yard, Exterior:** A front, exterior side or exterior rear yard. (see figure in definition of yard)
- Yard, Exterior Rear:** Portions of a rear yard that are adjacent to a public street right-of-way. (see figure in definition of yard)
- Yard, Exterior Side:** The area lying between the exterior lot line and the nearest line or lines of the principal building, and extending from the front yard (or from the front lot line, if there is no front yard) to the rear yard. (see figure in definition of yard)
- Yard, Front:** A yard extending across the full width of the zoning lot and lying between the front line of the lot and the line or lines of the principal building. (see figure in definition of yard)
- Yard, Interior:** An interior side or interior rear yard. (see figure in definition of yard)
- Yard, Interior Rear:** A rear yard abutting any use except a public street right-of-way. (see figure in definition of yard)

**Yard, Interior Side:** The area lying between the interior lot line and the line or lines of the principal building, and extending from the front yard (or from the front lot line, if there is no front yard) to the rear yard. (see figure in definition of yard)

**Yard, Rear:**



A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the line or lines of the principal building.

**Yard, River:** The area lying between the setback line and the Fox River retaining wall, if such exists, or the mean watermark, as determined by the city engineer. The setback shall be measured horizontally. The purpose of such yard shall be to beautify the riverbank, to provide for pedestrian enjoyment, circulation and access among various businesses and activities. Within such yards pedestrian walkways, bicycle paths, pedestrian plazas and landscaping are permitted. Buildings, storage of materials or equipment, or vehicular parking, accessways or maneuvering areas shall not be permitted in the river yard.

**Yard, Side:** That part of the yard lying between the line or lines of the principal building and a side lot line, and extending from the front yard (or from the front lot line, if there is no front yard) to the rear yard. (see figure in definition of yard)

**Zoning Administrator:** The zoning administrator of the city.

**Zoning Lot:** A plot of ground, made up of one (1) or more parcels that is or may be occupied by a use, building or buildings including the open spaces required by this ordinance.

**Zoning Maps:** The map or maps incorporated into this ordinance as a part hereof.

**SEC. 49-104 - USE REGULATIONS****104.1. Use Districts**

<b>ESTABLISHMENT OF ZONE DISTRICTS</b>	
In order to carry out the purposes and provisions of this ordinance, the city council hereby divides the city into the following use districts:	
ABBREVIATION	DISTRICT NAME
<b>OPEN SPACE, PARK, RECREATION DISTRICT</b>	
OS-1	Conservation, Open Space, and Drainage District
OS-2	Open Space and Recreation District
P	Park and Recreation District
<b>RESIDENTIAL DISTRICTS</b>	
E	One-Family Dwelling District
R-1	One-Family Dwelling District
R-2	One-Family Dwelling District
R-3	One-Family Dwelling District
R-4	Two-Family Dwelling District
R-4A	Two-Family Dwelling District
R-5	Multiple-Family Dwelling District
R-5A	Midrise Multiple-Family Dwelling District
<b>BUSINESS DISTRICTS</b>	
B-1	Business District Local Retail
B-2	Business District General Retail
B-3	Services and Wholesale District
B-B	Business-Boulevard District
<b>MANUFACTURING DISTRICTS</b>	
M-1	Manufacturing District Limited
M-2	Manufacturing District General
<b>OTHER DISTRICTS</b>	
ORI	Office, Research and Industrial
R-D	Research & Development District
DC	Downtown Core
F	Downtown Fringe
O	Office
PDD	Planned Development District

**104.2. Permitted Uses & Structures****104.2-1. Religious Institutions**

104.2-1.1. All religious institutions shall comply with all applicable building and fire codes, and Aurora comprehensive plan.

104.2-1.2. Religious institutions built or buildings newly occupied and used as religious institutions on or after July 28, 1986, shall be regulated as follows:

- A. Zoning districts. Religious institutions shall be permitted in all districts.
- B. Setbacks. All religious institutions shall comply with the setback requirements of their applicable zoning classification.
- C. Green space. At least twenty-five (25) percent of that portion of the lot shall be landscaped and maintained with grass or other living ground cover, and shall be landscaped pursuant to this ordinance.
- D. Lighting. The Performance Standards in the Bulk Restrictions Section of this ordinance shall be applicable.
- E. Location. Religious institutions shall abut an arterial or major collector street, as shown on the comprehensive plan.
- F. Parking requirements. Religious institutions shall provide parking spaces as required in this ordinance. Parking areas shall be landscaped pursuant to this ordinance.
- G. Combining uses. If a religious institution wishes to combine one (1) or more other uses permitted under this ordinance, including, but not limited to day schools, such uses shall be regulated by the conditional use procedures set forth under chapter 34 of this code.
- H. Reserved.
- I. Shared facilities:
  - i. More than one (1) congregation may use a religious institution building.
  - ii. For congregations that use schools, community centers and other public buildings, such building shall be located on a major collector or arterial street, and shall have at least one (1) paved parking space for each six (6) users of the building at the peak usage time.

104.2-1.3. Conditional Use. A proposed religious use that does not satisfy the requirements of paragraphs A – H of sec. 104.2-1.2 shall constitute a conditional use requiring approval under chapter 34.

104.2-1.4. Uses for temporary religious institution structures, meetings or revivals shall be regulated as follows:

- A. Uses for such activities shall require a permit.
- B. Such permits shall be granted for no more than thirty (30) days for any one (1) location during any one (1) calendar year.
- C. Uses for such activities shall be located on existing religious institution-owned property or at locations that are on arterial or major collector streets.
- D. Uses for such activities shall provide adequate off-street parking space for expected peak usage.

104.2-2. Community residence, minor and major.

104.2-2.1. A community residence, minor shall be a permitted use in all residentially zoned districts and all residential portions of planned development districts. However, prior to occupancy, the community residence, minor operator shall first obtain an administrative occupancy permit as set forth in the administrative occupancy permit provision within this section of the zoning ordinance.

104.2-2.2. A community residence, major shall be allowed in any residentially zoned district, and any residential portion of a planned development district, only upon issuance of a conditional se permit.

104.2-2.3. Spacing requirements:

A. No community residence, minor shall be located within a radius of one thousand three hundred twenty (1,320) feet from any other structure containing a community residence, minor or a community residence, major.

B. The distance set forth above shall be measured from the property line nearest the structure containing the existing residence to the property line nearest the structure to contain the proposed residence.

104.2-2.4. Occupancy permit. Community residences, minor shall become occupied only after the residence operator has first obtained an occupancy permit from the zoning administrator authorizing the use of the dwelling unit as a community residence, minor.

A.

B. No occupancy permit shall be issued without reliable evidence that

i. The operator is licensed or similarly authorized by the State of Illinois to operate the proposed community residence, major or minor in the proposed location; and

ii. The proposed residence complies with all applicable State of Illinois regulations.

C. No occupancy permit shall be issued for a residence that fails to meet the distance requirement set forth in the spacing requirements provision within this section of the zoning ordinance.

D. No occupancy permit shall be issued for a residence that fails to meet the square footage spacing requirements in article IV of chapter 12 of this code.

E. Upon receiving an application for an administrative occupancy permit, the zoning administrator shall process the application to determine if the The holder of an administrative occupancy permit shall file with the zoning administrator a copy of each State of Illinois inspection report for the residence covered by the permit. Upon renewal of its license or authorization from the State of Illinois, the permittee shall submit to the zoning administrator reliable evidence of such renewal.



- F. The zoning administrator may revoke an administrative occupancy permit upon giving the permittee at least ten (10) days' written notice of the grounds for revocation and the opportunity for a public hearing before the zoning administrator at which time the operator may present evidence bearing on the question and cross-examine witnesses. The grounds for which an administrative occupancy permit may be revoked are:
- i. The permit was obtained by fraudulent means, material misrepresentation or by submitting false information;
  - ii. The permittee is no longer licensed or authorized by the State of Illinois to operate a residence at the location specified in the permit;
  - iii. The permittee has unlawfully refused to permit an inspection of the home by an authorized official of the city;
  - iv. The structure has been determined by an authorized official of the city to be unsafe for human habitation.
  - v. The permittee has failed to file the necessary State of Illinois inspection reports.

- G. Appeals from the decision of the zoning administrator concerning the revocation of an occupancy permit shall be in accordance with chapter.

An occupancy permit is not transferable to any other person.

- 104.2-2.5. Community residences, minor that fail to meet all the requirements for an occupancy permit, excepting said residences denied a required state license, shall require a conditional use permit prior to occupancy.

#### 104.2-3. Telecommunications Facilities

##### 104.2-3.1. Telecommunication facilities regulations.

- A. All telecommunications facilities, towers and antennas shall be subject to the regulations contained in Chapter 19 of this code, except as specifically excluded therein.

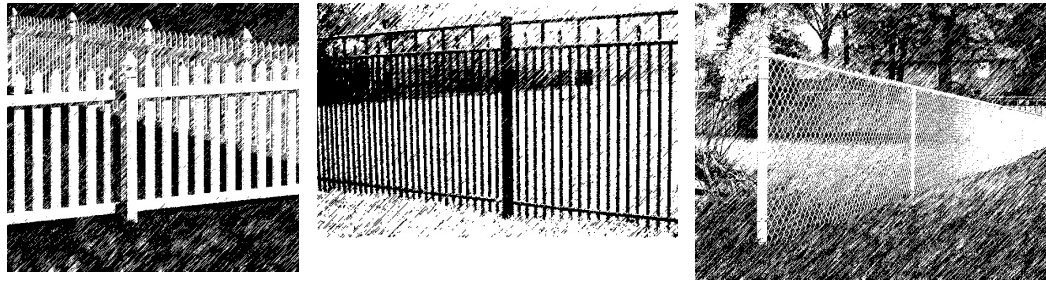
#### 104.2-4. Fences and Walls

##### 104.2-4.1. Permit

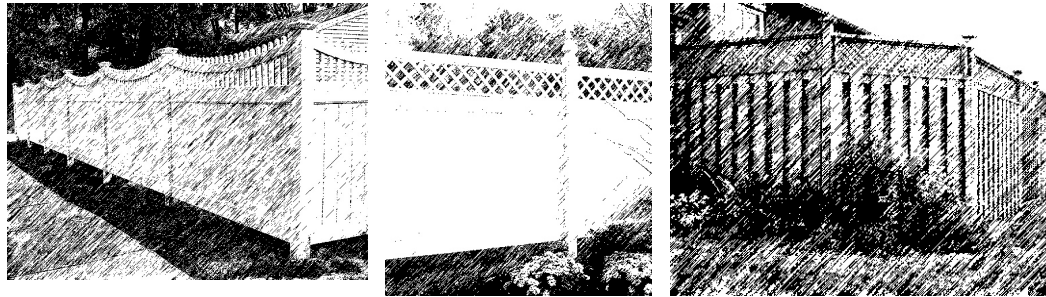
- A. No fence shall be constructed, reconstructed, enlarged, or structurally altered in any zoning district unless a fence permit has first been issued in accordance with the requirements of this and other relevant Sections.
- B. Fence permits issued for storage areas are subject to the standards of the Landscaping Section of the Bulk Restrictions and any district specific regulations.

##### 104.2-4.2. Fence Classifications

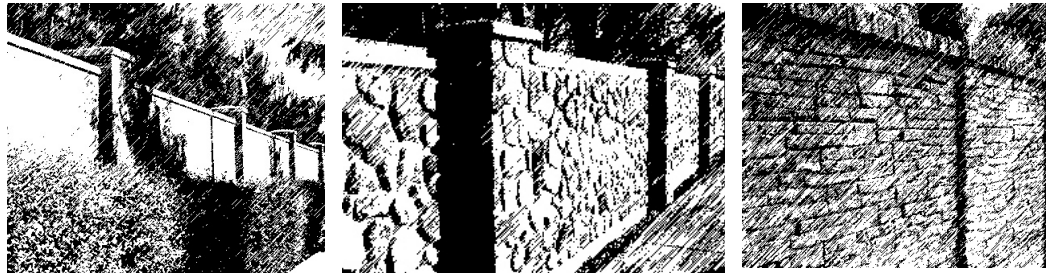
- A. Open. A fence that is greater than fifty percent (50%) open as viewed from outside the fence. Examples of fences classified as open are shown below.



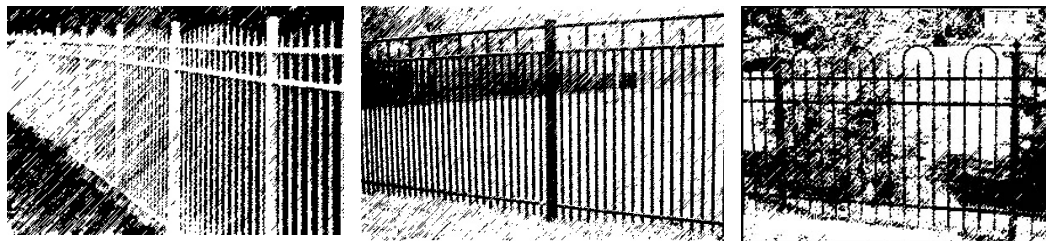
B. Solid. A fence that is less than fifty percent (50%) open as viewed from outside the fence. Examples of fences classified as solid are shown below.



C. Masonry. Any fence or wall composed entirely of either stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile or similar uniform building units or materials laid up unit by unit and set in mortar. Examples of masonry fences are shown below.

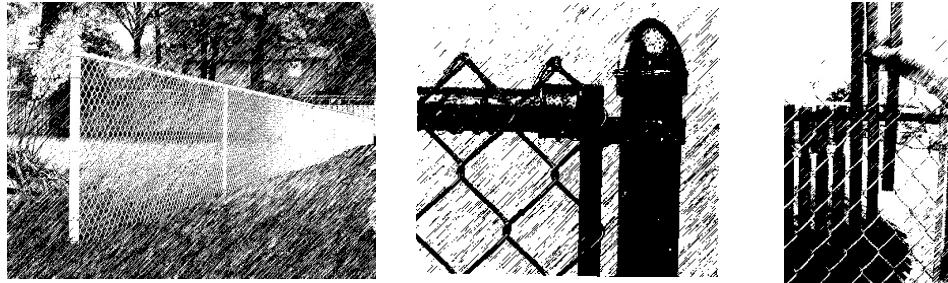


D. Ornamental Iron. Any wrought iron, metal, or composite fence, of primarily open design, consisting of straight or curved bars or pieces, including metal vertical picket fences. Examples of ornamental iron fences are shown below.

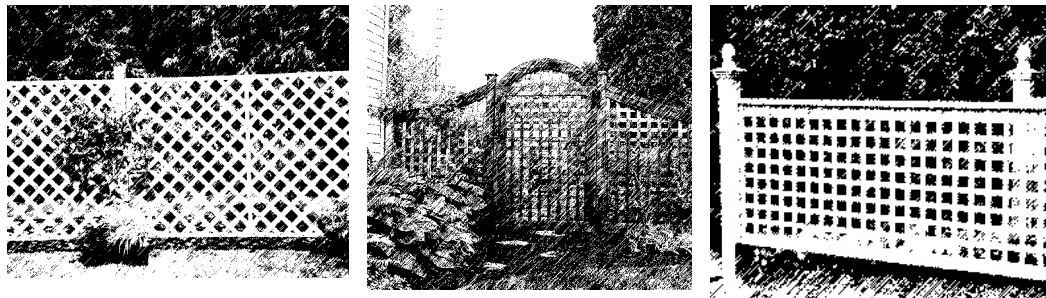


E. Chain Link. A fence of primarily open design consisting of an interlocking pattern of wire, metal or coated metal of at least 1/8" in

diameter supported by vertical and/or horizontal bars or posts of at least one and one-half inches (1 1/2") in diameter. Examples of chain link fences are shown below.



F. Lattice. A framework or structure of crossed wood, metal, or composite material. Examples of lattice fences are shown below.

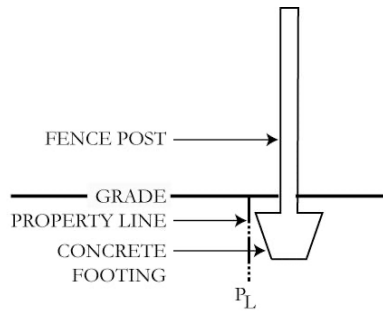


G. Wire Mesh. A fence of primarily open design consisting of an interlocking pattern of wire less than 1/8" in diameter supported by vertical or horizontal bars or posts less than one and one-half (1 1/2") in diameter.

H. Wood Picket. A fence that is more than fifty percent (50%) open, and is constructed with wooden or composite supports and fence materials. This type of fence includes fences with vertical pieces of material (i.e., "picket fences"), as well as fences with horizontal materials (i.e., "split rail" fences). Examples of fences classified as wood picket are shown below.



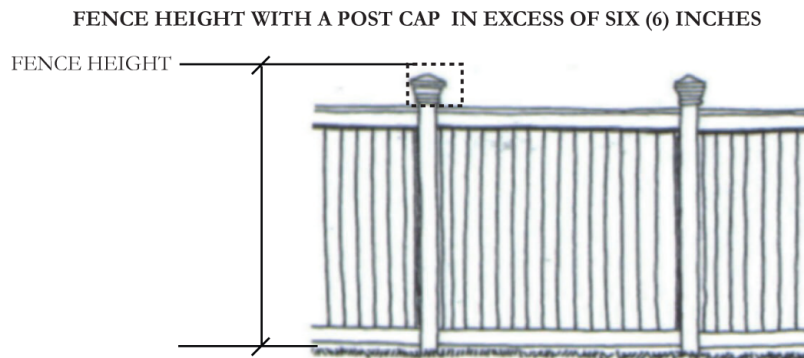
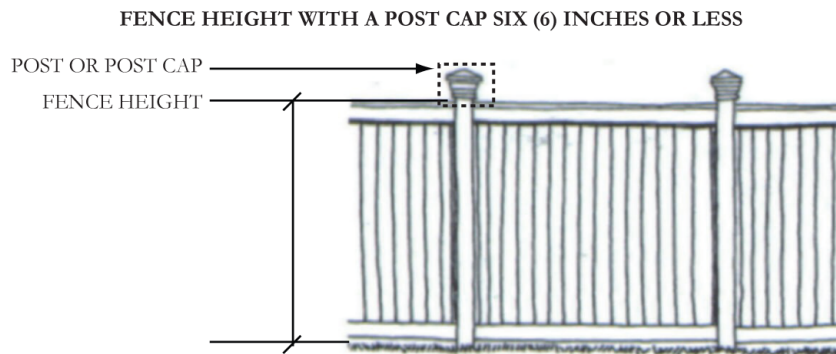
104.2-4.3. Location.



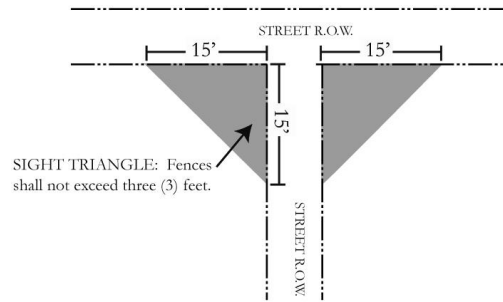
No portion of a fence, including posts and post footings, shall extend past the property line. When fences are adjacent to a public sidewalk they must be setback a minimum of one (1) foot from said sidewalk.

104.2-4.4. Posts. All fence posts shall be located on the side of the fence facing the fence owner's property, and the fence's finished side shall face the adjacent lots.

104.2-4.5. Measurement of fence height. Height of fences are exclusive of any posts or ornamental post caps or caps that do not exceed six (6) inches. For sloping grades, effort shall be made to follow the contour of the grades.



104.2-4.6. Sight Triangle.



Within fifteen horizontal feet (15') of intersecting property lines at public streets, walks, driveways, bike paths, or walking paths, fences shall not exceed three (3') feet in height, whether solid or open fencing is used.

104.2-4.7. Maintenance. The International Property Maintenance Code shall regulate fence maintenance.

104.2-4.8. Construction. The International Property Maintenance Code shall regulate proper construction standards for fences including but not limited to post materials and installation.

104.2-4.9. Materials and Uniformity.

- A. Fences shall be constructed of materials customarily used and manufactured as common fence materials. Examples of common fence materials are described and illustrated in the fence classifications portion of this section.
- B. Fences shall be of uniform height, material, type, color and design, and shall be so for the extent of the entire length of fence, except where a fence transitions from one yard to another or from one height to another per the requirements of this article.
- C. Wire mesh shall not be considered a common fence material and is prohibited, however, wire mesh may be used for functional purposes such as a border for gardens when the height does not exceed three (3) feet.
- D. Wood fences shall be made of a species either pressure treated or having natural resistance to decay.
- E. Lattice used as fences shall be completely framed using uniform framing materials.
- F. Chain link fences shall include a top rail.
- G. Fences with tarps and other similar coverings secured to fence are prohibited.

104.2-4.10. Removal/Replacement. If a new fence on a property is meant to replace all or part of an existing fence, the existing fence shall be completely removed prior to the installation of the new fence.

104.2-4.11. Fences in Easements. The construction of fences in utility easements are subject to the conditions of the easement. It is recommended that fences should not be located in utility easements. However, when it is necessary to locate a fence in a utility easement, the property owner will be responsible for any repairs to the fence should the

City or utility companies need to access or repair utilities located within that easement. Any utility boxes or enclosures shall not be enclosed within a fence.

- 104.2-4.12. Fences in Drainage Swales. No permit for any fence shall be issued if the construction or location of said fence would create an unreasonable obstruction to the natural flow of water within any drainage easement. Fences located across drainage swales shall be a minimum of six inches (6") above grade, with the exception of upright posts or bars.
- 104.2-4.13. Fences shall not be permitted in floodway areas as designated on FEMA's flood boundary and floodway map.
- 104.2-4.14. Grade Alterations. Grades at property lines shall not be altered due to fence construction unless a grading plan is submitted to and approved by the City Engineer.
- 104.2-4.15. Fences for Excavations. Pursuant to Building Code.
- 104.2-4.16. Fences Surrounding Swimming Pools. Pursuant to Building Code.
- 104.2-4.17. Vacant Lots. No fence shall be permitted to be constructed on a vacant lot unless said lot is immediately adjacent to a property occupied by a building or buildings and under common ownership (contiguous lot under single ownership).
- 104.2-4.18. Fences for Trash Enclosures. Fences for trash enclosures are subject to the standards in the Landscaping Section of the Bulk Restrictions.
- 104.2-4.19. Fences in the Right-of-Way. No fence, wall or other similar screening material shall be erected or maintained in any public right-of-way except those fences, walls and other screening material erected for the purpose of insuring the public safety by a public body having proper authority.
- 104.2-4.20. These provisions shall not prohibit the erection of a chain link or open mesh type fence over six (6) feet in height enclosing park and recreational areas, elementary or high school sites
- 104.2-4.21. Arbors and trellises which are detached from the building are allowable encroachments in a required front yard, a required side yard, a required side yard which abuts a street, or in any required rear yard of a double frontage lot, provided that they comply with each of the following standards.
- A. Maximum height is nine feet.
  - B. Maximum width is six feet,
  - C. Maximum depth is three feet
  - D. Sum of depth in feet and width in feet is not to exceed eight feet.
  - E. Each surface of the arbor or trellis shall be at least fifty percent open.

- F. Any gate shall meet all existing fence regulations, except that, if, on each side of a trellis or arbor with a gate there is a hedge higher than three and a half feet, the gate is permitted to be as high as the adjoining hedge, but in no event to exceed a height of four feet.

104.2-4.22. Residential districts. Additional fence regulations applicable to residential districts are set forth in Part B of this ordinance under Residential District Specific Regulations.

104.2-4.23. Non-residential districts.

- A. Fence height. The maximum permitted fence height is six (6) feet. Fence height when used for the purposes of screening is increased to eight (8) feet pursuant to the Landscaping and Screening provisions contained in the Landscaping section of the Bulk Restriction.
- B. Permitted Yards. The Obstructions section of the Bulk Restrictions shall regulate which yards fences and walls are permitted in.
- C. Fences shall be constructed so that the side facing an abutting lot is smooth finished.
- D. It shall be unlawful to construct or maintain anywhere within the City a fence equipped with barbed wire, spikes or any similar device, or any electric charge sufficient to cause shock. When approved by the Zoning Administrator, barbed wire used for maximum security may be allowed in M1, M2, and ORI zoning districts. When visible from the public right-of-way a security fence should be ornamental.
- E. Fences used for the purpose of screening shall be pursuant to the Landscaping Section of the Bulk Restrictions. When adjacent to property zoned for residential use common fence materials may be used with the exception of chain link and wire mesh.
- F. Landscaping. The city may require that fence areas be landscaped with low height plantings or other material pursuant to this ordinance.

### 104.3. Conditional Uses & Structures

#### 104.3-1. In General.

104.3-1.1. In the exercise of its home rule authority and the powers conferred by the Illinois Municipal Code and this ordinance, the city council may, from time-to-time permit by specific ordinance the following conditional uses of land or structures in accordance with the procedures set forth in chapter 34 of this code.

104.3-1.2. The term “conditional use” as used throughout this ordinance shall be construed as having the same meaning and construction as the term “special use” as used in Illinois law and provisions of this code enacted prior to the effective date of this amendatory ordinance of 2020.

104.3-1.3. Whenever the city council has previously approved a special use upon any real property or as part of any planned development, such special use shall be regarded as a conditional use for the purposes of this code.

104.3-2. Conditional Uses. The Conditional Uses as identified in Table One: Use Categories shall apply.

#### 104.3-3. Specific Regulations.

- A. Car Wash, Single Bay, when such use is in conjunction to a Gasoline Station as an accessory use to and operated only during the regular business hours of the Gasoline Station.
- B. Financial institutions with a drive-through facility, when located at the intersection of two publicly dedicated streets (corner) under the following conditions:
  - i. When said intersection is designated as non-residential on only two of the four corners of the intersection of said two publicly dedicated streets (corner).
  - ii. When said intersection is designated as non residential on all four corners and contains one or more existing financial institutions with drive-through facilities located at the intersection of said two publicly dedicated streets (corner).
- C. Financial institutions with a drive-through facility, when located within 1000' of an intersection of two publicly dedicated streets and
  - i. When said intersection is designated as non-residential on only two of the four corners of the intersection of said two publicly dedicated streets (corner) and contains one or more existing Financial institutions with a drive-through facilities located within 1000' of said intersection, as measured property line to property line.
  - ii. When said intersection is designated as non residential on all four corners and contains two or more existing Financial institutions with



- a drive-through facilities located within 1000' of said intersection, as measured property line to property line.
- D. Drive Through/ Drive In establishment, when located at the intersection of two publicly dedicated streets (corner), under the following conditions:
- i. When said intersection is designated as non-residential on only two of the four corners of the intersection of said two publicly dedicated streets (corner).
  - ii. When said intersection is designated as non-residential on all four corners and contains one or more existing Drive Through/ Drive In establishments located at the intersection of said two publicly dedicated streets (corner).
- E. Drive Through/ Drive In establishment, when located within 1000' of an intersection of two publicly dedicated streets and
- i. When said intersection is designated as non-residential on only two of the four corners of the intersection of said two publicly dedicated streets (corner) and contains one or more existing Drive Through/Drive In establishments located within 1000' of said intersection, as measured property line to property line.
  - ii. When said intersection is designated as non residential on all four corners and contains two or more existing Drive Through/Drive In establishments located within 1000' of said intersection, as measured property line to property line.
- F. Institutions for the care of the insane or feeble minded, shall be established above the first floor when located in a building constructed for a business use. A building originally constructed for residential use may be used in whole or in part.
- G. Intertrack wagering facilities when not located within eight hundred (800) feet of a religious institution, grade school, high school, hospital, nursing home property or any single-family detached residential zoning district.
- H. Off-street parking areas within the downtown core constructed after the establishment date of the Downtown Core District, located within front or side yards, or as the sole use of a property.
- I. Rest homes and nursing homes, in any R-4, R-5 or B districts, provided that when located in a business district, such uses shall be established above the first floor when located in a building constructed for a business use. A building originally constructed for residential use may be used in whole or part.
- J. Transportation uses, such as taxicab and bus waiting rooms, auto rental agencies wholly within a building, and public parking garages for storage of private passenger autos and commercial vehicles under one-and-one-half-ton capacity, in the downtown fringe district.
- K. One (1) or more buildings to be redeveloped for use or uses not permitted within the underlying zoning district; provided the proposed use is of a

nature that may give rise to problems with respect to impact upon neighboring property and public facilities in any use district. Buildings constructed originally as single-family and two-family dwellings shall not be considered for development under this provision.

- L. Hotel, conference, in any ORI, M-1, and M-2 districts when not within one-half (1/2) mile from the centerline of the East West Tollway I-88.
- M. Vehicle Repair, Major, in M-1 and M-2 district when confined within an enclosed structure (including autos needing work), and when such lot is located within two hundred fifty (250) feet away from any residential district or lot with residential use.
- N. Cannabis Dispensing Facilities (2115) as shown in Table One: Use Categories and in PDD Planned Development Districts within the business and industrial areas under the following conditions:

- i. Facilities shall at all times comply with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax (IL Public Act 101-0027) or as modified by applicable law, and shall at all times comply with the terms and conditions of any conditional use permit that may be granted in the future.
- ii. On or after January 1, 2020, no more than four (4) adult use cannabis dispensary conditional uses, may be established within the corporate limits. Notwithstanding this limitation, the city council may evaluate and by resolution implement adjustments to the number of adult use cannabis dispensary conditional uses within the city in order to maintain public health, safety, and welfare as well as promote economic development. Any proposed changes shall start at the committee.

Of the four cannabis dispensary conditional uses within the City, two (2) shall be reserved and issued for social equity candidates, in order to maximize the state legislature's intent of section 7-1, article h of the Cannabis Regulation and Tax Act. 410 ILCS 705/7.

Non-social equity candidates are required to meet the following requirements for adult use cannabis dispensary conditional use in order to promote public health, safety and welfare:

- a. Applicants must establish a minimum of two years of cannabis sales experience (either as a medical dispensary in Illinois, or as a recreational dispensary in another state).
- iii. Facilities shall abut an arterial street as depicted in the comprehensive plan. No more than one (1) dispensary shall be located on a single arterial. A dispensing facility may not be located within a mile and a half (1 ½) of a preexisting dispensing facility located within the corporate limits of the city.
- iv. Facilities shall not be located within seven hundred and fifty feet (750'), measured from property line to property line, of a grade school, middle

school, alternative school, or high school. The authorization of a conditional for this purpose should not be affected by subsequent establishment of a school within the restricted area.

- v. A facility shall not be located adjacent to a licensed day care facility. For the purpose of this limitation, in the case of a standalone building “adjacent” means physically abutting the lot, or in the case of a single structure containing multiple units comprising a shopping center or similar facility, in the unit directly adjoining a unit containing the licensed day care facility.
- vi. No cannabis or paraphernalia shall be displayed or kept at the facility so as to be visible from outside the premises including but not limited to depiction on signage.
- vii. Onsite Use Is Prohibited. No cannabis shall be smoked, eaten or otherwise consumed or ingested on the premises.
- viii. Facilities shall have operating hours not earlier than 8 a.m. and not later than 10 p.m.
- ix. Co-locations: The City may approve the co-location of a Cannabis Dispensing Facility, a Cannabis Craft Grower Facility or a Cannabis Infuser Facility subject to the requirements of State law, zoning requirements and the conditional use criteria within this ordinance.
- x. Additional conditions may be imposed as part of the conditional use approval to provide for compatibility with adjacent uses and mitigate potential impacts from the dispensing operation.
- xi. The following items shall be submitted as part of the conditional use request:
  - a. A plan for disposal of any cannabis or byproducts that are not sold to a purchaser or registered qualifying patient or caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal and shall abide by applicable state or local regulations.
  - b. A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations.
  - c. A copy of the operating procedures adopted in compliance with state statutes. Said operations procedures should include provisions with minimum requirements for facility employees or volunteers (paid or unpaid) including individuals must be at least 21 years of age and must pass a criminal background having not been convicted of a felony under any federal or state law or having been convicted of a violation of any federal, state or city law concerning the manufacture, possession or sale of controlled substances or alcoholic liquor.

- d. A plan for ventilation of the facility that describes the ventilation systems that will be used to prevent any odor of cannabis off the premises of the business. For cannabis dispensing facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.
  - e. The name(s) and location(s) of the offsite cultivation facilities associated with the cannabis dispensary.
- xii. For the purposes of the setbacks described in this paragraph, distances shall be measured from property line to property line.
- O. Cannabis Processing Facilities (3112) as shown in Table One: Use Categories and in PDD Planned Development Districts within the industrial areas under the following conditions:
  - i. Facilities shall at all times comply with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax (IL Public Act 101-0027) or as modified by applicable law, and shall at all times comply with the terms and conditions of any conditional use permit that may be granted in the future.
  - ii. Facilities shall not be located within five hundred feet (500'), measured from property line to property line, of a grade school, middle school, alternative school, or high school. The authorization of a conditional special use for this purpose should not be affected by subsequent establishment of a school within the restricted area.
  - iii. No cannabis or paraphernalia shall be displayed or kept at the facility so as to be visible from outside the premises including but not limited to depiction on signage.
  - iv. Onsite Use Is Prohibited. No cannabis shall be smoked, eaten or otherwise consumed or ingested on the premises.
  - v. Facilities shall have operating hours not earlier than 8 a.m. and not later than 10 p.m.
  - vi. Facilities shall provide evidence upon request of conformity to the performance standards for noise, vibration, smoke, dust, odor, heat, glare, fire hazard and other objectionable influences established by the State of Illinois and administered by the Illinois Environmental Protection Agency, the United States of America and administered by the federal environmental agency, and any applicable County or City ordinance.
  - vii. Additional conditions may be imposed as part of the conditional use approval to provide for compatibility with adjacent uses and mitigate potential impacts from the dispensing operation.

- viii. The following items shall be submitted as part of the conditional use request:
- a. A plan for disposal of any cannabis or byproducts that are not sold to a purchaser or registered qualifying patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal and shall abide by applicable state or local regulations.
  - b. A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations.
  - c. A copy of the operating procedures adopted in compliance with state statutes. Said operations procedures should include provisions with minimum requirements for facility employees or volunteers (paid or unpaid) including individuals must be at least 21 years of age and must pass a criminal background having not been convicted of a felony under any federal or state law or having been convicted of a violation of any federal, state or city law concerning the manufacture, possession or sale of controlled substances or alcoholic liquor.
  - d. A plan for ventilation of the facility that describes the ventilation systems that will be used to prevent any odor of cannabis off the premises of the business. For cannabis processing facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.
- P. Cannabis Infuser Facilities (3113) as shown in Table One: Use Categories and in PDD Planned Development Districts within the industrial areas under the following conditions:
- i. Facilities shall at all times comply with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax (IL Public Act 101-0027) or as modified by applicable law, and shall at all times comply with the terms and conditions of any conditional use permit that may be granted in the future.
  - ii. Facilities shall not be located within five hundred feet (500'), measured from property line to property line, of a grade school, middle school, alternative school, or high school. The authorization of a conditional use for this purpose should not be affected by subsequent establishment of a school within the restricted area.
  - iii. No cannabis or paraphernalia shall be displayed or kept at the facility so as to be visible from outside the premises including but not limited to depiction on signage.
  - iv. Onsite Use Is Prohibited. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

- v. Facilities shall have operating hours not earlier than 8 a.m. and not later than 10 p.m.
- vi. Facilities shall provide evidence upon request of conformity to the performance standards for noise, vibration, smoke, dust, odor, heat, glare, fire hazard and other objectionable influences established by the State of Illinois and administered by the Illinois Environmental Protection Agency, the United States of America and administered by the federal environmental agency, and any applicable County or City ordinance.
- vii. Co-locations: The City may approve the co-location of a Cannabis Dispensing Facility, a Cannabis Craft Grower Facility or a Cannabis Infuser Facility, subject to the requirements of State law, zoning requirements and the conditional use criteria within this ordinance.
- viii. Additional conditions may be imposed as part of the conditional use approval to provide for compatibility with adjacent uses and mitigate potential impacts from the dispensing operation.
- ix. The following items shall be submitted as part of the conditional use request:
  - a. A plan for disposal of any cannabis or byproducts that are not sold to a purchaser or registered qualifying patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal and shall abide by applicable state or local regulations.
  - b. A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations.
  - c. A copy of the operating procedures adopted in compliance with state statutes. Said operations procedures should include provisions with minimum requirements for facility employees or volunteers (paid or unpaid) including individuals must be at least 21 years of age and must pass a criminal background having not been convicted of a felony under any federal or state law or having been convicted of a violation of any federal, state or city law concerning the manufacture, possession or sale of controlled substances or alcoholic liquor.
  - d. A plan for ventilation of the facility that describes the ventilation systems that will be used to prevent any odor of cannabis off the premises of the business. For cannabis infuser facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.
- Q. Cannabis Transporting Facilities (4112) as shown in Table One: Use Categories and in PDD Planned Development Districts within the industrial areas under the following conditions:

- i. Facilities shall at all times comply with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax (IL Public Act 101-0027) or as modified by applicable law, and shall at all times comply with the terms and conditions of any conditional use permit that may be granted in the future.
  - ii. Facilities shall not be located within five hundred feet (500'), measured from property line to property line, of a grade school, middle school, alternative school, or high school. The authorization of a conditional use for this purpose should not be affected by subsequent establishment of a school within the restricted area.
  - iii. No cannabis or paraphernalia shall be displayed or kept at the facility so as to be visible from outside the premises including but not limited to depiction on signage.
  - iv. Onsite Use Is Prohibited. No cannabis shall be smoked, eaten or otherwise consumed or ingested on the premises.
  - v. Facilities shall have operating hours not earlier than 8 a.m. and not later than 10 p.m.
  - vi. Facilities shall be the sole use of the tenant space in which it is located.
  - vii. The following items shall be submitted as part of the conditional use request:
    - a. A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations.
    - b. A copy of the operating procedures adopted in compliance with state statutes. Said operations procedures should include provisions with minimum requirements for facility employees or volunteers (paid or unpaid) including individuals must be at least 21 years of age and must pass a criminal background having not been convicted of a felony under any federal or state law or having been convicted of a violation of any federal, state or city law concerning the manufacture, possession or sale of controlled substances or alcoholic liquor.
- R. Cannabis Cultivation Facilities (7110) as shown in Table One: Use Categories and in PDD Planned Development Districts within the industrial areas under the following conditions:
- i. Facilities shall at all times comply with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax (IL Public Act 101-0027) or as modified by applicable law, and shall at all times comply with the terms and conditions of any conditional use permit that may be granted in the future.

- ii. Facilities shall not be located within five hundred feet (500'), measured from property line to property line, of a grade school, middle school, alternative school, or high school. The authorization of a conditional use for this purpose should not be affected by subsequent establishment of a school within the restricted area.
- iii. No cannabis or paraphernalia shall be displayed or kept at the facility so as to be visible from outside the premises including but not limited to depiction on signage.
- iv. Onsite Use Is Prohibited. No cannabis shall be smoked, eaten or otherwise consumed or ingested on the premises.
- v. Facilities shall have operating hours not earlier than 8 a.m. and not later than 10 p.m.
- vi. Facilities shall provide evidence upon request of conformity to the performance standards for noise, vibration, smoke, dust, odor, heat, glare, fire hazard and other objectionable influences established by the State of Illinois and administered by the Illinois Environmental Protection Agency, the United States of America and administered by the federal environmental agency, and any applicable County or City ordinance.
- vii. Additional conditions may be imposed as part of the conditional use approval to provide for compatibility with adjacent uses and mitigate potential impacts from the dispensing operation.
- viii. The following items shall be submitted as part of the conditional use request:
  - a. A plan for disposal of any cannabis or byproducts that are not sold to a purchaser or registered qualifying patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal and shall abide by applicable state or local regulations.
  - b. A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations.
  - c. A copy of the operating procedures adopted in compliance with state statutes. Said operations procedures should include provisions with minimum requirements for facility employees or volunteers (paid or unpaid) including individuals must be at least 21 years of age and must pass a criminal background having not been convicted of a felony under any federal or state law or having been convicted of a violation of any federal, state or city law concerning the manufacture, possession or sale of controlled substances or alcoholic liquor.
  - d. A water consumption capacity report for the facility and an infrastructure capacity report for the subject property.



- e. A plan for ventilation of the facility that describes the ventilation systems that will be used to prevent any odor of cannabis off the premises of the business. For cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.
- S. Cannabis Craft Grower Facilities (7115) as shown in Table One: Use Categories and in PDD Planned Development Districts within the industrial areas under the following conditions:
- i. Facilities shall at all times comply with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax Act (IL Public Act 101-0027) or as modified by applicable law, and shall at all times comply with the terms and conditions of any conditional use permit that may be granted in the future.
  - ii. Facilities shall not be located within five hundred feet (500'), measured from property line to property line, of a grade school, middle school, alternative school, or high school. The authorization of a conditional use for this purpose should not be affected by subsequent establishment of a school within the restricted area.
  - iii. No cannabis or paraphernalia shall be displayed or kept at the facility so as to be visible from outside the premises including but not limited to depiction on signage.
  - iv. Onsite Use Is Prohibited. No cannabis shall be smoked, eaten or otherwise consumed or ingested on the premises.
  - v. Facilities shall have operating hours not earlier than 8 a.m. and not later than 10 p.m.
  - vi. Facilities shall provide evidence upon request of conformity to the performance standards for noise, vibration, smoke, dust, odor, heat, glare, fire hazard and other objectionable influences established by the State of Illinois and administered by the Illinois Environmental Protection Agency, the United States of America and administered by the federal environmental agency, and any applicable County or City ordinance.
  - vii. Co-locations: The City may approve the co-location of a Cannabis Dispensing Facility, a Cannabis Craft Grower Facility, or a Cannabis Infuser Facility, subject to the requirements of State law, zoning requirements and the conditional use criteria within this ordinance.
  - viii. Additional conditions may be imposed as part of the conditional use approval to provide for compatibility with adjacent uses and mitigate potential impacts from the dispensing operation.
  - ix. The following items shall be submitted as part of the conditional use request:

- a. A plan for disposal of any cannabis or byproducts that are not sold to a purchaser or registered qualifying patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal and shall abide by applicable state or local regulations.
  - b. A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations.
  - c. A copy of the operating procedures adopted in compliance with state statutes. Said operations procedures should include provisions with minimum requirements for facility employees or volunteers (paid or unpaid) including individuals must be at least 21 years of age and must pass a criminal background having not been convicted of a felony under any federal or state law or having been convicted of a violation of any federal, state or city law concerning the manufacture, possession or sale of controlled substances or alcoholic liquor.
  - d. A water consumption capacity report for the facility and an infrastructure capacity report for the subject property.
  - e. A plan for ventilation of the facility that describes the ventilation systems that will be used to prevent any odor of cannabis off the premises of the business. For craft grower facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.
- T. Alternative Financial Institutions in B-2, B-3, DC and DF Districts, with a minimum spatial separation of 2,640 feet from property line to property line of any other Alternative Financial Institution and/or Pawnshop.
  - U. Pawnshop in B-2, B-3, DC, DF, M-1 and M-2 Districts, with a minimum spatial separation of 2,640 feet from property line to property line of any other Pawnshop and/or Alternative Financial Institution.
  - V. Off-street parking areas within the downtown fringe district constructed after the effective date of this amendatory ordinance of 2020, located within front or side yards, or as the sole use of a property.
  - W. Automobile parking areas developed for transient trade, and not accessory to specific principal uses or groups of uses for which parking is required by this ordinance, in all zoning districts and planned development districts
  - X. Accessory off-street parking facilities serving nonresidential uses of property, in any residential district.
- 104.3-4. Conditional use planned developments.
- A. Generally. Planned developments are conditional uses of a substantially different character from other conditional so as to be subject separate standards, exceptions, and procedures as set forth in chapter 34.

B. Required Findings. In conducting a hearing pursuant to chapter 34, the commission shall make a recommendation to the city council as to whether for the duration of a development, specified uses not permitted by the use regulations of the district in which said development is located, the following conditions are satisfied:

- i. The uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- ii. The uses permitted by such exception are not of such a nature or so located as to exercise an undue detrimental influence on the surrounding neighborhood;
- iii. Not more than twenty (20) percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exception;
- iv. In an industrial planned development, such additional uses allowed by exceptions shall conform with the performance standards of the district in which the development is located;
- v. The use exceptions so allowed are reflected by the appropriate zoning district symbols and so recorded on the zoning district map.

C. Bulk Regulations. A planned development may embrace exceptions to the bulk regulations generally applicable in the underlying zoning district in which the planned development is located upon a finding by the commission:

- i. That such exception shall be solely for the purpose of promoting a unified site plan no less beneficial to the residents or occupants of such development as well as the neighboring property than would be obtained by the bulk regulations of this ordinance for buildings developed on separate lots;
- ii. That the overall floor area ratio, when applicable, would not exceed by more than fifteen (15) percent the floor area ratio regulations of this ordinance for the district in which it is located;
- iii. That in the part of the planned development containing only residential uses, the minimum lot area per dwelling unit may be less than required by the district regulations applicable to the district regulations applicable to the district in which the planned development is located provided there is contained within the planned development permanent open spaces, the area and location of which shall meet with the approval of the commission, and that such open space shall not be less than that which would pertain if developed on individual lots.
- iv. That such open areas shall be preserved over the life of the planned development, for use only by the planned development or

dedicated to city for school, park, playground or other public uses;  
and

- v. That in part of a planned development devoted to residential uses, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser widths or depths than required by district regulations for the district in which the planned development is located may be authorized provided:
  - a. That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwelling served;
  - b. The spacing between buildings shall be approved by the commission and shall be consistent with the application of recognized site planning principles for securing a unified development and due consideration is given to the openness normally afforded by intervening streets and alleys. Spacing between principal buildings within a part of a planned development where subsequent transfer of ownership is contemplated, shall be equivalent to such spacing as would be required between buildings by district regulations for the district in which it is located; and
- vi. That the yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the district in which the planned development is located, and the plan is developed to afford adequate protection to neighboring properties.

#### **104.4. Accessory Uses & Structures**

104.4-1. Applicability of principal structure regulations.

104.4-1.1. Where an accessory structure is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the principal building.

104.4-2. Placement on a zoning lot. Unless otherwise specified, accessory buildings and structures are restricted to the following locations:

104.4-2.1. Front Yard: Accessory structures are not permitted in the front yard or required front setback.

104.4-2.2. Exterior Side Yard: Setbacks apply, except on reverse corner lots accessory structures must be setback to the building setback line of the adjacent property to the rear. In no case shall this exception apply to more than thirty (30) feet from the street property line.

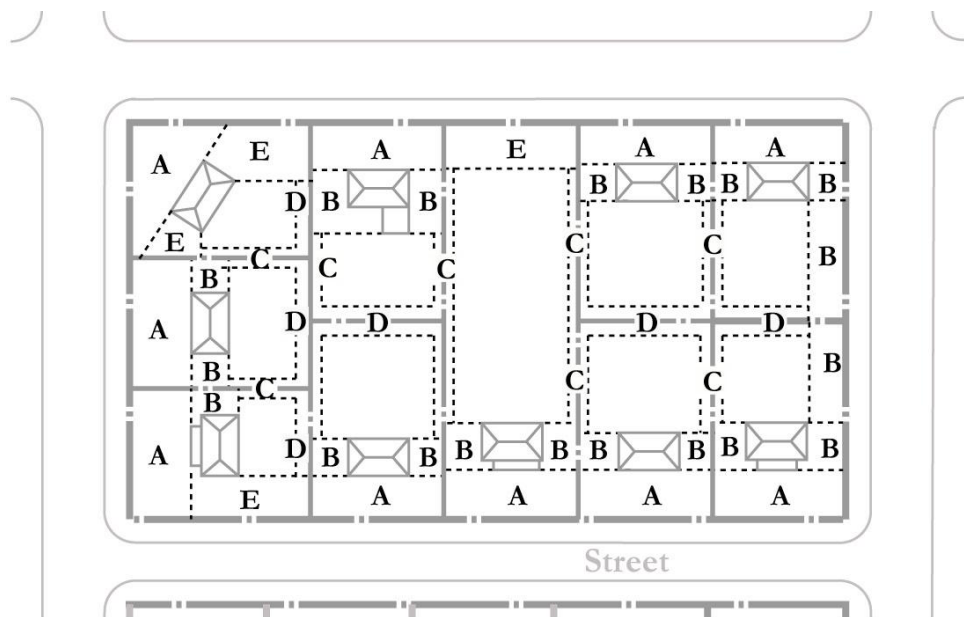
104.4-2.3. Interior Side Yard: Setbacks apply.

104.4-2.4. Rear Yard: Accessory structures must be setback a minimum of

A. Three (3) feet from interior side lot lines;

- B. Five (5) feet from rear lot lines; and
- C. Setbacks apply on exterior lot lines, except on reverse corner or through lots accessory structures must be setback to the building setback line of the adjacent property. In no case shall this exception apply to more than thirty (30) feet from the street property line.

Illustration: Accessory Structures - Placement on a Zoning Lot



- A = Not permitted in front yard or required front setback.
- B = Not permitted in required setback.
- C = Must be setback three (3) feet from interior property line.
- D = Must be setback five (5) feet from rear property line.
- E = Must be setback to the building setback line of the adjacent property.

104.4-2.5. When an accessory structure has been constructed on a slab or foundation, and demolition occurs for whatever reason, the accessory structure may be re-established at its previous location without the necessity of a variation provided that an application for building permit is made no later than six (6) months after demolition.

104.4-3. Erection prior to that of principal building.

104.4-3.1. An accessory structure may be erected prior to the establishment or construction of the principal building to which it is accessory, or to which it is intended to be accessory, providing the principal building shall be fully completed within two (2) years after the erection of the accessory structure, and providing further, that the accessory structure shall not be

used for residential purposes, except for the housing (after the completion of the principal building) of domestic help, or temporary housing of guests, per the Rules Section of Specific Regulations and as permitted in the provisions listed below under permitted accessory structures and uses.

- 104.4-4. Permitted accessory structures and uses in Residential Districts. The Permitted Structures and Obstructions for E, R1, R2, and R3 Residential Districts are identified in Table Four: Permitted Structures and Obstructions.
- 104.4-5. Permitted accessory structures and uses in districts other than E, R1, R2, and R3 include but are not limited to:
- 104.4-5.1. A children's playhouse;
  - 104.4-5.2. A garden house;
  - 104.4-5.3. A private greenhouse;
  - 104.4-5.4. A garage, shed or building for domestic storage;
  - 104.4-5.5. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
  - 104.4-5.6. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
  - 104.4-5.7. A nonpaying guesthouse or rooms for guests within an "accessory structure," provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others as housekeeping units;
  - 104.4-5.8. Quarters comprising part of an accessory garage and solely for occupancy of a full-time employee hired to perform routine household duties (and his or her family) for occupants of the principal dwelling, while receiving compensation for their work;
  - 104.4-5.9. Off-street motor vehicle parking areas, and loading and unloading facilities;
  - 104.4-5.10. Signs (other than advertising signs) as permitted and regulated in each district incorporated in this ordinance;
  - 104.4-5.11. Boathouse. A building adjacent to a body of water designed to serve as a boathouse for private use in the case of an R district and for public or private use in the case of a B-district;
  - 104.4-5.12. Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment;
  - 104.4-5.13. Federally-licensed amateur radio station and citizens band radio operator and receive-only antennas.
  - 4.4-5.14. Automated/unstaffed business devices, except in the O and DC district. All automated/ unstaffed business devices shall be within an enclosed structure, with the following exception: one (1)

automated/unstaffed business device shall be permitted, within the B – Business zoning districts, within twenty -five (25) feet of the public entrance and adjacent to the primary structure. Furthermore, one additional device shall be permitted for every five hundred (500) linear feet of the structure measured adjacent to the front and exterior side yard.

4.4-5.15. Patio, porches, and decks or terraces, unroofed.

#### 104.4-6. Garages, Sheds and other Accessory Storage Structures

104.4-6.1. Number. Each zoning lot of record shall be permitted a maximum of one shed and one garage per residential dwelling. No garage or shed shall be constructed on a vacant lot unless said lot is immediately adjacent to a property occupied by a building or buildings under common ownership (Zoning Lot).

104.4-6.2. Materials and Construction.

A. Garages and sheds shall be constructed of an approved, uniform material, type, color and design. Approved materials shall be materials customarily used when constructing a garage or shed and may consist of, but is not limited to wood, metal, brick, and block. Resin storage sheds when purchased for the purposes of outdoor storage is an acceptable material. See image below for an example of an acceptable resin shed.



B. No fabric or other coverings such as those made of vinyl, nylon, or canvas; untreated or unpainted wood; or other non-traditional building materials shall be used in the construction of garages and sheds.

104.4-6.3. Location and Setbacks. Garages shall be permitted in side and rear yards, while sheds shall be permitted in rear yards only. No garage or shed shall be located within any public utility easement, whether platted or implied.

104.4-6.4. Distance from Principal Structures. Detached garages and sheds shall not be closer than six (6) feet from the nearest principal building wall, however if the accessory structure is properly fire rated it may be located closer to the principal building per building code requirements.

104.4-6.5. Garage Regulations

A. Conversions. When constructing a new detached garage on a residential lot currently containing an attached garage, any pavement leading to the existing garage not being used for the sole purpose of ingress and egress to the new garage shall be removed and landscaped, and any overhead garage door must be removed upon

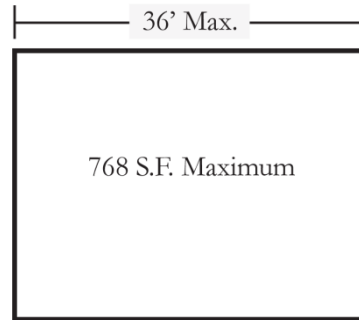
completion of the new garage. Upon completion of the conversion, the formerly attached garage shall be considered a habitable space subject to a certificate of occupancy.



B. Size and Footprint.

i. Size

No private detached garage structure shall exceed seven hundred sixty eight (768) square feet. The maximum length of any one wall shall not exceed 36'.

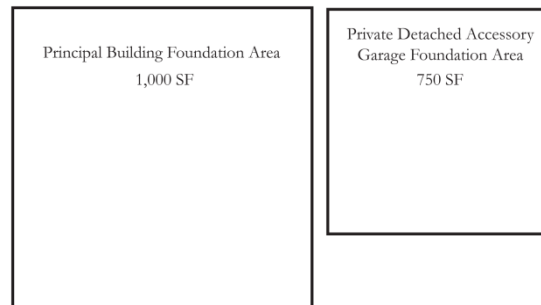


ii. Footprint. A private detached garage shall not exceed seventy-five percent (75%) of the foundation area of the principal building.

Footprint Calculation:

Accessory Garage Foundation Area = (Principal building foundation area) \* (0.75)

Example to the right:  
1,000 SF x 0.75 = 750 SF



C. Height and Bulk. Height shall be measured to the top (peak) of the structure. A private detached garage shall not exceed the height of the principal building or 21', whichever is less, and shall not contain vertical sidewalls exceeding 9 feet in height. The storage space above the main or first story shall not contain more than 50% of the cubic volume of the first floor.

D. Garage Door Height. The height of a garage door shall not exceed eight (8') feet.

E. Roof Type. Only flat, hip or gable roofs shall be permitted on detached garage structures, provided that gambrel or mansard roofs may be permitted if the principle structure has a gambrel or mansard roof. A maximum 4/12-roof pitch shall be permitted on a garage structure if the principal building contains a flat or low-slope roof. (Illustrations of roof types can be found in the definition section of Chapter A, under roof types.)

F. Garage in Multi-Family Districts. For buildings containing two or more units, not more than two (2) cars per dwelling unit shall be housed in a detached garage with a maximum area of five-hundred twenty eight (528) square feet per dwelling unit.

#### 104.4-6.6. Sheds.

- A. Height. A private shed shall not exceed fourteen (14) feet in height. Height shall be measured to the top (peak) of the structure.
- B. Size. Sheds shall not exceed one hundred sixty (160) square feet in area, nor shall they exceed eight (8) feet in vertical wall height. The maximum length of any one wall shall not exceed sixteen (16) feet.
- C. Sheds shall not contain a driveway separate from that of the residential garage.

104.4-6.7. Carports. Carports shall be prohibited in residential districts except if a carport is an integral part of the architectural design for an existing or proposed principal structure, including but not limited to design, trim, siding and roof materials of the said building. A carport shall meet all applicable regulations applicable to the principal building.

104.4-6.8. On Site Mobile Storage Containers. On site mobile storage containers, intended for loading or unloading of household or business items may not be stored on any public street. Said mobile storage containers are temporary in nature and may not be used for long-term storage of goods, therefore may remain at a residence for a time frame not to exceed fifteen (15) consecutive days. This time frame may reasonably be extended by the zoning administrator to accommodate additional loading or unloading needs.

104.4-7. Federally licensed amateur radio station, citizens band radio operator and receive-only antenna structures in residential districts.

104.4-7.1. The provisions of the R-1 One Family Dwelling District shall apply in determining height, yard areas and setbacks hereunder. Such structures shall require a permit and be erected in accordance with the provisions of the Aurora Building Code.

104.4-7.2. Emission Levels. Emission levels should comply with the Federal Communication Commission's (FCC) Office of Engineering and Technology (OET) recommendations. Refer to OET Bulletin 65, Edition 97-01 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" for information on emission levels. Future revisions and supplements may be issued and shall apply.

104.4-7.3. Reserved.

104.4-8. Exterior pay telephone structures in office, business, manufacturing, research and development and office, research and light industrial districts.

104.4-8.1. General provisions. The provisions of the Bulk Restrictions Section and the setback requirements of each district shall apply in determining location. Such structures shall not be located within required exterior yards. Such structures shall require a building permit and be established in accordance with the provisions of the Aurora Building Code.

104.4-8.2. Reserved.

104.4-9 Alternative Energy Systems.

The intent and purpose of this section of the zoning ordinance is to promote the effective and efficient use of Alternative Energy Systems, while protecting the public health, safety and general welfare of the city.

4.4-9.1. General Requirements. The following general requirements apply to all Alternative Energy Systems:

- A. Accessory Use & Structure. Alternative energy systems are limited with additional regulations but permitted as accessory uses and structures as detailed herein and in Table One: Use Categories. Refer to 4.4-9 for limitations.
- B. Approval Process. Alternative energy systems require plan approval and a building permit.
- C. Continuous Inspection. A structural inspection shall be completed every five (5) years or upon request of the Zoning Administrator by a certified installer or technician, and submitted in writing to the Zoning Administrator. Failure to comply with this provision will cause the system to be deemed abandoned (refer to 4.4-9.1.C).
- D. Abandoned Systems. All systems inactive or inoperable for twelve (12) continuous months shall be deemed abandoned. If the system is deemed abandoned, the owner is required to repair or remove the system from the property at the owner's expense within ninety (90) days after notice from the City. If the owner fails to remove the alternative energy system, the Zoning Administrator shall enforce this as a violation of this ordinance .
- E. Federal Aviation Administration Regulations. All Federal Aviation Administration (FAA) regulations shall be adhered.
- F. On-Site Use. Energy produced through any alternative energy system shall be used on-site, however, any excess energy may be resold to a utility provider only.
- G. Utility Provider Notification. Written evidence must be provided at the time a building permit is requested that a utility company has been notified of the customer's intent to install an alternative energy system.
- H. Lighting. The system shall not be illuminated, except as required by the FAA.
- I. Signage. Signs associated with the manufacturer or operation of the system shall be allowed, with the following limitations:
  - i. One (1) sign is permitted per installation of alternative energy (per turbine, per array of photovoltaic panels, or per array of solar thermal panels).

- ii. Signage may include emergency contact information only, including the manufacturer’s name, address, and phone number. No advertising is permitted.
  - iii. Signage shall be limited to the structure of the system, with no members, bases, or surfaces added to accommodate the signage.
  - iv. Signage shall be of a size so as not to be readable from a thirty foot distance from the sign in any direction.
- J. Noise. Except during such short-term events such as utility outage or a severe windstorm, a wind energy system shall not exceed the following:
- i. Fifty-five (55) dBA when in or adjacent to all residential districts, and
  - ii. Sixty (60) dBA when in or adjacent to all non-residential districts.
- K. Safety. Every wind energy system shall have an internal automatic braking device to prevent uncontrolled rotation of over speeding.
- L. Mounting Hardware. All systems shall be fastened in accordance with the manufacturer’s specifications and constructed in order to withstand severe wind events.

4.4-9.2. Freestanding Wind Energy System Requirements. Refer to Figure 4.4-9.2.

- A. Location, Quantity, Rated Capacity, and Total System Height. Freestanding systems are not allowed on zoning lots less than 10,000 sq. ft. For information on all other zoning lot sizes, refer to Table 4.4-9.2.

Zoning Lot Size (in sq ft)	Maximum Quantity Allowed by Rated Capacity			Maximum Total System Height		
	less than/equal to 5kW	less than/equal to 20kW	less than/equal to 40kW	60 feet	80 feet	100 feet
11,000 - 29,999	1	none	none	●	none	none
30,000 - 129,999	unlimited	unlimited	none	●	●	none
greater than/equal to 130,000	unlimited	unlimited	unlimited	●	●	●

● = permitted

**Table 4.4-9.2. Freestanding Wind Energy System Permitted Location, Rated Capacity, and Height.**

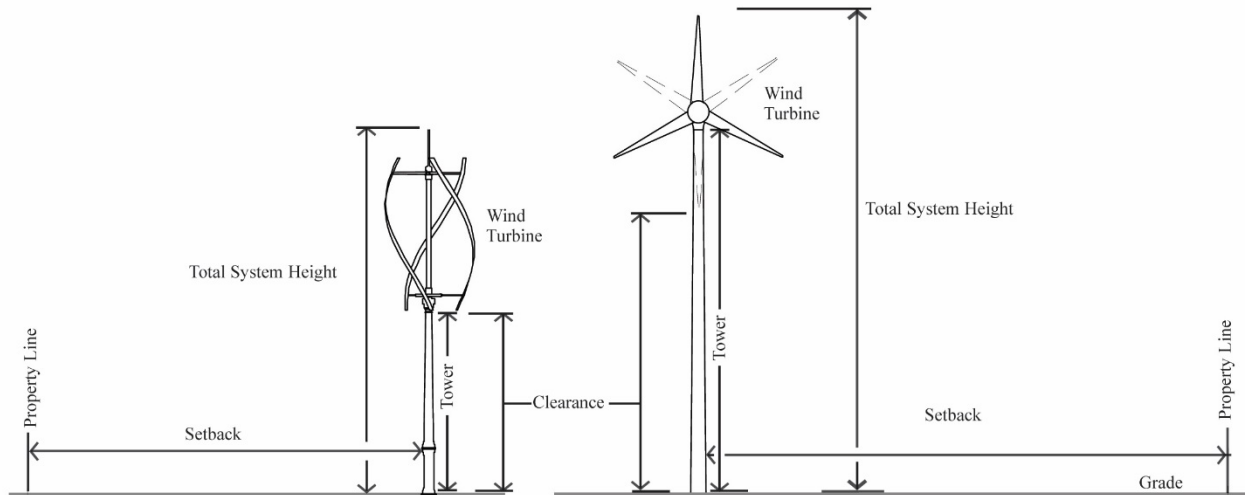


Figure 4.4-9.2. Freestanding Wind Energy System.

- B. Clearance. Minimum clearance between the lowest tip of the rotor or blade and the ground is ten (10) feet.
- C. Permitted Yard Location. Allowed only in the interior side and interior rear yards.
  - i. Front, exterior side, and exterior rear yards may be allowed in nonresidential districts with a conditional use permit provided there are no residential districts within 120 (one hundred twenty) feet of any property line of the zoning lot where the turbine will be located.
- D. Setbacks. The base of the system shall be setback 1.1 times the height of the highest edge of the system from all property lines, overhead utility line poles, public sidewalks or trails, and public rights-of-way. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.

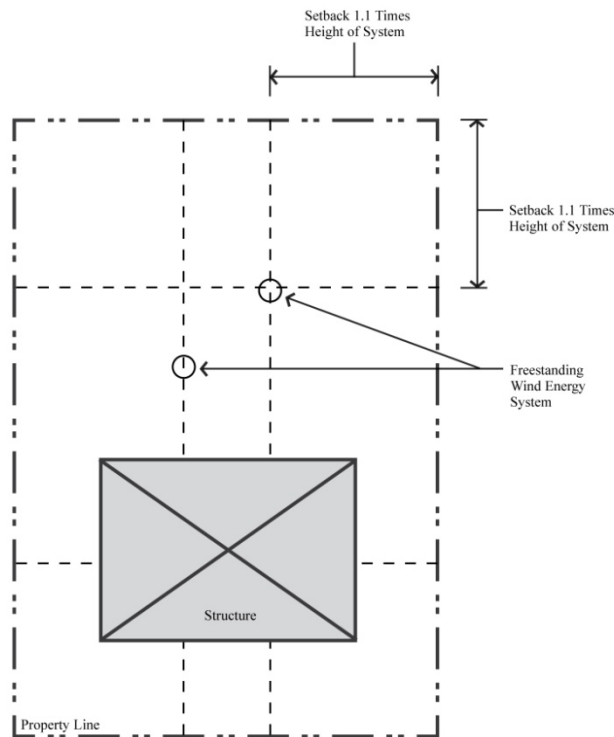
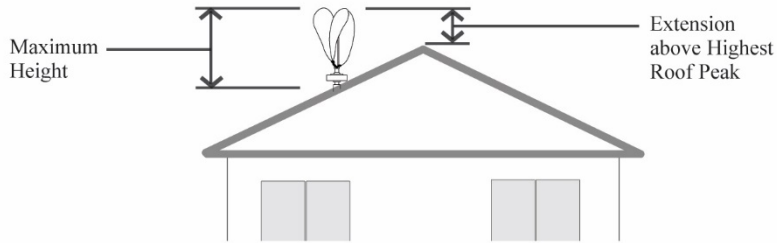


Figure 4.4-9.2(D). Setbacks.

E. Access. Climbing access (rungs or foot pegs) to the tower shall not start until twelve (12) feet above grade to prevent unauthorized access.

#### 4.4-9.3. Building Mounted Wind Energy System Requirements. Refer to Figure 4.4-9.3 and Table 4.4-9.2.

- A. Quantity. One (1) turbine is allowed for every 750 sq. ft. of the combined roof area of all structures on a zoning lot. For a pitched roof, each surface of the roof shall be included in the roof area calculation.
- B. Rated Capacity. A maximum rated capacity of 3kW per turbine is allowed.
- C. Height.
  - i. Maximum Height. The maximum height of fifteen (15) feet is measured from the roof surface on which the system is mounted to the highest edge of the system with the exception of any pitches 10:12 or greater.
  - ii. Extension above Highest Roof Peak. The system shall not extend more than five (5) feet above the highest peak of a pitched roof.

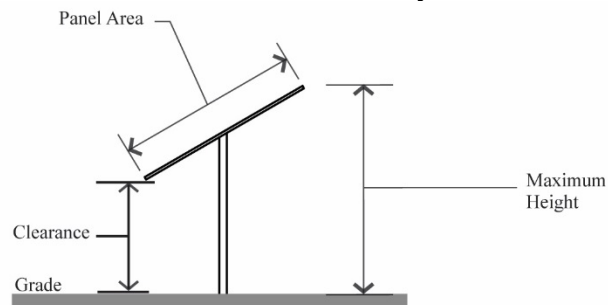


**Figure 4.4-9.3. Building Mounted Wind Energy System.**

D. Location. Allowed on all principal and accessory structures.

**4.4-9.4. Freestanding Solar Energy System Requirements. Refer to Figure 4.4-9.4.**

- A. Quantity. An unlimited quantity is allowed on all zoning lots with the exception of single family residential zoning lots thirty thousand (30,000) square feet or less in size, which are limited to a total of one hundred (100) square feet in area of panels.
- B. Maximum Height. Maximum height shall be fifteen (15) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
- C. Clearance. Minimum clearance between the lowest point of the system and the surface on which the system is mounted is eight (8) feet.



**Figure 4.4-9.4. Freestanding Solar Energy System.**

D. Location. Allowed in the interior side yard and interior rear yard only.

E. Setbacks. All parts of the freestanding system shall be set back ten (10) feet from the interior side and interior rear property lines and shall not be located in a public utility easement.

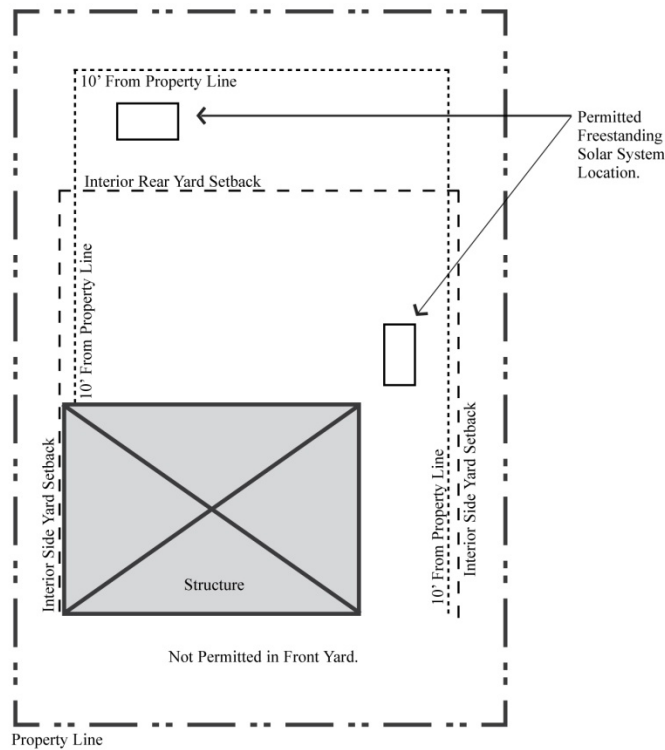


Figure 4.4-9.4(E). Setbacks.

4.4-9.5. Building Mounted Solar Energy System Requirements. Refer to Figure 4.4-9.5.

- A. Location. Allowed on all zoning lots.
- B. Quantity. The total square footage may not exceed the total area of roof surface of the structure to which the system is attached.
- C. Flush Mounted System. Systems should be less than 4 (four) inches from the roof surface whenever possible.
- D. Maximum Height.
  - i. Systems shall not extend beyond 3 (three) feet parallel to the roof surface of a pitched roof.
  - ii. Systems shall not extend beyond four (4) feet parallel to the roof surface of a flat roof.
  - iii. Systems shall not extend more than five (5) feet above the highest peak of a pitched roof.

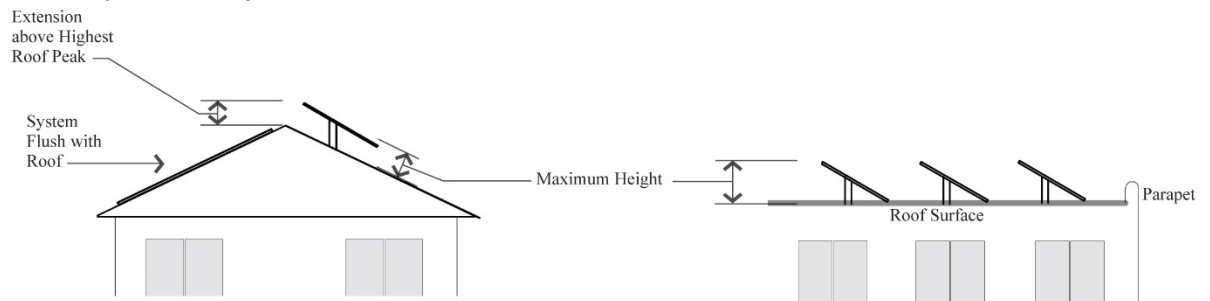


Figure 4.4-9.5. Building Mounted Solar Energy System.



- E. Projection. The system may project off a roof edge or building facade as follows. Refer to Figure 4.4-9.5(E) on how to measure projection.
- i. May project up to three feet (3) six (6) inches from a building facade or roof edge.
  - ii. May project into an interior side or interior rear setback, but shall be no closer than five (5) feet to the interior side or interior rear property line.

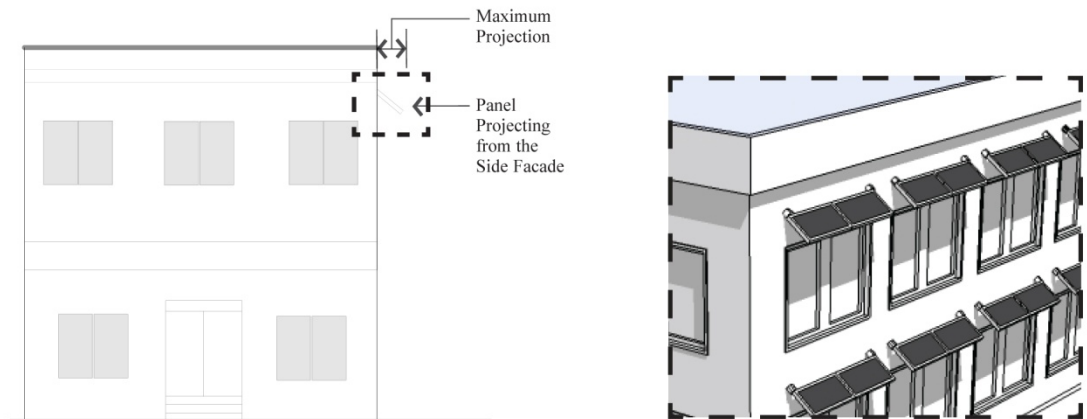


Figure 4.4-9.5(E). Permitted Projection of a Building Mounted Solar Energy System.

- F. Location on Structure. Allowed on the following:
- i. Principal and accessory structures.
  - ii. Any roof face.
  - iii. Side and rear building facades.
  - iv. Front or exterior side building facades, if the following conditions are met:
    - a. Solar access is optimized on the front and exterior side facades.
    - b. Systems are simultaneously used to shade the structure's doors or windows. Refer to Figure 4.4-9.5(C).

#### 4.4-10. Garage Sale

##### 4.4-10.1 Garage Sale Regulations.

- A. Garage sales shall take place only on property solely used for residential purposes.
- B. No more than two (2) garage sales shall be conducted from a property within a calendar year. Any additional sale(s) may be granted for an estate sale upon written request and approval by the Zoning Administrator.
- C. Each garage sale shall be no longer than three (3) consecutive days.
- D. Merchandise shall not be placed within the sidewalk or public parkway (the area between the street and the sidewalk).

E. Reserved.

## **SEC. 49-105 - BULK RESTRICTIONS**

### **105.1. Building, Dwelling & Structure Standards**

105.1-1. Shall be pursuant to district specific regulations, if any.

5.1-2. Multi-Family residential structures of any height with common corridors, or with 4 stories more without common corridors, either one being constructed subsequent to January 1, 2012, shall be constructed with the following design elements:

- i. Individually accessible balcony, deck and/or patio for each dwelling unit.
- ii. Residential dwelling units shall not be permitted on the first at grade level.
- iii. Parking facilities shall be located within the primary structure, be fully enclosed with masonry, partially enclosed masonry exterior walls may only be allowed for those parking levels located three stories or more above grade and contain a minimum of 1.25 parking spaces per residential dwelling unit within said primary structure.

### **105.2. Floor Area Ratio**

105.2-1. Shall be pursuant to district specific regulations, if any.

### **105.3. Height, Bulk and Lot Coverage**

105.3-1. No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height or bulk, a higher percentage of lot coverage or smaller open space about it than permissible under the limitations set forth herein for the district in which such building is located, except that parapet walls, chimneys, cooling towers, elevators, bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provision when erected in accordance with all other city ordinances.

105.3-2. No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard, or court, or other open space, or lot area requirements of this ordinance shall thereafter, by reason of a change in ownership or for any other reason, be used to satisfy the yard, court, open space or lot area requirements of any other building or dwelling group.

105.3-3. No usable open space or off-street parking space or loading space existing or provided hereafter for any building shall be reduced below the minimum requirements hereinafter set forth for such usable open space, parking space or loading space, nor further reduced if already less than said minimum requirements.

105.3-4. The bulk regulations set forth in this section shall apply in all districts unless otherwise specifically provided.

## **105.4. Landscaping**

### **105.4-1. Purpose and Intent.**

105.4-1.1. These landscape standards are hereby established to create and maintain an aesthetically appealing community character that minimizes the negative impacts of vehicular traffic, parking lots, etc., and which incorporates human scale into the visual perception of the city. Specifically, these requirements are intended to beautify the public way; to increase the compatibility of adjacent uses by requiring a buffer or screening between uses; to minimize the adverse impact of noise, dust and headlight glare; to reduce topsoil erosion and storm water runoff; and to re-establish a canopy cover over the built environment to mitigate the effects of sun and wind so as to moderate extremes of temperature, provide shade, reduce wind velocity and conserve energy resources.

### **105.4-2. Applicability.**

105.4-2.1. The landscape standards set forth herein shall be applied to all approved landscape plans; conditional use planned developments and Planned Development Districts through the final plan review procedures; conditional use petitions; rezoning petitions; conditional use petitions; all variation petitions; final plat of subdivision petitions; and each use district as specifically required through the site plan review process unless otherwise specifically provided.

### **105.4-3. Required Landscape Plan.**

105.4-3.1. The landscape plan shall be drawn to an accurate engineering scale, and include a scale, north arrow, location map, original and revision dates, name and address of owner and site plan designer. Plans shall show all landscape areas and their uses, the number of plantings by type, the size of plantings at installation, the on-center spacing for hedges, the caliper size of all trees at installation, existing vegetation and plantings, and proposed berming and fencing. Also included shall be all proposed/existing structures and other improvements, including but not limited to paved areas, berms, lighting, retention/detention areas and planting material. The landscape plan shall be sealed by a state registered Landscape Architect unless waived by the Zoning Administrator.

### **105.4-4. Landscape and Screening provisions.**

105.4-4.1. The following provisions shall be deemed as the minimum requirements for the landscape plan. Additionally, a variety of planting material is desired and must be reflected in the landscape plan.

- A. Requirements for all parcels. The following requirements shall apply to all parcels and are cumulative:
  - i. Stormwater facility requirement. Whenever possible such facilities should be designed as natural features, implementing native deep-rooted shoreline plantings that stabilize the soil, slow runoff, facilitate infiltration and decrease erosion, subject to specific

approval by the city council. The criteria for approval will be whether the proposed natural treatment provides and aesthetic and screening benefit to surrounding properties.

- a. Lake facilities. Provide three canopy tree equivalents per each 100 feet of high water line.
  - b. Detention facilities. Provide five canopy tree equivalents per 100 feet of high water line. A minimum of 25% of the required canopy tree equivalent shall be non-canopy tree planting material.
- ii. Street tree requirement. Provide three canopy trees per 100 feet of right-of-way frontage, in the parkway on each side of each public street, pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual. If it is not possible to locate these trees in the parkway, place them within the exterior yards next to the parkway pursuant to the required count. When located below power lines, however, street trees must be understory trees pursuant to Section 6 of Arboricultural Specifications Manual.
  - iii. Setback area requirement. All required setback areas excluding driveways, access lanes, sidewalks, walkways shall be planted in turf or other acceptable living groundcover.
- B. Requirements for non-single family detached parcels. The following requirements shall apply to all non-single family detached parcels and are cumulative in addition to the requirements listed under Requirements for All Parcels in the Landscaping and Screening Provisions:
- i. Perimeter Yard Requirement. Provide three canopy tree equivalents per 100 feet of lot perimeter, which may be clustered.
  - ii. Buffer Yard Requirement. Enhance the boundaries between adjacent non-residential uses and residential uses, and between adjacent single family detached residential uses and non-single family detached residential uses to provide an aesthetic screening treatment by planting two canopy tree equivalents per one hundred feet of lot line, of which fifty percent (50%) shall be non-canopy tree planting material. Alternatively, a wall or fence may satisfy the requirement as determined by the City.
  - iii. Parking Lot Internal Requirement. A 9' by 19' landscaped island protected by a six inch raised concrete curb shall be established for every 20 parking spaces. Said islands shall be planted with 1.5 canopy tree equivalents with the preferred planting material mix including one canopy tree. Said islands shall be located to organize and direct traffic flow within the parking lot, and may be clustered.
  - iv. Foundation planting requirement. Provide one canopy tree equivalent per 100 lineal feet of building foundation to effectively

relate the structure to the landscape, of which 100% of the requirement shall be non canopy tree planting material.

- v. Dwelling unit requirement. Provide 1 canopy tree equivalent per dwelling unit located around and/or adjacent to the structure.
- C. Provisions applicable to all non-single family detached parcels. The following provisions shall apply to all non-single family detached parcels and any planting material utilized shall be credited toward the Requirements for All Parcels and Requirements for Non-Single Family Detached Parcels:
- i. Parking Lot Screening Provisions. Screen parking lots within 50 feet of public rights-of-way with compact hedging, berming, decorative fencing, decorative masonry, or a combination of these techniques, to a height of two and a half feet (2.5’).
  - ii. Miscellaneous Screening Provisions. Screen to 100 percent opacity dumpsters, trash enclosures, HVAC and utility facilities with a combination of plant material and decorative fencing, decorative masonry, building structural extensions, or other similar elements.
  - iii. Storage Area Screening Provisions. All exterior storage for business, wholesale and manufacturing uses shall be screened as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, be a minimum of six (6) feet above grade, and not exceed eight (8) feet in height. Screening may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, neutral colored fencing with triple slatting, or wall construction. Lighting of the facility shall be directed away from surrounding properties.
- Such screening shall be required when one or more of the following conditions are present:
- a. When any exterior yard of the property is located along a public right-of-way and storage is two hundred (200) feet or less from the right-of-way.
  - b. When any exterior yard of the property is located across a street from property that is zoned or developed solely for residential or public park purposes regardless of the distance from the residential or park property, and the comprehensive plan designates the residential property for residential purposes or the park property for open space purposes.
  - c. When any exterior yard of the property is located across an alley from property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from the residential property, and the comprehensive plan designates the residential property for residential purposes or the park property for open space purposes.

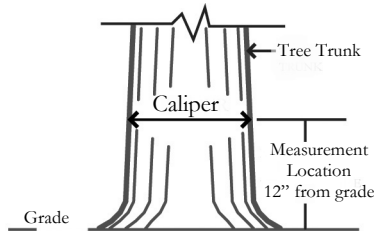
- d. When the property is located contiguous to the yard of property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from the residential property, and the comprehensive plan designates the residential property for residential purposes or the park property for open space purposes.
  - e. When such storage areas were in existence as of July 9, 1996, screening shall be in conformance with the above requirements no later than one (1) year from the date of notification, but within five (5) years following said date.
  - f. This provision is not intended to allow outdoor storage where it is prohibited by the provisions of the underlying zoning district.
- D. Requirements for newly established single family developments. The following requirements shall apply to all newly established single family detached developments and are cumulative in addition to the requirements listed under the section Requirements for All Parcels in the Landscaping and Screening Provisions:
- i. Neighborhood border requirement. Provide subdivision neighborhoods with landscape borders, in which planting material, entry monuments and features, grade changes and the like are located. These borders shall be a minimum of 20 feet wide and shall be located along all public streets where single family detached lots do not front on such streets. Said border areas shall be planted at four (4) canopy tree equivalents per one hundred (100) feet of right of way frontage, of which fifty percent (50%) shall be non canopy tree planting material.
  - ii. Dwelling unit requirement. One canopy tree or equivalent shall be planted for each interior lot, and two trees for each corner lot. Said trees shall be planted in the required exterior yards of each street frontage.
- 105.4-4.2. Credit for existing trees. In addition to new planting material, the city may recognize and give one canopy tree equivalent credit for each twelve (12) inches of caliper of healthy existing material that is in desirable condition and properly located as determined by the city.
- 105.4-4.3. Credit for trees installed larger than required minimums. The city may give credit for canopy tree equivalents that are planted at a size greater than the required minimum size. Such credit may satisfy up to 10 percent of the total canopy tree equivalent requirement, exclusive of the street tree requirement. The following shall be a basis for the credit:
- i. Canopy tree or understory tree. For each inch of caliper greater than the minimum required, an inch of credit shall be applied.
  - ii. Evergreen tree or multi-stemmed tree. For each foot in height greater than the minimum required, a foot of credit shall be applied.

- iii. Deciduous or evergreen shrubs. For each two feet in height greater than the minimum required, a foot of credit shall be applied.

105.4-4.4. Planting material specifications. The specifications for all required planting material shall be pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual.

A. Size requirements. The minimum size of the material at time of planting shall be as follows:

- i. Canopy tree at 2.5 inch caliper. Note: caliper shall be measured 12 inches from the base of the tree.



- ii. Evergreen tree at 6 foot in height, or understory tree at 2.5 inch caliper, or multi-stemmed tree at 8 foot in height.
- iii. Deciduous or evergreen shrubs at 18 inches in height.

B. Planting Material Variety. In order to allow for flexibility while maintaining minimum planting levels, many of the above provisions specify “canopy equivalents” instead of canopy trees. A canopy equivalent is one canopy tree, or three evergreen/ understory/ multi-stemmed trees, or twenty shrubs. These equivalent amounts are allowed to substitute for a canopy tree since the approximate coverage area at maturity of each of the equivalent amounts is comparable to the approximate coverage area at maturity of one canopy tree.

C. Acceptable and unacceptable tree species. Acceptable and unacceptable tree species shall be pursuant to Section 4 of the Arboricultural Specifications Manual.

D. Prohibited Plant Species. The following plant species are prohibited.

- i. Noxious Weeds, as defined by the Illinois Noxious Weed Law, 505 ILCS 100/ et. seq.
- ii. Exotic Weeds, as defined by the Illinois Exotic Weed Act, 525 ILCS 10/ et. seq., unless specifically exempted in accordance with the Act .

105.4-4.5. Naturalized Planting Areas. The use of naturalized prairie style landscaping shall be encouraged adjacent to and within stormwater detention facilities, wetland, low-lying and inactive open space areas. These areas must meet the following criteria in addition to the City of Aurora’s Wetland and Naturalized Planting Standards in order to remove said areas from the above stated requirements.

A. A detailed species list and management plan shall be prepared by a reputable consultant to be submitted by the Developer with the

proposed Landscape Plan. This report shall include specifications on seed mix and amounts of seeds per square foot to be planted.

- B. These areas shall not be subject to Section PM-302.4 of the Property Standard Ordinance if maintained pursuant to said management plan.
- C. Installation and maintenance. The planting and maintenance of prairie style landscaping shall be subject to any additional standards as the city may from time-to-time promulgate.

105.4-4.6. Minor amendments and deviations. Subsequent to the review of said landscape plan, and issuance of the building permit, the City may allow through a staff review of said plan, minor deviations which do not substantially alter the plan, and which do not substantially diminish the intended benefits of said plan.

105.4-4.7. Cost limitations. The cost of planting material required by this ordinance shall be proportionate to the cost of the balance of work being proposed, and shall not exceed 20% of the total project costs, exclusive of sod and seeding costs, as supported by two written bids by recognized contractors.

105.4-4.8. Planting Material Installation and Maintenance. Planting material shall be installed prior to the end of the first available planting season prior to the issuance of an Occupancy Permit. Said planting materials shall be maintained and kept in a healthy condition, and any required planting material that dies shall be replaced prior to the end of the next available planting season. An irrevocable Letter of Credit shall be required as deemed necessary by the Zoning Administrator to guarantee installation of improvements required by the approved landscape plan prior to the issuance of a permit. The amount of said Letter of Credit shall be based on written bids from contractors covering the installation of all elements of the landscape plan including but not limited to all planting material, fencing, screen walls and pavers. Said Letter of Credit may be required where there are extensive elements required by the approved landscape plan as determined by the Zoning Administrator.

105.4-4.9. Timing extension for installation. If construction work is completed during the off-planting season, with the City agreeing that plantings installed at that time would likely die, then a temporary certificate of occupancy shall be issued for the property which shall specify that all planting material as required by this Section be installed prior to the end of the next planting season.

#### **105.5. Lot Size**

Shall be pursuant to district specific regulations, if any.

#### **105.6. Lot Coverage**

Shall be pursuant to district specific regulations, if any.

#### **105.7. Monotony Standards**



5.7-1. A newly-constructed single family detached home may not be located next to, across the street from, or cater-corner from another such newly-constructed or existing residential structure which has the same front elevation or the same configuration of building materials or the same colors facing the public street.

## **105.8. Nonconformity**

### 105.8-1. Purpose and intent.

105.8-1.1. This ordinance establishes separate districts, each of which is an appropriate area for the location of the zoning lot configurations, structures, and uses that are permitted in that district. Nonconforming zoning lots, structures, and uses may be created when the application of a specific zoning district to a property changes, or when a zoning regulation otherwise changes. As a result of such changes, then-existing zoning lot configurations, structures, or uses may no longer be allowed or are otherwise limited. It is necessary and consistent with the establishment of those zoning districts that all zoning lot configurations, structures, and uses that are nonconforming therewith be strictly regulated and properly controlled.

It is the purpose of this section to provide for the regulation of nonconforming zoning lots, structures, and uses in the various zoning districts, recognizing that a zoning ordinance change is not enacted to require all nonconforming situations to be immediately brought into conformance, but rather to guide them and future zoning lot configurations, structures, and uses in a new direction consistent with current city policy. It is the intent of this section is to protect the character of each zoning district by reducing the negative impacts from nonconforming situations, to assure that revised zoning regulations will not cause inappropriate or unnecessary burdens on individual property, and to permit under limited conditions, but not encourage the survival of these nonconformities by specifying those circumstances under which they shall be allowed to continue.

### 105.8-2. Applicability.

105.8-2.1. The provisions of this section shall apply to all zoning districts when any of the following circumstances exist:

- A. Nonconforming zoning lot. A zoning lot, as defined in this ordinance, comprised of one (1) or more parcels configured such that it does not comply with the minimum required lot width or area of the zoning district for the zoning lot.
- B. Nonconforming structure. A structure that does not comply with the zoning provisions then currently applicable to the zoning lot on which said structure is located, or a structure originally designed for a use not permitted within the zoning district for the zoning lot, with such determination being made by the zoning administrator.

- C. Nonconforming use. A use on a zoning lot that does not comply with the zoning district provisions then currently applicable to the zoning lot on which said use is located, including a use not allowed in the zoning district for such zoning lot.

105.8-3. Continuance of a nonconforming zoning lot, structure, or use.

- 105.8-3.1. Any lawfully established zoning lot, structure, or use that existed prior to the effective date of this ordinance, or of applicable amendments hereto and currently subject to one (1) or more of the circumstances described in the Applicability subsection of this Nonconformity Section, shall be deemed legal nonconforming and may be continued subject to the provisions of this section.

105.8-4. Permitted changes to legal nonconforming zoning lots, structures and uses.

- 105.8-4.1. Changes to legal nonconforming zoning lots, structures, and uses permitted to continue pursuant to this section shall be permitted in accordance with the following sections, with the most restrictive subsection being enforced in case of multiple applicability. (Legal nonconforming zoning lot and the structures thereon section contains the least restrictive provisions, Legal nonconforming structure section contains more restrictive provisions, and Legal nonconforming uses and the structures related thereto section contains the most restrictive provisions.)

105.8-4.2. Legal nonconforming zoning lot and the structures thereon.

- A. Conformance. Any legal nonconforming zoning lot may obtain conforming status pursuant to the following:
  - i. A zoning lot may be modified, altered or otherwise changed to be brought into conformance with the provisions of this ordinance
  - ii. A zoning lot within the R-5 district may be issued a Mitigation Certificate pursuant to the Bulk Restrictions Section hereof.
- B. Repair and maintenance. Normal and customary repair and maintenance of a structure located on a legal nonconforming zoning lot is permitted.
- C. Alterations. The following shall be the only circumstances where an alteration is allowed for a structure on a legal nonconforming zoning lot:
  - i. When the alteration is otherwise required by law.
  - ii. When the alteration provides an exterior improvement to the appearance of the structure such as but not limited to a new storefront.
  - iii. When a structure containing residential uses is internally altered in a way to improve livability, provided it does not increase the number of dwelling units.

- iv. When a structure containing a religious use is internally altered in a way to improve its function.
  - v. When such a structure containing a use that complies with the zoning district provisions then currently applicable to that zoning lot is internally altered in a way that accommodates said use.
- D. Additions and enlargements. A structure located on a legal nonconforming zoning lot may be added onto, enlarged or extended only if the entire structure is thereafter devoted to a conforming use and said addition, enlargement or extension conforms to all of the then current regulations of the zoning district in which it is located.
- E. Use of a vacant legal nonconforming zoning lot. Any vacant zoning lot made up of one (1) or more parcels that does not meet the minimum lot width or area according to the then current Aurora Zoning Ordinance, may be utilized for an otherwise permitted use, provided that both the lot width and area are not less than eighty (80) percent of the minimum width and area required.
- F. Reconstruction of a damaged or destroyed structure.
- i. A structure located on a legal nonconforming zoning lot which is damaged or destroyed by any means to the extent of less than fifty (50) percent of its replacement value pursuant to this ordinance, may be reconstructed and the use of said structure which existed at the time of such partial destruction may be continued, provided that the restoration or repair of the structure is started within six (6) months of the destruction date and diligently pursued to completion within two (2) years of the destruction date. A written extension of these time limits may be granted by the Zoning Administrator for up to one (1) year to allow for pending insurance settlements, or other lawful considerations. The city council may grant further written extensions in addition to the one (1) year granted by the Zoning Administrator.
  - ii. A structure located on a legal nonconforming zoning lot which is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value pursuant to this ordinance, may be reconstructed and the use of said structure which existed at the time of such destruction may be continued, provided that the width and area of said zoning lot are each not less than eighty (80) percent of the minimum required width and area.
  - iii. A structure in the form of a single-family detached dwelling upon a legal nonconforming zoning lot located within a residential zoning district, that is damaged or destroyed partially or in totality, may only be rebuilt in conformance with the structure's dimensions and height as existed prior to such damage or destruction.
- G. Reserved.

#### 105.8-4.3. Legal nonconforming structure.

- A. Conformance. Any legal nonconforming structure may be modified, altered, rebuilt or otherwise changed to be brought into conformance with the provisions of this ordinance either partially or in totality.
- B. Repair and maintenance. Normal and customary repair and maintenance of a legal nonconforming structure is permitted.
- C. Alterations. The following shall be the only conditions where an alteration is allowed for a legal nonconforming structure:
  - i. When the alteration is otherwise required by law.
  - ii. When the alteration provides an exterior improvement to the appearance of a legal nonconforming structure such as but not limited to a new storefront.
  - iii. When a legal nonconforming structure containing residential uses is internally altered in a way to improve livability, provided it does not increase the number of dwelling units.
  - iv. When a legal nonconforming structure containing a religious use is internally altered in a way to improve its function.
  - v. When such a legal nonconforming structure containing a use that complies with the zoning district provisions then currently applicable to that zoning lot is internally altered in a way that accommodates said use.
  - vi. When the alteration does not involve in any way the exterior portion of the structure that is the cause for such structure having legal nonconforming status.
- D. Additions and enlargements. A legal nonconforming structure may be added onto, enlarged or extended only if the entire structure is thereafter devoted to a conforming use and said addition, enlargement or extension conforms to all the then current regulations of the zoning district in which it is located.
- E. Use of a legal nonconforming structure. A legal nonconforming structure shall only be occupied by a use that conforms to all then current regulations of the zoning district in which it is located, or by a legal nonconforming use.
- F. Reconstruction of a damaged or destroyed legal nonconforming structure.
  - i. A legal nonconforming structure damaged or destroyed by any means to the extent of less than fifty (50) percent of its replacement value pursuant to the Evaluation of a damaged or destroyed structure subsection of this Nonconformity Section, may be reconstructed and the use of said structure which existed at the time of such partial destruction may be continued, provided that the restoration or repair of the legal nonconforming structure is started within six (6) months of the destruction date and diligently pursued to completion within two (2) years of the destruction date. A written

extension of these time limits may be granted by the Zoning Administrator for up to one (1) year to allow for pending insurance settlements, or other lawful considerations. The city council may grant further written extensions in addition to the one (1) year granted by the Zoning Administrator.

- ii. Notwithstanding the previous regulation, a legal nonconforming structure in the form of a single-family detached dwelling, located within a residential zoning district, that is damaged or destroyed partially or in totality, may only be rebuilt in conformance with the structure's dimensions and height as it existed prior to such damage or destruction, provided that the restoration or repair of the legal nonconforming structure is started within six (6) months of the destruction date and diligently pursued to completion within two (2) years of the destruction date. A written extension of these time limits may be granted by the Zoning Administrator for up to one (1) year to allow for pending insurance settlements, or other lawful considerations. The city council may grant further written extensions in addition to the one (1) year granted by the Zoning Administrator.

#### 105.8-4.4. Legal nonconforming uses and the structures related thereto.

- A. Conformance. Any legal nonconforming use may be modified, altered or otherwise changed to be brought into conformance with the provisions of this ordinance. A legal nonconforming use may be changed to a use of the same, or of a more restricted character, but may not thereafter be changed to any less restricted use.
- B. Repair and maintenance. Normal and customary repair and maintenance of a structure is permitted.
- C. Alterations. The following shall be the only conditions where an alteration is allowed for a structure:
  - i. When the alteration is otherwise required by law.
  - ii. When the alteration provides an exterior improvement to the appearance of a structure such as but not limited to a new storefront.
  - iii. When a structure containing residential uses is internally altered in a way to improve livability, provided it does not increase the number of dwelling units.
  - iv. When a structure containing a religious use is internally altered in a way to improve its function.
- D. Additions and enlargements. A structure wholly or partially occupied by a legal nonconforming use is not allowed to be expanded and/or enlarged in any way.
- E. Reconstruction of a damaged or destroyed structure involving a legal nonconforming use. A structure damaged or destroyed by any means

to the extent of fifty (50) percent or more of its replacement value pursuant to the Evaluation of a damaged or destroyed structure subsection of this Nonconformity Section may only be rebuilt in conformance with applicable, then current zoning district provisions.

105.8-5. Previously issued permits.

105.8-5.1. Any structure for which a permit has been lawfully issued prior to the effective date of this ordinance or of subsequent amendments hereto, may be completed in accordance with the approved plans for which said permit was issued provided construction is started within six (6) months after the date of the permit issuance and diligently pursued to completion within two (2) years from such date. Such structure shall thereafter be deemed a legal nonconforming structure, if it is then subject to one (1) or more of the following circumstances described in the Applicability subsection of the Nonconformity Section.

105.8-6. Discontinuance of legal nonconforming status for zoning lots, structures, or uses.

105.8-6.1. Any legal nonconforming zoning lot, structure, or use that has been brought into conformance with the zoning district provisions then currently applicable to the zoning lot, shall not thereafter be classified as legal nonconforming. Said legal nonconforming status shall also be terminated in the following circumstances, and such properties shall thereafter fully comply with the zoning district provisions then currently applicable to the zoning lot:

105.8-6.2. Legal nonconforming zoning lot.

- A. When any zoning lot made up of one (1) or more parcels owned or controlled by the same individual or group of individuals and taxed as one (1) tax parcel, conforms to either the minimum lot width or area required for that zoning lot, or both, said parcels that make up the zoning lot shall not qualify separately as legal nonconforming zoning lots.
- B. When a structure on a legal nonconforming zoning lot is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value pursuant to the Evaluation of a damaged or destroyed structure subsection of this Nonconformity Section, and either the width or area of said zoning lot is less than eighty (80) percent of the minimum width and area required, except as provided in the Reconstruction of a damaged or destroyed structure subsection provision (iii) of this Nonconformity Section.

105.8-6.3. Legal nonconforming structure.

- A. When a structure is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value pursuant to the Evaluation of a damaged or destroyed structure subsection of this Nonconformity Section, except as provided in Reconstruction of a

damaged or destroyed structure subsection provision (ii) of this Nonconformity Section.

- B. When a structure is damaged or destroyed by any means to the extent of less than fifty (50) percent of its replacement value pursuant to the Evaluation of a damaged or destroyed structure subsection of this Nonconformity Section, but has not met the timing requirements of the Reconstruction of a damaged or destroyed structure subsection provision (i) of this Nonconformity Section.
- C. When a legal nonconforming structure in the form of a single-family detached dwelling, located within a residential zoning district, is damaged or destroyed partially or in totality, and has not met the timing requirements of the Reconstruction of a damaged or destroyed structure subsection provision (ii) of this Nonconformity Section.

#### 105.8-6.4. Legal nonconforming use.

- A. When a legal nonconforming use has been discontinued for a period of six (6) consecutive months, and said use occupied a structure originally built in such a way as to be specifically designed for a residential use, with such determination being made by the zoning administrator.
- B. When a legal nonconforming use has been discontinued for a period of fifteen (15) consecutive months, where said use occupies a structure originally built in such a way as to be specifically designed for a nonresidential use, with such determination being made by the zoning administrator.
- C. When a legal nonconforming use has been discontinued for a period of three (3) consecutive months, where said use does not primarily involve an on-site enclosed structure, with such determination being made by the zoning administrator.
- D. When there is evident to the city a clear intent on the part of the property or business owner to abandon a legal nonconforming use, with such determination being made by the zoning administrator.

#### 105.8-7. Evaluation of a damaged or destroyed structure.

105.8-7.1. In the event that a structure is damaged or destroyed by any means, said structure shall be evaluated by the Zoning Administrator for purposes of estimating the extent of said damage or destruction. Said evaluation shall estimate the replacement value of said structure and compare it to the estimated value of the structure just prior to its damage or destruction. The Zoning Administrator shall set forth in written form the percentage of damage within the evaluation, which shall be made available to the owner of said structure or representative thereof. Said evaluation may be appealed by the owner of said structure to the commission as set forth in chapter 34 of this code.

#### 105.8-8. Unauthorized zoning lot, structure, or use.

105.8-8.1. Any zoning lot, structure, or use not authorized by the provisions of this ordinance and which does not qualify as legal nonconforming pursuant to the Continuation of a nonconforming zoning lot, structure, or use subsection of this Nonconformity Section, shall be discontinued and not reestablished.

105.8-9. Mitigation Certificate.

105.8-9.1. A property owner may obtain conforming status for their property through the issuance of a Mitigation Certificate pursuant to the following:

105.8-9.2. Qualifications. A property shall be eligible for a Mitigation Certificate if all of the following conditions are met or exist:

- A. The zoning lot is zoned R-5.
- B. The zoning lot is legal nonconforming.
- C. The owner/manager of said zoning lot has maintained a Waiver of License as defined by the property maintenance ordinance for a minimum period of four (4) consecutive years just prior to the application for a Mitigation Certificate, and said owner/manager agrees to maintain said waiver as a condition of the granting of a Mitigation Certificate.
- D. The owner/manager of said zoning lot has maintained a level of Police Incidents for the subject property no higher than an amount which is ten (10) percent of the number of units, for a minimum period of four (4) consecutive years just prior to the application for a Mitigation Certificate, and said owner/manager agrees to maintain said level as a condition of the granting of a Mitigation Certificate.
- E. The owner of said zoning lot has entered into an Enforcement Agreement with the city for the subject property in lieu of a Property Management Agreement as defined within the R-5 Multiple Family Dwelling District Section of this ordinance, which Enforcement Agreement states that Owner agrees to perform at then current standards with regard to inspections and police incidents under the Bulk Restrictions Section of this ordinance. In the event that the performance of Owner falls below current standards for police incidents and inspection waivers as provided by this ordinance, Owner agrees to enter into and to abide by a Property Management Agreement with the City for the purpose of correcting the out-of-compliance status. The Property Management Agreement may specify management standards and practices as well as the criteria by which these standards shall apply to the subject property, including qualification criteria, occupancy standards, causes for eviction, property maintenance and police activity, all as provided under the R-5 Multiple Family Dwelling District Section.

105.8-9.3. Certificate Issuance. A property owner shall apply to the Zoning Administrator for a Mitigation Certificate, providing evidence indicating compliance with the Qualifications subsection of this Mitigation Certificate



Section hereof, along with an accurate survey and legal description of the subject property. The Zoning Administrator shall determine if the subject property is eligible for a Mitigation Certificate, and shall issue it with all supportive documentation attached thereto. Said certificate shall be executed by the Zoning Administrator and subject property owner, and shall be recorded on the subject property by the Zoning Administrator.

105.8-9.4. Zoning Violation. All executed and recorded Mitigation Certificates shall be binding on the subject property owner, and said owner is required to abide by all conditions under which said certificate was issued. In the event that the Zoning Administrator determines that any provision of said certificate, or the subject properties eligibility, is no longer being complied with, said property owner shall be subject to enforcement thereof.

### **105.9. Obstructions**

5.9-1. Permitted obstructions for E, R1, R2 and R3 single-family residential districts are identified in Table Four: Permitted Structures and Obstructions.

5.9-2. Permitted obstructions in districts other than E, R1, R2 and R3.

5.9-2.1. The following shall not be considered to be obstructions when located in the required yards specified:

A. In all yards.

- i. Open terraces not over four (4) feet above the average level of the adjoining ground but not including a permanently roofed-over terrace or porch;
- ii. Awnings and canopies;
- iii. Steps, four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley;
- iv. Chimneys projecting twenty-four (24) inches or less into the yard;
- v. Recreational and laundry-drying equipment;
- vi. Arbors and trellises;
- vii. Flag poles.

B. In front yards.

- i. One-story bay windows projecting three (3) feet or less into the yard;
- ii. Overhanging eaves and gutters projecting three (3) feet or less into the yard;
- iii. Fences and walls, with the following exception:
  - a. When located in O, B1, B2, B3, M1 and M2 zoning districts fences and walls are not permitted between the lot line bordering any public right-of-way, and the required setback line.

C. In rear yards.

- i. Enclosed, attached, or detached off-street parking spaces
- ii. Open off-street parking spaces
- iii. Accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage
- iv. Balconies
- v. Breezeways and open porches
- vi. One-story bay windows projecting three (3) feet or less into the yard;
- vii. Overhanging eaves and gutters projecting three (3) feet or less into the yard;
- viii. Fences and walls.

D. In side yards.

- i. Overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width but in no case, exceeding eighteen (18) inches;
- ii. Fences and walls.

5.9-3. Use of exterior yards.

5.9-3.1. In the O, BI, B2, B3, M1 and M2 districts there shall be no structure of any kind (except for lights and permitted signs), open storage of materials or equipment, or the parking of vehicles in the area between the lot line bordering any public right-of-way, and the required setback line. Lights for the purpose of illuminating parking areas are not permitted in such exterior yards. Such yards shall contain no paving except for accessways perpendicular to the street or sidewalks across the lot. Accessways shall not exceed twenty-five (25) feet in width per approved access point. No other drives or auto maneuvering areas are permitted in the exterior yards.

5.9-3.2. Screening of storage areas. Storage areas shall be screened according to the provisions of the Landscaping Section in the Bulk Restrictions.

### **105.10. Performance Standards**

105.10-1. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and not to produce glare onto adjacent properties or roadways.

### **105.11. Setbacks**

105.11-1. Setbacks for all buildings, structures and uses of land shall be set forth under each zoning district.

105.11-2. Front yard, side yard and building line setbacks on existing or anticipated four-lane highways or streets.

105.11-2.1. Provisions as to front or side yards abutting upon existing four-lane or anticipated four-lane highways or streets, and front setback lines

on such property, shall, notwithstanding other provisions in this ordinance, be changed by a two-thirds vote of all the members voting of the city council to provide for a future eighty (80) feet to one hundred (100) feet right-of-way.

## **105.12. Signs**

### 105.12-1. Sign regulations.

105.12-1.1. All sign regulations shall be subject to chapter 41 of this code, except that all signage erected in the BB district shall be governed by the applicable provisions of the BB Business-Boulevard District.

## **105.13. Off-Street Parking And Loading**

### 105.13-1. Intent and Purpose.

105.13-1.1. The intent and purpose of this section of the zoning ordinance is to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

### 105.13-2. General provisions.

105.13-2.1. Procedure. An application to be filed by the owner, lessee or designated agent thereof for a building permit for a new or enlarged building, structure, or use, shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this ordinance.

105.13-2.2. Extent of control. The off-street parking, driveway and loading requirements of this ordinance shall apply as follows:

- A. All buildings and structures erected or enlarged and land uses initiated after the effective date of this ordinance shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof, except that a building or structure for which a building permit has been issued prior to the effective date of this ordinance shall not be required to furnish parking or loading facilities if construction is begun thereon within six (6) months of the effective date of the building permit and diligently prosecuted to completion.
- B. When a building or structure erected or enlarged prior to or after the effective date of this ordinance shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said decrease would result in a requirement for a fewer total parking or loading spaces through application of the provisions of this ordinance thereto, parking and loading facilities may be reduced accordingly provided that existing parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the parking or

loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.

- C. When a building or structure shall undergo any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said increase would result in a requirement for additional total parking or loading spaces through application of the provisions of this ordinance thereto, parking and loading facilities may be increased accordingly, provided that existing parking or loading facilities shall be so increased so that the facilities would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.
- D. The parking, driveway and loading facilities for a building, structure or use shall be increased and properly surfaced whenever the following occurs:
  - i. Any increase in number of dwelling units.
  - ii. Any increase in gross floor area resulting in a requirement for additional parking or loading spaces.
  - iii. Any increase in seating capacity resulting in a requirement for additional parking or loading spaces.
  - iv. An increase in any unit of measurement specified hereinafter resulting in a requirement for additional parking or loading spaces.
  - v. Rebuilding or reconstruction after damage exceeding fifty (50) percent of principal building.
  - vi. Rezoning of the property to a classification other than R-1 single-family, R-2 single-family, R-3 single-family or R-4 two-family dwelling district.
  - vii. When an accessory garage building is newly constructed or new garage construction results in an increase in the number of parking spaces on a zoning lot, previously provided.
- E. The parking, driveway, and loading facilities for a building structure or use shall be properly surfaced whenever the following occurs:
  - i. A gravel surface which has deteriorated or been damaged by determination of the Zoning Administrator. Said deterioration or damage may include, without limitation, any or all of the following: loss of gravel, dirt surface, sinking and dips, pooling of water, lack of any border, and/or encroachment or growth of vegetation. Repair of the gravel surface may not occur once the property has been cited or noticed, except by properly surfacing the driveway with either asphalt, concrete or brick pavers.

105.13-2.3. FoxWalk Overlay District Exception. Within the FoxWalk Overlay District, the off-street parking regulations set forth in this section, with the

exception of the loading requirements, shall not apply to any uses of new buildings or structures, or any existing principal building or structure which is enlarged or increased in capacity.

105.13-2.4. Existing parking and loading spaces. Accessory off-street parking and loading spaces in existence on the effective date of this ordinance may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

105.13-2.5. Permissive parking and loading spaces. Nothing in this section shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or buildings, subject to full compliance with the provisions of this section. Except when located on a lot adjacent to the premises containing the principal use, no off-street parking areas accessory to existing multiple-family structures may be located off the premises containing the principal use without express authorization by the city council.

105.13-2.6. Measurements.

- A. Tables for required parking and loading. Requirements governing the number and location of off-street parking and off-street loading facilities in relation to the use of property are established hereinafter in subsections of this ordinance. The parking and loading requirements for any use not specified herein shall be the same as for a similar specified use.
- B. Floor area. The term "floor area" as employed in this parking and loading section in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. "Floor area" for the purposes of this section shall not include any area used for:
  - i. Storage accessory to the principal use of a building;
  - ii. Incidental repairs;
  - iii. Processing or packaging of merchandise;
  - iv. Show windows, or offices incidental to the management or maintenance of a store or building;
  - v. Rest rooms;
  - vi. Utilities, including HVAC systems, or
  - vii. Dressing, fitting or alteration rooms.
- C. Extent of control. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such a distance shall be measured from the nearest point of the parking area to the

nearest entrance of the building that said parking area is required to serve.

- D. Measurement of space. Minimum parking stall dimensions in this section are exclusive of access drives or aisles, ramps, columns, office and work areas individually accessible from streets or alleys, or from private driveways or aisles leading to streets or alleys.
- E. Number of spaces. When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one (1) parking space.
- F. Measurement of dock. When determination of the number of required off-street loading docks results in a requirement of a fractional dock, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one (1) loading dock.

### 105.13-3. General Regulations.

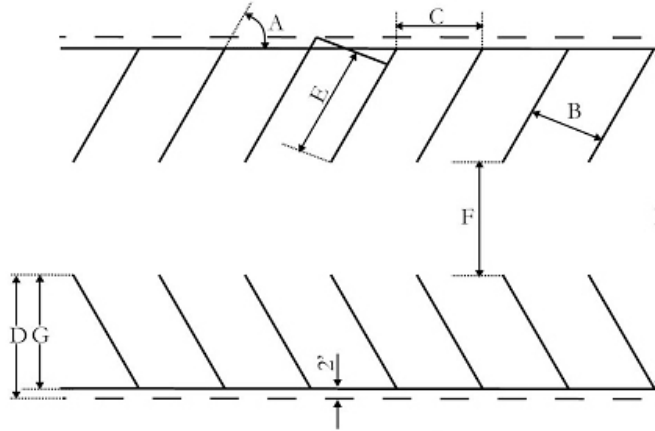
105.13-3.1. Schedule of parking requirements. The schedules of parking requirements are as identified in Table Two: Schedule of Parking Requirements.

### 105.13-3.2. Parking facilities.

- A. Purpose. Parking facilities are to be used for the storage or parking of passenger automobiles and commercial vehicles under one and one-half-ton capacity where permitted under this ordinance. The parking, standing, loading or unloading of motor trucks, tractors and trailers are only permitted in designated loading dock areas as described in the Loading Docks portion of this section.
- B. Location of parking facilities. Off-street parking facilities shall be provided on the same lot or parcel of land as the principal building being served, or on a separate lot or parcel of land not over four hundred (400) feet from the entrance of the principal building, measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.
- C. Safety. Vehicles shall not be parked or stored in such a manner as to create a dangerous or unsafe condition. Dangerous and unsafe conditions shall be determined by the zoning administrator and are as follows, but not limited to, parking or storing the vehicle in a manner such that it may tip or roll, or having pointed objects, such as propellers or motors, without being covered or protected and are within two feet of a sidewalk, bike path, roadway pavement, or other pedestrian or vehicular ways.
- D. Open and enclosed spaces. Parking facilities may be open or enclosed.

- E. Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic, and shall comply with all provisions of other ordinances regulating the location and construction of driveways.
- F. Signs. No sign shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities.
- G. Required setbacks. No parking area or facility established on the same zoning lot with a building shall be located within any yard setback required for the district in which the parking facility is located. No parking area or facility established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties.
- H. Surfacing. All open off-street parking facilities shall be improved with a gravel compacted macadam base, not less than four (4) inches thick, and surfaced with asphalt, asphaltic concrete or constructed to a comparable specification.
- I. Parking Stalls. The following diagram indicates the minimum standard for parking stalls:

MINIMUM STANDARDS FOR PARKING STALLS



A	B	C	D	E	F	G	H	I
0° (Parallel)	9'	22'	9'	22'	12'/*24'	-	30'/*42'	-
45°	9'	12.7'	19.8'	19'	13'	18'	52.6'	49'
60°	9'	10.4'	21'	19'	18'	19'	60'	56'
90° (Perpendicular)	9'	9'	19'	19'	*24'	17'	*62'	*58'

- A = Angle of parking
- B = Width of stall
- C = Width of stall (parallel to aisle)
- D = Stall depth (perpendicular to aisle)
- E = Stall length
- F = Aisle width
- G = Stall depth (not including 2' overhang)
- H = Wall to wall measurement
- I = Head into curb (not including 2' overhang)

Notes:

Vehicular overhang shall not encroach into a walkway or sidewalk area reducing the width to less than three (3) feet.  
 \* = Two-way traffic is authorized. For two-way traffic flow a minimum twenty-four (24) foot aisle is required

J. Striping. All spaces within parking facilities shall be striped.

K. Lighting. As otherwise required by this ordinance.

105.13-3.3. Joint parking facilities. Off-street parking facilities for different buildings, structures or uses or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent uses would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

105.13-3.4. Control of the off-site facilities. When required accessory off-street facilities are provided elsewhere than on the lot on which the principal use served is located, the ownership of land wherein the principal use and the parking area shall be the same, and if not, the owner of the lot wherein the principal use is located shall supply the city with evidence, to the reasonable satisfaction of the corporation counsel, either through a long-term lease (no less than 20 years) recorded easements or documentation that would allow the parties use of the lot wherein the parking area is to be maintained.



105.13-3.5. Permitted districts for accessory parking. Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with the parking requirements for hotels and motels, may be located in any zoning district except as follows:

- A. No parking facilities accessory to an apartment use shall be located in an R-1, R-2, or R-3 district.
- B. No parking facilities accessory to a business or manufacturing use shall be located in a residential district, except when authorized by the city council as prescribed hereinafter.

105.13-3.6. Reserved.

105.13-3.7. Loading Docks.

- A. Purpose. An off-street loading dock shall be a hard-surfaced area of land, open or enclosed, other than a street or a public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.
- B. Size. A required loading space shall not be less than ten (10) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned hereafter.
- C. Location.
  - i. No permitted or required loading dock shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than six (6) feet in height.
  - ii. No permitted or required loading dock shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.
  - iii. Loading docks open to the sky may be located in any required yards.
- D. Surfacing. All open off-street loading docks shall be improved with a compacted macadam base not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or some comparable construction material.

105.13-3.8. Residential Specific Regulations.

5.13-3.8.1. Off-street parking accessory to a residential **use when not one hundred percent (100%) enclosed in a garage or shed**, shall be limited by the following provisions; all regulations are listed per zoning lot.

- A. Types of Vehicles allowed. The owner of any vehicle shall also be the legal or beneficial owner or lessee of the real estate upon which said vehicle is stored, standing or parked. Upon request by an authorized

agent of the City, proof of ownership shall be provided. The following types of vehicles are allowed:

- i. Passenger vehicles
- ii. Recreational vehicle
- iii. Boat
- iv. Trailer
- v. Commercial vehicle - excluding tow trucks and panel trucks, which shall be prohibited.
- vi. Essential Emergency Commercial Vehicle.

B. Quantity of vehicles allowed.

- i. Passenger vehicles - A zoning lot shall be limited to five (5) in total.
- ii. Recreational vehicle, boat, trailer, commercial vehicle, or emergency commercial vehicle - A zoning lot shall be limited to one (1) in total.

C. Size of vehicles allowed.

- i. Passenger vehicles – shall not exceed twelve (12) person capacity.
- ii. Recreational vehicle – shall not exceed twenty-five (25) feet in length, eight (8) feet in width, or greater than eleven (11) feet in height excluding the antennae, unless the said vehicle is stored in an enclosed garage or other structure.
- iii. Boat – shall not exceed twenty-five (25) feet in length
- iv. Trailer - shall not exceed the twenty feet (20') in length.
- v. Commercial vehicle - shall not exceed the standards of a State of Illinois licensure classification of "B,"
- vi. Essential Emergency Commercial Vehicle – shall not exceed a State of Illinois licensure classification of "D"

D. Required setbacks. The above stated General regulations shall apply with the following exceptions:

- i. Parking of vehicles may occur upon all driveways pursuant to section E below.
- ii. Vehicles, with the exception of Passenger vehicles, must conform to the following minimum distances from the zoning lot lines:
  - a. Front Lot Line – prohibited between the primary structure and this lot line except as stated in the “Additional Regulations for Outdoor storage, parking or standing of recreational vehicles, boats or trailers” section below.
  - b. Rear Lot Line – 5 feet
  - c. Exterior Side Lot Line – prohibited between the primary structure and this lot line.

- d. Interior Side Lot Line: 3 feet
- E. Driveways. Parking and driveways for residential uses shall conform to the following regulations:
- i. Number. One driveway and one curb cut or vehicular entrance into a street or alley shall be permitted per lot, with the following exceptions:
    - a. Through Lots. A through lot may have one curb cut on each frontage.
    - b. Lots Abutting Alleys. A lot abutting an alley that has a detached garage: may have a vehicular entrance from the alley only if the garage is located at least 5 feet from the alley, and may have a curb cut on a street only if such garage is located less than 20 feet from the alley.
    - c. Circular Drives in Front Yards. An interior or corner lot having a lot width of 75 feet or more may have a circular driveway with two curb cuts located in the actual front yard.
    - d. Circular Drives in Corner Side Yards. A corner lot with a lot width of less than 100 feet may have a circular driveway with two curb cuts located in the actual corner side yard in lieu of a driveway in the actual front yard. An entrance or exit from an alley may substitute for one of the curb cuts.
    - e. Vacant Lots. A vacant lot or parcel shall not have a driveway, curb cut, or other vehicular access. In the event of a building demolition, the Zoning Administrator in collaboration with the City Engineer will have the discretion to allow a driveway, curb cut, or other vehicular access to remain for a limited amount of time.
  - ii. Driveway Turnarounds. No driveway turnaround shall be more than 12 feet long, or over 10 feet wide, excluding flairs. No driveway turnaround shall be permitted in a required front yard located between the dwelling structures and the street except where:
    - a. The garage on the premises accommodates only one car, and
    - b. The regulations herein together with the characteristics of the property prevent establishment of more than 2 spaces on the lot, and
    - c. The lot has frontage on an arterial street designated in the City Comprehensive Plan.
  - iii. Configuration. A driveway within a required front yard shall be essentially perpendicular to the street pavement and shall not extend in front of the dwelling structure.
  - iv. Dimensions. Dimensions of residential driveways shall be as provided in Table Three: Residential Driveways.

- v. Additional Vehicle Flare. One (1) flare to the leading driveway is allowed with the following additional provisions:
  - a. The flare shall not be permitted within the first five (5) feet of the front setback.
  - b. The flare may have a maximum dimension of 18 feet in length and 6 feet in width.
  - c. A maximum of one (1) vehicle may be parked/stored on the flare section.
  - d. The flare shall not be allowed in front of a habitable portion of the primary structure.
  - e. The flare shall be reasonably screened from adjacent properties as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, be a minimum of six (6) feet above grade, and not exceed eight (8) feet in height. Screening may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, solid fencing, or wall construction. For fencing limitations in residential districts refer to the Fencing and Wall Section under Residential Specific Regulations of Part B. Lot Coverage. No driveway shall together with all Principal and Accessory Structures cover more than the allowed lot coverage for the specific zoning district.

F. Reserved.

G. Additional Regulations for outdoor storage, parking or standing of personal or commercial recreational vehicles, boats or trailers.

- i. Purpose. The presence of recreational vehicles, boats or trailers, and other certain motor vehicles that, by virtue of their design, type, or characteristics, are not customary and incidental to the use or occupancy in a residential district may be detrimental to the surrounding area. These said vehicles intrude upon the visual aesthetics, may create excessive noise, and can impair the free flow of traffic within a residential neighborhood. The purpose of this section is to provide regulations that would prohibit or restrict the ways in which recreational vehicles are parked or stored, thereby reducing such negative impacts upon the adjacent property owners or the neighborhood as a whole.
- ii. Location and Storage. No recreational vehicles, boats or trailers may be parked on public right of way. As such, vehicles, boats or trailers shall be in an unused, unoccupied fully stored state and at no time shall a parked or stored recreational vehicle be used for living, sleeping, or other purposes while on the zoning lot. In addition, no recreational vehicle shall be connected to electric, gas, water, or sanitary sewer service.
- iii. Surfacing. Any recreational vehicles, boats or trailers parked or stored outside shall be accessible only from a residential driveway

and on an approved all-weather surface no more than 30 feet in length and consisting of either asphalt, brick, or concrete in the form of continuous ribbon strips a maximum of 2 feet in width or grass pavers, either for the full width of the vehicle or in the form of continuous ribbon strips a minimum of 2 feet in width. Surfacing requirements shall also meet the lot coverage requirements contained in specific zoning district.

- iv. Screening. Any recreational vehicles, boats or trailers parked or stored outside shall be reasonably screened from adjoining properties as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, be a minimum of six (6) feet above grade, and not exceed eight (8) feet in height. Screening may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, solid fencing, or wall construction. Fencing in residential districts shall further be subject to the limitations set forth in this ordinance.
- v. Required Setbacks. The above stated required setback regulations shall apply with the exception that recreational vehicles may be parked in required front and exterior side yards only if the following conditions are satisfied:
  - a. The vehicle is used daily and is the owner's principal means of transportation to and from their place of employment.
  - b. The length of the vehicle shall not exceed twenty-five (25) feet.
- vi. Loading and Unloading. For a period not to exceed 48 hours prior and subsequent to a trip, a recreational vehicles, boats or trailers may be parked in the driveway in the required front yard or exterior side yard for the purposes of loading and unloading. Parking of a recreational vehicles, boats or trailers for a five-day time frame per each calendar month for loading and unloading purposes may take place in the required front yard without the necessity of complying with the above stated Surfacing, Screening or Required Setbacks provision. This time frame may be reasonably extended by the zoning administrator to accommodate additional loading and unloading.

5.13-3.8.2. Off-street parking accessory to Multi-Family residential structures when one hundred percent (100%) enclosed, shall be limited by the following additional provisions when constructed subsequent to January 1, 2012; all regulations are listed per zoning lot.

#### H. Location of parking facilities.

- i. Multi-Family residential structures of any height with common corridors or with 4 stories more without common corridors: Parking spaces shall be located within the primary structure.

I. Parking facilities standards when located within and/or beneath the primary structure and when regulated pursuant to the above-mentioned Section 5.13-3.8.2.A.

i. Brick, decorative precast or masonry surface for exterior walls

#### **105.14. Applicability of Bulk Regulations to Zone Districts**

105.14-1. The bulk regulations set forth in this Sec. 105 shall apply in all zoning districts in the manner and to the extent described herein, except as Article II of this ordinance may establish zone-specific regulations.

105.14-2. In construing the term “bulk regulations” as used throughout Article II of this chapter, unless the context otherwise requires, “bulk regulations” include the bulk restrictions set forth in sec. 105.1, the floor area ratios set forth in sec. 105.2, the high, bulk, and lot coverage regulations set forth in Sec. 105.3, the landscaping regulations set forth in sec. 105.4, the restrictions on obstructions set forth in sec. 105.9, the performance standards set forth in Sec. 104.10, the standards for setbacks set forth in sec. 105.11, and the requirements for off-street parking and loading set forth in sec. 105.13.

## **PART B. ZONE DISTRICTS**

### **SEC. 49-106 - OPEN SPACE, PARK AND RECREATION DISTRICT**

#### **106.1. Purpose**

- 6.1-1. These districts shall establish land use regulations for publicly held open space, recreational areas, and parks within the city with the intent:
- 6.1-1.1. To provide a zoning district that shall allow public open space, recreational areas and parks consistent with the city's comprehensive plan and those of the park districts serving the city; and
  - 6.1-1.2. To provide a zoning district that shall allow public open space, recreational areas and parks to be developed according to said planning efforts; and
  - 6.1-1.3. To provide facilities that are accessible for all socioeconomic groups; and
  - 6.1-1.4. To establish safe and secure facilities; and
  - 6.1-1.5. To cooperate with all interrelated governmental agencies in utilizing common resources in establishing facilities; and
  - 6.1-1.6. To allow active and passive recreational activities; and
  - 6.1-1.7. To encourage preservation of natural areas that have maintained features of the physiographic region; and
  - 6.1-1.8. To encourage conservation of wildlife sanctuaries and habitats; and
  - 6.1-1.9. To encourage preservation of scenic areas; and
  - 6.1-1.10. To provide for the interconnection of open space, recreational areas and parks with parkways, rural drives and parkways; and
  - 6.1-1.11. To maximize the benefit of the public parks within the city while minimizing the impacts on surrounding land uses; and
  - 6.1-1.12. To buffer any active recreational uses from residential land uses.

#### **106.2. Rules**

- 6.2-1. Reserved. .

#### **106.3. Open Space, Park and Recreation District Specific Regulations**

- 106.3-1. Definitions.

- 106.3-1.1. Reserved.

#### **106.4. "OS-1" Conservation, Open Space and Drainage District**

- 6.4-1. Title

- 6.4-1.1. The Conservation, Open Space and Drainage District shall be designated as "OS-1" on the zoning map.

- 6.4-2. Intent & Purpose

- 6.4-2.1. The “OS-1” Conservation, Open Space and Drainage District is intended to regulate and protect public and private drainage area, stormwater management facilities and passive open space .
- 6.4-3. District Specific Regulations
- 6.4-3.1. Rules. In addition to the rules set forth in sec. 49-103.2, the following district specific provisions shall apply:
- A. No buildings or structures shall be permitted except as provided in this Section.
  - B. No parking facilities shall be permitted.
- 6.4-3.2. Definitions. Reserved.
- 6.4-4. Use Regulations
- 6.4-4.1. Permitted uses. The following uses shall be allowed in this district:
- A. 7300 Stormwater management facilities, drainage area, and common and landscape areas
  - B. Any other use determined to be compatible with the above-stated uses and those uses adjoining.
- 6.4-4.2. Conditional uses. The following uses shall be the only conditional uses authorized in this district:
- A. 8000 Planned development
- 6.4-4.3. Accessory Uses and Structures. The following accessory uses and structures shall be permitted herein, when not affecting the drainage:
- A. Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
  - B. Fences and walls
  - C. Temporary recreational equipment
  - D. Bike paths and sidewalks
- 6.3-4.4. Limited but Permitted
- A. 5400 Natural and other recreational parks, when limited to conservation/ protection parks.
  - B. Alternative Energy Systems when in accordance with the provisions of this ordinance.
- 6.4-5. Bulk Restrictions
- 6.4-5.1. Building, Dwelling & Structure Standards
- A. Reserved
- 6.4-5.2. Floor Area Ratio
- A. Reserved
- 6.4-5.3. Height



- A. The maximum height of buildings and structures shall be thirty-five (35) feet.

#### 6.4-5.4. Landscaping

- A. Reserved

#### 6.4-5.5. Lot Size

- A. Reserved

#### 6.4-5.6. Lot Coverage

- A. Lot coverage shall not exceed five (5) percent.

#### 6.4-5.7. Monotony Standards

- A. Reserved

#### 6.4-5.8. Nonconformity

- A. Reserved

#### 6.4-5.9. Obstructions

- A. The following obstructions shall be permitted in all yards:
  - i. Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
  - ii. Fences and walls
  - iii. Temporary recreational equipment
  - iv. Bike paths and sidewalks

#### 6.4-5.10. Performance Standards.

- A. Reserved .

#### 6.4-5.11. Setbacks

- A. The same regulations as required in the R-1 One-family dwelling district shall apply.

#### 6.4-5.12. Signs

- A. The same regulations as required in the R-1 One-family dwelling district shall apply.

#### 6.4-5.13. Parking And Loading

- A. Reserved

### **106.5. "OS-2" Open Space and Recreation District**

#### 6.5-1. Title

- 6.5-1.1 The Open Space and Recreation District shall be designated as "OS-2" on the zoning map .

#### 6.5-2. Intent & Purpose

6.5-2.1. The “OS-2” Open Space and Recreation District is intended to regulate private and municipal recreational areas. These facilities may have passive play activities or may have programmed events with emphasis on a singular purpose activity.

#### 6.5-3. District Specific Regulations

6.5-3.1. Rules. In addition to the rules set forth in sec. 49-103.2, the following district specific provisions shall apply: shall district specific provisions shall apply:

- A. No buildings or structures shall be permitted except as provided in this Section.

6.5-3.2. Definitions. Reserved. .

#### 6.5-4. Use Regulations

6.5-4.1. Permitted uses. The following uses shall be allowed in this district:

- A. 5400 Natural and other recreational parks
- B. 5230 Golf Courses, public or private
- C. 7200 Community garden
- D. 7300 Stormwater management facilities, drainage area, and common and landscape areas
- E. Any other use determined to be compatible with the above-stated uses and those uses adjoining.

6.5-4.2. Conditional Uses. The following conditional uses shall be the only additional uses in this district:

- A. 8000 Planned development

6.5-4.3. Accessory Uses and Structures. The following accessory uses and structures shall be permitted herein:

- A. All accessory uses permitted in the OS-1 Conservation, Open Space and Drainage District.
- C. Recreational equipment
- D. Restroom facilities
- E. Gazebos
- F. Picnic shelters
- G. Clubhouse
- H. Pools
- I. 2199 Farmers market
- J. 4170 Parking facility, non-residential
- K. Any other accessory use determined to be compatible with the above-stated uses and those uses adjoining.

#### 6.5-4.4. Limited but Permitted

- A. Alternative Energy Systems pursuant to this ordinance.

#### 6.5-5. Bulk Restrictions

##### 6.5-5.1. Building, Dwelling & Structure Standards

- A. Reserved

##### 6.5-5.2. Floor Area Ratio

- A. Reserved

##### 6.5-5.3. Height.

- A. The maximum height of buildings and structures shall be thirty-five (35) feet.

##### 6.5-5.4. Landscaping

- A. Reserved.

##### 6.5-5.5. Lot Size

- A. Reserved

##### 6.5-5.6. Lot Coverage

- A. Lot coverage shall not exceed ten (10) percent.

##### 6.5-5.7. Monotony Standards

- A. Reserved

##### 6.5-5.8. Nonconformity

- A. Reserved.

##### 6.5-5.9. Obstructions

- A. Reserved.

##### 6.5-5.10. Performance Standards

- A. Reserved.

##### 6.5-5.11. Setbacks

- A. The same regulations as required in the R-1 One-family dwelling district shall apply.

##### 6.5-5.12. Signs

- A. The same regulations as required in the R-1 One-family dwelling district shall apply.

##### 6.5-5.13. Parking And Loading

- A. Parking facilities may be developed as appropriate to park use.

### **106.6. "P" Park and Recreation District**

#### 6.6-1. Title

- 6.6-1.1. The Park and Recreation District shall be designated as "P" on the zoning map.

## 6.6-2. Intent & Purpose

6.6-2.1. The “P” Park and Recreation District is intended to regulate public recreational areas which provide active recreational. These facilities offer multiple programmed activities including festivals, concerts, and other recreational and non-recreational events.

## 6.6-3. District Specific Regulations

### 6.6-3-1. Rules

A. Reserved

### 6.6-3-2. Definitions

A. Reserved

## 6.6-4. Use Regulations

6.6-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply in addition to the following permitted uses:

A. Any other use determined to be compatible with the above-stated uses and those uses adjoining and those uses consistent with the Park District’s Master Plan including but not limited to golf courses, aquatic parks, and community centers.

6.6-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

6.6-4.3. Accessory Uses and Structures. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply:

A. All accessory uses permitted in OS-2 Open Space and Recreation District.

B. Outside storage of park related materials.

C. Gas pump with storage tanks.

D. Any other accessory use determined to be compatible with the above-stated uses, those uses adjoining and those accessory uses consistent with the Park District’s Master Plan including but not limited to restaurant/food and beverage services, farmers markets, and festivals.

6.6-4.4. Limited but Permitted. The Limited but Permitted Uses for this district as identified in Table One: Use Categories and sec. 49-104 in this ordinance shall apply.

## 6.6-5. Bulk Restrictions

### 6.6-5.1. Building, Dwelling & Structure Standards

A. Reserved

### 6.6-5.2. Floor Area Ratio

A. Reserved

#### 6.6-5.3. Height

- A. The maximum height of buildings shall be forty (40) feet.
- B. Flagpoles, sports lighting and security lighting may exceed the bulk restriction.

#### 6.6-5.4. Landscaping

- A. Reserved.

#### 6.6-5.5. Lot Area

- A. Reserved

#### 6.6-5.6. Lot Coverage

- A. Reserved.

#### 6.6-5.7. Monotony Standards

- A. Reserved

#### 6.6-5.8. Nonconforming uses and buildings.

- A. Reserved..

#### 6.6-5.9. Obstructions

- A. Reserved.

#### 6.6-5.10. Performance Standards.

- A. Reserved.

#### 6.6-5.11. Setbacks

- A. Reserved

#### 6.6-5.12. Signs

- A. The same regulations as required in the R-1 One-family dwelling District shall apply in addition to the following District specific provisions:
  - i. Informational and way-finding signs. Such signs shall not be larger than six (6) square feet in area and no more than five (5) feet high
  - ii. Wall Signs. The maximum area of all wall signs on a façade shall be ten (10) percent of the building façade.

#### 6.6-5.13. Parking And Loading

- A. Parking facilities may be developed as appropriate to park use.

### **SEC. 49-107 - RESIDENTIAL DISTRICTS**

#### **107.1. Purpose.**

107.1-1. The residential districts set forth herein are established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity and welfare. These general goals include, among others, the following specific purposes:

- 107.1-1.1. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare and other objectionable factors.
- 107.1-1.2. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off-street parking.
- 107.1-1.3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings.
- 107.1-1.4. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
- 107.1-1.5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- 107.1-1.6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
- 107.1-1.7. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development and to protect the value of land and improvements and so strengthen the economic base of the city.

## **107.2. Rules**

- A. Plat approval. The subdivision of all zoning lots shall be subject to final plat approval pursuant to the Subdivision Control Ordinance.
- B. Plan approval. The final plan provisions of this ordinance shall apply when a property is being subdivided pursuant to the regulations listed above and/or when stormwater detention is required.

## **107.3. Residential District Specific Regulations.**

### 107.3-1. Intent and Purpose

### 107.3-2. Home Occupation Regulations

#### 107.3-2.1. Intent & Purpose

- A. To allow home occupations in residential districts only those uses that conform to the standards of this Section.
- B. To regulate home occupations, generally accessory uses, to be located or conducted that the neighboring properties, under normal circumstances, are not aware of its existence and except where indicated in this section, no visible evidence of the home occupation shall be apparent from either the street or surrounding area.

- C. To ensure that home occupations shall be incidental to the principal use of the dwelling unit as a residence.
- D. To ensure the standards contained in this Section shall be measured against each proposed home occupation in order to protect residential areas from possible negative effects of home occupation uses and to ensure that a home occupation is not to be a substitute for activities customarily conducted in commercial districts.
- E. Nothing contained herein shall prohibit occupants of a residential unit from enjoying or partaking in hobbies or other activities not for gain.

#### 107.3-2.2. Specific Regulations

- A. Employees. One person may be employed on the site in connection with the home occupation that is not an inhabitant of the dwelling unit.
- B. No home occupation and/or equipment used in conjunction with the home occupation shall cause or produce unreasonable or objectionable noise, vibration, heat, glare, fumes, odors, dust, emissions or electrical or radio interference detectable beyond the boundaries of the lot in a single family residence district (or outside the dwelling unit in other than a single family residence) that is more than that customarily associated with the uses allowed in the district.
- C. Structural limitations. No alteration of any kind shall be made to the dwelling unit or premises where the home occupation is conducted that would change its residential character. No separate entrance shall be provided solely in connection with the conduct of any home occupation and no structural alterations shall be made which physically separates the dwelling unit from the area in which the home occupation is conducted.
- D. Percentage of home devoted to the home occupation. No more than twenty-five (25) percent of the area of a dwelling unit shall be devoted to the home occupation, except for babysitting services, day care homes and part day child care facilities/services or for meetings which shall not occur more frequently than once per month.
- E. The home occupation shall be conducted entirely within the principal residential building and there shall be no outside storage permitted on the premises of equipment or materials used in the home occupation. However, recreational activities incidental to the home occupation shall not be prohibited from taking place outside the dwelling unit.
- F. Vehicles. A vehicle used in conjunction with a home occupation is subject to the requirements of this ordinance. In addition, the home occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, van, limousine, and pick-up trucks not exceeding the payload capacity of one ton. Further, the home occupation vehicle shall not be a vehicle designed for carrying more than twelve (12) persons. Vehicles

designed or used for living quarters shall not be used in conjunction with a home occupation.

- G. Signage and display of items. There shall be no display of items or activity that will indicate from the exterior of the dwelling unit that it is being used in part as a home occupation.
- H. Display of items. Only articles produced by the members engaged in the home occupation shall be displayed within the dwelling unit. Direct sales and/or rentals of products off display shelves or racks is prohibited, however, a person may pickup an order previously made by telephone or other business means.
- I. Hours of operation. No visitor in conjunction with the home occupation (clients, patrons, pupils, sales, persons, ect.) shall be permitted between the hours of 9:00 p.m. and 7:00 a.m.
- J. Delivery vehicles. Deliveries from commercial suppliers shall be made by passenger vehicles, vans, parcel delivery vehicles, and other vehicles typically making deliveries within residential districts, however, deliveries shall not be made by semi-trailers. Deliveries shall be made between 9:00 a.m. and 6:00 p.m. Monday through Friday.
- K. Parking generated from the home occupations. Parking shall not occur in a manner or frequency causing disturbance to the normal traffic flow for the residential neighborhood. Parking for group meetings shall not occur more frequently than one (1) meeting per month.
- L. No home occupation shall involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structures of the fire district in which the structure is located. No mechanical or electrical equipment may be used except for such types that are customarily used for purely domestic, household, or hobby purposes.
- M. Licensing. Any home occupation required to be licensed by the State or any other governmental body shall not be permitted until and unless a current license from such body is obtained. A home occupation shall also meet any or all local, state or federal regulations, where applicable.
- N. Babysitting services, day care homes, and part-day care facilities/services, as defined by the Illinois Revised Statutes, shall comply with the standards of the State, take a maximum number of eight (8) children under the age of twelve (12), which includes the natural or adopted children of the persons operating the babysitting service or day care home. Said services shall be allowed to operate within the home and have limited supervised outdoor activity within the compliance of the State statute on child care. This subsection shall not be construed to permit a day care center, child care institution, day care agency, group home, or child welfare agency, as defined in the Illinois Revised Statutes.



107.3-2.3. Permitted home occupations. Permitted home occupations include, but are not limited to the uses identified in the Table of Permitted Home Occupations shown below.

Table of Permitted Home Occupations P = Permitted Use								
	E	R-1	R-2	R-3	R-4	R-4A	R-5	R-5A
Artists or sculptors	P	P	P	P	P	P	P	P
Athletic/Health training – limited to (4) people at one time.	P	P	P	P	P	P	P	P
Author	P	P	P	P	P	P	P	P
Baby-sitting, day care homes and part day child care facilities/services as defined in Standards for Home Occupations.	P	P	P	P	P	P	P	P
Barber and beauty shops – limited to one (1) chair.	P	P	P	P	P	P	P	P
Ceramics – with kilns up to six (6) cubic feet	P	P	P	P	P	P	P	P
Consulting services.	P	P	P	P	P	P	P	P
Contracting offices.	P	P	P	P	P	P	P	P
Direct sales production distribution -Amway, Avon, Tupperware, etc.	P	P	P	P	P	P	P	P
Dressmakers, seamstresses and tailors.	P	P	P	P	P	P	P	P
Small electronics repair –computer, television, video recorder, camera, typewriter and other small items.	P	P	P	P	P	P	P	P
Flower arranging	P	P	P	P	P	P	P	P
Home crafts.	P	P	P	P	P	P	P	P
Jewelry maker, jeweler.	P	P	P	P	P	P	P	P
Offices for professionals - for consultation services that are incidental to a main office or place of	P	P	P	P	P	P	P	P

business located elsewhere. Includes but is not limited to lawyers, architects, engineers, realtors, insurance agents, brokerage offices or offices of similar professions.								
Locksmith.	P	P	P	P	P	P	P	P
Mail order - not including retail sales from site.	P	P	P	P	P	P	P	P
Ministers, rabbis, priests, or members of religious orders.	P	P	P	P	P	P	P	P
Music or dance teaching limited to four (4) pupils at a time.	P	P	P	P	P	P	P	P
Sales representative (office only).	P	P	P	P	P	P	P	P
Secretarial, clerical, typing services, computer programming.	P	P	P	P	P	P	P	P
Telephone answering service.	P	P	P	P	P	P	P	P
Tutoring limited to four (4) students at a time.	P	P	P	P	P	P	P	P

107.3-2.4. Presumptions: Any of the following facts shall give rise to a rebuttable presumption that a home occupation is being conducted at or from any residential premises:

- A. Advertising or notices of any type whatsoever which indicate that the address of any business or occupation is located at a premises in any residential district.
- B. Advertising or notices of any type whatsoever which indicate that a telephone number of any business or occupation is located at a premises in any residential district.
- C. Utility bills for any business or occupation which indicate that the service address for any such business or occupation is located at a premise in any residential district.
- D. Reports, returns, or other documents required to be filed with any governmental body which indicate that the address of any business or occupation is located at a premise in any residential district.

- E. Letterhead, invoices, statement of account, estimates or any other documentation which indicate that a business or occupation is located at a premise in any residential district.
- F. That any U.S. mail, U.P.S. or other carrier, deliveries or pick-ups for any business or occupation are being made at or from a premise located in any residential district.

107.3-3. Fence and Wall Regulations

107.3-3.1. Applicability. The regulations herein are in addition to the fence and wall regulations listed in sec. 104.2-4 of this ordinance.

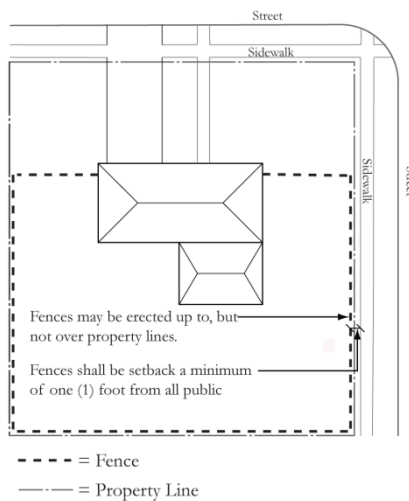
107.3-3.2. Prohibited Materials.

- A. Temporary fences, including snow fences shall be prohibited in residential districts, except when required by City regulations or by the Building Code for construction or excavations.
- B. Chain link is prohibited when adjacent to and viewed from a public right-of way. For purposes of the fence regulations an alley is not considered a public right-of-way.
- C. Slatted Chain Link.



Slatted chain link fences shall be prohibited in residential districts.

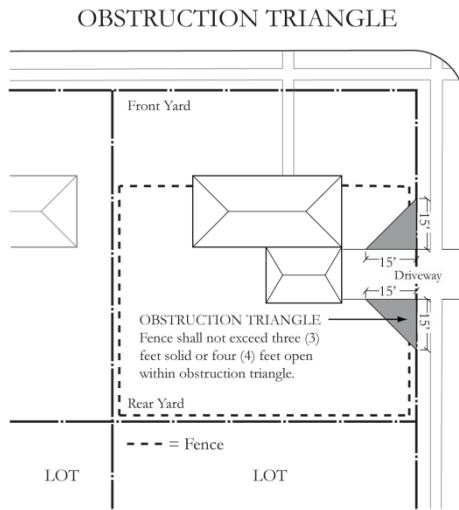
107.3-3.3. Placement on a lot.



Fences may be erected up to, but not over property lines, and shall also be setback a minimum of one (1) foot from all public sidewalks.

107.3-3.4. Gates Required. All fences that completely enclose a residential lot shall have at least one gate access as a means of ingress and egress to the principal building.

107.3-3.5. Fences adjacent to driveways (Obstruction Triangles).



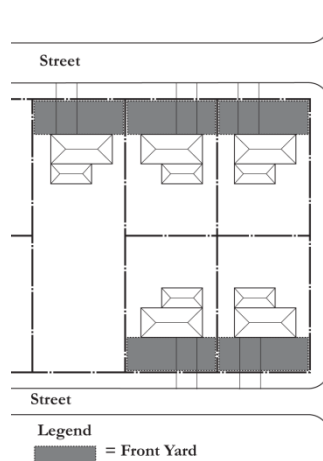
Where a fence abuts any driveway, an obstruction triangle measured fifteen (15) feet along the property line and fifteen (15) feet up the driveway shall be maintained for any fences over three (3) feet solid or four (4) feet open.

107.3-3.6. Uniformity for Townhouse Fences. Where a common wall of a structure connects two or more dwelling units, fences for such separate dwelling units shall be of uniform height, material, type, color and design.

107.3-3.7. Location. A fence is a permitted obstruction in any yard with the following limitations:

A. Front Yards.

- i. The following rules shall apply to front yards on all lots types.

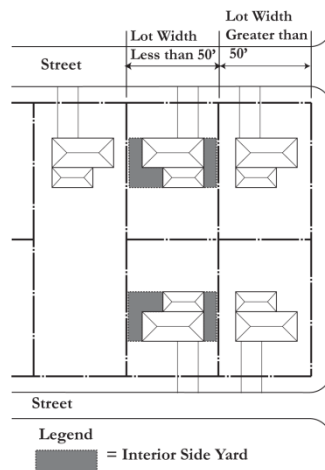


1. Fences shall not exceed a height of three (3) feet when less than fifty-percent (50%) open (i.e., solid fencing and masonry) and shall not exceed four (4) feet when greater than fifty-percent (50%) open (i.e., wood picket, ornamental iron).
2. The installation of chain link fences or wire mesh shall be prohibited in front yards.
3. Fences with gates crossing driveways located in front yards shall be permitted when such gate is similar in height, material, color and

design to the adjacent portions of the gate.

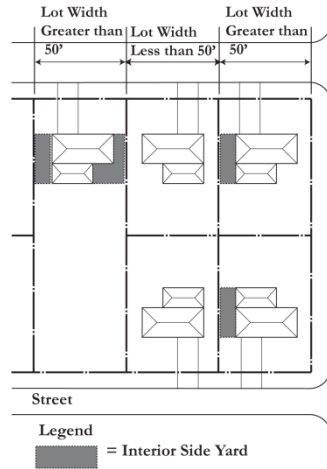
B. Interior Side Yards.

- i. The following rules shall apply to interior side yards on all lot types that are less than fifty (50) feet in width.



- 1. Fences may be solid or open construction and shall not exceed a height of four (4) feet.

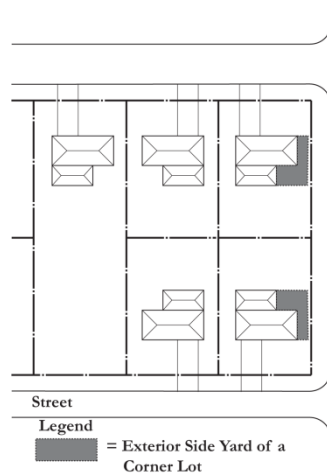
- ii. The following rules shall apply to interior side yards on all lots that are fifty (50) feet or greater in width.



1. Fences may be solid or open construction and shall not exceed a height of six (6) feet.

C. Exterior Side Yards.

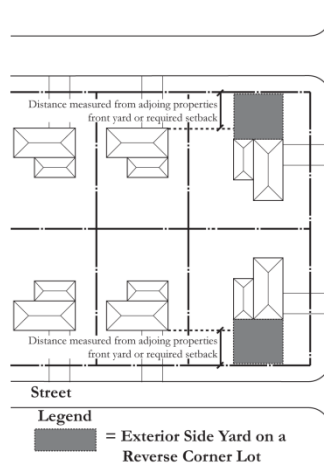
- i. Corner Lots. The following rules shall apply to exterior side yards of corner lots (non-reverse corner) or to exterior side yards of through lots.



1. Fences shall not exceed three (3) feet solid or six (6) feet open. Solid fence height may be increased up to a maximum height of six (6) feet, provided any solid fence exceeding three (3) feet shall be set back a minimum of five (5) feet from property lines or public sidewalks, whichever is greater.
2. The installation of chain link fences or wire mesh shall be prohibited, unless said yard

abuts an alley then chain link fences are permitted.

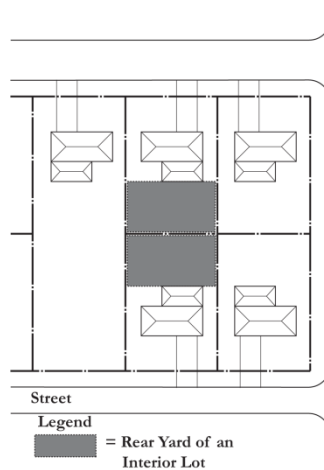
- ii. Reverse Corner Lots. The following rules shall apply to the exterior side yard of reverse corner lots.



1. Fences shall not exceed three (3) feet solid or four (4) feet open measured from a line of adjoining front yards or required setback. In no case shall this requirement apply to more than thirty (30) feet from the street property line.
2. The installation of chain link fences or wire mesh shall be prohibited.

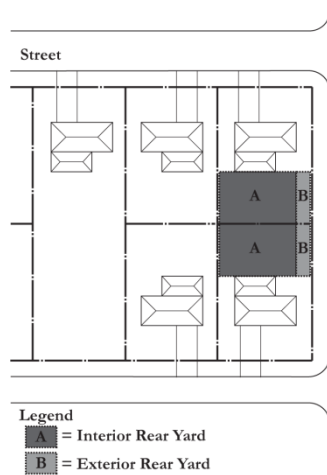
D. Rear Yards.

- i. Interior Lots. The following rules shall apply to rear yards of interior lots.



- 1. Fences may be solid or open construction and shall not exceed a height of six (6) feet.

- ii. Corner Lots (Non-reverse Corner). The following rules shall apply to rear yards of corner lots where said rear yard abuts the rear yard of the adjacent property.



Interior Rear Yard - (A on illustration)

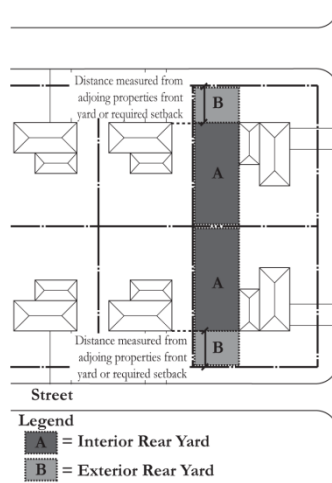
- 1. Fences in interior rear yards may be solid or open construction and shall not exceed a height of six (6) feet.

Exterior Rear Yard - (B on illustration)

- 1. Fences shall not exceed three (3) feet solid or six (6) feet open. Solid fence height may be increased up to a maximum height of six (6) feet, provided any solid fence exceeding three (3) feet shall be set back a minimum of five (5) feet from property lines or public sidewalks, whichever is greater.
- 2. The installation of chain link fences or wire mesh shall be prohibited in exterior rear yards, unless said yard abuts an alley then chain link fences are permitted. Exterior rear yard refers to portions of the yard that have road frontages.



iii. Reverse Corner Lots. The following rules shall apply to rear yards of reverse corner lots.



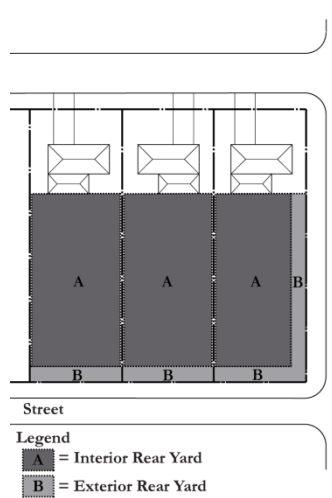
Interior Rear Yard - (A on illustration)

1. Fences in interior rear yards may be solid or open construction and shall not exceed a height of six (6) feet.

Exterior Rear Yard - (B on illustration)

1. Fences located between the street property line and the building setback of the adjacent lot shall not exceed four (4) feet open or three (3) feet solid. In no case shall this requirement apply to more than thirty (30) feet from the street property line.
2. The installation of chain link fences or wire mesh shall be prohibited in exterior rear yards, unless said yard abuts an alley then chain link fences are permitted.

iv. Blocks Containing All Through Lots. The following rules shall apply to rear yards of through lots that are on blocks containing only through lots.



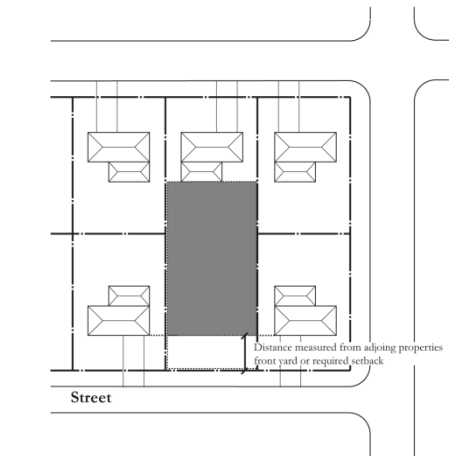
Interior Rear Yard – (A on illustration)

1. Fences in interior rear yards may be solid or open construction and shall not exceed a height of six (6) feet.

Exterior Rear Yard – (B on illustration)

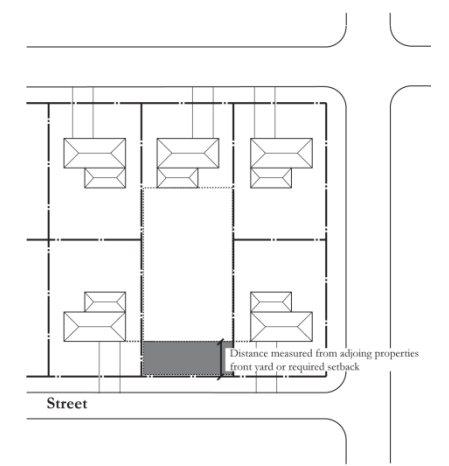
1. Fences shall not exceed three (3) feet solid or six (6) feet open. Solid fence height may be increased up to a maximum height of six (6) feet, provided any solid fence exceeding three (3) feet shall be set back a minimum of five (5) feet from property lines or public sidewalks, whichever is greater.
2. The installation of chain link fences or wire mesh shall be prohibited in exterior rear yards, unless said yard abuts an alley then chain link fences are permitted.

- v. Interior Through (also called Double Frontage) Lots. The following rules shall apply to rear yards of interior through lots that are adjacent to or on the same block as non-through lots.



**Interior Rear Yard**

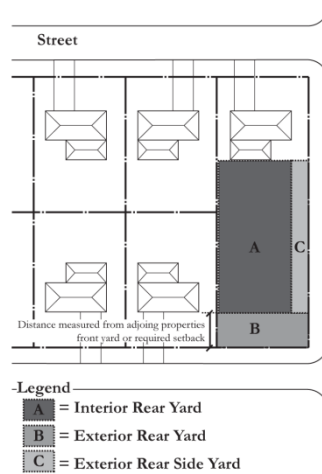
- 1. Fences in interior rear yards may be solid or open construction and shall not exceed a height of six (6) feet.



**Exterior Rear Yard**

- 1. Fences in exterior rear yards shall not exceed three (3) feet solid or four (4) feet open as measured from a line of adjoining front yards or required setback. In no case shall this requirement apply to more than thirty (30) feet from the street property line.
- 2. The installation of chain link fences or wire mesh shall be prohibited, unless said yard abuts an alley then chain link fences are permitted.

- vi. Corner Through Lots. The following rules shall apply to rear yards of through lots when located on a corner and are adjacent to or on the same block as non-through lots.



#### Interior Rear Yard - (A on illustration)

1. Fences in interior rear yards may be solid or open construction and shall not exceed a height of six (6) feet.

#### Exterior Rear Yard - (B on illustration)

1. Fences in exterior rear yards shall not exceed three (3) feet solid or four (4) feet open as measured from a line of adjoining front yards or required setback. In no case shall this requirement apply to more than thirty (30) feet from the street property line.
2. The installation of chain link fences or wire mesh shall be prohibited in exterior rear yards, unless said yard abuts an alley then chain link fences are permitted.

#### Exterior Rear Side Yard - (C on illustration)

1. Fences shall not exceed three (3) feet solid or six (6) feet open. Solid fence height may be increased up to a maximum height of six (6) feet, provided any solid fence exceeding three (3) feet shall be set back a minimum of five (5) feet from property lines or public sidewalks, whichever is greater.
2. The installation of chain link fences or wire mesh shall be prohibited in exterior rear yards, unless said yard abuts an alley then chain link fences are permitted.

#### 107.3-4. Infill Housing Standards

107.3-4.1 Purpose and intent. The city has determined that the construction of housing units on existing zoning lots within an otherwise fully developed neighborhood has a direct impact on the established character of said neighborhood. The regulation of such construction can positively affect that impact by encouraging neighborhood compatibility of said housing unit's design and placement/configuration on the zoning lot. Therefore, these Infill Housing Standards are intended to assist in the process of directing such infill housing construction toward neighborhood compatibility so that it will have a positive impact on the character of the City's established neighborhood.

#### 107.3-4.2. Rules and Definitions

##### A. Rules.

##### B. Definitions

- i. Cape Cod. The cape cod architectural style shall be defined for the purposes of these regulations as a dwelling that is typically rectangular or square in shape, has no projecting eaves, is one or one-and-a-half stories and will usually have a central chimney and steep gable roof.

107.3-4.3. Applicability. Residential lots being developed on an infill lot, as defined in the zoning ordinance, are subject to the regulations set forth herein in addition to any Residential District Specific Regulation required by the use district. No building permit shall be issued for lots which do not comply.

107.3-4.4. Required Design Elements. The following design elements are required for all housing units constructed on an Infill Lot.

##### A. Public street elevation.

- i. Setback line. The public street elevation of the structure shall be located at the average established setback line of the Impact Area.
- ii. Width. The width of the structure's public street elevation shall be established at a measurement that is within ten (10) feet of the average of those housing units within the Impact Area.

##### B. Primary pedestrian access to house.

- i. Location. The primary pedestrian access entryway to the housing unit shall be located on the public street elevation to which the subject zoning lot fronts, and shall be the only such entryway so located.
- ii. Lighting. The primary pedestrian access entryway located on the public street elevation shall be lighted with a fixture that is similar in style and design to the balance of the structure's public street elevation.

- C. The relationship of width to height of windows and doors, and the rhythm of solids to voids shall be consistent with the vernacular of the architectural style and design of the structure's public street elevation.
  - D. Windows. The window placement, pattern, rhythm, proportion, size and material shall be consistent with the vernacular of the architectural style and design of the structure's public street elevation.
  - E. Garage material and style. The garage structure shall be constructed with finish material compatible in style and design with the architectural design and finish material utilized by the primary building on the zoning lot.
  - F. Driveway width. The driveway width within the exterior setback area shall not exceed eighteen (18) feet in width.
  - G. Sidewalk. There shall be a three (3) foot wide concrete / masonry sidewalk leading from a driveway established within the exterior setback to the primary access door located on the public street elevation of the structure.
  - H. Roof pitch. The roof shall have a minimum pitch of 4/12.
  - I. Eve overhang. The overhang of the eve shall be a minimum of one (1) foot from face of building to front face of fascia, unless said structure's architectural design is classified as a Cape Cod.
  - J. Front porch. The front porch shall be constructed with finish material compatible in style and design with the architectural design and finish material utilized on the balance of the structure's public street elevation.
  - K. Landscaping.
    - i. One (1) shrub shall be planted per three (3) lineal feet along the front foundation line of the structure, each being a minimum of eighteen (18) inches tall after planting.
    - ii. The front and exterior side yard of the zoning lot shall be planted with turf in the form of sod.
    - iii. A minimum two and a half (2.5) inch caliper canopy tree shall be planted within the front yard.
    - iv. A minimum two and a half (2.5) inch caliper canopy tree shall be planted within the public parkway.
- 107.3-4.5. Impact Area Design standards. Each of the following design elements shall be required when sixty five percent (65%) or more of the single family detached housing units within the Impact Area incorporate each such design element.
- A. Stories. The number of stories to the housing unit shall be limited to one level or two levels above existing grade as determined by the Impact Area.

- B. Entry porch with roof. The front entry shall be protected by a structural roof over the entry porch.
- C. Sidewalk. There shall be a three (3) foot wide concrete / masonry sidewalk leading from the public sidewalk to the front entrance door of the proposed structure.
- D. Garage location. The garage structure shall be located to the rear of the primary structure.
- E. Garage door. The garage door shall face a direction other than that of the exterior of the public street elevation of the housing unit when the garage is not located to the rear of the primary structure.
- F. The driveway access to required parking shall be from the public right-of-way alley to which the subject zoning lot is adjacent.
- G. Driveway width.
  - i. The driveway within the exterior setback area shall not exceed twelve (12) feet in width.
  - ii. The driveway width within the exterior setback area may exceed the maximum width allowed under the Required Design Elements Section of Infill Housing Standards up to a maximum of twenty-seven (27) feet when the following conditions are met:
    - a. Sixty-five percent (65%) or more of the homes within the impact area have a 3-car garage and
    - b. The driveway is constructed for a 3-car garage.
- H. Roof pitch. The primary roof of the housing unit shall be pitched to the degree that generally matches the average of those housing units within the Impact Area when said pitch exceeds the minimum established by the Required Design Elements Section of Infill Standards.
- I. Roof style.
  - i. The roof style shall generally incorporate hips to the degree utilized by the housing units within the Impact Area.
  - ii. The roof style shall generally incorporate gables to the degree utilized by the housing units within the Impact Area.
- J. Materials at public street elevation. The public street elevation of the housing unit shall generally incorporate wood, brick, and/or stone architectural finish material to the degree utilized by the housing units within the Impact Area.

#### 107.3-4.6. Minor Variance for building width and height

- A. Purpose. The purpose of this section is to allow for an administrative variance process for residential infill development with a larger scale than allowed per the Impact Area provisions. Understanding that a home of a larger scale than the surrounding homes may be a sign of

vitality and desirability and augment the housing quality of a neighborhood, an administrative variance process will allow for the construction of residential properties which may differ in scale, yet meet or exceed the same design quality as determined by the Impact Area. By virtue of a home being of a larger scale and magnitude than the surrounding homes, these homes may have adverse effects of restricting sunlight access, creating a sense of isolation from neighborhood with a loss of backyard space and experiencing a loss of open space, views and natural landscaping. The following standards are in place to address the above stated adverse effects.

- B. Variance requirements. An infill lot may be exempt from following requirements of the Infill Housing Standards; (1) building width at the structure's public street elevation found under required design elements, (2) garage material and style also found under required design elements, and (3) stories section under Impact Area Design standards; when the below stated requirements are met:
- C. Lot requirements. The property on which the home is constructed consists of two or more platted lots with right of way frontage which shall be consolidated prior to construction. The consolidated lot must have a minimum width of seventy-five (75) feet, a minimum area of 10,000 square feet, and form a four square lot. Said lot cannot be consolidated to leave less than two non-consolidated lots on the block face between a public right of way and the subject lots.
- D. Exterior architecture. Primary and accessory dwelling units are to be constructed of a minimum seventy-five percent (75%) brick or stone masonry.
- E. Garage. All garages are to have a minimum three car capacity. The style of the garage must be either side loading or detached. A front loading attached garage is only permitted when over seventy-five percent (75%) of the Impact Area is determined to have a front loading garage style.
- F. Design for front loading attached three car garage. If permitted to have an attached front loading three car garage per the above stated requirements, at least one of the garage entrances must be set back five (5) feet from the remaining garage entrances.
- G. Setbacks. Minimum rear setbacks shall be ten (10) feet greater than required by the zoning districts.
- H. Stories. Additional stories above the predominance of the Impact Area is allowed, however, each additional story, not including roof pitch, must be constructed at a minimum ten (10) foot setback from the building story below. The ten (10) foot setback must be measured from the front elevation of habitable portion of the structure.
- I. Lot coverage. Lot coverage for the principal structure shall not exceed thirty (30) percent.

107.3-5. Application for Minor Variances. Applications for minor variances shall be made to the zoning administrator in accordance with chapter 34.

107.3-6. Federally licensed amateur radio stations and citizen band radio operator and receive only antennae structures.

107.3-5.1. Applicability. The following provisions apply in all residential districts.

107.3-5.2. Specific Regulations.

A. Height. The maximum permitted height shall be sixty-five (65) feet.

B. Permitted locations on a lot.

- i. Such structures shall only be located within rear yards generally, and shall not be located within any required setback.
- ii. When located on a roof, the structure shall not be erected nearer to any lot line than the total height of the structure as measured from above the roof line.

#### **107.4. "E" Estate Single Family Detached Dwelling District**

107.4-1. Title

107.4-1.1. The Estate single-family detached dwelling District (hereinafter referenced as the "Estate District") shall be designated as "E" on the zoning map.

107.4-2. Intent & Purpose

107.4-2.1. The Estate District set forth herein is established in order to develop a wide range of quality housing opportunities throughout the City. Specifically, it is intended to relate to the outer fringe areas of the City where unincorporated development has taken place pursuant to similar standards of the applicable county jurisdiction. The Estate District shall be a very low intensity land use, replicating the rural character of the counties.

107.4-3. District Specific Regulations

107.4-3.1. Rules. In addition to the rules set forth in sec. 49-103.2, the following district specific provisions shall apply:

- A. Only one (1) principal building shall be allowed on a zoning lot.
- B. All single family detached dwelling units shall be constructed on a single recorded lot.

107.4-3.2. Definitions

107.4-4. Use Regulations

107.4-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.4-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.



107.4-4.3. Accessory Uses. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply:

- A. The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions shall apply.

#### 107.4-5. Bulk Restrictions

##### 107.4-5.1. Building, Dwelling and Structure Standards

- A. All single family detached dwelling units shall have a floor area of not less than thirty-five hundred (3,500) square feet.

##### 107.4-5.2. Floor Area Ratio

- A. The floor area ratio shall not exceed one-quarter (0.25) for all buildings including accessory.

##### 107.4-5.3. Height.

In addition to height regulations set forth in sec. 49-105.3, the following district specific provisions shall apply:

- A. Height of buildings. The maximum height of buildings permitted shall be as follows:
  - i. Buildings including accessory: Thirty-five (35) feet.
  - ii. Religious Institutions: Seventy-five (75) feet for towers or steeples, but not more than forty-five (45) feet for the main structure.
- B. Height of structures. The maximum height of structures shall be seventy-five (75) feet.

##### 107.4-5.4. Landscaping

- A. Reserved.

##### 107.4-5.5. Lot Size.

- A. Area. All single-family detached dwelling units shall be established on a lot having an area of not less than fifty-five thousand (55,000) square feet and
- B. Width. All single-family detached dwelling units shall be established on a lot having a width at the required exterior front setback line of not less than one hundred thirty-five (135) feet.

##### 107.4-5.6. Lot Coverage

- A. Lot coverage shall not exceed forty (40) percent.

##### 107.4-5.7. Monotony Standards

- A. Reserved

##### 107.4-5.8. Nonconformity

- A. Reserved

##### 107.4-5.9. Obstructions

A. The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions.

107.4-5.10. Performance Standards

A. Reserved

107.4-5.11. Setbacks

A. In addition to setbacks regulations set forth in sec. 49-105.11, the following district specific provisions shall apply:

- i. All structures and uses shall be established outside of the required setback areas as defined by the following required setback lines:

E Setback Lines			
*Front	Side, exterior	Side, interior	Rear
75'	30'	20'	30'

\* See item ii below for exceptions to setback lines.

- ii. \*Front setback exception for an infill lot. On infill lots the public street elevation of the structure shall be located at the average established setback line of the Impact Area. For additional regulations on infill lots refer to Infill Housing Standards located in the Residential District Specific Regulations of the zoning ordinance.

107.4-5.12. Signs

Reserved.

107.4-5.13. Parking and Loading

**107.5. Reserved “R-1” One-Family Dwelling District.**

107.5-1. Title

107.5-1.1. The One-Family Dwelling District shall be designated as “R-1” on the zoning map.

107.5-2. Intent & Purpose

107.5-2.1. The “R-1” One-Family Dwelling District is intended to provide a wide range of quality housing opportunities by providing single-family areas of a low-density character containing a minimum lot area of ten thousand (10,000) square feet.

107.5-3. District Specific Regulations

107.5-3.1. Rules. In addition to the rules set forth in sec. 49-103.2, the following district specific provisions shall apply: :

- A. Only one (1) principal building shall be allowed on a zoning lot.

- B. All single family detached dwelling units shall be constructed on a single recorded lot.

#### 107.5-3.2. Definitions

#### 107.5-4. Use Regulations

107.5-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.5-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

107.5-4.3. Accessory Uses. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply:

- A. The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions.

#### 107.5-5. Bulk Restrictions

##### 107.5-5.1. Building, Dwelling and Structure Standards

- A. One-Story Dwelling. Every one-story dwelling unit shall have a total ground floor area of not less than eleven hundred and fifty (1150) square feet.
- B. Dwellings more than one-story. Every dwelling of more than one story shall have a total floor area of not less than fourteen hundred fifty (1450) square feet.

##### 107.5-5.2. Floor Area Ratio.

- A. There are no floor area ratio regulations for this district.

##### 107.5-5.3. Height

In addition to height regulations set forth in sec. 49-105.3, the following district specific provisions shall apply: :

- A. Height of buildings. The maximum height of buildings permitted shall be as follows:
  - i. Buildings including accessory: Thirty-five (35) feet and not over two and one-half (2 1/2) stories.
  - ii. Religious Institutions: Seventy-five (75) feet for towers or steeples, but not more than forty-five (45) feet for the main structure.
- B. Height of structures. The maximum permitted height of structures shall be thirty-five (35) feet.

##### 107.5-5.4. Landscaping

- A. Reserved

##### 107.5-5.5. Lot Size

- A. Area.

- i. One-family detached dwelling. Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than ten thousand (10,000) square feet.
- ii. Religious institutions. Religious institutions hereafter erected or structurally altered shall be on a lot having an area of not less than ten thousand (10,000) square feet.

**B. Width.**

- i. One-family detached dwelling. Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having a width at the established building line of not less than seventy-five (75) feet.
- ii. Religious institutions. Religious institutions hereafter erected or structurally altered shall be on a lot having a width at the building line of not less than seventy-five (75) feet.

**107.5-5.6. Lot Coverage**

- A. Lot coverage shall not exceed forty (40) percent.

**107.5-5.7. Monotony Standards**

- A. Reserved

**107.5-5.8. Nonconformity**

- A. Reserved

**107.5-5.9. Obstructions**

- A. The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions.

**107.5-5.10. Performance Standards**

- A. Reserved

**107.5-5.11. Setbacks**

In addition to the setback regulations set forth in sec. 49-105.11, the following district specific provisions shall apply:

- A. All structures and uses shall be established outside of the required setback areas as defined by the following required setback lines:

<b>R1 Setback Lines</b>				
<b>*Front</b>	<b>*Side, exterior (corner lot)</b>	<b>*Side, exterior (reverse corner lot)</b>	<b>*Side, interior</b>	<b>Rear</b>
30'	10'	15'	6' on lots less than 60' wide or less / 8' on	30'

			lots greater than 60'	
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\* See items B and C below for exceptions to setback lines.

B. \*Front setback exception for an infill lot. On infill lots the public street elevation of the structure shall be located at the average established setback line of the Impact Area and as required in by the sec. 107.3-4 in Residential Districts.

C. \*Side setback exception for religious institutions: On lots upon which a religious institution is constructed or extensions made to an existing religious institution, there shall be a side setback line of not less than ten (10) feet on each side of the main structure and a combined total of side setback of not less than twenty-five (25) feet.

107.5-5.12. Signs

107.5-5.13. Reserved. Parking and Loading

A. Reserved

## 107.6. “R-2” One-Family Dwelling District.

### 107.6-1. Title

107.6-1.1. The One-Family Dwelling District shall be designated as “R-2” on the zoning map.

### 107.6-2. Intent & Purpose

107.6-2.1. The “R-2” One-Family Dwelling District is intended to provide the city with a wide range of quality housing opportunities by providing single-family areas of a medium-density character with lots containing a minimum of eight thousand (8,000) square feet and requiring a larger minimum dwelling size than is required in the R-3 One Family Dwelling District.

### 107.6-3. District Specific Regulations

107.6-3.1. Rules. In addition to the rules set forth in sec. 49-103.2, the following district specific provisions shall apply:

- A. Only one (1) principal building shall be allowed on a zoning lot.
- B. All single family detached dwelling units shall be constructed on a single recorded lot.

### 107.6-3.2. Definitions

### 107.6-4. Use Regulations

107.6-4.1. Permitted uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.6-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

### 107.6-4.3. Accessory Uses.

The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions shall apply.

### 107.6-4.4. Limited but Permitted Uses.

### 107.6-5. Bulk Restrictions

#### 107.6-5.1. Building, Dwelling & Structure Standards

- A. One-story dwelling. Every one-story dwelling hereafter erected shall have a total ground floor area of not less than nine hundred and fifty (950) square feet.
- B. Dwellings more than one-story. Every dwelling hereafter erected of more than one story, shall have a total floor area of not less than thirteen hundred (1300) square feet.

#### 107.6-5.2. Floor Area Ratio

- A. There are no floor area ratio regulations for this district.

#### 107.6-5.3. Height

- A. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

#### 107.6-5.4. Landscaping

- A. Reserved

#### 107.6-5.5. Lot Size

- A. Area.

- i. One-family dwelling. Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than eight thousand (8,000) square feet
- ii. Religious Institutions. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

- B. Width.

- i. One-family dwelling. Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having a width at the established building line of not less than sixty (60) feet..
- ii. Religious Institutions. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

#### 107.6-5.6. Lot Coverage

- A. Lot coverage shall not exceed forty (40) percent.

#### 107.6-5.7. Monotony Standards

- A. Reserved

#### 107.6-5.8. Nonconformity

- A. Reserved

#### 107.6-5.9. Obstructions

- A. The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions.

#### 107.6-5.10. Performance Standards

- A. Reserved

#### 107.6-5.11. Setbacks

- A. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

#### 107.6-5.12. Signs

#### 107.6-5.13. Reserved Parking and Loading

- A. Reserved

### **107.7. "R-3" One-Family Dwelling District.**

#### 107.7-1. Title

107.7-1.1. The One-Family Dwelling District shall be designated as “R-3” on the zoning map.

107.7-2. Intent & Purpose

107.7-2.1. The “R-3” One-Family Dwelling District is intended to provide the city with a wide range of quality housing opportunities by providing single-family areas of a medium-density character with lots containing a minimum of eight thousand (8,000) square feet and requiring a minimum dwelling size less than is required in the R-2 One Family Dwelling District

107.7-3. District Specific Regulations

107.7-3.1. Rules. In addition to the rules set forth in sec. 49-103.2, the following district specific provisions shall apply:

- A. Only one (1) principal building shall be allowed on a zoning lot.
- B. All single family detached dwelling units shall be constructed on a single recorded lot.

107.7-3.2. Definitions

107.7-4. Use Regulations

107.7-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.7-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

107.7-4.3. Accessory Uses.

The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions shall apply

107.7-4.4. Limited but Permitted Uses.

107.7-5. Bulk Restrictions

107.7-5.1. Building, Dwelling And Structure Standards

- A. One-story dwellings. Every one-story dwelling hereafter erected shall have a total ground floor area of not less than seven hundred and fifty (750) square feet
- B. Dwellings more than one-story. Every dwelling of more than one story hereafter shall have a total floor area of not less than nine hundred and fifty (950) square feet.

107.7-5.2. Floor Area Ratio

- A. There are no floor area ratio regulations for this district.

107.7-5.3. Height

- A. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

107.7-5.4. Landscaping



## A. Reserved

## 107.7-5.5. Lot Size

## A. Area

- i. One-family dwelling. Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than eight thousand (8,000) square feet.
- ii. Religious Institutions. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

## B. Width

- i. One-family dwelling. Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having a width at the established building line of not less than sixty (60) feet, except as provided in the Bulk Restrictions Section.
- ii. Religious Institutions. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

## 107.7-5.6. Lot Coverage

- A. Lot coverage shall not exceed forty (40) percent.

## 107.7-5.7. Monotony Standards

## A. Reserved

## 107.7-5.8. Nonconformity

## A. Reserved

## 107.7-5.9. Obstructions

- A. The Permitted Structures and Obstructions for this district are identified in Table Four: Permitted Structures and Obstructions.

## 107.7-5.10. Performance Standards

## A. Reserved

## 107.7-5.11. Setbacks

- A. The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.

## 107.7-5.12. Signs

## 107.7-5.13. Reserved Parking and Loading

## A. Reserved

**107.8. "R-4" Two-Family Dwelling District.**

## 107.8-1. Title

## 107.8-2. Intent &amp; Purpose

- 107.8-2.1. Intent: The R-4 two-family dwelling district is intended to permit two-family dwellings on lots of record prior to October 6, 1987, and for

two-family dwellings constructed after October 6, 1987, to ensure consistency and compatibility in character with single-family neighborhoods.

#### 107.8-3. District Specific Regulations

##### 107.8-3.1. Rules

##### 107.8-3.2. Definitions

#### 107.8-4. Use Regulations

107.8-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.8-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

107.8-4.3. Accessory Uses.

107.8-4.4. Limited but Permitted Uses.

#### 107.8-5. Bulk Restrictions

##### 107.8-5.1. Building, Dwelling And Structure Standards

A. Each dwelling unit hereafter erected, converted or reconstructed in any R-4 district shall contain floor area in compliance with the following:

- i. One-family one-story detached dwellings shall have a total ground floor area of not less than seven hundred and fifty (750) square feet measured from the outside of the exterior walls including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes. Every one-family dwelling of more than one (1) story hereafter erected in any R-4 two-family district shall have a total floor area measured from the outside of the exterior walls, of not less than nine hundred and fifty (950) square feet, including utility rooms but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas.
- ii. Two-family dwelling converted prior to October 6, 1987 shall have a total floor area per dwelling unit of not less than six hundred twenty (620) square feet measured from the outside walls, including utility rooms, but excluding all other areas not used for living, eating or sleeping purposes.

Two-family dwellings constructed prior to October 6, 1987 shall have a total floor area per dwelling unit of not less than seven hundred fifty (750) square feet measured from the outside wall,

including utility rooms, but excluding all other areas not used for living, eating, or sleeping purposes.

- iii. Two-family dwellings, constructed or converted after October 7, 1987 shall have, for a two-story or combination one- and two-story building, a combined floor area of two thousand four hundred (2,400) square feet, with no dwelling unit less than one thousand (1,000) square feet. A one-story building shall have a combined floor area of two thousand (2,000) square feet, with no dwelling unit less than nine hundred (900) square feet, measured from the outside wall, including utility rooms, but excluding all other areas not used for living, eating, or sleeping purposes.

#### 107.8-5.2. Floor Area Ratio

#### 107.8-5.3. Height

- A. The same regulations shall apply as permitted in the R-1 one-family dwelling district.

#### 107.8-5.4. Landscaping

- A. Reserved.

#### 107.8-5.5. Lot Size

- A. One-family dwellings: The same regulations shall apply as required or permitted in the R-1 one-family dwelling district.
- B. Two-family dwellings: Every two-family dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than eight thousand (8,000) square feet, and a width at the building line of not less than sixty (60) feet, except as provided in the Bulk Restrictions Section.
- C. Converted dwellings: An existing one-family dwelling located on a lot of less area than required in this section may be converted to a two-family dwelling without increasing the lot size; provided that the building is not enlarged beyond its present outside dimensions and that all other regulations of this ordinance are complied with. Additions may be made to an existing building only when lot size and yard requirements of this section can be complied with.
- D. Religious institutions, convents and monasteries: The same regulations shall apply as required in the R-1 one-family dwelling district.

#### 107.8-5.6. Lot Coverage

- A. (Maximum area): Not more than forty (40) percent of the area of the zoning lot may be occupied by buildings or structures including accessory buildings.

#### 107.8-5.7. Monotony Standards

#### 107.8-5.8. Nonconformity

## A. Reserved

## 107.8-5.9. Obstructions

- A. The same regulations shall apply as required in the R-1 one-family dwelling district.

## 107.8-5.10. Parking &amp; Loading

## A. Reserved

## 107.8-5.11. Performance Standards

## A. Reserved

## 107.8-5.12. Setbacks

- A. No buildings shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
  - i. Front yards: The same regulations shall apply as required in the R-1 one-family dwelling district.
  - ii. Side yards:
    - a. One-family detached dwellings--The same regulations shall apply as required in the R-1 district.
    - b. Two-family dwellings--The same regulations shall apply as required for one-family detached dwellings.
    - c. Converted dwellings--An existing one-family dwelling located on a lot having side yards of less width than required herein may be converted to a two-family dwelling; provided that the building is not enlarged beyond its present dimensions.
  - iii. Rear yards: Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty (20) feet.

## 107.8-5.13. Signs

**107.9. Reserved. "R-4A" Two-Family Dwelling District.**

## 107.9-1. Title

- 107.9-1.1. The Two-Family Dwelling District shall be designated as "R-4A" on the zoning map.

## 107.9-2. Intent &amp; Purpose

- 107.9-2.1. Intent: The R-4A two-family dwelling district is intended to update development standards for all newly constructed two-family dwelling developments to ensure consistency and compatibility in character with single-family districts. This district shall apply to all two-family zoning created after December 15, 1987.

## 107.9-3. District Specific Regulations

- 107.9-3.1. Rules (Reserved).

107.9-3.2. Definitions (Reserved).

107.9-4. Use Regulations

107.9-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.9-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

107.9-4.3. Accessory Uses.

107.9-4.4. Limited but Permitted Uses.

107.9-5. Bulk Restrictions

107.9-5.1. Building, Dwelling And Structure Standards

A. The minimum dwelling standards required in the R-4A shall be as follows:

- i. One-family dwellings--The same regulations shall apply as in the R-1 single-family dwelling district.
- ii. Two-family dwellings--Two-family dwellings, constructed or converted after December 15, 1987, shall have for a two-story or combination one- and two-story building, a combined floor area of two thousand four hundred (2,400) square feet, with no dwelling unit less than one thousand (1,000) square feet. A one-story building shall have a combined floor area of two thousand (2,000) square feet, with no dwelling unit less than nine hundred (900) square feet, measured from the outside wall, including utility rooms, but excluding all other areas not used for living, eating, or sleeping purposes.

107.9-5.2. Floor Area Ratio

107.9-5.3. Height

A. The maximum height of buildings shall be thirty-five (35) feet and not to exceed two and one-half (2 1/2) stories.

107.9-5.4. Landscaping

A. Reserved

107.9-5.5. Lot Size

A. Every one-family or two-family dwelling hereafter erected shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the established building line of not less than seventy-five (75) feet.

107.9-5.6. Lot Coverage

A. (Maximum area): Not more than forty (40) percent of the area of the zoning lot may be occupied by buildings or structures including accessory buildings.

## 107.9-5.7. Monotony Standards.

- A. A newly-constructed single family detached home may not be located next to, across the street from, or cater-corner from another such newly-constructed or existing residential structure which has the same front elevation or the same configuration of building materials or the same colors facing the public street.

## 107.9-5.8. Nonconformity

- A. Reserved

## 107.9-5.9. Obstructions.

- A. The same regulations shall apply as in the R-1 one-family dwelling district.

## 107.9-5.10. Parking &amp; Loading

- A. Reserved

## 107.9-5.11. Performance Standards

- A. Reserved

## 107.9-5.12. Setbacks

- A. The minimum yard areas required in the R-4A shall be as follows:
  - i. Front--Thirty (30) feet.
  - ii. Interior side--Eight (8) feet.
  - iii. Exterior side--Fifteen (15) feet.
  - iv. Rear--Twenty (20) feet.

## 107.9-5.13. Signs

**107.10. Reserved "R-5" Multiple-Family Dwelling District.**

## 107.10-1. Title

- 107.10-1.1. The Multiple-family Dwelling District (hereinafter referenced as the "Multi-family District") shall be designated as "R-5" on the zoning.

## 107.10-2. Intent &amp; Purpose

- 107.10-2.1. The Multiple-family District set forth herein is established in order to develop a wide range of quality housing opportunities throughout the City. Specifically, it is intended to allow for quality rental type dwelling units within developments that establish and maintain a safe and secure living environment. The Multi-family District shall be a high intensity land use, generally relating to other high intensity land uses.

## 107.10-3. District Specific Regulations

- 107.10-3.1. Reserved.

## 107.10-3.2. Rules

- A. General provisions. The bulk restrictions that collectively comprise sec. 49-105 of this code shall apply in addition to the following district specific provisions:
- i. Plat approval. All zoning lots shall be subject to final plat approval pursuant to the subdivision control ordinance.
  - ii. Only one principal building shall be allowed on a zoning lot, except where the owner of any such development enters into a property management agreement with the city
  - iii. All principal buildings shall be constructed on a single recorded lot as provided for within this section hereof, including given exceptions.
  - iv. All surfaces upon which vehicles are driven or parked shall be paved with a solid structurally sound finishing material.
  - v. A Property Management Agreement shall be defined for this district as a written document recorded on the subject property after having been approved and executed by the City and subject property owner, which sets forth certain minimum improvements and management practices for the subject property, which may include but is not limited to uniform ownership or management; age restrictions as limited by the Federal Fair Housing Act; building design; bedroom count; site development and maintenance; and other such provisions.
  - vi. An Onsite Recreational Facility shall be defined for this district as any such facility of a substantial nature established on the subject property for the use and enjoyment of the development's residents, which may include but is not limited to an in-ground swimming pool; tennis courts; club house; and other such facilities.

#### 107.10-3.3. Definitions

#### 107.10-4. Use Regulations

107.10-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.10-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

107.10-4.3. Accessory Uses. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply::

- A. No more than one accessory building shall be allowed on a zoning lot.
- B. An accessory building shall be located no closer than twenty (20) feet to the principal building.

107.10-4.4. Limited but Permitted Uses.

#### 107.10-5. Bulk Restrictions

107.10-5.1. Building, Dwelling and Structure Standards. In addition to the building, dwelling, & structure standards regulations set forth in sec. 49.105.1, the following district specific provisions shall apply:

- A. All dwelling units shall have a floor area of not less than four hundred eighty (480) square feet.

107.10-5.2. Floor Area Ratio

- A. The floor area ratio shall not exceed one (1.0) for all buildings including accessory.

107.10-5.3. Height. In addition to the height, bulk and lot coverage regulations set forth in sec. 49.105.3, the following district specific provisions shall apply:

- A. No structure or building shall exceed the following height limitations:
  - i. Principal building: Forty-five (45) feet.
  - ii. Accessory building: Twenty-five (25) feet.
  - iii. Structures: Seventy-five (75) feet.

107.10-5.4. Landscaping

- A. Reserved

107.10-5.5. Lot Size

- A. All principal buildings shall be established on a lot having an area of not less than ten thousand (10,000) square feet and a width at the required exterior front setback line of not less than seventy-five (75) feet. The following minimum lot area shall be required per dwelling unit as indicated in addition to the above described area:
  - i. Units with 1 bedroom and efficiency units: 2,000 sf
  - ii. Units with 2 bedrooms: 2,500 sf
  - iii. Units with 3 bedrooms: 4,000 sf
  - iv. Units with 4 bedrooms: 5,500 sf
  - v. A waiver of 200 sf from the above stated area requirements shall be allowed per dwelling unit if a Property Management Agreement is entered into by the property owner, and Onsite Recreational Facilities are provided as defined within the R-5 Multiple Family Dwelling District hereof.
  - vi. All non-residential uses shall be established on a zoning lot of not less than twenty-five thousand (25,000) square feet, and a width at the required exterior front setback line of not less than one hundred (100) feet.

107.10-5.6. Lot Coverage



- A. (Maximum area): Not more than forty (40) percent of the area of the zoning lot may be occupied by buildings or structures including accessory buildings.

#### 107.10-5.7. Monotony Standards

#### 107.10-5.8. Nonconformity

- A. Reserved

#### 107.10-5.9. Obstructions

- A. In addition to the obstructions regulations set forth in sec. 49-105.9, the following district specific provisions shall apply:
  - i. Permitted obstructions in all setback areas: Bay windows, overhanging eaves, chimneys, and other such architectural elements, that project three (3) feet or less into the required setback area.
  - ii. Permitted obstructions in all exterior setback areas: Driveway access from the public street, which shall be generally perpendicular thereto.
  - iii. Permitted obstructions in all interior rear setback areas: Parking places located no closer than five (5) feet to the rear property line.

#### 107.10-5.10. Parking And Loading

- A. In addition to the parking and loading regulations set forth in sec. 49-105.13 the following district specific provisions shall apply:
  - i. All dwelling units shall be provided parking spaces, which shall be located on the same zoning lot as the principal building.
  - ii. All unenclosed parking spaces established on the zoning lot shall be located no closer than ten (10) feet to the principal building.

#### 107.10-5.11. Performance Standards

- A. Reserved

#### 107.10-5.12. Setback

- A. All structures and uses shall be established outside of the required setback areas as defined by the following required setback lines:
  - i. Exterior Front: Twenty-five (25) feet. The setback for structures exceeding twenty-five (25) feet in height shall be increased one (1) foot for each two (2) feet or fraction thereof by which the structure's height exceeds twenty-five (25) feet. In no case shall an exterior front setback of more than forty (40) feet be required.
  - ii. Exterior Side: Ten (10) feet, or fifty (50) percent of the exterior front setback required on the adjacent lots to the exterior side, whichever is greater.
  - iii. Exterior Rear: Thirty (30) feet.

- iv. Interior Side: Ten (10) feet. The setback for structures exceeding twenty-five (25) feet in height shall be increased one (1) foot for each two (2) feet or fraction thereof by which the structure's height exceeds twenty-five (25) feet. In no case shall an interior side setback of more than thirty (30) feet be required.
- v. Interior Rear: Thirty (30) feet.

#### 107.10-5.13. Signs

A.

Reserved.

### **107.11. "R-5A" Midrise Multiple-Family Dwelling District.**

#### 107.11-1. Title

107.11-1.1. The Midrise Multiple-family Dwelling District (hereinafter referenced as the "Midrise Multi-family District") shall be designated as "R-5A" on the zoning map.

#### 107.11-2. Intent & Purpose

107.11-2.1. The Midrise Multiple-family District set forth herein is established in order to develop a wide range of quality housing opportunities throughout the City. Specifically, it is intended to allow for quality rental type dwelling units within developments that establish and maintain a safe and secure living environment. The Midrise Multi-family District shall be a high intensity land use, generally relating to other high intensity land uses, specifically around major retail centers and the City's downtown.

#### 107.11-3. District Specific Regulations

##### 107.11-3.1. Reserved

##### 107.11-3.2. Rules

- A. General provisions. In addition to the rules set forth in sec. 49-103.2, the following district specific provisions shall apply:
  - i. Plat approval. All zoning lots shall be subject to final plat approval pursuant to the subdivision control.
  - ii. Only one principal building shall be allowed on a zoning lot, except where the owner of any such development enters into a property management agreement with the city
  - iii. All principal buildings shall be constructed on a single recorded lot as provided for within this section hereof, including given exceptions.
  - iv. All surfaces upon which vehicles are driven or parked shall be paved with a solid structurally sound finishing material.
  - v. A Property Management Agreement shall be defined for this district as a written document recorded on the subject property after having

been approved and executed by the City and subject property owner, which sets forth certain minimum improvements and management practices for the subject property, which may include but is not limited to uniform ownership or management; age restrictions as limited by the Federal Fair Housing Act; building design; bedroom count; site development and maintenance; and other such provisions.

- vi. An Onsite Recreational Facility shall be defined for this district as any such facility of a substantial nature established on the subject property for the use and enjoyment of the development's residents, which may include but is not limited to an in-ground swimming pool; tennis courts; club house; and other such facilities.

#### 107.11-3.3. Definitions

#### 107.11-4. Use Regulations

107.11-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

107.11-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

107.11-4.3. Accessory Uses and Structures. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply:

- A. No more than one accessory building shall be allowed on a zoning lot.
- B. An accessory building shall be located no closer than twenty (20) feet to the principal building.

107.11-4.4. Limited but Permitted Uses.

#### 107.11-5. Bulk Restrictions

##### 107.11-5.1. Building, Dwelling & Structure Standards

- A. All dwelling units shall have a floor area of not less than four hundred eighty (480) square feet.

##### 107.11-5.2. Floor Area Ratio

- A. The floor area ratio shall not exceed two (2.0) for all buildings including accessory.

107.11-5.3. Height. In addition to the height, bulk and lot coverage regulations set forth in sec. 49.105.3, the following district specific provisions shall apply:

- A. No structure or building shall exceed the following height limitations:
  - i. Principal building: Seventy-five (75) feet.
  - ii. Accessory building: Twenty-five (25) feet.
  - iii. Structures: Seventy-five (75) feet.

#### 107.11-5.4. Landscaping

- A. Reserved

#### 107.11-5.5. Lot Size

- A. All principal buildings shall be established on a lot having an area of not less than ten thousand (10,000) square feet and a width at the required exterior front setback line of not less than seventy-five (75) feet. The following minimum lot area shall be required per dwelling unit as indicated in addition to the above described area:
- i. Efficiency: 600 sf
  - ii. Units with 1 bedroom and efficiency units: 750 sf
  - iii. Units with 2 bedrooms: 900 sf
  - iv. Units with 3 bedrooms: 2,000 sf
  - v. Units with 4 bedrooms: 3,500 sf
  - vi. A waiver of two hundred (200) sf from the above stated area requirements shall be allowed per dwelling unit if a Property Management Agreement is entered into by the property owner, and Onsite Recreational Facilities are provided as defined within the R-5 Multiple Family Dwelling District hereof.
  - vii. All non-residential uses shall be established on a zoning lot of not less than twenty-five thousand (25,000) square feet, and a width at the required exterior front setback line of not less than one hundred (100) feet.

#### 107.11-5.6. Lot Coverage

- A. (Maximum area): Not more than forty (40) percent of the area of the zoning lot may be occupied by buildings or structures including accessory buildings.

#### 107.11-5.7. Monotony Standards

#### 107.11-5.8. Nonconformity

- A. Reserved

#### 107.11-5.9. Permitted Obstructions

- A. In addition to the obstructions regulations set forth in sec. 49.105.9, the following district specific provisions shall apply:
- i. All areas defined by the required setback lines shall be maintained as landscaped areas and generally be unobstructed from the ground level to the sky.
  - ii. Permitted obstructions in all setback areas: Bay windows, overhanging eaves, chimneys, and other such architectural elements, that project three (3) feet or less into the required setback area.

- iii. Permitted obstructions in all exterior setback areas: Driveway access from the public street, which shall be generally perpendicular thereto.
- iv. Permitted obstructions in all interior rear setback areas: Parking places located no closer than five (5) feet to the rear property line.

#### 107.11-5.10. Parking and loading

- A. In addition to off-street parking and loading regulations set forth in sec. 49-105.13, the following district specific provisions shall apply:
  - i. All dwelling units shall be provided parking spaces, which shall be located on the same zoning lot as the principal building.
  - ii. All unenclosed parking spaces established on the zoning lot shall be located no closer than ten (10) feet to the principal building.

#### 107.11-5.11. Performance Standards

- A. Reserved

#### 107.11-5.12. Setback

- A. All structures and uses shall be established outside of the required setback areas as defined by the following required setback lines:
  - i. Exterior Front: Twenty-five (25) feet. The setback for structures exceeding twenty-five (25) feet in height shall be increased one (1) foot for each two (2) feet or fraction thereof by which the structure's height exceeds twenty-five (25) feet. In no case shall an exterior front setback of more than forty (40) feet be required.
  - ii. Exterior Side: Ten (10) feet, or fifty (50) percent of the exterior front setback required on the adjacent lots to the exterior side, whichever is greater.
  - iii. Exterior Rear: Thirty (30) feet.
  - iv. Interior Side: Ten (10) feet. The setback for structures exceeding twenty-five (25) feet in height shall be increased one (1) foot for each two (2) feet or fraction thereof by which the structure's height exceeds twenty-five (25) feet. In no case shall an interior side setback of more than thirty (30) feet be required.
  - v. Interior Rear: Thirty (30) feet.

#### 107.11-5.13. Signs

### **SEC. 49-108 - Reserved BUSINESS DISTRICTS**

#### **108.1. Purpose**

108.1-1. The business districts set forth herein are established to protect public health, to promote public safety, comfort, convenience and the general welfare, and to protect the economic base of the city and the value of property. These general purposes include, among other, the following specific objectives:

- 108.1-1.1. To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the city.
- 108.1-1.2. To place in separate districts those businesses which may create noise, odors, hazards, unsightliness, or which may generate excessive traffic.
- 108.1-1.3. To permit selected business uses in districts where adjacency to or inclusion in residential areas has sufficient elements of service or convenience to such areas to offset the disadvantage.
- 108.1-1.4. To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.
- 108.1-1.5. To provide for establishment of off-street parking facilities, permitted and required, so as to alleviate traffic congestions and so promote shopping convenience and business prosperity.

## **108.2. “B-1” Business District--Local Retail.**

108.2-1. Title

108.2-2. Intent & Purpose

108.2-3. District Specific Regulations

108.2-3.1. Rules

- A. All activities, except for off-street parking facilities as permitted or required in this district, shall be conducted wholly within an enclosed building.

108.2-3.2. Definitions

108.2-4. Use Regulations

108.2-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

108.2-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

108.2-4.3. Accessory Uses.

108.2-4.4. Limited but Permitted Uses

- A. Dwelling units, provided they are located above the first floor and above a permitted use and that all lot area, side and rear yards as required for dwelling units in The R-5 Multiple-Family Dwelling District of this ordinance are complied with. All yard requirements shall begin fifteen (15) feet above the first floor elevation. Further, the total square footage permitted for the residential use shall not exceed the total first floor square footage that is utilized for the office or business use.

108.2-5. Bulk Restrictions

108.2-5.1. Building, Dwelling and Structure Standards

108.2-5.2. Floor Area Ratio

108.2-5.3. Height

A. In addition to the height, bulk and lot coverage regulations set forth in sec. 49.105.3, the following district specific provisions shall apply:

- i. No building or structure shall be erected or structurally altered to exceed a height of three (3) stories, nor shall it exceed fifty (50) feet in height, except in the area designated by the city as a Number 1 Fire Limit Zone, wherein buildings may be erected or structurally altered without any height limitation

108.2-5.4. Landscaping

A. Reserved.

108.2-5.5. Lot Size

108.2-5.6. Lot Coverage

108.2-5.7. Monotony Standards

108.2-5.8. Nonconformity

A. Reserved

108.2-5.9. Obstructions

A. Reserved

108.2-5.10. Parking & Loading

A. Reserved

108.2-5.11. Performance Standards

A. Reserved

108.2-5.12. Setbacks

A. The following minimum setbacks shall be provided and maintained in connection with any building or parking lot. Front yard parking shall be regulated by this subsection or by the sec. 49-105.11, , whichever is more restrictive. The parking setback provisions of this subsection shall supersede the provisions of sec. 49-105.11.

- i. Front, exterior side or exterior rear setback requirements:

<b>BUILDING HEIGHT</b>	<b>ABUTTING</b>	<b>SETBACK (in feet)</b>
Any Height	Tollway	75
35 Feet or Less	Arterial Street	30

	Collector or Local Street	15
More than 35 Feet	Arterial Street	30
	Collector or Local Street	20
<p>Setback exceptions. When exterior yards abut a collector or local street, which includes residentially zoned lots on the same block, if fifty (50) percent or more of the existing buildings are developed at an established setback of less than the required setback, any new B2 building may conform to the average established setback. If such average established setback is between fifteen (15) feet and thirty (30) feet, any new B2 building shall be set back at least an equivalent distance. In no case shall a setback of more than thirty (30) feet be required.</p>		

- ii. The setback requirement for front exterior side or exterior rear yards may be reduced to ten (10) feet if the following conditions are met:
  - a. The property was a lot of record on or before November 1957.
  - b. A landscape plan is submitted by the owner and approved by the planning director and zoning administrator.
  - c. The owner commits in writing to have the approved landscaping established no later than June 30th or October 30th following the approval of the landscape plan, whichever shall occur first.
  - d. The owner demonstrates that the required setbacks cannot be met due to physical or practical difficulties.

iii. Interior side or rear setback requirements:

<b>BUILDING HEIGHT</b>	<b>ABUTTING</b>	<b>SETBACK (in feet)</b>
Any Height	Fox River	30
35 Feet or Less	Residential	20
More than 35 Feet	Residential	30
<p>Additional Rear Yard Requirements: When an interior rear lot lines does not abut a residentially zoned district, or the Fox River, a rear yard of not less that eight (8) feet shall be required.</p>		

108.2-5.13. Signs

- A. Reserved

**108.3. “B-2” Business District--General Retail.**



### 108.3-1. Title

108.3-1.1. The General Retail Business District shall be designated as “B-2” on the zoning map.

### 108.3-2. Intent & Purpose

### 108.3-3. District Specific Regulations

#### 108.3-3.1. Rules

A. All activities, except for off-street parking facilities as permitted or required in this district, shall be conducted wholly within an enclosed building.

#### 108.3-3.2. Definitions

### 108.3-4. Use Regulations

108.3-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

108.3-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

108.3-4.3. Accessory Uses. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply:

A. Upholstery and making of draperies, slipcovers, and other similar articles.

#### 108.3-4.4. Limited but Permitted Uses

A. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than seven hundred and fifty (750) pounds of dry goods per day, and when using carbon tetrachloride or other similar inflammable solvents approved by the fire department.

B. Dwelling units, provided they are located above the first floor and above a permitted use and that all lot area, side and rear yards as required for dwelling units in The R-5 Multiple-Family Dwelling District of this ordinance are complied with. All yard requirements shall begin fifteen (15) feet above the first floor elevation. Further, the total square footage permitted for the residential use shall not exceed the total first floor square footage that is utilized for the office or business use.

### 108.3-5. Bulk Restrictions

#### 108.3-5.1. Building, Dwelling and Structure Standards

#### 108.3-5.2. Floor Area Ratio

#### 108.3-5.3. Height

A. There shall be no restrictions as to the height of buildings in the B-2 business district.

108.3-5.4. Landscaping

A. Reserved

108.3-5.5. Lot Size

108.3-5.6. Lot Coverage

108.3-5.7. Monotony Standards

108.3-5.8. Nonconformity

A. Reserved

108.3-5.9. Obstructions

A. Reserved

108.3-5.10. Parking & Loading

A. Reserved

108.3-5.11. Performance Standards

A. Reserved

108.3-5.12. Setbacks

A. The following minimum setbacks shall be provided and maintained in connection with any building or parking lot. Front yard parking shall be regulated by this subsection or sec. 49-105.11, whichever is more restrictive. The parking setback provisions of this subsection shall supersede the provisions of sec. 49-105..

i. Front, exterior side or exterior rear setback requirements:

<b>BUILDING HEIGHT</b>	<b>ABUTTING</b>	<b>SETBACK (in feet)</b>
Any Height	Tollway	75
35 Feet or Less	Arterial Street	30
	Collector or Local Street	15
More than 35 Feet	Arterial Street	30
	Collector or Local Street	20

Setback exceptions. When exterior yards abut a collector or local street, which includes residentially zoned lots on the same block, if fifty (50) percent or more of the existing buildings are developed at an established setback of less than the required setback, any new B2 building may conform to the average established setback. If such average established setback is between fifteen (15) feet and thirty (30) feet, any new B2 building shall be set back at least an equivalent distance. In no case shall a setback of more than thirty (30) feet be required.

ii. The setback requirement for front exterior side or exterior rear yards may be reduced to ten (10) feet if the following conditions are met:

- a. The property was a lot of record on or before November, 1957.
- b. A landscape plan is submitted by the owner and approved by the planning director and zoning administrator.
- c. The owner commits in writing to have the approved landscaping established no later than June 30th or October 30th following the approval of the landscape plan, whichever shall occur first.
- d. The owner demonstrates that the required setbacks cannot be met due to physical or practical difficulties.

B. Interior side or rear setback requirements:

<b>BUILDING HEIGHT</b>	<b>ABUTTING</b>	<b>SETBACK (in feet)</b>
Any Height	Fox River	30
35 Feet or Less	Residential	20
More than 35 Feet	Residential	30
Additional Rear Yard Requirements: When an interior rear lot lines does not abut a residentially zoned district, or the Fox River, a rear yard of not less that eight (8) feet shall be required.		

108.3-5.13. Signs

- A. Reserved

**108.4. “B-3” Business and Wholesale District.**

108.4-1. Title

108.4-1.1. The Business and Wholesale District shall be designated as “B-3” on the zoning map

108.4-2. Intent & Purpose

108.4-3. District Specific Regulations

108.4-3.1. Rules

- A. All activities, except for off-street parking facilities as permitted or required in this district, shall be conducted wholly within an enclosed building.

108.4-3.2. Definitions

108.4-4. Use Regulations

8.4-4.1. Permitted Uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

108.4-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

108.4-4.3. Accessory Uses.

108.4-4.4. Limited but Permitted Uses

- A. Processing, finishing and assembly facilities, provided that space occupied in a building does not exceed six thousand (6,000) square feet of total floor and basement space, not including stairwells, or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings.

108.4-5. Bulk Restrictions

108.4-5.1. Building, Dwelling and Structure Standards

108.4-5.2. Floor Area Ratio

108.4-5.3. Height

- A. There shall be no restrictions as to the height of buildings in the B-3 business district.

108.4-5.4. Landscaping

- A. Reserved

108.4-5.5. Lot Size

108.4-5.6. Lot Coverage

108.4-5.7. Monotony Standards

108.4-5.8. Nonconformity

- A. Reserved

108.4-5.9. Obstructions

- A. Reserved

108.4-5.10. Parking & Loading

- A. Reserved

108.4-5.11. Performance Standards

- A. Reserved

108.4-5.12. Setbacks

- A. The following minimum setbacks shall be provided and maintained in connection with any building or parking lot. Front yard parking shall be regulated by this subsection or sec. 49-105.11, whichever is more restrictive. The parking setback provisions of this subsection shall supersede the provisions of sec 49-105.11.
  - i. Front, exterior side or exterior rear setback requirements:

<b>ABUTTING</b>	<b>SETBACK</b> (in feet)
Tollway	75
Arterial Street	30
Collector	15

Setback exceptions. When exterior yards abut a collector or local street, which includes residentially zoned lots on the same block, if fifty (50) percent or more of the existing buildings are developed at an established setback of less than the required setback, any new B2 building may conform to the average established setback. If such average established setback is between fifteen (15) feet and thirty (30) feet, any new B2 building shall be set back at least an equivalent distance. In no case shall a setback of more than thirty (30) feet be required.

- ii. The setback requirement for front exterior side or exterior rear yards may be reduced to ten (10) feet if the following conditions are met:
  - a. The property was a lot of record on or before November, 1957.
  - b. A landscape plan is submitted by the owner and approved by the planning director and zoning administrator.
  - c. The owner commits in writing to have the approved landscaping established no later than June 30th or October 30th following the approval of the landscape plan, whichever shall occur first.
  - d. The owner demonstrates that the required setbacks cannot be met due to physical or practical difficulties.
- iii. Interior side or rear setback requirements:

<b>ABUTTING</b>	<b>SETBACK (in feet)</b>
Fox River	30
Residential	20
B-1, B-2 or O	10
Additional rear yard requirements. When an interior rear lot line abuts a manufacturing district, a rear yard of not less than eight (8) feet shall be required.	

108.4-5.13. Signs

A. Reserved.

**108.5. "O" Office district.**

108.5-1. Title

108.5-2. Intent & Purpose

108.5-3. District Specific Regulations

108.5-3.1. Rules

- A. All activities, except for off-street parking facilities as permitted or required in this district, shall be conducted wholly within an enclosed building.
- B. Condition of use. In the O district, there shall be no storage, wholesale, retail, shipping or display of goods or merchandise on the premises except for: (1) incidental and minor storage and retail which is clearly accessory to and customarily associated with the operation of a professional office--such as the dispensing of medicines by physicians on an individual patient basis; (2) displays limited to floor samples in a business office; (3) the exhibition of individual art or craft products in an art gallery; and (4) displays of materials or work normally connected with the operation of a library, school, religious institution, photography studio, or other similar use. However, in the O district there shall be neither window display of goods or merchandise nor any other display, including floor samples, which is readily visible from the public way or from adjoining properties. All business and professional activities shall take place within enclosed buildings.

#### 108.5-3.2. Definitions

#### 108.5-4. Use Regulations

108.5-4.1. Permitted uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

108.5-4.2. Conditional Use. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

108.5-4.3. Accessory Uses.

108.5-4.4. Limited but Permitted Uses

- A. Dwelling units, provided they are located above the first floor and above a permitted use and that lot area, side and rear yards as required for dwelling units in the R-5 Multiple-Family Dwelling District of this ordinance are complied with. All yard requirements shall begin fifteen (15) feet above the first floor elevation. Further, the total square footage permitted for the residential use shall not exceed the total first floor square footage that is utilized for the office use.

#### 108.5-5. Bulk Restrictions

108.5-5.1. Building, Dwelling and Structure Standards

108.5-5.2. Floor Area Ratio

- A. The floor area ratio of buildings and structures on a zoning lot shall not exceed 1.6.

108.5-5.3. Height

- A. Reserved

108.5-5.4. Landscaping

- A. Reserved

108.5-5.5. Lot Size

- A. For each dwelling unit established above the ground floor, at least two thousand (2,000) square feet of lot area shall be provided.

108.5-5.6. Lot Coverage

108.5-5.7. Monotony Standards

108.5-5.8. Nonconformity

- A. Reserved

108.5-5.9. Obstruction

- A. Reserved

108.5-5.10. Parking and Loading

- A. Reserved

108.5-5.11. Performance Standards

- A. Reserved

108.5-5.12. Setbacks.

- A. The following minimum setbacks shall be provided and maintained in connection with any building or parking lot. Front yard parking shall be regulated by this subsection or the sec. 49-105., whichever is more restrictive. The parking setback provisions of this subsection shall supersede the provisions of sec. 49-105.11.

- i. Front, exterior side or exterior rear setback requirements:

<b>BUILDING HEIGHT</b>	<b>ABUTTING</b>	<b>SETBACK (in feet)</b>
Any Height	Tollway	75
35 Feet or Less	Arterial Street	30
	Collector or Local Street	15
More than 35 Feet	Arterial Street	30
	Collector or Local Street	20

The setback requirement for front exterior side or exterior rear yards may be reduced to ten (10) feet if the following conditions are met:

- a. The property was a lot of record on or before November, 1957.
- b. A landscape plan is submitted by the owner and approved by the planning director and zoning administrator.
- c. The owner commits in writing to have the approved landscaping established no later than June 30th or October 30th following the approval of the landscape plan, whichever shall occur first.
- d. The owner demonstrates that the required setbacks cannot be met due to physical or practical difficulties.

ii. Interior side or rear setback requirements:

<b>BUILDING HEIGHT</b>	<b>ABUTTING</b>	<b>SETBACK (in feet)</b>
Any Height	Fox River	30
35 Feet or Less	Residential	20
More than 35 Feet	Residential	30
Additional Rear Yard Requirements: When an interior rear lot lines does not abut a residential district, or the Fox River, a rear yard of at least twenty (20) feet shall be required.		

108.5-5.13. Signs

A. Reserved

**108.6. “B-B” Business-Boulevard District.**

108.6-1. Title

108.6-1.1. The Business-Boulevard District shall be designated as “B-B” on the zoning map.

108.6-2. Intent & Purpose

108.6-2.1. The intent of the B-B business boulevard district is to combine residential, commercial, office and industrial development in an orderly arrangement along a major street so as to maximize the commercial service benefit it offers and to minimize its harmful affects on (1) traffic movement and flow; (2) traffic safety; (3) the various land uses within and in close proximity to the B-B district; and (4) the beauty of the community.

108.6-3. District Specific Regulations

108.6-3.1. Rules

108.6-3.2. Definitions

A. Definitions. As provided for in the Rules and Definitions Section.

108.6-4. Use Regulations

108.6-4.1. Permitted Uses: The use of land or buildings in the B-B district shall be limited to the following:

- A. Agricultural implement sales and service.
- B. Antique shops.
- C. Air conditioning and heating sales and service.
- D. Art galleries and studios.
- E. Art and school supply stores.



- F. Auto accessory store.
- G. Automobile sales and service establishments for new passenger automobiles and trucks, including sale of used cars and trucks when operated in conjunction with the principal use. Mechanical repairs, body repairs and repainting may be included. All facilities shall be contained in an enclosed building, except the storage of automobiles and trucks displayed in the open.
- H. Automotive service stations, except that no outdoor display of any merchandise except gas pumps, lubricating oil and new tires. Auto, trailer and truck rental agencies.
- I. Auto, truck construction equipment and farm equipment sales and storage are permitted in open yards within the district. Auto, truck construction equipment and farm equipment repairs shall be limited to entirely enclosed buildings except that dismantling and wrecking of said vehicles are specifically forbidden within the district.
- J. Bakery shop, including the baking and processing of food products, when prepared for retail use on the premises only.
- K. Bank and financial institutions.
- L. Barbershop, chiropody, massage or similar personal service shop.
- M. Battery and tire service stations, but not including recapping of tires.
- N. Bicycle sales and repair.
- O. Blueprinting and Photostatting establishments.
- P. Boat, motorcycle and truck sales, service and major automotive repair, but only when confined within an enclosed structure.
- Q. Book and stationery store.
- R. Beauty parlor.
- S. Building material sales, when conducted wholly within a building.
- T. Candy and ice cream shops.
- U. Camera and photographic supply shops.
- V. Catering establishments.
- W. Religious institutions, provided that the requirements of The Bulk Restrictions Section are complied with.
- X. Clubs and fraternal organizations.
- Y. Costume rental shop.
- Z. Coin and philatelic stores.
- AA. Contractors' offices and shops, where no fabricating is done on the premises and where all storage of material is within a building.
- BB. Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.

- CC. Delicatessens.
- DD. Department stores.
- EE. Dress shops.
- FF. Drugstores.
- GG. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than seven hundred fifty (750) pounds of dry goods per day, and when using carbon tetrachloride or other similar noninflammable solvents approved by the fire department.
- HH. Dry goods store.
- II. Electrical appliance store and repair, but not including appliance assembly or manufacturing.
- JJ. Employment agency.
- KK. Florist shop and conservatory for retail trade on the premises.
- LL. Food and fruit stores.
- MM. Frozen food stores.
- NN. Furniture store and upholstery when conducted as part of the retail operations and secondary to the main use.
- OO. Garden supplies and seed stores.
- PP. Garages, public, for storage of private passenger automobiles and commercial vehicles.
- QQ. Gift shops.
- RR. Grocery stores.
- SS. Hardware stores.
- TT. Haberdashery.
- UU. Hand laundries.
- VV. Hobby stores.
- WW. Household appliance stores.
- XX. Hotels with fifty (50) guest rooms or more, and those with fewer than fifty (50) rooms that were established prior to the date of this ordinance, which must be staffed with twenty-four-hour clerk service, maid and janitor service.
- YY. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the main use.
- ZZ. Jewelry store and watch repair.
- AAA. Laboratories, commercial (medical, dental, research, experimental and testing).

- BBB. Launderette and Laundromat, when operated with supervisory personnel.
- CCC. Leather goods and luggage store.
- DDD. Libraries.
- EEE. Liquor store, package goods only when compatible with Chapter 6, Alcoholic Beverages, Code of Ordinances, City of Aurora, Illinois.
- FFF. Locksmith.
- GGG. Meat markets.
- HHH. Mirror and glazing shop.
- III. Musical instrument sales and repair.
- JJJ. Newsstand.
- KKK. Notions store.
- LLL. Offices, business and professional, including medical clinics.
- MMM. Optician, optometrist.
- NNN. Orthopedic and medical appliance store.
- OOO. Parcel delivery station.
- PPP. Pet shops, kennel or animal hospital when conducted wholly within an enclosed building.
- QQQ. Photograph developing and processing.
- RRR. Photography studio, including the developing of film and pictures.
- SSS. Physical culture and health service.
- TTT. Picture framing.
- UUU. Plumbing, heating and roofing supply shops and offices where no fabricating is done on the premises and where all storage of material is within a building.
- VVV. Post offices and postal substations.
- WWW. Public utility collection offices.
- XXX. Radio and television sales and services, including major repairs.
- YYY. Reading rooms.
- ZZZ. Restaurant, tavern, drive-in.
- AAAA. Residential development:
- i. Single-family residential units and accessory uses when developed in accordance with standards set out in the R-3 One-Family Dwelling District and the subdivision ordinance.
  - ii. Multiple-family residential units, including building types such as apartments, row houses with not more than six (6) dwellings in a

row and cluster housing with accessory uses, when developed in accordance with the Standards for Residential Development and the Standards for Combined Commercial and Multiple-Family Development.

BBBB. Shoe stores.

CCCC. Schools: music, dance, business, commercial or trade.

DDDD. Sewing machine sales and service.

EEEE. Signs, as defined and regulated this section.

FFFF. Sporting goods store.

GGGG. Taverns.

HHHH. Taxidermist.

IIII. Taxicab and bus waiting rooms and dispatchers' offices.

JJJJ. Telegraph office.

KKKK. Theater: indoor, drive-in.

LLLL. Tobacco shop.

MMMM. Toy store.

NNNN. Travel bureau and transportation ticket office.

OOOO. Trailer sales and rental on an open lot. Trailer repair only in an enclosed building.

PPPP. Typewriter and adding machine sales and service.

QQQQ. Undertaking establishments.

RRRR. Utilities, limited to lines and facilities that serve the immediate area.

SSSS. Variety store.

TTTT. Wearing apparel shop.

UUUU. All activities, except for garden shops, nurseries, farm equipment sales, hardware stores, automobile off-street parking facilities as permitted or required in this B-B district, and except as otherwise noted in this section, shall be conducted wholly within an enclosed building; provided, however, outdoor storage and sales may be authorized by conditional use permit.

108.6-4.2. Conditional uses requiring permit: The following conditional uses are prohibited within the B-B district unless the city council finds:

- A. That any such use is designed so as to be compatible with its neighborhood; and
- B. Not in conflict with the intent of the B-B district and subject to the issuance of a conditional use permit by the city council following a hearing by the commission in accordance with chapter 34:

- i. Educational institutions limited to the following:
  - a. Nonboarding schools such as nursery, elementary, high, public, private, parochial and boarding schools.
- ii. Public, quasi-public and governmental buildings and facilities and institutions limited to the following:
  - a. Amusement and recreational uses including archery range, golf practicing range, miniature golf course, swimming pools, swim clubs, roller skating rinks, dance halls, tennis courts, tennis buildings, bowling alleys or other similar places of entertainment when operated for profit.
  - b. Utility facilities such as gas regulator stations, telephone exchanges, power substations, transformer stations, etc.
  - c. Public parks and playgrounds, community centers and athletic fields, including stadiums and grandstands.
  - d. Institutions for the care or treatment of insane, feebleminded, retarded, alcoholic or drug addict patrons, including halfway houses caring for partially affected or recovering persons.

C. Planned unit development in accordance with the Residential Planned Unit Development Subsection.

D. Automobile laundry.

#### 108.6-4.3. Accessory Uses

108.6-4.4. Prohibited uses: All uses other than those expressly permitted in the B-B Business-Boulevard District are expressly prohibited within the B-B district, including the following:

- A. Auto, horse and dog racing.
- B. Gun clubs and skeet- and trap-shooting ranges.
- C. Mobile home parks.

#### 8.6-4.5. Limited but Permitted Uses.

A. Cannabis Dispensing Facilities (2115) shall be permitted in Districts designated with Business-Boulevard (BB) zoning subject to the all of the conditions set forth in this Paragraph A. Cannabis Dispensing Facilities are not permitted in any Planned Development District (PDD) notwithstanding a district's underlying BB zoning classification.

- i. The Cannabis Dispensing Facility operates in compliance with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in or adopted pursuant to the Compassionate Use of Medical Cannabis Pilot Program and the Cannabis Regulation and Tax Act or any other applicable provision of State law;

- ii. The Cannabis Dispensing Facility is located on real property which directly abuts a United States Numbered Highway or an Illinois route designated as part of the Illinois State Highway System;
- iii. The Cannabis Dispensing Facility is not located within one and one half (1 ½) miles of a pre-existing cannabis dispensing facility within the City's corporate limits. For the purposes of measurement, the setback requirement shall be determined property line to property line;
- iv. The Cannabis Dispensing Facility is not located within seven hundred and fifty (750) feet of a grade school, middle school, alternative school or high school existing at the time the permitted use authorized by this paragraph A is first established. For the purposes of measurement, the setback requirement shall be determined property line to property line;
- v. The Cannabis Dispensing Facility is not located adjacent to a licensed day care facility. For the purpose of this limitation, in the case of a standalone building "adjacent" means physically abutting the lot, or in the case of a single structure containing multiple units comprising a shopping center or similar facility, in the unit directly adjoining a unit containing the licensed day care facility;
- vi. The Cannabis Dispensing Facility does not display or keep for sale any cannabis or cannabis paraphernalia visible from outside of the premises.
- vii. The Cannabis Dispensing Facility does not display signage depicting cannabis or cannabis paraphernalia on the premises;
- viii. The Cannabis Dispensing Facility prohibits the smoking or consumption of cannabis by any means and in any form on the premises;
- ix. The Cannabis Dispensing Facility is open for business not earlier than 8 a.m. and not later than 10 p.m.; and
- x. The Cannabis Dispensing Facility operates in accordance with the rules and regulations applicable to all other Cannabis Dispensing Facilities located in the City, and from time-to-time provides the Zoning Administrator with any information required of similar facilities as to its business, security, maintenance, ventilation, and other procedures and state licensure.

#### 108.6-5. Bulk Restrictions

##### 108.6-5.1. Standards, general.

##### A. Lot Area

- i. Buildings and structures hereafter erected or structurally altered shall be on a lot having a width at the building line of not less than one hundred fifty (150) feet, and a depth of not less than two hundred fifty (250) feet except that any single lot or parcel of land, which was of record at the time of the adoption of the B-B business-boulevard district, that does not meet the minimum lot width or depth may be utilized for a permitted use.

B. Setbacks

i. Front yard:

- a. There shall be a front yard having a depth of not less than thirty-five (35) feet.
- b. The front yard shall be free of all buildings and structures requiring a building permit except that certain signs may be placed in the front yard in accordance with all B-B Business-Boulevard District regulations.
- c. No parking or loading shall be permitted in the front yard.
- d. The front yard may contain access drives leading from the public street directly to the rear of the front yard. No other drives or auto maneuvering areas are permitted in the front yard.
- e. Additional yard requirements appear in the Standards for Business Development and Standards for Multiple Family Development Subsections.

C. Number of buildings permitted on each zoning lot: More than one (1) building is permitted on each zoning lot except one- and two-family dwellings.

D. Court area:

- i. A court area shall be established for each lot. The court area shall be an open space located abutting and behind the building setback line and shall be fifty (50) percent the width of the lot wide and twenty-five (25) feet deep. The court area shall be maintained free of all buildings and structures that require a building permit except signs and may be used for parking, drives and landscaping.

E. Landscaping:

- i. Except as required in Standards for Green Space Areas in Multiple-Family Development Subsection at least five (5) percent of the lot exclusive of required setback and yard areas shall be planted and permanently maintained.
- ii. Landscaping of parking areas:
  - a. Those parts of a parking area that are not used for either a parking space or access to a parking space shall be maintained free of paving and shall be planted and landscaped and permanently maintained as landscaped areas.

- b. No landscaped area within or adjacent to a parking area shall have an average width of less than three (3) feet.
  - iii. All landscaped areas shall be surrounded by a continuous raised concrete curb or similar construction.
  - iv. A landscape plan for the entire site shall be a requirement for approval of the development. In addition to meeting the requirements set forth in this section, the plan shall show the type of plantings by both common and botanical name, location and spacing of plants required in yard areas herein.
- F. General sign regulations applicable to signage in both residential and business areas:
- i. In addition to those required by other provisions of this code, the following regulations and standards are applicable to all signage
    - a. No sign shall, by reason of its position, size, shape or color, obstruct the view of any motorist on a public street, or be confused with a traffic-control sign or device or otherwise interfere with or confuse traffic. Signs and the flood-lighting of signs shall be designed and arranged so as to prevent glare into any neighboring property, land use or public way.
    - b. Roof signs are prohibited.
    - c. Signs painted on fences or walls are prohibited.
    - d. Flashing or blinking signs and signs with moving parts are prohibited.
    - e. All permanent signs shall be confined to the trade name and logotype of the property user. Slogans are prohibited; however, identification of a single principal product or service may be included in the permissible dimensions of a sign if such product or service is not customarily associated with the property user's business operations.
    - f. Structural framing, angles and large fastenings must be fully concealed. Small fastenings such as screw heads may be exposed if finished to match the approved sign.
    - g. Unfinished metals, plywood and paper are prohibited materials.
    - h. The area of a sign shall be the area of the smallest circle, square or rectangle that can be drawn on a scaled elevation of the sign that could enclose all advertising or attention attracting parts of the sign.
    - i. The reverse face of a freestanding sign shall not be counted when computing its area.
    - j. Any freestanding sign shall be flat and shall be limited to a face and reverse face.



- k. Traffic directional signs. Traffic directional signs having a maximum area of eight (8) square feet each and whose message is limited to the designation of parking entrances, exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are within the property line of the subject lot.
- l. Alterations. No sign shall be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this ordinance. Maintenance of signs shall not be deemed to be alterations.
- m. No permanent sign may be put in place until a permit has been issued. The zoning administrator may approve, disapprove or conditionally approve any sign design application. The applicant may appeal any such zoning administrator decision to the zoning board of appeals.
- n. The final submission for all signs shall include, but not be limited, to the following:
  - Dimensional plot plan showing proposed location related to surrounding buildings and roadways.
  - Building elevations with main identification sign, one-fourth inch scale.
  - Elevation drawings of the signage at one (1) foot equal one-half inch scale.
  - Construction and material details, electrical details and lighting schedule.

#### G. Parking and Loading

- i. All parking areas, loading areas, driveways and maneuvering areas for passenger automobiles and commercial vehicles under one and one-half (1 1/2) ton capacity shall be improved with six (6) inches thick gravel and two (2) inches thick asphalt or equivalent material of the same thickness. All parking areas, loading areas, driveways and maneuvering areas for larger motor vehicles than passenger cars and commercial vehicles under one and one-half (1 1/2) ton capacity shall be improved according to standards and specifications of the Illinois Department of Transportation, and a plan showing the required improvements shall be submitted to the city engineer of Aurora for his approval.
- ii. An off-street parking space shall be a usable area of not less than one hundred ninety (190) square feet no less than ten (10) feet wide by nineteen (19) feet long, exclusive of access drives or aisles, ramps, columns or office and work areas, accessible from public streets or alleys, or from private driveways or aisles leading to public street or alleys, and to be used for the storage or parking of passenger automobiles and commercial vehicles under one and

one-half (1 1/2) ton capacity where permitted under this ordinance. Maneuvering space shall not be less than twelve (12) feet in width when serving automobiles in parallel parking. Backup space shall not be less than twelve (12) feet in width when serving automobiles parked at thirty-degree angles in one direction, not less than fifteen (15) feet in width when serving automobiles parked at forty-five-degree angles in one (1) direction, not less than eighteen (18) feet in width when serving automobiles parked at sixty-degree angles in one direction, and not less than twenty-five (25) feet in width when serving automobiles parked perpendicular to the aisles.

- iii. Visibility clearance zone:
  - a. A visibility clearance zone is established at every intersection of the major street with any driveway.
  - b. A visibility clearance zone shall be a triangular area located at the intersection of each private driveway and a public street. The base of the triangle shall be measured along the edge of the paving of the major street an equal distance in both directions from the centerline of the driveway. This distance shall be one-half for driveway width plus forty (40) feet. The height of the triangle shall be forty (40) feet.
  - c. The visibility clearance zone shall be maintained free of all walls, signs (except up to ten (10) inches in diameter poles, supporting signs and traffic devices), plantings (except tree trunks), structures and all obstacles to vision in a space between eighteen (18) inches above curb grade.
- iv. The requirements of this section are in addition to those requirements which may be set forth elsewhere in this ordinance.
- v. Off-street parking spaces shall be constructed in accordance with the provisions of sec. 49-105..

108.6-5.2. Standards for business development.

A. Height

- i. (of buildings in business areas) The maximum height of any building or structure in a business area shall be fifty (50) feet to roof line except as noted in below.
- ii. The height of any building or structure in a business area on the rear portion of a lot adjacent to a residential or farming district shall be in accordance with the table set out below:

DISTANCE FROM REAR PROPERTY LINE (FEET)	MAXMIMUM HEIGHT OF BUILDING OR STRUCTURE (FEET)
25 to 40	15

Over 40 to 60	25
Over 60	50

- iii. The commission may recommend and the city council may approve a final plan for business development showing buildings with heights greater than set out as above in accordance with all applicable provisions of this code.

B. Setbacks (business development)

- i. Front yard: See the Bulk Restrictions Section of the B-B Business-Boulevard District.
- ii. Side yard, business structures:
- a. Interior side yard requirement for business structures adjacent to a business, office or manufacturing district:
- The minimum interior side yard requirement for business structures adjacent to property zoned business, office or manufacturing district shall be fifteen (15) feet except that the minimum interior side yard requirement for any part of a business structure above forty (40) feet in height shall be twenty-five (25) feet.
  - The minimum side yard requirements on one (1) side of the lot may be reduced to zero (0) for a maximum of fifty (50) percent of the depth of the lot measured from the front setback line to the rear setback line, provided that the sidewall of the structure is made of masonry or concrete.
- b. Interior side yard requirement for business structures adjacent to a residential or farming district:
- The minimum interior side yard requirement for business structures adjacent to property zoned residential or farming district shall be twenty (20) feet plus one and one-half (1 1/2) feet for each one (1) foot above thirty (30) feet in height; except that the minimum interior side yard requirement for business structures shall be fifteen (15) feet when the adjacent parcel fronts on a major street and is zoned farming or residential under the jurisdiction of the county.
  - The minimum interior side yard requirement for business structures immediately adjacent to property zoned residential or farming district may be reduced to zero (0) for a maximum of fifty (50) percent of the depth of the lot measured from the front setback line to the rear setback line when the structure meets the following conditions:
  - The sidewall of the structure is completely masonry or concrete construction;

- The sidewall of the structure is free of all windows, doors, openings, vents, appurtenances and signs;
  - The roof of the structure within twenty-five (25) feet of the side property line is free of all appurtenances, such as chimneys, vents, pipes, mechanical equipment, and other appurtenances except when screened behind a parapet wall of at least the same height of the highest appurtenance built on all outside walls of the structure located within twenty-five (25) feet of the property line; and
  - The part of the structure within twenty-five (25) feet of the side property line including any parapet wall line is limited to twenty (20) feet in height.
  - The side lot line between the front setback line and the rear property line shall be screened and properly maintained with dense planting of shrubs and trees or by a decorative five-foot-high masonry wall, except in the instance where a building is built on the side property line. This planting and screening area shall have a maturity height of not less than five (5) feet.
- c. Side yard on corner lots: Exterior side setback shall be twenty (20) feet. The exterior side setback area shall be landscaped and properly maintained. There shall be no structure of any kind, open storage of materials or equipment, or the parking of vehicles in the exterior side yard. Lights for the purpose of illuminating parking areas are not permitted in such exterior side yards. Such yards shall contain no paving except for accessways perpendicular to the street or sidewalks across the lot. Unless an additional lane for egress is approved by the city, accessways shall not exceed twenty-five (25) feet in width per approved access point, with an ingress and egress radius of thirty-five (35) feet to the street curblin. Additional width will be allowed for a center landscaped median of six (6) feet minimum.
- iii. Rear yard:
- a. Rear yard adjacent to an office, business or manufacturing district:
    - There shall be a minimum rear yard requirement of twenty (20) feet.
  - b. Rear yards adjacent to a residential or farming district:
    - The rear yard for any part of a lot adjacent to property zoned residential or farming shall be twenty-five (25) feet except in the case wherein the adjoining property has frontage on the major street and is zoned farming or residential under the jurisdiction of the county in which case the rear yard shall be twenty (20) feet.

- The rear yard shall be planted so as to beautify and screen activities of the site. Such plantings shall be properly maintained.
- Screening at the rear property line may not be required when both the lot facing the major street and the lot adjacent to its rear lot line are designed and developed as a single planned unit and such plan is approved by the planning commission.

#### C. Building, Dwelling and Structure Standards

- i. Distance between buildings; standards for buildings in business areas: Where more than one (1) nonresidential building is placed in a business area, the minimum distance between buildings shall be as follows:
  - ii. The distance between a nonresidential building having a height above forty (40) feet but not over fifty (50) feet and any other nonresidential building shall be at least forty (40) feet.
  - iii. The distance between a nonresidential building having a height above thirty (30) feet but not over forty (40) feet and any other nonresidential building shall be at least thirty (30) feet.
  - iv. The distance between a nonresidential building having a height above twenty (20) feet but not over thirty (30) feet and any other nonresidential building shall be at least twenty-five (25) feet.
  - v. The distance between a nonresidential building having a height up to twenty (20) feet and any other nonresidential building shall be at least twenty (20) feet.
  - vi. The commission may recommend and the city council may approve a final plan for business development depicting buildings closer together than set out as above.

#### D. Signs (Business area)

- i. The following regulations and standards are applicable to all signage in business areas
- ii. Freestanding signs:
  - a. No more than one (1) freestanding sign not exceeding areas set out below shall be permitted on each lot:

<b>MAJOR STREET FRONTAGE</b>	<b>SQUARE FEET</b>
Up To 100 Feet	30
100 Feet - 500 Feet	40
Over 500 Feet	50

- b. Freestanding signs may be erected in the front yard but their maximum height shall be related to the distance from the front property line as set out below:

<b>DISTANCE FROM THE FRONT PROPERTY LINE OF THE CLOSEST EDGE OF THE SIGN (FEET)</b>	<b>MAXIMUM HEIGHT OF SIGN FROM EXISTING CURB LEVEL (FEET)</b>
0-15	6
15-20	8
25-25	10
25-30	12
30-35	14
35 and behind the front yard	16

iii. Wall signs:

- a. A wall sign may be placed on any face of a building oriented to either the major street or the main parking lot of the parcel except as indicated below:
  - Wall signs shall not be oriented to a rear lot line except where building on the side intervenes.
  - Wall signs shall not be oriented to a side lot line except where building on the site intervenes and the wall sign is primarily oriented to a major street or a main parking area on the site.
- b. A wall sign may not project above the roof line or beyond the building on which it is mounted.
- c. The height limit for any wall sign shall be twenty (20) feet.
- d. Wall signs shall be mounted flat against the surface of the building and shall not project more than twelve (12) inches therefrom.
- e. A wall sign may be a bar wall sign or a nonbar wall sign.
- f. Each building shall be limited to either one (1) nonbar wall sign or to one (1) bar wall sign limited to a square footage as set out in paragraphs (7) and (8) below.
- g. Bar wall sign standards:

- Bar wall signs shall be limited to a square footage equal to the total length of the wall of the building (buildings) on which wall signs are permitted.
  - Bar wall signs shall be limited to a vertical dimension of two (2) feet.
- h. Nonbar wall sign standards:
- Nonbar wall signs shall be limited to an area equal to five (5) percent of the area of the wall on which it is placed except that the vertical dimension used in computing the area of the wall shall not exceed thirty (30) feet.
  - Nonbar wall signs are limited to a maximum of one (1) per zoning lot.

#### E. Parking and Loading (Business Area)

- i. Parking facilities shall be provided on the same lot where the uses permitted in this ordinance are developed in accordance with the following standards:
- ii. For mixed uses--The parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use in the same building or on the same lot.
- iii. For hotels and motels--One and five-hundredths (1.05) parking spaces for each guestroom.
- iv. For private clubs or lodges (without sleeping rooms)--One (1) parking space for each three hundred (300) square feet of floor area.
- v. For private clubs or lodges with sleeping room area--One (1) parking space for each three (3) guest accommodations.
- vi. For dormitories--One (1) space for each two (2) living accommodations.
- vii. For hospitals--One (1) parking space for each two (2) hospital beds, plus one (1) space for each staff and/or visiting doctor.
- viii. For sanitariums, convalescent homes, nursing homes or homes for the aged--One (1) space for each four (4) patient beds, plus one (1) space for staff and/or visiting doctor.
- ix. For medical or dental clinics--Six (6) parking spaces per doctor engaged at clinic.
- x. For mortuaries or funeral parlors--Ten (10) parking spaces for each room used as a chapel or parlor.
- xi. For bowling alleys--Four (4) parking spaces for each alley.

- xii. For convention halls, dance halls, skating rinks, assembly halls, exhibition halls or other places of assembly--One (1) parking space for each seventy-five (75) square feet of floor area used for assembly.
- xiii. Stadium, sports arena, auditorium and gymnasium (other than incidental to a school)--One (1) parking space for each four (4) seats.
- xiv. For theatres:
  - a. Indoor--One (1) parking space for each five (5) seats.
  - b. Outdoor--Employee parking equal to ten (10) percent of the capacity.
- xv. For bus terminals, railroad passenger stations or other passenger terminal facilities (conditional uses)--Such parking space as the city council, subject to the recommendations of the zoning board of appeals, shall deem to be adequate for employees, passengers, spectators, visitors and others.
- xvi. For banks, business or professional offices or public administration buildings--One (1) parking space for each three hundred (300) square feet of floor area.
- xvii. For establishments handling the sale and consumption on the premises of alcoholic beverages, food or refreshment--One (1) parking space for each one hundred (100) square feet of floor area.
- xviii. For retail stores and service shops (individual or in groups)--One (1) parking space for each two hundred (200) square feet of floor area.
- xix. For furniture and appliance stores, motor vehicle sales, wholesale stores, household equipment or furniture repair shops, or machinery sales (individual stores or groups of stores in one building)--One (1) parking space for each four hundred (400) square feet of floor area.
- xx. For manufacturing and industrial uses, research and testing laboratories, laundry and dry-cleaning plants, printing, binding, publishing and issuing of newspapers, periodicals, books and other reading matter, telephone exchanges, warehouses and storage buildings, engraving shops, assembly of materials and products, and other similar uses--One (1) parking space for each three (3) employees, based upon the maximum number of persons to be employed at any one work period during the day or night, plus such additional parking facilities as shall be required for all vehicles used in the conduct of enterprise.



- F. Business area off-street loading: Off-street loading and unloading facilities shall be provided and constructed in accordance with sec. 49-105.13.

#### 108.6-5.3. Standards for residential development.

##### A. Standards for single-family conventional development:

- i. Standards for single-family development shall be in accordance with the R-3 One-Family Dwelling District and those provisions of the subdivision control ordinance regulating single-family residential development.

##### B. Standards for multiple-family development:

- i. Height and density standards for multiple-family development: Multiple-family residential units shall not be permitted except as set out below. Height and density standards for Categories I, II and III shall be as follows:
  - a. Category I: For the first two hundred (200) feet distance from the major street, buildings of fifty (50) feet maximum may be erected and a maximum of eight (8) dwelling units per acre shall be permitted.
  - b. Category II: For the area between two hundred (200) feet and four hundred (400) feet distance from the major street, buildings of thirty (30) feet maximum may be erected and a maximum of six and one-half (6 1/2) dwelling units per acre shall be permitted.
  - c. Category III: For the area between four hundred (400) feet and greater distance from the major street, buildings of twenty (20) feet maximum may be erected and a maximum of five and one-half (5 1/2) dwelling units per acre shall be permitted.
  - d. Off-street parking, required by the total number of dwelling units within each category shall be located completely within the confines of the same said category.
  - e. There shall be a minimum category yard requirement of fifteen (15) feet on each side of the category line.
  - f. The planning commission may recommend and the city council may approve a planned unit development site plan for residential development without regard to the standards and categories in this subsection in accordance with the Residential Planned Unit Development Subsection of the B-B Business-Boulevard District.

##### C. Setbacks (Multiple-Family Development)

- i. Front yard: There shall be a front yard having a depth of not less than thirty-five (35) feet.

- ii. Interior side yard: There shall be a minimum interior side yard requirement of twenty-five (25) feet.
  - iii. Rear yard: There shall be a minimum rear yard requirement of thirty-five (35) feet.
  - iv. Corner: A minimum of thirty-five (35) feet corner side yard shall be provided along the side street of a corner lot.
  - v. The planning commission may recommend and the city council may approve a site plan for multiple-residential development in accordance with the Residential Planned Unit Development Subsection of the B-B Business-Boulevard District having lesser yard requirements.
- D. Building, Dwelling And Structure Standards (Multiple-Family Development)
- i. Where more than one (1) building containing dwelling units is placed in a residential area, the minimum distance between buildings shall be as follows:
    - ii. The distance between a residential building having a height above forty (40) feet but not over fifty (50) feet and any other residential building shall be at least seventy-five (75) feet.
    - iii. The distance between a residential building having a height above thirty (30) feet but not over forty (40) feet and any other residential building shall be at least sixty (60) feet.
    - iv. The distance between a residential building having a height above twenty (20) feet but not over thirty (30) feet and any other residential building shall be at least forty-five (45) feet.
    - v. The distance between a residential building having a height up to twenty (20) feet and any other residential building shall be at least thirty (30) feet.
    - vi. The planning commission may recommend and the city council may approve a final plan for residential development depicting buildings closer together than set out above in accordance with the Residential Planned Unit Development Subsection of the B-B Business-Boulevard District.

E. Standards for green space areas in multiple-family development:

- i. A minimum green space area shall be required as part of each multiple-family unit development. Said minimum green space area shall be provided as set out below:

CATEGORY	PERCENT OF AREA IN GREEN SPACE USE
I	30
II	40
III	50

- ii. Green space areas are defined as being lands devoted one hundred (100) percent to living ornamental plants and other uses set out below:
  - a. Green space uses shall consist of planted areas, formal gardens, trees and woods, lawns, parks, ponds (except required retention and detention unless specifically accepted as open space by the city council), natural areas and outdoor recreational activity areas of noncommercial nature or noncommercial recreation buildings associated with group housing development.
- iii. All open spaces in the project area, except walks, driveways and parking spaces shall be planted and shall be maintained at all times.
- iv. The planning commission may recommend and the city council may approve a final plan for residential development showing different arrangements of green space percentages than set out above in accordance with the Residential Planned Unit Development Subsection of the B-B Business-Boulevard District.

F. Signs (Residential Development)

- i. The following regulations and standards are applicable to all signage in residential areas (Note: Additional general regulations and standards that are applicable to residential areas are set out in the Bulk Restrictions Subsection of the B-B Business-Boulevard District).
  - a. Signs shall be permitted and limited as set out below:
    - Only freestanding signs and traffic directional signs shall be permitted in a residential development.
    - No more than one freestanding sign stating only the name of the residential development, its address and a telephone number and a statement relating to rental or sales of the

dwelling units on the site expressed in letters no taller than five (5) inches.

- The maximum area of a freestanding sign shall be related to the frontage on the major street of the parcel on which the housing it advertises is located and shall be limited in accordance with the following chart:

<b>MAJOR STREET FRONTAGE</b>	<b>SQUARE FEET</b>
Up To 100 Feet	15
100 Feet - 500 Feet	20
Over 500 Feet	25

- b. Signs in accordance with area requirements and restrictions set out in above, may be erected in the front yard but their height shall be related to the distance from the front property line as set out below:

<b>DISTANCE FROM THE FRONT PROPERTY LINE TO THE CLOSEST EDGE OF THE SIGN (FEET)</b>	<b>MAXIMUM HEIGHT OF THE SIGN FROM EXISTING CURB LEVEL (FEET)</b>
0-15	6
15-20	8
20-25	10
25-30	12
30-35	14
35 and behind the front yard	16

#### G. Parking and Loading (Dwelling Units)

- i. Parking facilities shall be provided on the same zoning lot where the uses permitted in this ordinance are developed in close proximity to the dwelling units the parking spaces serve in accordance with the following standards:
- ii. In a residential development containing two (2) or more dwelling units off-street parking shall be provided in the amount of two (2) car spaces for each dwelling unit.
- iii. In a residential development:
  - a. No required open off-street parking space shall be permitted nearer than twenty-five (25) feet to any residential building.
  - b. All parking spaces shall be separated from the rear lot line by a buffer strip not less than six (6) feet in width. This buffer strip

shall be screened and properly maintained with dense planting of shrubs and trees of not less than five (5) feet in height.

- c. No parking may be permitted in a required front yard, a side yard or category yard.

#### H. Building, Dwelling and Structure Standards

- i. Exterior construction standards for multiple-family construction. All Use Group R-2 structures, except for multiple-single family dwelling units, as defined in the building code, shall have exterior walls of brick, decorative precast or a decorative masonry surface.

#### 108.6-5.4. Standards for combined commercial and multiple-family development.

- A. Commercial and residential land uses may not be developed on a single zoning lot except under the following conditions:
  - i. In the event that residential and commercial land uses are developed on a single zoning lot a land use division line shall be established. The location of the land use division line shall be determined by the location of the commercial structure or parking place or facility that serves said commercial structure that is most distant from the major street. The land use division line shall be at least twenty-five (25) feet farther from the major street than said commercial structure or parking place or facility that serves said commercial structure.
  - ii. No commercial development shall be permitted farther from the major street than the land use division line and no residential development shall be permitted closer to the major street than the land use division line.
  - iii. No parcel may be used or created for commercial development if it is placed so that any residential development exists directly between it and the major street.
  - iv. No parcel may be used or created for residential development if it is situated so that commercial development exists farther from the major street.
  - v. No structure may be built within twenty-five (25) feet of the land use division line.
  - vi. The planning commission may recommend and the city council may approve a site plan in accordance with the Residential Planned Unit Development Section of the B-B Business-Boulevard District that mixes business and multiple-family land uses.

#### 108.6-5.5. Residential Planned Unit Development

- A. Findings: the commission the may recommend and the city council may approve any residential planned unit development in the B-B District in accordance with the Use Regulations Subsection is the

residential density conforms with the following density standards and the planning commission and the city council find the following:

- i. The planned unit site plan exhibits unusual excellence in design that will result in near ideal environmental qualities.
- ii. The proposed planned unit development is in accordance with the physical development policies of the city council.
- iii. The planned unit design exhibits more efficient, creative and imaginative use of the site than could be expected to be accomplished with conventional standards.
- iv. The variances from the regular standards in the ordinance will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- v. The planned unit design will make the site more compatible with surrounding properties.
- vi. The planned unit design incorporates into the development generous open spaces and recreational and aesthetic amenities.
- vii. The planned unit design preserves worthwhile existing natural site qualities and features.
- viii. The planned unit design maximizes pedestrian and vehicular circulation ease.
- ix. The planned unit design maximizes safety on and near the site.

- B. Procedures: Procedure for approval of a residential planned unit development shall follow the procedures and requirements for approval of planned development set forth in the zoning ordinance, and applicable ordinances and resolutions of the City of Aurora.

Density standards: The net lot area required for dwelling units shall be provided in accordance with the following table:

UNITS	NET SQ. FT. PER PARCEL	ACRES
1	8,000	
2	15,500	
3	23,000	
4	29,983	
5	36,624	
6	42,924	
7	48,881	
8	54,497	
9	59,771	
10	64,073	
11	69,294	
12	73,543	
13	77,450	
14	81,015	
15	84,328	
16	87,120	2 acres
17	92,565	
18	98,010	
19	103,455	
20	108,900	
21	114,345	
22	199,790	
23	125,235	
24	130,680	
25	136,125	
26	141,570	
27	147,015	
28	152,460	
29	157,905	
30	163,350	
31	168,795	
32	174,420	
33	179,685	
34	185,130	

UNITS	NET SQ. FT. PER PARCEL	ACRES
35	190,525	
36	196,020	
37	201,465	
38	206,910	
39	212,355	
40	217,800	5 acres
41	222,318	
42	266,784	
43	231,028	
44	235,586	
45	239,920	
46	244,421	
47	248,450	
48	252,647	
49	256,799	
50	260,905	
51	264,966	
52	268,981	
53	272,952	
54	276,876	
55	280,756	
56	284,590	
57	288,378	
58	292,122	
59	295,820	
60	299,472	
61	303,079	
62	306,640	
63	310,157	
64	310,628	
65	317,009	
66	320,434	
67	323,769	
68	327,058	

UNITS	NET SQ. FT. PER PARCEL	ACRES
69	330,302	
70	333,501	
71	336,632	
72	339,762	
73	342,825	
74	345,841	
75	348,814	
76	351,740	
77	354,621	
78	357,457	
79	360,247	
80	362,992	
81	365,692	
82	368,346	
83	370,954	
84	373,518	
85	376,036	
86	378,508	
87	380,936	
88	383,317	
89	385,654	
90	387,945	
91	390,191	
92	392,391	
93	394,546	
94	396,656	
95	398,718	
96	400,739	
97	402,712	
98	404,640	
99	406,523	
100	408,360	
101	410,152	
102	411,898	

UNITS	NET SQ. FT. PER PARCEL	ACRES
103	413,600	
104	415,255	
105	416,866	
106	418,430	
107	419,950	
108	421,425	
109	422,854	
110	424,237	
111	425,575	
112	426,868	
113	428,115	
114	429,317	
115	420,474	
116	431,585	
117	432,650	
118	422,671	
119	434,646	
120	435,600	10 acres
121	440,602	
122	445,627	
123	450,676	

UNITS	NET SQ. FT. PER PARCEL	ACRES
124	455,746	
125	460,839	
126	465,955	
127	471,094	
128	476,255	
129	481,440	
130	486,646	
131	491,876	
132	497,128	
133	502,402	
134	502,700	
135	513,020	
136	518,363	
137	523,729	
138	529,116	
139	534,529	
140	539,962	
141	545,418	
142	550,897	
143	556,399	
144	561,923	

UNITS	NET SQ. FT. PER PARCEL	ACRES
145	567,470	
146	570,040	
147	578,631	
148	584,246	
149	589,883	
150	595,545	
151	601,228	
152	606,933	
153	612,662	
154	618,413	
155	624,186	
156	629,984	
157	635,803	
158	641,646	
159	647,512	
160	653,400	15 acres
For each dwelling unit over 160 on a parcel an additional 5,445 square feet shall be required.		

**108.7. DC Downtown core district.**

108.7-1. Title

108.7-1.1. The Downtown Core District shall be designated as “DC” on the zoning map.

108.7-2. Intent and Purpose

108.7-2.1. Purpose. The downtown core district, bounded as described herein, is meant to preserve, enhance and promote the pedestrian character of the city's central business district. The downtown core is the center of government, culture, transportation, finance, specialized retail, and professional offices.

The downtown core offers an accessible market and diverse spaces



necessary for small scale, independent businesses. It permits office, retail and service uses as well as light industry, and has the support services necessary for these firms.

The downtown core is uniquely suited to entertainment and recreation. It encompasses numerous historic buildings. Pedestrian access to the Fox River, and the appropriate building facades, street furniture, signage and landscaping are encouraged.

The downtown core encourages both daytime and nighttime activities by permitting a mixture of uses. It permits retail and service sidewalk activities in order to attract pedestrians. It also promotes pedestrian safety, convenience and comfort by regulating ground floor land uses, certain heavy auto traffic uses, and additional parking. Nuisances are prevented through standards for downtown light industries and prohibition of inappropriate land uses.

### 108.7-3. District Specific Regulations

#### 108.7-3.1. Rules

- A. All activities shall be conducted wholly within an enclosed building with the exception of the following:
  - i. Sidewalk activities.
- B. Density and intensity. There shall be no restrictions or regulations regarding a minimum lot area, minimum lot width, maximum ground coverage, minimum ground floor area per building, maximum floor area ratio, or maximum height (except as provided by the building code). Dwelling standards are provided by the applicable codes and ordinances of the city.
- C. Existing buildings. As provided by this the DC Downtown Core District and sec. 49-105, where applicable.
- D. Certain storage prohibited. Outside storage of vehicles, equipment or materials is prohibited.
- E. Large scale developments: Downtown.
  - i. Requirements.
    - a. Definition and size limitation: A development or redevelopment having gross leasable area of thirty thousand (30,000) square feet or greater, which is developed as a unit under unified or coordinated control of its planning and development.
    - b. Permitted uses: Those uses permitted in the downtown core.
    - c. Landscaping. As specified in applicable ordinance; specifications may be increased in accordance with the DC Downtown Core District hereof.

- ii. Standards. The commission may recommend that the application for a large-scale development be approved if the commission finds that such development is in substantial conformance to the standards below. The commission may recommend that the application for such development be denied if any of the following standards are not met.
    - a. The development is in accordance with the comprehensive plan and the physical development policies of the city.
    - b. The proposed development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
    - c. The proposed development maximizes pedestrian and vehicular circulation ease and safety.
    - d. The proposed development will be compatible with surrounding properties and help to maintain and advance property values. The development's physical design shall take into consideration the scale, exterior materials, and rhythm of the historic buildings on the block. (The purpose of this section is not to require that buildings should recreate an earlier style, but rather that they be compatible with the existing character of the block.)
    - e. Such developments abutting the Fox River or parkland along the river, shall provide pedestrian and visual access to the river.
    - f. When a development has potential visual access to the river, the building design shall incorporate views of the river.
  - iii. Procedure: The application procedure for a large-scale development, as provided by chapter 34 shall apply except were superseded by the provisions set forth herein.
- F. Boundaries. The downtown core shall be the area bounded by the following: That portion of Middle Avenue from West New York Street to West Benton Street; that portion of Benton Street from Middle Avenue to the Burlington Northern Main Line; that portion of the Burlington Northern Main Line from East Benton Street to East New York Street; that portion of both sides of East New York Street from the Burlington Northern Main Line to North River Street (including the Old Fire Station Complex parcels at the northeasterly corner of North Broadway and East New York Streets and the three (3) most southerly parcels commencing at the northwesterly corner of said streets); that portion of North River Street from Pinney Street (bordering the property adjoining the north side of New York Street thereat) to West New York Street; and that portion of West New York Street from North River Street to Middle Avenue, and all of Stolp Island.
- G. Uses to Preclude Nuisance. Uses visible to the public through first floor windows shall not display storage areas. The above uses shall be

conducted so as to preclude any nuisance, hazard or offensive conditions including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbances, humidity, heat, cold, glare or night illumination. The uses must be compatible with the downtown core uses, including dwelling units and retail. Prior to the issuance of a building or occupancy permit, or at any other time, the building official may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety and general welfare from such nuisance, hazard or offensive condition.

#### 108.7-3.2. Definitions

#### 108.7-4. Use Regulations

108.7-4.1. Permitted uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

108.7-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply. In addition, the following conditional uses are authorized:

A. First Floor Residential Dwellings. Subject to the following limitations, a first floor or ground level residential dwelling may be permitted as a conditional use in a new building constructed adjacent to the Fox River if the residential units are separated entirely from street frontage by a permitted use, excluding accessways, and the dwelling unit or units have visual access to the river.

108.7-4.3. Accessory Uses. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply:

##### A. Sidewalk activities.

- i. Sidewalk activities may include the following: The use of tables, boxes, bins, racks, showcases, platforms or any other arrangement or structure for the display or sale of food, goods, wares or merchandise; push or vending carts, flower/art/craft and other exhibits; restaurant tables; shoe-shine stands; street musicians; other pedestrian services.
- ii. The following conditions shall be placed on these permitted uses:
  - a. Normal public movement in the public right-of-way shall not be impeded by any sidewalk activity, nor shall any display obstruct the vision of pedestrians or motorists near any intersection. Such uses shall be set back at least five (5) feet from the curb, or from any street tree or furniture.

- b. Any merchandise shall be firmly secured so that it cannot be accidentally jarred loose or blown away.
- iii. Operators of such activities shall be responsible for keeping the applicable public right-of-way free from any litter generated as a result of such activity.
- iv. Sponsors of such activities shall be responsible for all liabilities resulting from the operation of said activities and shall hold the city harmless for any and all such liabilities.
- v. No such activity that is determined by the city to be detrimental to the public health, safety and welfare shall be permitted.
- vi. Permits are not required for such activities conducted by businesses directly in front of their establishments..
- vii. Reserved Procedure..

#### 108.7-4.4. Limited but Permitted Uses

- A. Residential Dwellings (above the first floor). Dwelling units shall be permitted in the downtown core when such units each contain a separate bathroom, a separate bedroom with a door that closes, and a full service, ventilated kitchen. Inspection and licensing of all downtown core dwelling units shall be in accordance with appropriate city codes. Dwelling units shall not be mixed with other uses on a single floor unless separated from such other uses by a continuous wall.

#### 108.7-5. Bulk Restrictions

##### 108.7-5.1. Building, Dwelling and Structure Standards

##### 108.7-5.2. Floor Area Ratio

##### 108.7-5.3. Height

##### 108.7-5.4. Landscaping.

- A. Reserved

##### 108.7-5.5. Lot Size

##### 108.7-5.6. Lot Coverage

##### 108.7-5.7. Monotony Standards

##### 108.7-5.8. Nonconformity

##### 108.7-5.9. Obstructions

##### 108.7-5.10. Parking and Loading

- A. Off-street parking shall be in accordance with the provisions of sec. 49-105.13 except that surface parking constructed after the effective date of this the DC Downtown Core District shall be allowed only in the rear yard of a zoning lot. Parking constructed after the effective date of this

the DC Downtown Core District in a front or side yard or as the sole use of a property, shall be permitted only a conditional use .

108.7-5.11. Performance Standards

A. Reserved

108.7-5.12. Setbacks. No exterior or interior yard setbacks shall be required except for the following:

ITEM	SETBACK (in feet)
<b>PARKING LOTS</b>	
Exterior Yard	5
<b>EXTERIOR LOTS (any size)</b>	
River Yard	15
<b>BUILDINGS</b>	
River Yard	15
<b>PUBLICLY MAINTAINED RIVER WALKWAY</b>	
Between Parking Lot and River	15
Between Building and River	15

108.7-5.13. Signs

A. Reserved.

**108.8. F Downtown fringe district.**

108.8-1. Title

108.8-1.1. The Downtown Fringe District shall be designated as “F” on the zoning map.

108.8-2. Intent & Purpose

108.8-2.1. Purpose. The purpose of the downtown fringe district is to promote economic development by allowing a maximum of uses to be permitted near the center of the city consistent with protection of residential uses, enhancement of the area's image and physical appearance, maintenance of circulation safety, and the assurance of compatibility with surroundings.

108.8-2.2. Intent. The downtown fringe district is intended to permit a large number of land uses, while requiring municipal review of traffic-related and large-scale uses, performance standards for industrial uses, and the maintenance of certain land use functions within enclosed buildings or otherwise totally screened from public view.

108.8-3. District Specific Regulations

108.8-3.1. Rules

A. Density and intensity. There shall be no restrictions or regulations regarding a minimum lot area, minimum lot width, maximum ground coverage, minimum ground floor area per building, maximum floor area

ratio, or maximum height (except as provided by the building code). Dwelling standards are provided by the applicable codes and ordinances.

- B. Existing buildings. As provided by this the F Downtown Fringe District, and sec. 49-105, where applicable.

#### 108.8-3.2. Reserved Definitions

### 108.8-4. Use Regulations

#### 108.8-4.1. Permitted uses.

- A. The following uses shall be permitted as specified in this section excepting related outside storage of vehicles, boats, equipment, or materials, as either a principal or accessory use.
- B. Retail.
  - i. Agricultural implement sales and service when conducted wholly within an enclosed building.
  - ii. Air conditioning sales and service.
  - iii. Auto and vehicle sales, new.
  - iv. Boat showroom and repairs, including outboard engine service.
  - v. Building material sales, wholly within a building, where all delivery vehicles have no more than two (2) axles, and where off-street, on-site parking is provided as specified in the Bulk Restrictions Section, but only at the locations where such uses presently exist: 223 Spring Street, and 58 S. Lake Street.
  - vi. Clothing-related uses (new), such as wearing apparel, shoes, hats, dresses, furriers, department stores, sewing supplies, and fabric stores.
  - vii. Craft sales and manufacture, such as decorative metal, pottery, woodworking, art studios, similar fine art uses.
  - viii. Food and consumables, such as groceries, meat and fish markets, delicatessens, food stores, fruit stores, farmers' markets, candy, ice cream, tobacco and bakery shops.
  - ix. Garden supply and feed stores, wholly within a building.
  - x. General, such as drugstores.
  - xi. Gift uses, such as gift, greeting card, pet and frame shops, and florists.
  - xii. Hobby uses, such as coin and stamp, camera and photo supply, hobby, antique, art galleries, sporting goods, toys, leather and luggage, musical instrument sales and repair, costume rental, record and video shops.

- xiii. Household uses, such as hardware, household, locksmiths and variety stores.
- xiv. Information-related uses, such as art and school-supply stores, office supply stores, bookstores, stationery stores, newsstands and reading rooms.
- xv. Light durable sales and repair, such as bicycles, furniture and upholstery, carpet, sewing machine, typewriter and adding machine, computer, stereo and electronics, radio and television, jewelry, watches and electrical appliances.
- xvi. Other uses compatible to the above uses, in keeping with the intent of this section 12.9.

C. Office/professional.

- i. General uses, such as public office buildings, utility offices, telecommunication exchanges, and civic organizations.
- ii. Headquarters of organizations, businesses, wholesale operations, and corporations.
- iii. Health practitioners, such as physicians, dentists, opticians/optometrists, medical and dental clinics, ortho and medical appliances, chiropractors and naprapaths.
- iv. Laboratories/precision manufacturing, such as medical, dental, photography, research, testing and experimental laboratories, and jewelry, optical and instrument manufacturing concerns.
- v. Media uses, including radio and TV stations and studios (but not transmission towers, which are regulated by the Use Regulations Section hereof and the Telecommunications and Cable Television Chapter of the City of Aurora Code of Ordinances).
- vi. Art uses, including photographer and artist studios, interior decorators, and advertising agencies.
- vii. Professionals, such as attorneys, architects, engineers and consultants.
- viii. Other uses compatible to the above uses, in keeping with the intent of this the F Downtown Fringe District.

D. Public and semipublic uses.

- i. Organizations, such as clubs and lodges.
- ii. Schools, such as colleges and universities, music, dance, business, commercial, trade, art, vocational and professional.
- iii. Other uses compatible to the above uses, in keeping with the intent of this the F Downtown Fringe District.

- E. Residential. Dwelling units above the first floor, or in buildings constructed as residential structures, shall be permitted in the downtown fringe when such units each contain a separate bathroom, a separate bedroom with a door that closes, and a full service, ventilated kitchen. Inspection and licensing of all downtown fringe dwelling units shall be in accordance with appropriate city codes. Dwelling units shall not be mixed with other uses on a single floor unless separated from such other uses by a continuous wall, and unless such other uses are provided with a separate entrance.
- F. Services.
- i. Clothing services, such as dressmaking, millinery, tailoring, shoe and hat repair, and laundries and drycleaners.
  - ii. Contractors offices and shops of ten thousand (10,000) square feet or less, where all fabrication and storage of material is within an enclosed building, where all delivery vehicles have no more than two (2) axles, and where off-street, on-site parking is provided for all delivery vehicles.
  - iii. Drive-in financial uses, provided the provisions of Site Plan Review within the F Downtown Fringe District are complied with.
  - iv. Duplicating services, such as blueprinting, photostatting, quick print shops, and publishers' editorial offices and printing operations (providing noise, vibrations and emissions are not detectable at the property lines).
  - v. Financial uses (non-drive-in), such as banks and savings institutions, finance, insurance, stock brokers, real estate and employment agencies, and currency exchanges.
  - vi. Garden equipment repair, when conducted wholly within an enclosed building.
  - vii. Health and beauty uses, such as barber and beauty shops, health clubs, racquetball clubs, self-defense schools and personal service shops.
  - viii. Household services, such as interior decorator shops, upholstery, drapery and slipcover manufacture, glass cutting, glazing and mirror shops.
  - ix. Plumbing and heating supply shops.
  - x. Undertaking establishments, providing off-street parking is provided, as specified in the Bulk Restrictions Section.
  - xi. Wholesale storage and/or sales, when conducted wholly within an enclosed building.
  - xii. Other uses compatible to the above uses, in keeping with the intent of this the F Downtown Fringe District.



#### G. Amusements.

- i. Dining uses (not drive-in), such as restaurants, caterers, and establishments where alcoholic beverages are served.
- ii. Entertainment uses, such as indoor theaters, cultural centers, and nightclubs.
- iii. Indoor recreation places, such as arcades, bowling alleys, gymnasiums, skating rinks, archery ranges or golf practicing ranges.
- iv. Poolrooms.
- v. Other uses compatible to the above uses, in keeping with the intent of this the F Downtown Fringe District.

#### H. Other permitted uses.

- i. Accessory buildings, as regulated in the Use Regulations Section hereof, except that such buildings shall be of the same construction as the primary building.
- ii. Dish antennae (on the roof).
- iii. Signs, in accordance with the Bulk Restrictions Section.
- iv. Solar collection apparatus (on the roof).
- v. Temporary buildings and uses for construction purposes are permitted for a period not to exceed one (1) year.
- vi. Other uses compatible with the above uses, in keeping with the intent of this the F Downtown Fringe District.

#### 108.8-4.2. Conditional Uses

- A. Financial institutions with drive thru facilities
- B. Residential and non-residential parking facilities when located in the front or side yards or when the sole use of use of a property

#### 108.8-4.3. Accessory Uses

#### 108.8-4.4. Limited but Permitted Uses.

- A. Hotel, conference, provided that it is included as part of a planned development.
- B. Alternative Energy Systems pursuant to the Use Regulations Section of the Aurora Zoning Ordinance.

#### 108.8-5. Bulk Restrictions

##### 108.8-5.1. Building, Dwelling and Structure Standards

##### 108.8-5.2. Floor Area Ratio

#### 108.8-5.3. Height

#### 108.8-5.4. Landscaping

- A. Such requirements shall be as specified in sec. 49-105.4. In addition, all parking lots in the downtown fringe district shall be landscaped as follows: The view of any parking lot or area shall be screened from any street or public way by means of a building, a compact hedge two (2) feet high at time of planting, or a decorative masonry wall three (3) feet high. In addition, one (1) tree shall be planted in the parking lot for each ten (10) parking spaces or major fraction thereof. Landscape materials shall be maintained in a healthy condition and any such materials that die shall be replaced by the end of the next planting season.

#### 108.8-5.5. Lot Size

#### 108.8-5.6. Lot Coverage

#### 108.8-5.7. Monotony Standards

#### 108.8-5.8. Nonconformity

#### 108.8-5.9. Obstructions

#### 108.8-5.10. Parking and Loading

- A. Off-street parking shall be in accordance with sec. 49-105.13 except that surface parking constructed after the effective date of this the F Downtown Fringe District shall be allowed only in the rear yard of a zoning lot. Parking constructed after the effective date of this the F Downtown Fringe District in a front or side yard or as the sole use of a property shall be permitted only as a conditional use.

#### 108.8-5.11. Performance Standards

- A. Uses in the downtown fringe district shall be conducted so as to preclude any nuisance, hazard or offensive condition including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbances, humidity, heat, cold, glare or night illumination. Said uses must be compatible with the downtown core uses, including dwelling units and retail. Prior to the issuance of a building or occupancy permit, or at any other time, the building official may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety and general welfare from any nuisance, hazard or offensive condition.

#### 108.8-5.12. Setbacks

- A. No exterior or interior yard setbacks shall be required except for the following. River yards shall be measured from the retaining wall or the mean water level, as determined by the city engineer.

ITEM	SETBACK (in feet)
<b>PARKING LOTS</b>	
Exterior Yard	5
River Yard (with or without walkway)	15
<b>BUILDINGS</b>	
River Yard (with or without walkway)	15

108.8-5.13. Signs

- A. Such requirements as are specified in article 19 of the Aurora Building Code.

**108.9. “RD” Research and Development District.**

108.9-1. Title

108.9-1.1. The Research and Development District shall be designated as “RD” on the zoning map

108.9-2. Intent and Purpose

108.9-2.1. General requirements; purpose. The RD research and development district is provided to support and complement the city’s comprehensive plan, including (a) the land use and circulation plan, and (b) the physical development policies, which guides the compatible shaping of the present and future land use needs of the city.

The regulations for the RD district are designed to provide protection for existing developments while allowing new construction in accordance with current design standards.

The RD district is designed to create a landscaped transition between it and residential, office, commercial and manufacturing uses, to provide separation and to enhance the visual image of the city. Smoke and particulate matter, vibration, glare, odor, waste and noise are controlled by performance standards.

108.9-2.2. Specific district requirements; intent. The RD research and development district is intended to provide and maintain in a park-like setting, an environment suitable for and limited to research and development activities, engineering and testing activities, and office uses. The production of plans, products, or designs is permitted when the primary purpose of such production is research development or evaluation.

108.9-3. District Specific Regulations

108.9-3.1. Rules

- A. Required conditions. Permitted and/or conditional uses established in the RD district shall comply with all required conditions:
- i. Not more than one (1) principal building shall be located on a zoning lot within the RD district. Lot area or other criteria used to satisfy one use cannot be counted again or be used to satisfy an additional use, except by a subdivision of land or by a planned development.
  - ii. Every use, unless expressly exempted by this ordinance, shall be operated in its entirety within a completely enclosed structure.
  - iii. All outdoor storage areas of goods, products, materials, supplies, machinery, equipment, or commercial vehicles, shall be enclosed to a height of eight (8) feet above grade and screened to an opacity of not less than seventy-five (75) percent, as follows:
    - a. A fence eight (8) feet above grade, or
    - b. Berming and/or landscaping screen, or
    - c. A combination of fencing, berming, and/or landscaping.
  - iv. Except or [as] otherwise provided by conditional use herein, establishments of the drive-in or drive-through type are prohibited.
  - v. Buildings existing on the date of this the RD Research and Development District may be converted to permitted or conditional uses if in compliance with all applicable ordinances
  - vi. All processes and equipment in the RD district shall comply with the provisions of performance standards as set forth in ORI Office, Research and Industrial District of this ordinance.
- B. Required conditions. The following conditions shall be required:
- i. No product shall be produced in the RD district primarily for sale either directly or indirectly, except such products that, by their character, require production within a research and development environment.
  - ii. All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
  - iii. The business uses in the RD district shall be located within a building or structure containing a permitted use and shall not contain advertising visible from the outside of the building or structure. Such business uses shall be primarily for the service and convenience of the tenants and employees of the RD district in which located.

#### 108.9-3.2. ReservedDefinitions

#### 108.9-4. Use Regulations

108.9-4.1. Permitted uses. In the RD district, permitted buildings, structures, or uses of land as hereinafter listed, shall only be permitted under the conditions specified. Buildings, structures, lots or tracts of land shall be used only for a permitted use or conditional use as provided in the RD district, except for the following:

- A. Use lawfully established on the effective date of this the RD Research and Development District RD but not in conformance with the provisions of the RD district, shall be rendered as a legal nonconforming use subject to the regulations of the Use Regulations Section Nonconforming buildings and uses of the Aurora zoning ordinance.
- B. A conditional use in existence on the effective date of this the RD Research and Development District RD, shall be allowed to continue, subject to the provisions set forth in the ordinance authorizing such usespecial.
- C. Buildings, structures or uses already established as nonconforming on the effective date of this the RD Research and Development District and rendered nonconforming by the provisions hereof, shall be subject to the regulations of the Use Regulations Section Nonconforming buildings and uses of the Aurora zoning ordinance.
- D. Permitted uses. The following uses are permitted:
  - i. Laboratories, offices, and ancillary uses for research and development.
  - ii. Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability.
  - iii. Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability.
  - iv. Engineering and testing laboratories and offices.
  - v. Offices--business or professional; medical or dental.
  - vi. Clinics--medical or dental.
  - vii. Banks and financial institutions.

108.9-4.2. Conditional uses. Conditional uses, as listed in the RD district may be allowed subject to the issuance of a conditional use permit in accordance with the provisions of chapter 34 of this code.

- A. Conditional uses uses. The following conditional uses may be permitted :

- i. Planned unit development. The primary use within a planned unit development shall be one or more of the principal uses, and may include any of the following uses:
  - a. Public and private schools.
  - b. Cultural and recreational facilities, auditoriums, public gathering places, chapels, and religious institutions along with their related indoors and recreational facilities.
- ii. General retail and services located within one of the permitted uses, including but not limited to drugstores, barbershops, beauty shops, dry-cleaning establishments and laundries, shoe repair, and tailor shop.
- iii. Height limit increase as specified in the RD Research and Development District, the Bulk Restrictions Section of this ordinance.
- iv. Heliports and helistops (need not be enclosed).
- v. Public and private utility facilities.
- vi. Buildings and structures exceeding one hundred (100) feet in height, but not exceeding two hundred fifty (250) feet in height when the height of the structure is reasonably required for the research or development use to which the property in question is to be put.

#### 108.9-4.3. Accessory Uses

#### 108.9-5. Bulk Restrictions

##### 108.9-5.1. Building, Dwelling and Structure Standards

##### 108.9-5.2. Floor Area Ratio

##### 108.9-5.3. Height

- A. The maximum height for all buildings and structures in the RD district shall be one hundred (100) feet, except when authorized a conditional use

##### 108.9-5.4. Landscaping.

- A. All required setback areas shall be extensively landscaped with a variety of trees and shrubs. Nonliving material may be used to complement a small percentage of the area to be landscaped.
- B. All off-street parking and off-street loading areas shall be landscaped and maintained. Landscaping shall be arranged in such a way as to break up the mass of the parking area.

##### 108.9-5.5. Lot Size

- A. Lot requirements. Lot size requirements shall be as specified under the RD district, the Bulk Restrictions Section Specific RD district requirements.
- B. Lot requirements.
  - i. The minimum area in the RD district shall be three (3) acres.
  - ii. The minimum lot width, at the front yard line, shall be two hundred (200) feet.

#### 108.9-5.6. Lot Coverage

- A. All principal and accessory buildings and structures shall not cover more than twenty-five (25) percent of the gross lot area.

#### 108.9-5.7. Monotony Standards

#### 108.9-5.8. Nonconformity

- A. Reserved

#### 108.9-5.9. Obstructions

#### 108.9-5.10. Parking & Loading

- A. In the RD district, parking lots shall comply with the following requirements:
- B. Parking facilities shall not be located in any required front yard, exterior side yard, or rear yard except that a maximum of eight (8) parking spaces may be permitted in the front yard for the purposes of convenience or short term parking.
- C. Parking facilities where permitted shall not be located within twenty (20) feet of any interior property line. Where an interior yard adjoins the Interstate 88 right-of-way, the RD Research and Development District shall apply.
- D. Off-street parking and loading requirements. Off-street parking and loading facilities accessory to uses allowed in the RD district, shall be provided in accordance with the regulations established in the Bulk Restrictions Section Off-street parking and loading, and in the RD Research and Development District and the Use Regulations Section of this ordinance.

#### 108.9-5.11. Performance Standards

- A. Noise standards shall be those measurement and administrative procedures most recently adopted by the State of Illinois and enforced by the Illinois Environmental Protection Agency, Division of Land/Noise Pollution Control. All uses within this district shall not exceed the sound pressure levels as provided therein. Complaints regarding noise shall be forwarded by a complainant to the State of Illinois Noise Pollution Control Board for hearing and decision in accordance with the rules and regulations of said board. Nothing contained herein shall prevent

any official or officer of the city from filing a complaint independently or on behalf of a private citizen with said board and in that regard may make arrangements to conduct an independent measurement for noise compliance forwarding the results of such measurement to the board. All decisions and findings of said board shall, in all instances, be final administrative determinations and shall be subject to review by court as by law may be provided. In the event that the state does not investigate a complaint by measuring for noise compliance within ninety (90) days of registration, the city may proceed on its own to investigate the complaint using the State of Illinois Standards described above.

#### 108.9-5.12. Setbacks

##### A. Yard requirements.

- i. Except as provided in sec. 49-105.9, , and except as provided in the following part, all yards shall be open and unobstructed from the ground level to the sky.
- ii. Where a lot has frontage abutting both an arterial street and a lower classification street, the arterial street line shall be the front lot line.
- iii. Where a lot has frontage abutting both a major collector street and a lower classification street, the major collector street line shall be the front lot line.
- iv. Where a lot has frontage abutting two (2) streets having identical classification, the zoning administrator shall determine the location of the front line of the zoning lot.

##### B. Yard requirements. Notwithstanding subsection the RD Research and Development District, the minimum yards required in the RD district shall be as follows:

- i. Yards facing existing or proposed streets (not including interior circulation roads or drives within an individual tract): There shall be a required yard adjacent to each existing or proposed street that bounds an individual tract. Such required yard shall have not less than one hundred (100) feet in depth.
- ii. Yards adjacent to interior property lines: There shall be a required yard adjacent to each interior side or rear lot line of not less than fifty (50) feet in width or depth respectively, except as provided in paragraph f. below.
- iii. Yards facing interior private circulation streets: The required yard shall not be less than forty (40) feet, measured from the centerline of the roadway.
- iv. Interstate 88: There shall be a seventy-five-foot building setback and a fifty-foot setback for any parking area for any property



adjoining Interstate 88. Said setbacks shall be measured from the adjacent right-of-way line of Interstate 88.

- v. Limited-access highway: There shall be fifty-foot setback for any building or structure or parking area for any property adjoining a limited access highway. Said setback shall be measured from the adjacent right-of-way line of said limited access highway.
- vi. Yards adjacent to railroads: Requirements for yards adjacent to interior property lines shall not be applicable to buildings or structures erected adjacent to a railroad or railroad siding.
- vii. Landscaping of required setback areas: As per the RD Research and Development District of this ordinance.

#### 108.9-5.13. Signs

- A. Signs shall be permitted in the RD district in accordance with the provisions of the B-B Business-Boulevard District except that, for lots abutting Interstate 88, two (2) freestanding signs shall be permitted on each lot: one (1) along Interstate 88 and the other along other street.

### **108.10. "ORI" Office, Research And Light Industry District.**

#### 108.10-1. Title

- 108.10-1.1. The Office, Research and Light Industry District shall be designated as "ORI" on the zoning map.

#### 108.10-2. Intent & Purpose

##### 108.10-2.1. Purpose

- A. The ORI office, research and light industry district is provided to support and complement the city's comprehensive plan, including (a) the land use and circulation plan, and (b) the physical development policies, which guides the compatible shaping of the present and future land use needs of the city. The ORI district requirements are further designed to govern the location, intensity and methods for development of industrial areas in the city. The regulations for the ORI district are designed to provide protection for existing developments while allowing new construction in accordance with current design standards.
- B. The regulations further provide for grouping office, research and light industrial uses compatible in scope of services and methods of operation. The ORI is designed to create a landscaped transition between it and adjacent residential, office, commercial, and manufacturing uses and to provide separation and to enhance the visual image of the city. Smoke and particulate matter, vibration, glare, odor, waste and noise are controlled by performance standards.

##### 108.10-2.2. Intent

- A. The ORI office, research and light industry district is intended to provide and maintain in a park-like setting, an environment suitable for and limited to research and development activities, engineering and testing activities, office uses, warehousing, and limited manufacturing that will not have adverse effects upon the environmental quality of the community. It groups compatible uses and promotes the economic development potential of the city.

#### 108.10-3. District Specific Regulations

##### 108.10-3.1. Rules

- A. All activities, except for off-street parking and loading facilities as permitted or required in this district, shall be conducted wholly within an enclosed building.
- B. Building bulk requirements. Building bulk requirements shall be expressed in terms of minimum yard requirements and maximum heights, or in terms of floor area ratio (F.A.R.).
- C. Reserved
- D. Reserved
- E. The business in the ORI district shall be located within a building or structure containing a permitted use and shall not contain advertising visible from the outside of the building or structure. Such business uses shall be primarily for the service and convenience of the tenants and employees of the ORI district in which located.
- F. Permitted or conditional uses established in the ORI district shall comply with all required conditions:
  - i. Not more than one (1) principal building shall be located on a zoning lot within the ORI district. Lot area or other criteria used to satisfy one (1) use cannot be counted again or be used to satisfy an additional use, except by a subdivision of land or by a planned development.
  - ii. Every use, unless expressly exempted by this ordinance shall be operated in its entirety within a completely enclosed structure.

##### 108.10-3.2. Definitions

#### 108.10-4. Use Regulations

108.10-4.1. Permitted uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

108.10-4.2. Conditional uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply as well as the following:

- A. Buildings and structures that exceed one hundred (100) feet in height but not more than two hundred fifty (250) feet in height when the height of the

structure is reasonably required for the particular research or development use to which the property is to be put.

- B. Structures with a floor-area ratio exceeding 0.70, when a higher floor ratio (premium) does not exceed the following limitations:
- i. Not more than 0.20 when seventy-five (75) percent or more of the required parking is provided underground or within the building.
  - ii. Not more than 0.02 for each additional acre in lot size above two (2) acres to a maximum of ten (10) acres.

#### 108.10-4.3. Accessory Uses.

- A. Retail Upon application to an issuance by the division of inspection and permits for a permit thereof, and incidental or secondary only to a principal building containing forty thousand (40,000) or more square feet of gross floor area, one (1) or more uses hereinafter set forth may be operated as accessory uses if each such use meets the following conditions: (1) is provided for the convenience of the owner and/or tenants, (2) does not have exterior signs of any type, (3) does not have separate outside entrance facing any street and (4) is not evident from any street:
- i. Book and stationery store.
  - ii. Barbershop, or beauty parlor.
  - iii. Candy and ice cream shops, retail only.
  - iv. Drugstores.
  - v. Camera and photographic supply shops for retail.
  - vi. Gift shop. Notions store. Tobacco store. Newsstand.
  - vii. Office supply store.
  - viii. Optician, optometrist.
  - ix. Postal substations. Telegraph office.
  - x. Travel bureau and transportation ticket office.
  - xi. Blueprinting and photo static establishments.
  - xii. Photographic development and processing drop-off service only, no physical processing on premises.
  - xiii. Parcel delivery station of not more than two hundred fifty (250) square feet.
  - xiv. Typewriter, computer, adding machine and office machine sales and drop-off repair service.

- xv. Valet shop--cleaning pick-up and drop-off only--no plant on premises.

#### 108.10-5. Bulk Restrictions

##### 108.10-5.1. Building, Dwelling and Structure Standards

##### 108.10-5.2. Floor Area Ratio

##### 108.10-5.3. Height

- A. The maximum height and floor area ratio for all buildings and structures in the ORI district shall be as follows:
- B. The maximum height for all buildings and structures in the ORI district shall be one hundred (100) feet, except when authorized as a conditional use
- C. The basic floor area ratio in the ORI district shall be 0.70, except when permitted as a conditional use.

##### 108.10-5.4. Landscaping

- A. Reserved

##### 108.10-5.5. Lot Size

- A. Lot requirements.
  - i. The minimum area in the ORI district shall be two (2) acres, except for a planned unit development that shall have more than two (2) acres.
  - ii. The minimum lot width, at the front yard line, in the ORI district shall be one hundred fifty (150) feet.

##### 108.10-5.6. Lot Coverage

##### 108.10-5.7. Monotony Standards

##### 108.10-5.8. Nonconformity

- A. Buildings, structures, lots or tracts of land shall be used only for a permitted use or conditional use as provided in the ORI district, except for the following:
  - i. Use lawfully established on the effective date of this the ORI Office, Research and Light Industry District ORI but not in conformance with the provisions of the ORI district, shall be rendered as a legal nonconforming use subject to the regulations of sec. 49-105.9.
  - ii. A conditional use in existence on the effective date of this the ORI Office, Research and Light Industry District ORI, shall be allowed to continue, subject to the provisions the ordinance which authorized it .
  - iii. Buildings, structures or uses already established as nonconforming on the effective date of this the ORI Office, Research and Light

Industry District ORI and rendered nonconforming by the provisions hereof, shall be subject to the regulations sec. 49-105.9.

108.10-5.9. Obstructions

- A. Reserved.

108.10-5.10. Parking And Loading

- A. Off-street parking and loading facilities accessory to uses allowed in the ORI district, shall be provided in accordance with the regulations established in sec. 49-105.13, and in this subsection.
- B. Parking lots. In the ORI district, parking lots shall comply with the following requirements:
  - i. Parking facilities shall not be located in any required front yard, exterior side yard, or rear yard.
  - ii. Parking facilities where permitted shall not be located within ten (10) feet of any property line. Where an interior yard adjoins the Interstate 88 right-of-way, the yard requirements pertaining to Interstate 88 shall apply.
  - iii. These requirements shall apply only to the minimum yards (thirty (30) feet along roadways and twenty (20) feet along interior side property lines) and the transitional area setbacks. Off-street facilities shall be allowed in the additional setback required for additional height.

108.10-5.11. Performance Standards.

- A. Standards Processes and equipment employed in the ORI district shall comply with the provisions of performance standards as set forth in this section of this ordinance and those set forth in sec. 105.10.
- B. It is the intent of this section to provide that business utilities, light industry, research and related activities shall be established and maintained with proper appearance from the streets and adjoining properties and to provide that each such permitted uses shall be a good neighbor to adjoining properties by the control of emission of noise, odor, glare, light, vibration, smoke, particulate matter, gases, and waste.
- C. It is further the intent of this section to state the conditions of construction and operation with which uses will be expected to comply. In many cases the relation of a prospective use to all these performance standards cannot be judged properly at the time of building permit issuance. In such cases, the recipient of the building permit should note that these standards, like any other provisions of this ordinance, are continuing obligations and that all uses shall be expected to operate in compliance with these standards. The building plans shall bear the signature of a qualified professional stating that all

performance standards will be complied with based upon the submitted building plans. The city retains the option to conduct its own investigation to determine compliance with the performance standards.

- D. Compliance. Any use established as hereinafter identified in the RD research and development and ORI office, research and light industry districts, shall be so constructed and operated as to comply with the performance standards hereinafter set forth governing noise, odors, glare, exterior lighting, vibration, smoke, particulate matter, gases, hazards, waste, and others. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the performance standards applicable to such cases. The performance standards set forth in this subsection of this ordinance shall be complied with and any use that fails to comply with these standards shall be in violation of this ordinance and shall be subject to penalties provided for such violation.
- E. Measurement. Each measurable standard shall be measured at the appropriate indicated location in accordance with the provisions of this subsection of this ordinance.
- F. Enclosures. In the RD research and development and ORI office, research and light industry districts, all activities involving manufacturing, fabricating, processing, assembly, disassembly, repairing, cleaning, servicing, and testing shall be conducted in completely enclosed buildings. The storage of materials, products and goods may be outdoors, in interior side or rear yards only, if completely screened from public view. Outdoor storage or uncontained bulk materials subject to dusting such as powder, grain, sand and coal is prohibited.
- G. Administration. Applications pertaining to the use or change of use of land, building, or structures in the RD research and development or ORI office, research and light industry districts shall be accompanied by a certificate from a scientific laboratory or consultant approved by the city certifying compliance with the performance standards set forth in this subsection of this ordinance. In the event that a building or structure is erected in an RD research and development or ORI office, research and light industry districts, but the particular use is not known (for example, speculative buildings), then no such certification will be required until such time as the specific use can be designated.
- H. Standards
  - i. Noise standards shall be those measurement and administrative procedures most-recently adopted by the State of Illinois and enforced by the Illinois Environmental Protection Agency, Division of Land/Noise Pollution Control. All uses within this district shall not exceed the sound pressure levels as provided therein. Complaints regarding noise shall be forwarded by a complainant to the State of

Illinois Noise Pollution Control Board for hearing and decision in accordance with the rules and regulations of said board. Nothing contained herein shall prevent any official or officer of the city from filing a complaint independently or on behalf of a private citizen with said board and in that regard may make arrangements to conduct an independent measurement for noise compliance forwarding the result of such measurement to the board. All decisions and findings of said board shall, in all instances, be final administrative determinations and shall be subject to review by court as by law may be provided. In the event that the state does not investigate a complaint by measuring for noise compliance within ninety (90) days of registration, the city may proceed on its own to investigate the complaint using the State of Illinois Standards described above.

- ii. Odors. Odors from any use hereafter begun shall not be discernible at the property line and shall not exceed the odor threshold concentration. The measurement of the threshold odor shall be in accordance with the American Society for Testing Materials Method D1391-57 "Standards Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing Materials, 1957). Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
- iii. Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
- iv. Exterior lighting. Any lights used for exterior illumination shall direct light away from adjoining properties.
- v. Vibration. Vibration shall not be discernible at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. No vibration at any time shall produce an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7 United States Bureau of Mines Bulletin No. 442 "Seismic Effects of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.
- vi. Smoke. Measurement shall be at the point of emission. The Ringelmann Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 0 on said chart may be emitted except that smoke not darker or more opaque than No. 1 on said chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible

smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

- vii. Particulate matter. Solid or liquid particles shall not be emitted at any point in concentration exceeding 0.1 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air.
- viii. Hazard. Any operation allowed in the RD Research and Development district and the ORI Office, Research and Light Industry District shall be carried on with reasonable precautions against fire and explosion hazards.
- ix. Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table 1 (Industrial Hygiene Standards--Maximum Allowable Concentration for an eight-hour day, five (5) days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposures to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effect", that contains such tables, in the "Air Pollution Abatement Manual", by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.
- x. Waste. All sewage and industrial wastes shall be treated and disposed of in such a manner as to comply with the water quality standards applicable to the classification assigned to the receiving water by the city, the State of Illinois, and the U.S.E.P.A. Approval of the Illinois Environmental Protection Agency of all plans for waste disposal facilities shall be required before issuance of any building permit.
- xi. Except or [as] otherwise provided by conditional use herein, establishments of the drive-in or drive-through type are prohibited.
- xii. Buildings existing on the date of this the ORI Office, Research and Light Industry District ORI district may be converted to a permitted or conditional use if in compliance with all applicable ordinances.
- xiii. All processes and equipment in the ORI district shall comply with the provisions of performance standards as set forth in the ORI Office, Research and Light Industry District of this ordinance.
- xiv. Corrugated metal panels shall not comprise more than fifty (50) percent of a building facade.

#### 108.10-5.12. Setbacks



#### A. Setback Locations

- i. Except permitted obstructions as provided in the sec 49-105.11 and except as provided in the following section, all yards shall be open and unobstructed from the ground level to the sky.
- ii. Where a lot has frontage abutting both an arterial street and a lower classification street, the arterial street line shall be the front lot line.
- iii. Where a lot has frontage abutting both a major collector street and a lower classification street, the major collector street line shall be the front lot line.
- iv. Where a lot has frontage abutting two (2) streets having identical classification, the zoning administrator shall determine the location of the front line of the zoning lot.

#### B. Setback Requirements

- i. Yards facing existing or proposed streets (not including interior circulation roads or drives within an individual tract): There shall be a required yard adjacent to each existing or proposed street that bounds an individual tract. Such required yard shall not be less than thirty (30) feet in depth, provided, however, that such yard shall be increased in depth by one (1) foot for each three (3) feet in height by which any building or structure on the lot exceeds a height of thirty (30) feet, and also provided, however, that such a yard located across a street from a residential district shall equal one (1) foot in depth for each foot of building height but in no event shall the yard be less than one hundred (100) feet in depth.
- ii. Yards adjacent to interior property lines: There shall be a required yard adjacent to each interior side/rear lot line of not less than twenty (20) feet in depth except that such yard shall be increased by one (1) foot for each three (3) feet in height that any building or structure on the lot exceeds a height of thirty (30) feet, and except that requirements for side/rear yards adjacent to interior side/rear property lines shall not be applicable to buildings or structures erected adjacent to a railroad or a railroad siding. Where any interior side/rear property line abuts upon a residential district, there shall be provided a required yard of one (1) foot in depth for each foot of building height but in no event shall this yard be less than one hundred (100) feet in depth.
- iii. Yards facing interior private circulation streets: The required yard shall not be less than forty (40) feet, measured from the centerline of the roadway.
- iv. Interstate 88: There shall be a seventy-five-foot building setback and a fifty-foot setback for any parking area for any property adjoining Interstate 88. Said setbacks shall be measured from the adjacent right-of-way line of Interstate 88.

- v. Limited access highway: There shall be fifty (50) feet setback for any building or structure or parking area for any property adjoining a limited access highway. Said setback shall be measured from the adjacent right-of-way line of said limited access highway.
- vi. Yards adjacent to railroads: Requirements for yards adjacent to interior property lines shall not be applicable to buildings or structures erected adjacent to a railroad or railroad siding.
- vii. Landscaping of required setback areas: As per the ORI Office, Research and Light Industry District of this ordinance.

#### 108.10-5.13. Signs

- A. The Bulk Restrictions Section of the Aurora Zoning Ordinance shall apply.

### **8.11. “NC” Neighborhood Commercial District**

#### 108.11-1. Title

- 108.11-1.1. The Neighborhood Commercial District shall be designated as “NC” on the zoning map.

#### 108.11-2. Intent & Purpose

- 108.11-2.1. Purpose. The purpose of the Neighborhood Commercial District is to promote economic development by allowing basic convenience retail and services that serve the needs of the immediate neighborhood, consistent with protection of residential uses, enhancement of the area's image and physical appearance, maintenance of circulation safety, and the assurance of compatibility with surroundings.

- 108.11-2.2. Intent. The Neighborhood Commercial District is intended to allow existing commercial uses at a small scale and limited intensity of use compatible with adjacent residential areas. The allowed uses in the district are intended to accommodate basic convenience retail and service needs of the immediate neighborhood, while limiting commercial activities to those that have the least impact on nearby residences. The district limits adverse effects on residential areas by excluding commercial activities that generate heavy traffic or that involve heavy loading needs, by controlling hours of operation, and by the application of standards to accessory uses and other site features to mitigate adverse effects to the maximum practical extent. The Neighborhood Commercial District is intended to allow existing non-conforming land uses to come into compliance under this District. These properties will require review of site plans, traffic impact, parking, landscaping, and the maintenance of certain land use functions whose operation are wholly within enclosed buildings or which are otherwise totally screened from public view, and comply with all the other provisions of this District.

#### 108.11-3. District Specific Regulations

### 108.11-3.1. Rules

- A. All activities, except for off-street parking facilities as permitted or required in this district, shall be conducted wholly within an enclosed building.
- B. Site Plan Review.
  - i. Applicability. Prior to being zoned Neighborhood Commercial all properties are subject to a site plan review pursuant to the Standards set forth in subsection 108.11-3.1ii.a.–f. below, the Use Regulations set forth in Section 108.11-4 et. seq. below, and the Bulk Restrictions set forth in 108.11-5 et. seq. below. All building permits must be in conformance with said site plan, as determined by the Zoning Administrator. If the building permit is not in conformance, a revised site plan review pursuant to the following provisions shall be required prior to the building permit being issued.
  - ii. Standards. The city may approve a site plan if it is found that such plan is in substantial conformance to the standards below. The city may reject a plan if any of the following standards are not met:
    - a. The development is in accordance with the comprehensive plan and the physical development policies of the city.
    - b. The proposed development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
    - c. The proposed development maximizes pedestrian and vehicular circulation ease and safety.
    - d. The proposed development will be compatible with surrounding properties and help to maintain and advance property values.
    - e. The proposed development beautifies parking lots through the provision of landscape screens and islands.
    - f. The proposed development has taken measures to screen and buffer the use from adjacent properties.
  - iii. Procedure. Site plans for all or specified phases shall be submitted by the petitioner to the zoning administrator who shall review the site plan for conformance with the above stated standards and all applicable City codes and ordinances. An approval may be conditional and if so, shall specifically state what additions or deletions from the site plan as submitted shall be made in the site plan as approved. Such additions or deletions shall be shown on or attached to such approved site plan. Upon the completion of the review by the zoning administrator the Site Plan Review shall be forwarded to the commission for informational purposes. Upon presentation to the commission, the applicant may appeal the decision by the zoning administrator. If an appeal is voiced,

the commission shall make a recommendation to the committee for approval. The City reserves the right to rezone said property for failure to comply with the approved site plan or other conditions of approval.

#### 108.11-3.2. RESERVED

#### 108.11-4. Use Regulations

108.11-4.1. Permitted Uses. The following uses shall be permitted in the neighborhood commercial district pursuant to the site plan review procedure outlined in Section 8.11-3.1(B) herein:

- A. Retail sales or service (2100), however the following uses shall be prohibited:
  - i. Used clothing stores (2120)
  - ii. Pawnshop (2160)
  - iii. Pay loan store (2200)
  - iv. Currency exchange (2200)
- B. Meat Market (2105)
- C. Business and professional, office (2400)
- D. Personal services (2600), however the following uses shall be prohibited:
  - i. Laundromat (2610)
  - ii. Tattoo Parlors (2630)
- E. Performing arts or supporting establishment (5100)

108.11-4.2. Conditional Uses. The Conditional Uses for this district as identified below shall apply:

- A. Housing Services for the elderly (1200)
- B. Community Center (5210)
- C. Educational Services (6100)
- D. Technical, Trade and other specialty schools (6110)

108.11-4.3. Accessory Uses. The following accessory uses shall be permitted in the Neighborhood Commercial District pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein:

- A. Parking Facilities, Residential (4160)
- B. Parking Facilities, Non-residential (4170)

108.11-4.4. Limited but Permitted Uses.

- A. Dwelling units (1100), pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein, provided they are located above the first floor.

108.11-5. Bulk Restrictions. The provisions of sec. 49-105 shall apply except as modified pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.1. Building, Dwelling and Structure Standards

- A. Building, dwelling and structure standards shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.2. Floor Area Ratio

- A. Floor area ratio shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.3. Height

- A. Height shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.4. Landscaping

- A. Landscaping shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.5. Lot Size

- A. Maximum lot size shall be 10,000 square feet; minimum lot size shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.6. Lot Coverage

- A. Maximum lot coverage shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.7. Monotony Standards

- A. Monotony standards shall not apply.

108.11-5.8. Nonconformity

- A. The conforming status of the zoning lot shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.9. Obstructions

- A. The permitted obstructions shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

108.11-5.10. Performance Standards

- A. The performance standards shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

#### 108.11-5.11. Setbacks

- A. The minimum setbacks for all yards shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

#### 108.11-5.12. Signs

- A. The signage shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein, however no free standing signage shall be allowed and the square footage of wall signage shall not exceed five percent (5%) of the first floor building façade on which the sign is located.

#### 108.11-5.13. Parking and Loading

- A. The parking and loading requirement shall be established pursuant to the site plan review procedure outlined in Section 108.11-3.1(B) herein.

## **SEC. 49-109 - MANUFACTURING DISTRICTS**

### **109.1 Purpose.**

109.1-1. The manufacturing districts set forth herein are established to protect public health, safety, comfort, convenience and the general welfare, and to protect the economic base of the city, as well as the value of real estate by regulating manufacturing development in appropriate locations. These general objectives include, among others, the following specific objectives:

109.1-1.1. To protect established residential areas, and the health of families living therein, by restricting those nearby manufacturing activities which may create offensive noise, vibrations, smoke, dust, odors, heat, glare, fire hazards and other objectionable influences, to those areas which are appropriate therefore.

109.1-1.2. To provide adequate space in appropriate locations for all types of manufacturing and related activities so that economic structure of the community may be strengthened, and that employment opportunities may be found in the interest of public prosperity and welfare.

109.1-1.3. To provide more space for manufacturing activities in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently and with a minimum of danger to public life and property.

109.1-1.4. To establish proper standards of performance, which will restrict obnoxious manufacturing activities, while at the same time encourage and permit the manufacturing activities which have adopted facilities for the processing of finished products without adversely affecting the health, happiness, safety, convenience and welfare of the people living and working in nearby areas.

109.1-1.5. To protect manufacturing districts from incompatible uses of land by prohibiting the use of such space for new residential development, thereby preserving the land for a more appropriate use in accordance with the plans for city improvement and development.

109.1-1.6. To promote the most desirable use of land in accordance with a well considered plan of land use for all of the city, to conserve the use of property, to promote stability of manufacturing activities and related development, and to protect the character and established development in each area of the community, to enhance and stabilize the value of land and to protect the tax base of the city.

### **109.2. "M-1" Manufacturing district, limited.**

#### 109.2-1. Title

109.2-1.1. The Limited Manufacturing District shall be designated as "M-1" on the zoning map .

#### 109.2-2. Intent & Purpose

### 109.2-3. District Specific Regulations

#### 109.2-3.1. Rules

- A. All activities, except for off-street parking and loading facilities, as permitted or required in this district, shall be conducted wholly within an enclosed building or within a fully screened outside storage area where specifically allowed pursuant to the Permitted Use section below.
- B. Since most uses permitted in this district will be in close proximity to residential districts, it is hereby declared that performance standards shall be high, and that all manufacturing, processing or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise, vibrations or fire hazards.

#### 109.2-3.2. Definitions

### 109.2-4. Use Regulations

109.2-4.1. Permitted uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

109.2-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply.

109.2-4.3. Accessory Uses. The Use Regulations Section of this ordinance shall apply.

#### 109.2-4.4. Limited but Permitted Uses

- A. Dwelling Unit. Dwelling accommodations as may be needed to house a caretaker or watchman employed on the premises, and their families.
- B. Vehicle Repair, Major. When confined within an enclosed structure (including autos needing work), and only when such lot is located at least two hundred fifty (250) feet away from any residential district or lot with residential use.

### 109.2-5. Bulk Restrictions

#### 109.2-5.1. Building, Dwelling and Structure Standards

#### 109.2-5.2. Floor Area Ratio

#### 109.2-5.3. Height

- A. The provisions of sec. 49-105.3 shall apply in addition to the following District specific regulations:
- B. No building or structure shall be erected or structurally altered to exceed a height of four (4) stories nor shall it exceed forty-five (45) feet in height except as provided in sec. 49-105.3 .

#### 109.2-5.4. Landscaping



## A. Reserved

## 109.2-5.5. Lot Size

- A. The maximum ground area occupied by all buildings shall be not more than sixty (60) percent of the area of the lot or tract on which a building permit has been issued.

## 109.2-5.6. Lot Coverage

## 109.2-5.7. Monotony Standards

## 109.2-5.8. Nonconformity

## A. Reserved

## 109.2-5.9. Obstructions

## A. Reserved

## 109.2-5.10. Parking and Loading

## A. Reserved

## 109.2-5.11. Performance Standards

- A. In addition to the accessory uses and structures regulations set forth in sec. 49-104.4, the following district specific provisions shall apply: :
  - B. Noise: Noise standards shall be those measurement and administrative procedures most recently adopted by the State of Illinois and enforced by the Illinois Environmental Protection Agency, Division of Land/Noise Pollution Control. All uses within this district shall not exceed the sound pressure levels as provided therein. Complaints regarding noise shall be forwarded by a complainant to the State of Illinois Noise Pollution Control Board for hearing and decision in accordance with the rules and regulations of said board. Nothing contained herein shall prevent any official or officer of the city from filing a complaint independently or on behalf of a private citizen with said board and in that regard may make arrangements to conduct an independent measurement for noise compliance forwarding the results of such measurement to the board. All decisions and findings of said board shall, in all instances, be final administrative determinations and shall be subject to review by court as by law may be provided. In the event that the state does not investigate a complaint by measuring for noise compliance within ninety (90) days of registration, the city may proceed on its own to investigate the complaint using the State of Illinois Standards described above.
- C. Smoke and particulate matter: The emission of smoke and dusts by manufacturing plants in an amount sufficient to create a general nuisance to adjoining properties shall be prohibited. Total emission of smoke and particulate matter shall be limited to the following:

- i. Ringelmann requirements: All smoke and the emission of all other particulate matter in quantities sufficient to produce an opacity at any point greater than Ringelmann 3 is prohibited. The only exception shall be a plume consisting entirely of condensed steam. A Ringelmann 1 unit is defined as twenty-percent density for one (1) minute. No more than fifteen (15) units of Ringelmann smoke shall be permitted per hour and no smoke more intense than Ringelmann 2, except that during one (1) hour of a twenty-four-hour day, thirty (30) units of smoke may be emitted but with no smoke more intense than Ringelmann 3. The total quantity of emitted solids shall not exceed one (1) pound per hour, per acre of lot area.
- D. Odors: No odor shall be emitted by any use permitted in this district in such quantities as to be readily detectable by an average observer at any point on the boundary line of the premises or beyond.
- E. Noxious gases: Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere must be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
- F. Glare and heat: Operations producing intense light or heat shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- G. Vibrations: There shall be no uses that create heavy earth-shaking vibrations that are noticeable at the property line of the subject premises.
- H. Screening. Screening of exterior storage areas shall be required per the Bulk Restrictions Section.

109.2-5.12. Setbacks

- A. The following minimum setbacks shall be provided and maintained in connection with any building or parking lot. Front yard parking shall be regulated by this subsection or sec. 49-105.13, whichever is more restrictive. The parking setback provisions of this subsection shall supersede the provisions of sec 49-105.13.

- B. Front, exterior side or exterior rear setback requirements:

<b>ABUTTING</b>	<b>SETBACK</b> (in feet)
Tollway	75

Arterial Street	30
Collector or Local Street	
Front or Exterior Rear	25
Exterior Side	15
<p>Setback exceptions. When exterior yards abut a collector or local street that includes residentially zoned lots on the same block, if fifty (50) percent or more of the existing buildings are developed at an established setback of less than the required setback, any new M1 building may conform to the average established setback. If such average established setback is between fifteen (15) feet and thirty (30) feet, any new M1 building shall be set back at least an equivalent distance. In no case shall a setback of more than thirty (30) feet be required.</p>	

- i. The property was a lot of record on or before November, 1957.
- ii. A landscape plan is submitted by the owner and approved by the zoning administrator.
- iii. The owner commits in writing to have the approved landscaping established no later than June 30th or October 30th following the approval of the landscape plan, whichever shall occur first.
- iv. The owner demonstrates that the required setbacks cannot be met due to physical or practical difficulties.

C. Interior side or rear setback requirements:

<b>ABUTTING</b>	<b>SETBACK</b> (in feet)
Fox River	30
Residential	25
All other Zoning Districts	15
<p>Interior yards abutting residential district. There shall be no structure, open storage of materials or equipment, or the parking of vehicles in a required interior yard abutting a residential district. There shall be no paving in such required setbacks except for accessways perpendicular to the street or sidewalks across the lot. Accessways shall not exceed twenty-five (25) feet in width per approved access point. No other driveways or auto maneuvering areas are permitted in the interior yards.</p>	

#### 109.2-5.13. Signs

##### A. Reserved

### **109.3. “M-2” Manufacturing District, General.**

#### 109.3-1. Title

109.3-1.1. The General Manufacturing District shall be designated as “M-2” on the zoning map.

#### 109.3-2. Intent & Purpose

#### 109.3-3. District Specific Regulations

##### 109.3-3.1. Rules

- A. All activities, except for off-street parking and loading facilities, as permitted or required in this district, shall be conducted wholly within an enclosed building or within a fully screened outside storage area where specifically allowed pursuant to the Permitted Use section below.
- B. The uses in this district generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be obnoxious or objectionable to the occupants of adjoining properties and for that reason, must be grouped in areas where similar industrial uses are now located or where the permitted uses will be best located in accordance with the comprehensive land use plan of the city, which is designed to protect the welfare of the community
- C. When the boundaries of an M-2 district are adjacent to R residential or B residential districts, the regulations governing noise shall conform to the regulations provided for in the B-3 Business Wholesale District.

## 109.3-3.2. Definitions

## 109.3-4. Use Regulations

109.3-4.1. Permitted uses. The Permitted Uses for this district as identified in Table One: Use Categories shall apply.

109.3-4.2. Conditional Uses. The Conditional Uses for this district as identified in Table One: Use Categories shall apply. In addition:

A. Heavy Industrial. When located more than five hundred (500) feet from any part of an R district and upon a finding that the proposed use will not be injurious to the public welfare and the surrounding neighborhood, and consistent with the spirit and purpose of this ordinance. A heavy industrial use include in general, those uses which have been declared a nuisance in any court of record or which are or may be unreasonably obnoxious or offensive in the opinion of the zoning administrator by reason of the emission of odor, vapor, smoke, or gas.

109.3-4.3. Accessory Uses. .

109.3-4.4. Limited but Permitted Uses

A. Reserved

## 109.3-5. Bulk Restrictions

109.3-5.1. Building, Dwelling and Structure Standards

109.3-5.2. Floor Area Ratio

109.3-5.3. Height. In addition to the height, bulk and lot coverage regulations set forth in sec. 49.105.3, the following district specific provisions shall apply:

A. No building or structure shall hereafter be erected or structurally altered to exceed a height of six (6) stories or seventy-five (75) feet, except as provided in sec. 49-105.3

109.3-5.4. Landscaping

A. Reserved

109.3-5.5. Lot Size

109.3-5.6. Lot Coverage

109.3-5.7. Monotony Standards

109.3-5.8. Nonconformity

A. Reserved

109.3-5.9. Obstructions

A. Reserved

109.3-5.10. Parking and Loading

## A. Reserved

## 109.3-5.11. Performance Standards

- A. In addition to the performance standards regulations set forth in sec. 49.105.10, the following district specific provisions shall apply:
- B. Noise: Noise standards shall be those measurement and administrative procedures most-recently adopted by the State of Illinois and enforced by the Illinois Environmental Protection Agency, Division of Land/Noise Pollution Control. All uses within this district shall not exceed the sound pressure levels as provided therein. Complaints regarding noise shall be forwarded by a complainant to the State of Illinois Noise Pollution Control Board for hearing and decision in accordance with the rules and regulations of said board. Nothing contained herein shall prevent any official or officer of the city from filing a complaint independently or on behalf of a private citizen with said board and in that regard may make arrangements to conduct an independent measurement for noise compliance forwarding the results of such measurement to the board. All decisions and findings of said board shall, in all instances, be final administrative determinations and shall be subject to review by court as by law may be provided. In the event that the state does not investigate a complaint by measuring for noise compliance within ninety (90) days of registration, the city may proceed on its own to investigate the complaint using the State of Illinois Standards described above.
- C. Smoke and particulate matter. The emission of smoke or dusts in an amount sufficient to create a general nuisance to occupants of adjoining properties or to the occupants in the general area wherein the use is located shall be prohibited.
- D. Odors. No odors shall be emitted by any use permitted in this district in such quantities as to be readily detectable by an average observer at any point on the boundary line of the nearest residential or business district.
- E. Noxious gases. Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere must be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matters shall be from a stack not less than twenty-five (25) feet in height.
- F. Glare and heat. Operations producing intense light or heat, when adjacent to a residential or business district, shall be performed within an enclosed building and not be visible beyond the boundary separating the subject premises from any adjoining residential or business district.

- G. Vibrations. There shall be no use that creates heavy earth-shaking vibrations that are noticeable at any district boundaries separating residential and business uses from an M-2 manufacturing district.

109.3-5.12. Setbacks

- A. The following minimum setbacks shall be provided and maintained in connection with any building or parking lot. Front yard parking shall be regulated by this subsection and sec. 49-105.11. The parking setback provisions of this subsection shall supersede the provisions of sec. 49-105.11 .
- B. Front, exterior side or exterior rear setback requirements:

<b>ABUTTING</b>	<b>SETBACK</b> (in feet)
Tollway	75
Arterial Street	30
Collector or Local Street	25
Setback exceptions. When exterior yards abut a collector or local street that includes residentially zoned lots on the same block, if fifty (50) percent or more of the existing buildings are developed at an established setback of less than the required setback, any new M2 building may conform to the average established setback. If such average established setback is between fifteen (15) feet and thirty (30) feet, any new M2 building shall be set back at least an equivalent distance. In no case shall a setback of more than thirty (30) feet be required.	

- i. The property was a lot of record on or before November, 1957.
- ii. A landscape plan is submitted by the owner and approved by the zoning administrator.
- iii. The owner commits in writing to have the approved landscaping established no later than June 30th or October 30th following the approval of the landscape plan, whichever shall occur first.
- iv. The owner demonstrates that the required setbacks cannot be met due to physical or practical difficulties.

- C. Interior side or rear setback requirements:

<b>ABUTTING</b>	<b>SETBACK</b> (in feet)

Fox River	30
Residential	60
All other Zoning Districts	15
<p>Interior yards abutting residential district. There shall be no structure, open storage of materials or equipment, or the parking of vehicles in a required interior yard abutting a residential district. There shall be no paving in such required setbacks except for accessways perpendicular to the street or sidewalks across the lot. Accessways shall not exceed twenty-five (25) feet in width per approved access point. No other driveways or auto maneuvering areas are permitted in the interior yards.</p>	

109.3-5.13. Signs

A. Reserved

**SEC. 49-110** - Overlay Districts

**110.1.** Purpose and intent.

110.1-1. The purpose for the authority to establish overlay districts is to promote the city's stated goals and objectives for certain definable areas within its jurisdiction by imposing special regulations over, and providing flexibility within, existing zoning classifications for those areas of the city with unique land use and environmental characteristics that may not be adequately addressed under any of the zoning district classifications having theretofore been adopted by the city. Further, it is the intent of the city in establishing overlay districts:

110.1-1.1. To provide specific zoning protection, which includes development standards and design guidelines, for areas which are nonconforming due to their having been constructed prior to the establishment of the current zoning district classification, yet are in accordance with the City's Comprehensive Plan and Physical Development Policies; and

110.1-1.2. To provide zoning protection, which includes development standards and design guidelines, for parcels of land with various zoning district classifications which may be developed as one unified development; and

110.1-1.3. To provide zoning protection, which includes development standards and design guidelines, for contiguous parcels of land having similar uses which require special planning considerations due to their location adjacent to a unique geographic feature, major arterial roadway, incompatible land use and/or other external influencing factors; and



- 110.1-1.4. To provide zoning protection, which includes development standards and design guidelines, for areas with unique architectural features and/or site planning considerations; and
- 110.1-1.5. To provide zoning protection, which includes development standards and design guidelines, for areas where there is potential for major public/private financial investment requiring clear policy and planning direction to maximize public benefit and private return from such investment.

## **110.2. Definition and rules.**

- 110.2-1. An overlay district shall be defined as an ordinance calling for the establishment of certain zoning protection, which includes development standards and design guidelines, over a specified area within the city's jurisdiction, and which shall be based upon a city approved conceptual design, setting forth certain goals and objectives for the district.
- 110.2-2. Said ordinance shall set forth a title for the district in the form of "                         District," and include the following:
  - 110.2-2.1. A legal description of the property to be included in the overlay district.
  - 110.2-2.2. A plat or map showing boundaries of the overlay district.
  - 110.2-2.3. A written explanation of the general character of the overlay district including:
  - 110.2-2.4. A description of all land use categories to be included in such district (including open space) with approximate percentages or, alternatively, maximum or minimum percentage limitations for each use,
  - 110.2-2.5. Projected densities for residential uses or, alternatively, maximum and minimum limitations for such densities,
  - 110.2-2.6. A description of the development standards, applicable to the goals and objectives adopted by the city in the conceptual design.
  - 110.2-2.7. A plat or map of the overlay district which shall show its relation to existing roads and highways, traffic circulation features adjacent to the district, existing zoning of the district and adjacent properties and a generalized plan of existing utilities which will serve the district.
  - 110.2-2.8. A topographical survey of the overlay district at five-foot contour intervals, which may be taken from U.S.G.S. information, showing the limits of the highest recorded flood if available from public documents. (This requirement shall apply only if the district is adjacent to a designated flood prone area).
  - 110.2-2.9. The existing limits of floodplain in the overlay district if such limits have been mapped by the Northeastern Illinois Planning Commission or another public agency. (This requirement shall apply only if the district is adjacent to a designated flood prone area).

110.2-2.10. A description of the modifications from this ordinance or the city subdivision control ordinance which are part of the ordinance establishing an overlay district.

110.2-3. Said development standards and design guidelines shall be written in the following format:

110.2-3.1. Development Standards by Parcel

110.2-3.2. Title and Description of the Parcel

110.2-3.3. Statement of intent.

110.2-3.4. Specific parcel rules and definitions.

110.2-3.5. Permitted uses.

110.2-3.6. General provisions.

- A. Plan approval procedures.
- B. Signage.
- C. Landscaping and screening.
- D. Parking and loading.
- E. Performance standards.
- F. General restrictions.

110.2-3.7. Nonconforming buildings and uses.

110.2-3.8. Conditional uses.

110.2-3.9. Accessory buildings and uses.

110.2-3.10. Bulk restrictions.

- A. Maximum lot area coverage by building and pavement.
- B. Minimum lot size and width.
- C. Required yard areas.
- D. Permitted obstructions in required yard areas.
- E. Maximum height.

110.2-3.11. Design guidelines.

- A. Exterior building materials.
- B. Exterior building design.
- C. Roof design.
- D. Width and height proportions.
- E. Street furniture.
- F. Maintenance.

G. Mechanical services.

110.2-4. Any parcel of land within an overlay district shall also be subject to the underlying zoning district regulations provided for within this ordinance, except where specifically modified, and shall be in accordance with the conditions and requirements of both districts as specifically addressed.

110.2-5. An overlay district may exclude specified permitted uses and include specified uses not permitted by the regulations of the underlying zoning district in which it is located, provided that:

110.2-5.1. The uses permitted by such modifications are necessary or desirable and are appropriate with respect to the primary purpose of the overlay district; and

110.2-5.2. The uses permitted by such modifications are not of such a nature or so located as to exercise an undue detrimental influence on the surrounding neighborhood; and

110.2-5.3. In an industrial overlay district, such different uses allowed by modifications shall conform to the performance standards of the underlying zoning district in which the area is located.

110.2-6. An overlay district may include modifications to the bulk regulations set forth in the underlying zoning district regulations in which it is located, provided that:

110.2-7. Such modifications are necessary or desirable and are appropriate with respect to the primary purpose of the overlay district; and

110.2-8. Such modifications are not of such a nature as to exercise an undue detrimental influence on the surrounding neighborhood; and

**110.3. Pre-consideration review.**

110.3-1. Prior to the city initiating the procedures for the establishment of an overlay district set forth in this section, the city shall adopt a conceptual design that sets forth the goals and objectives of the proposed overlay district.

110.3-2. Said concept may be developed by the city and/or a special commission or task force established by the mayor and city council.

110.3-3. At such pre-consideration review, the city shall review the following as they relate to the proposed concept:

110.3-3.1. General plan and physical development policies of the city.

110.3-3.2. Existing zoning and land use in the general area of the property in question.

110.3-3.3. The zoning history in the general area of the property in question.

110.3-3.4. Other pertinent factors.

110.3-4. After the completion of the required pre-consideration review, a resolution adopting the conceptual design for an overlay district shall be considered for approval by the city.

**110.4.** Procedures to establish district. The city council may from time-to-time establish overlay districts in accordance with the provisions of chapter 34 of this code. The establishment of an overlay district shall constitute and be construed as an amendment to the zoning map.

**110.5.** Preliminary plan submission.

110.5-1. Prior to the issuance of a permit for any exterior improvements, including but not limited to new construction, new or redesignated or altered signage, demolition, paving, or any other action that would alter property in an overlay district in a manner regulated by said overlay district, an applicant shall pursue the preliminary and final plan process if applicable pursuant to the specific overlay district regulations. No such permits shall be issued until and unless said plans have been approved by the city and a "Certificate of Appropriateness" (CA) has been issued.

110.5-2. Preliminary plan requirements. Preliminary plans shall contain the following:

110.5-2.1. A completed application listing the statement of planning objectives, a time schedule, and modifications to city ordinances, with an attached survey of the area in question, prepared and certified by a registered Illinois surveyor.

110.5-2.2. A drawing of the area that conforms to the scale and contains standard information that the zoning administrator shall by rule require.

**110.6.** Preliminary plan approval.

110.6-1. Preliminary plans and revisions thereof for all parcels within the overlay district shall be submitted for approval in accordance with the procedures set forth in this section.

110.6-2. Approval of preliminary plans may not be withheld for reasons that would be inconsistent with the approved development standards and design guidelines.

110.6-3. In approving a preliminary plan, the design review committee may, without further public hearing, also approve changes from the development standards provided that no such change is a "major change" as defined in this section.

110.6-4. Major changes from the development standards shall not be made without consideration of such changes at a public hearing held in accordance with the provisions of chapter 34 in the case for establishment of an overlay district.

110.6-5. A major change shall be a change that substantially alters the percentages or the maximum or minimum percentage limitations for each

use, projected densities for residential uses or the maximum or minimum limitations for such densities, or the intent and purpose of the development standards. This may be further specified in each overlay district.

**110.7. Final plan submission.**

110.7-1. Following and/or concurrent with the approval of a preliminary plan, and prior to the issuance of a permit for the purposes detailed in this section, an applicant shall submit final plans for properties located in an overlay district, for review and approval. No permits for the purposes detailed in this section shall be issued until and unless said final plans have been approved by the city if applicable pursuant to the specific overlay district regulations. No such permits shall be issued until and unless said plans have been approved by the city and a "certificate of appropriateness" has been issued.

110.7-2. Final plan requirements. Final plans shall contain the following, as applicable:

110.7-2.1. A completed application listing the statement of planning objectives, a time schedule, proposed covenants, restrictions and conditions, and variations to city ordinances.

110.7-2.2. A drawing of the area using an accurate engineering scale and containing such standard information as the zoning administrator shall by rule require.

**SEC. 49-111 - Planned Development Districts**

**111.1. Generally.**

111.1-1. A planned development district is intended to facilitate a large development which

111.1-1.1. will include multiple principal uses that would require classification of the property within the planned development into two (2) or more standard zoning districts; and

111.1-1.2. presents to both the city and the owner or developer difficult planning problems if it may be approved only as a conditional use.

111.1-2. The purpose of this section is to provide for the approval and classification of such planned developments as separate zoning districts.

111.1-3. Planned development districts constitute separate and distinct zoning classifications from the other zoning classifications set forth in this ordinance.

**111.2. Definition and size limitation.**

111.2-1. A planned development district shall embrace a tract of land which includes two (2) or more principal uses that would require classification of the tract into two (2) or more standard zoning districts and which is developed as

a unit under single ownership or under single, unified or coordinated control of its planning and development.

111.2-2. A planned development district must include at least two hundred (200) acres of contiguous property; provided that after establishment of a planned development district in accordance with the procedures set forth in this section, contiguous property of any size may be added to such district; and, provided further, that properties separated by highways, streets, public ways or railroads or other public utility rights-of-way may be deemed contiguous for the purpose of qualifying as a planned development district.

111.2-3. All procedures required by chapter 34 for the establishment of a planned development district shall be applicable to the addition of property to an existing planned development district, and any provision of this code or other enactment which refers to the establishment of a planned development district shall, with respect to such added property, be deemed to refer to the adoption by the city council of the zoning amendment adding such property to a planned development district.

## **PART C. MISCELLANEOUS PROVISIONS**

### **SEC. 49-900 - INTERPRETATION; PURPOSE AND CONFLICT**

900.1-1. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this ordinance to interfere with, abrogate, annul, or repeal any ordinances, rules or regulations previously adopted, and not in conflict with any of the provisions of this ordinance, or which shall be adopted, pursuant to law relating to the use of buildings or premises, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties except that where this ordinance imposes a greater restriction upon the use of land, buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by such other ordinances or such other easements, covenants or agreements, the provisions of this ordinance shall control.

### **SEC. 49-901 - FEES**

Fees shall be required as determined, from time to time, by separate ordinance or resolution of the city council.

### **SEC. 49-902 - PENALTIES**

902.1-1. Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this ordinance shall be guilty

of a misdemeanor and upon conviction, shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), for each offense, and each day of the existence of any violation shall be deemed a separate offense.

902.1-2. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any of the provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The zoning administrator, immediately upon any such violation having been called to his attention, [shall] institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this ordinance.

902.1-3. The remedy provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

#### **SEC. 49-903 - VALIDITY**

903.1-1. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

#### **SEC. 49-904 - WHEN EFFECTIVE**

904.1. All provisions of this ordinance shall become effective ten (10) days after the publication date of said ordinance and its regulations shall be in effect except where a building permit has been issued or a deviation has been granted prior to the enactment of this ordinance, and further providing that substantial change of position, expenditures or incurrence of obligations by or on behalf of the permittee under the provisions of the permit or deviation issued have occurred. Applications for permits and petitions for appeals under the old ordinance shall automatically become null and void by the enactment of this ordinance, unless acted upon prior to the enactment of this ordinance.

#### **SEC. 49-905 - REPEAL AND SAVING CLAUSE**

905.1. That all ordinances, and especially Ordinance No. 2250, or parts of ordinances in conflict herewith be and the same are hereby repealed, insofar as such conflict exists.

#### **SEC. 49-906 - AUTHORITY TO SIGN**

906.1. That upon the refusal or failure of the mayor to sign this ordinance after adoption thereof by the city council, then any two (2) city commissioners are hereby empowered and directed to sign this ordinance in his stead.

#### **SEC. 49-907 - TITLE AND APPLICATION [PUBLICATION]**

907.1. Title

907.1-1. This ordinance shall be known as "Zoning Ordinance, City of Aurora, Illinois" and is hereby ordered to be printed in book or pamphlet form, and said ordinance in such form is hereby authorized to be published by the authority of the City Council of the City of Aurora, Counties of Kane, DuPage, Will and Kendall, Illinois.

**907.2. Adoption**

907.2-1. Presented to the Council of the City of Aurora, Illinois, this 28th day of October, A.D. 1957.

907.2-2. Passed by the Council of the City of Aurora, Illinois, this 4th day of November, A.D. 1957.

907.2-3. And from time to time amended, pursuant to the provisions herein, being last amended by the Council of the City of Aurora, Illinois with Ordinance Number O19-072 approved on the 22th day of October, A.D. 2019



**SECTION 20. TABLES AND CHARTS**

**Table One: Use Categories**

**Table Two: Schedule of Off-Street Parking Requirements**

Parking spaces used to meet the requirements listed in the table on the following pages shall be individually accessible.

**Table Three: Residential Driveways**

**Table Four: Permitted Structures and Obstructions**