

Title 17

ZONING*

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* **Editor's Note:** This title contains a document, as amended, entitled "City of Olney Zoning Ordinance, As Amended" dated February, 1997, which contains Ords. 69-10, 73-33, 78-9, 78-22, 79-19, 81-44, 82-13, 82-32, 83-15, 85-1, 85-20, 87-27, 89-23, 90-10, 90-22, 90-38, 91-25, 94-25, 94-38, 94-39, 95-45, 96-53, 96-60 and 97-7. History notes following the text of sections in this title that refer to sections of the Zoning Ordinance are labeled "ZO."

Chapter 17.04

TITLE, INTENT AND PURPOSE

Sections:

- 17.04.010** **Title.**
17.04.020 **Intent and purpose.**

Section 17.04.010 **Title.**

These regulations may be referred to as the "zoning ordinance." (ZO Art. 1 § 1)

Section 17.04.020 **Intent and purpose.**

A. These regulations have been based upon the comprehensive plan for the City of Olney, Illinois, which was adopted by the City of Olney on April 17, 1969. Said comprehensive plan included estimates of population growth, land use surveys, a land use plan, plans for major thoroughfares, other transportation facilities, community facilities, public services and utilities, and a public works program.

B. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.

C. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.

D. The land use regulations divide the area into a number of zoning districts.

1. The comprehensive plan included careful estimates of the land area requirements for the various land uses such as commerce, residence, industry, transportation and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities such as sewers, water, schools, parks and the like. Remaining lands should be reserved for rural uses. Consequently, the regulations include an agricultural district for nonurban land uses.

2. In the past, residential neighborhoods have deteriorated because they were invaded by small isolated commercial uses and by more intensive residential uses such as duplexes or apartment buildings. The great majority of our population desire to, and do live in single-family homes, which they own and which are located on fairly large lots. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.

3. Other residential districts are established for two-family homes and for apartments. Density, yard and parking regulations would insure good living conditions in these areas. Much of present day building is by large projects instead of lot by lot. The regulations provide for large scale developments (ten acres or more), which may be located in any residential district with approval of the site plan and with conformity of the plan to the overall density standards of the district. This introduces an important measure of flexibility into the regulations.

4. Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the neighborhood commercial area, i.e., the grocery store-drugstore complex serving the adjacent residential neighborhoods. For the more widely used commercial areas along major streets and highways, there is a general commercial district. There is a central commercial district for the downtown area and a special planned district for the shopping centers.

5. For industry there are two districts--a light industrial district for nonobnoxious manufacturing, and finally, a heavy or unrestricted industrial district.

6. Certain special districts have also been provided.

E. The regulations emphasize character as well as location and density of the land uses. Advertising

is carefully controlled.

F. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used. Nonconforming uses are permitted to continue for adequate time periods.

G. All uses are required to provide their own off-street parking (with few exceptions). Over a period of years enforcement of the requirement will enable streets to be used primarily for traffic movement.

H. Each of the regulations has been designed to work harmoniously with the others with the totality providing that minimum degrees of land use control is essential to the realization of the optimum urban environment. (ZO Art. 1 § 2)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 Definitions.

Section 17.08.010 Definitions.

For the purpose of this title, certain terms and words are herewith defined as follows.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

"Accessory building or use" means a subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use and constructed or established at the same time or after construction of the main building or use.

"Achromatic Color" means colorless, zero in saturation, or lacking in hue; for purposes of this Article, the definition of *achromatic* shall include, without limitation, white, black, grays, tans, and light earth tones, but any bold, vivid, neon, fluorescent, or extreme coloration that attracts attention shall be excluded from the definition of *achromatic*.

"Alley" means a way which affords only a secondary means of access to property abutting thereon.

"Apartment" means a room or suite of rooms intended, designed, or used as a residence by a single family.

Apartment House. See "dwelling, multiple."

"Basement" means a story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor.

"Bed and breakfast establishment" means an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. This definition shall conform to the definition contained in Ill. Rev. Stat. 1987, Ch. 71, par. 102(a), as amended from time to time.

"Boarding house" or "lodging house" means a building other than a hotel, where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons.

"Building" means any structure having a roof supported by columns or walls for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, Height of. "Height of building" means the vertical distance from the grade (elevation of the sidewalk or the average level of the finished surface of the ground adjacent to the structure) to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

"Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

"Clinic" means an establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists practicing together.

"Club" means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

"Community residence" means a group home or specialized residential care home serving unrelated

persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. "Community residence" does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.

"Distinguished or characterized by an emphasis upon" means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of Specified Sexual Activities or Specified Anatomical Areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of "specified anatomical areas" or "specified sexual activities."

"District" means any section of the City of Olney for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

"Drive-in restaurant" means an establishment where patrons are permitted to park cars on the premises, and food or drinks are served to patrons in cars.

" Dwelling" means any building or portion thereof which is designed for or used for residential purposes.

Dwelling, Single-Family. "Single-family dwelling" means a building designed for or occupied exclusively by one family.

Dwelling, Two-Family. "Two-family dwelling" means a building designed for or occupied exclusively by two families.

Dwelling, Multiple. "Multiple dwelling" means a building designed for or occupied exclusively by three or more families.

"Family" means either: (1) two or more persons, each related to the other by blood, marriage or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or (2) three or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). For purposes of this zoning ordinance, however, an unrelated family shall not include persons living together in a community residence.

"Filling station" means any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication or washing of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

"Floor area" means the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings, but not including garages, unenclosed porches, and cellar or basement space not used for business or commerce.

"Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage, Private. "Private garage" means an accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory, and not storing more than one commercial vehicle or any vehicle which exceeds a two-ton capacity.

Garage, Public. "Public garage" means a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Garage, Storage or Parking. "Storage or parking garage" means a building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.

"Grade" means, for buildings within five feet of a street line, the established elevation of the sidewalk at the center of the building, or, where there is more than one street, the average of the sidewalk

elevations; for other buildings the average level of the finished surface of the ground.

"Home occupation" means any occupation or activity entirely incidental to residential use, when carried on by a member of the immediate family residing on the premises, in connection with which there is used no other sign than a nameplate not more than four (4) square feet in area and located on the building, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, except the permitted sign; there is no commodity sold upon the premises; only one additional person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

"Home occupation" shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of his or her profession.

"Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment, which are herein separately defined.

"Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

"Large community residence" means a community residence serving nine to twenty (20) persons with disabilities.

"Laundromat" means an establishment providing home-type washing, drying or ironing machines for hire to be used by customers on the premises.

"Loading space" means space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

"Lot" means a parcel of land occupied or intended for occupancy by use permitted in this title, including one main building together with its accessory buildings, the open spaces and parking space required by this title and having its principal frontage upon a street or upon an officially approved place.

"Lot area" means the total horizontal area within the lot lines of the lot.

Lot, Corner. "Corner lot" means a lot abutting upon two or more streets at their intersection.

Lot, Depth of. "Depth of lot" means the distance from the front street line to the rear line measured in the mean direction of the side lot lines.

Lot, Double Frontage. "Double frontage lot" means a lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

Lot, Interior. "Interior lot" means a lot whose side line or lines do not abut upon any street.

"Lot of Record" means a lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Richland County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of Richland County.

"Lot width" means the mean distance between side lot lines measured at right angles to the depth of the lot.

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. A prefabricated home which complies with all of the requirements for single-family homes found in the ICC International Building Codes adopted by the City of Olney, and which occupies a single-family lot, shall not be included in this definition.

Mobilehome. See "trailer or mobilehome."

"Motor court or motel" means a building or group of buildings used for the temporary residence of

motorists or travelers.

"Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of the ordinance codified in this title or amendment thereto which does not conform to the passage of the ordinance codified in this title or amendment thereto with the use regulations of the district in which it is situated.

"Parking area" means an open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.

"Parking space" means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

"Person with a disability" means any individual whose disability:

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

"Place" means an unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

"Regularly features" means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the establishment.

"Semi-nude" or "Semi-nudity" means a state of dress in which non-transparent and opaque clothing covers from view no more than the human buttocks, anus, anal cleft and cleavage, pubic area, male genitals, female genitals, vulva and the female breast below a horizontal line across the top of the areola at its highest point and the human male genitals in a discernibly turgid state, even if completely and opaquely covered. This definition shall include the entire lower portion of the human female breasts, but shall not include any portion of the cleavage of the human breasts exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areola and nipple are not exposed in whole or in part.

"Sexually Oriented Business" shall mean an adult store, adult cabaret, adult motel, adult theater, sexual encounter center, escort agency, or semi-nude model studio, each of which are defined as follows:

1. "Adult Cabaret" means any commercial establishment, except an adult theater, semi-nude model studio, or sexual encounter center, including, but not limited to, a nightclub, bar, restaurant, or gentlemen's club, which regularly features any one or more of the following:
 - a. persons who appear semi-nude or in a state of semi-nudity; or
 - b. live performances which are characterized by their emphasis upon exposure of "specified sexual activities" or "specified anatomical areas."
2. "Adult Motel" means a motel, hotel or similar commercial establishment which offers private accommodations to the public, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified

sexual activities” or “specified anatomical areas” and which advertise the availability of such sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and (i) offers a sleeping room for rent for a period of time less than ten (10) hours or (ii) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

3. “Adult Store” means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

a. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas;” or

b. instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities;” or

c. films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by their emphasis upon matters exhibiting or describing “specified sexual activities” or “specified anatomical areas” and which are shown within a viewing room as hereinafter defined on still or motion picture projectors, slide projectors, similar machines or computers or other image producing machines.

A principal business purpose exists if the establishment has a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial section of its sales or display or floor space to the sale or rental for any form of consideration any one or more of the items described above. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult store so long as one of its principal business purposes are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

4. “Adult Theater” means a theater, concert hall, auditorium or similar commercial establishment which has a room(s) for viewing or viewing areas, each of which are 150 square feet or greater in size and which for any form of consideration regularly features any one of the following:

a. films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas;” or

b. persons who appear semi-nude or in a state of semi-nudity or live performances which are characterized by their emphasis upon the exposure of “specified sexual activities” or “specified anatomical areas.”

5. “Escort Agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

6. “Semi-nude Model Studio” means any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be viewed or observed or sketched or drawn or painted or sculptured or photographed or similarly depicted by other persons. Semi-nude Model Studio shall not include a modeling class operated: (a) by a college, junior college, or university supported entirely or partly by taxation; or (b) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or (c) in a structure: (i) which has no sign visible from the exterior of the structure and other advertising that indicates a semi-nude person available for viewing; and (ii) where, in order to participate in a class a student must enroll at least three days in advance of the class; and (iii) where no more than one model is on the premises at any one time.

7. “Sexual Encounter Center” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b. activities between male and female persons and/or persons of the same sex when one or more of

the persons is in a state of semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

"Small community residence" means a community residence serving eight or fewer persons with disabilities in a family-like atmosphere.

"Specified Anatomical Areas" means human genitals or pubic region, buttocks, anus, or the female breast below a point immediately above the top of the areola that is less than completely or opaquely covered, or human male genitals in a discernibly turgid state even if completely or opaquely covered.

"Specified Sexual Activities" means (1) human genitals in a state of sexual stimulation or excitement; (2) acts of human masturbation, sexual intercourse, fellatio, or sodomy; (3) fondling, kissing, or erotic touching of specified anatomical areas; (4) flagellation or torture in the context of a sexual relationship; (5) masochism, erotic or sexually oriented torture, beating, or the infliction of pain; (6) erotic touching, fondling, or other such contact with an animal by a human being; or (7) human excretion, urination, menstruation, or vaginal or anal irrigation as part of or in connection with any of the activities set forth in items (1) through (6).

"Story" means that portion of a building, other than a cellar or basement (except one used for business or residence), 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.

Story, Half. "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his or her or by a family occupying the floor immediately below it, shall be deemed a full story.

"Street" means a public or private thoroughfare which affords the principal means of access to abutting property.

"Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street.

"Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

"Structural alterations" means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, other than a change in doors or windows or a minor alteration which affects primarily the appearance and not the life of the structure.

"Trailer, single or double-wide mobilehome" means any structure used for living, sleeping, business or storage purposes which has been, or reasonably may be, equipped with wheels or other devices for moving the structure from place to place, whether by motive power, or other means.

"Trailer or mobilehome court" means an area containing one or more trailers, mobilehomes or other portable or mobile shelters for use as living facilities.

"Viewing Room" shall mean a room, booth, or area having less than 150 square feet of floor space where a patron of a sexually oriented business is positioned or would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

"Yard" means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein, and measured as the minimum horizontal distance between the lot line and the main building.

Yard, Front. "Front yard" means a yard extending across the front of a lot between the side yard lines and measured between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street designated by the property owner. On lakefront property, the front yard shall be located on the lake side of the property.

Yard, Rear. "Rear yard" means a yard extending across the rear of a lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side. "Side yard" means a yard between the main building and the side line of the lot, and extending from the front line to the required rear yard. (Ord. 05-30, Sec. 2: Ord. 98-5 § 1; ZO Art. 2)

Chapter 17.12

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.12.010** **Compliance required.**
- 17.12.020** **Plans and staking.**
- 17.12.030** **Interpretation, purpose and conflict.**
- 17.12.040** **Amendments and changes.**
- 17.12.050** **Enforcement, violation and penalties.**

Section 17.12.010 **Compliance required.**

Except as hereinafter specifically provided:

A. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a use permitted in the district in which such building or land is located.

B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.

D. No building shall be erected, or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of the district in which such building is located.

E. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this title for each and every building existing at the time of passage of the ordinance codified in this title or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this title for the district in which such lot is located.

F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as specifically provided hereinafter.

G. All manufactured homes, mobilehomes, or trailers shall be located: (1) in a mobilehome or trailer court that has received a special use permit as required by Section 17.80.010(A)(11); (2) in the R-5 trailer and mobilehome district; or (3) as a special use in a residential or commercial district granted in accordance with Section 17.80.010(A)(16). (ZO Art. 4 § 1)

Section 17.12.020 **Plans and staking.**

A. All applications for building permits shall be accompanied by plot plans submitted in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this title. A careful record of the original copy of such applications and plate shall be kept in the office of the Building Official and the duplicate copy shall be kept at the building at all times during construction.

B. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is

started where the application is not for an addition to or for the structural alteration of an existing structure. (ZO Art. 14 §§ 1, 2)

Section 17.12.030 Interpretation, purpose and conflict.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this title shall govern. (ZO Art. 15 § 1)

Section 17.12.040 Amendments and changes.

A. The Council may, from time to time, on its own motion or on petition, amend, supplement or change by ordinance, the regulations and districts herein or subsequently established, but no such amendments shall be made without a public hearing before the City Plan Commission and its report to the Council. Notice of the time, place and purpose of such hearing shall be given as required by law. In the case of written protest against any proposed amendment, under the conditions specified in Chapter 24, Article 73 of the Illinois Revised Statutes, the amendment shall not be passed except by a favorable vote of two-thirds of the City Council.

B. All petitions praying for a change, amendment or supplement of the established zoning districts of the City and regulations connected therewith shall be filed by the person requesting such action, and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him or her adjacent to the area proposed to be changed, shall contain an accurate legal description of the district or parts of districts proposed to be so altered, and shall also include a list of all owners of all property which is within two hundred (200) feet of the property proposed to be altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this title and shall further disclose the purpose for which such property is sought to be used.

C. A petition for a change in use of a nonconforming use of a building to a more restrictive usage shall be filed in the manner prescribed in this section.

D. A petition for a change in the regulations or districts herein or subsequently established shall be filed with the City Clerk in duplicate. A fee of two hundred dollars (\$200.00) shall be paid at the time of filing to cover the cost of publication of notice of hearing on said petition, the cost of mailing notices of hearing as required by law and other costs incidental to such hearing. If the cost of publication of notice of hearing and the cost of mailing notices of hearing as required by law exceeds two hundred dollars (\$200.00), the petitioner shall pay the additional costs to the City no later than the date and time set for the hearing. Failure to pay any additional costs prior to the hearing shall result in the postponement or cancellation of the hearing. (Ord. 10-23 § 1: Ord 08-20 § 1: ZO Art. 16 §§ 1--3)

Section 17.12.050 Enforcement, violation and penalties.

A. It shall be the duty of the Building Official to enforce this title. Said Building Official shall be appointed by the Mayor with the approval of the Council in the same manner as other City employees are appointed and subject to any general provisions affecting such employees.

B. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title shall be deemed guilty of a misdemeanor and shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) or imprisoned for not to exceed one month, or both, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

C. In case any building or structure is erected, constructed, reconstructed, altered, repaired,

converted or maintained, or any building, structure or land is used in violation of this title, the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; ZO Art. 17)

Chapter 17.16

ZONING DISTRICTS DESIGNATED

Sections:

- 17.16.010** **Districts.**
- 17.16.020** **Maps.**
- 17.16.030** **District boundaries.**
- 17.16.040** **Vacations.**

Section 17.16.010 **Districts.**

For the purpose of this title, the City and the contiguous territory within one and one-half miles beyond the corporate limits of Olney are divided into the following districts:

- A-1 agricultural district
- R-S single-family residence district
- R-1 single-family residence district
- R-2 single-family residence district
- R-3 two-family residence district
- R-4 multiple-family residence district
- R-5 trailer and mobilehome district
- C-1 neighborhood shopping district
- C-2 commercial district
- C-3 central business district
- C-4 planned commercial district
- M-1 light industrial district
- M-2 heavy industrial district
- S-1 commercial recreation district
- S-2 resort district

(ZO Art. 3 § 1)

Section 17.16.020 **Maps.**

The boundaries of these districts are established as shown on the map accompanying and made a part of this title, which map is designated as the "district map." The district map and all the notations, references and other information shown thereon are a part of this title and shall have the same force and effect as if such map and all the notations, references and other information shown thereon were all fully set forth or described herein, which district map is properly attested and on file with the City Clerk of the City of Olney. (ZO Art. 3 § 2)

Section 17.16.030 **District boundaries.**

A. The district boundary lines on said map are intended to follow either streets or alleys or lot lines, and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the district map by dimensions.

B. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

C. All territory which may hereafter be annexed to the City shall automatically be placed in the RS residential district until otherwise changed by ordinance.

D. All unzoned territory which may hereafter be included in the City extraterritorial zoning jurisdiction by virtue of subsequent extensions of the City's corporate limits shall automatically be zoned A-1 agricultural until otherwise changed by ordinance. (ZO Art. 3 § 3)

Section 17.16.040 Vacations.

Whenever any street, alley, or other public way is vacated by official action of the City Council or the Board of Supervisors, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (ZO Art. 3 § 4)

Chapter 17.20

A-1 AGRICULTURAL DISTRICT

Sections:

- 17.20.010** **References to regulations.**
- 17.20.020** **Use regulations.**
- 17.20.030** **Height and area regulations.**
- 17.20.040** **Parking regulations.**

Section 17.20.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the A-1 agricultural district. (ZO Art. 5 § 1)

Section 17.20.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Farming, including the usual farm buildings and structures;
- B. Truck and flower gardening, nurseries, orchards and greenhouses;
- C. Single-family dwelling;
- D. Church or other place of worship or Sunday school;
- E. Public school, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school;
- F. Publicly owned and operated property;
- G. Country club or golf course, except miniature course or practice driving tee operated for commercial purposes;
- H. Other private clubs and recreational uses, except skeet or gun club or commercial amusement enterprise;
- I. Roadside stand offering for sale only farm products which are produced on the premises;
- J. Hospital or institution of an educational, religious, charitable or philanthropic nature, when located on a site of at least five acres; provided that such buildings shall not occupy more than ten percent of the total area of the lot, and shall be set back from all yard lines at least two feet for each foot of building height;
- K. Riding stable, veterinary hospital or the keeping of small animals; provided that any building housing animals be located at least one hundred (100) feet from all property lines;
- L. Grain elevator or similar storage structure including buildings for seasonal or temporary storage of grain, whenever such elevator and temporary storage are located upon or adjacent to a railroad right-of-way;
- M. Pumping or booster station along a pipe line or substation along an electric transmission line;
- N. Home occupation;
- O. Drilling for and production of oil, gas and other hydrocarbon substances provided that not less than one acre of land is provided for each well;
- P. Accessory building or use customarily incidental to any of the able uses;
- Q. Church bulletin board or a temporary sign not exceeding twenty (20) square feet in area, appertaining only to the lease, hire or sale of a building or premises, or the sale of products grown and sold on the premises, provided, however, that not more than one sign of the above character shall be permitted on any lot or tract.
- R. Signs pertaining to the name of the establishment or to products or services sold or offered on the premises, provided that such signs comply with the requirements contained in Section 17.40.020(K).

(Ord. 01-9, Sec. 1: ZO Art. 5 § 2)

Section 17.20.030 Height and area regulations.

The height and area regulations set forth in Chapter 17.72 shall be observed. (ZO Art. 5 § 3)

Section 17.20.040 Parking regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.76. (ZO Art. 5 § 4)

Chapter 17.24

R-S, R-1 AND R-2 SINGLE-FAMILY RESIDENCE DISTRICTS

Sections:

- 17.24.010** **References to regulations.**
- 17.24.020** **Use regulations.**
- 17.24.030** **Height and area regulations.**
- 17.24.040** **Parking regulations.**

Section 17.24.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the R-S, R-1 and R-2 single-family residence districts. (ZO Art. 6 § 1)

Section 17.24.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. One-family dwelling;
 - B. Farming and truck gardening, provided that any structure or enclosure for the shelter of livestock or poultry shall be located not less than one hundred (100) feet from any street or lot line;
 - C. Publicly owned or operated park, playground, or community building, museum, library or art gallery;
 - D. Church or other place of worship or Sunday school;
 - E. Public school, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school;
 - F. Country club or golf course, except miniature course or practice driving tee operated for commercial purposes;
 - G. Home occupation;
 - H. Accessory building or use, including a private garage customarily incident to the above uses, but not involving the conduct of a business;
 - I. A church or public bulletin board or temporary sign appertaining to the lease, hire or sale of a building or premises, which sign or bulletin board shall not exceed ten square feet in area;
 - J. Garage sale, yard sale, house sale, attic sale, rummage sale, or any other sale of new or used items of personal property offered to the general public, subject to the following restrictions:
 - 1. Merchandise purchased for resale shall not be sold.
 - 2. No more than three sales shall be held from the same premises within any calendar year. In the case of combined neighborhood sale, no more than three such sales shall be held per premises within any calendar year.
 - 3. Each sale shall not last more than three consecutive days.
 - 4. Sales shall be conducted only during the period between sunrise and sunset.
 - 5. All items being sold shall be placed on private property. No items for sale shall be located on the City right-of-way, including the street surface, sidewalk or boulevard.
 - 6. All garage and yard sale signs shall conform to the size requirements for home occupation signs. One temporary sign shall be permitted on the private property where the sale occurs. The sign shall not be placed out until the first day of the sale and shall be removed at the end of the last day of the sale.
 - 7. Garage and yard sale signs shall not be placed on public right-of-way.
 - K. Small community residence, provided:
 - 1. They are located not less than six hundred (600) feet from another small community residence;
- and

2. Prior to occupancy, a certificate of zoning compliance is applied for and received.

L. Signs pertaining to the name of the establishment, but not to products or services sold or offered on the premises; provided that such signs shall not exceed a gross area of seventy-two (72) square feet and shall not be greater than ten (10) feet in height. (Ord. 01-66, Sec. 1: Ord. 01-9, Sec. 2: Ord. 98-5 § 2: ZO Art. 6 § 2)

Section 17.24.030 Height and area regulations.

The height and area regulations set forth in Chapter 17.72 shall be observed. (ZO Art. 6 § 3)

Section 17.24.040 Parking regulations.

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.76. (ZO Art. 6 § 4)

Chapter 17.28

R-3 TWO-FAMILY RESIDENCE DISTRICT

Sections:

- 17.28.010** **References to regulations.**
- 17.28.020** **Use regulations.**
- 17.28.030** **Height and area regulations.**
- 17.28.040** **Parking regulations.**

Section 17.28.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the R-3 two-family residence district. (ZO Art. 7 § 1)

Section 17.28.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 and R-2 single-family residence district;
- B. Two-family dwelling;
- C. Accessory building or use, including a private garage customarily incidental to any of the above uses, but not involving the conduct of a business. (ZO Art. 7 § 2)

Section 17.28.030 **Height and area regulations.**

The height and area regulations set forth in Chapter 17.72 shall be observed. (ZO Art. 7 § 3)

Section 17.28.040 **Parking regulations.**

Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.76. (ZO Art. 7 § 4)

Chapter 17.32

R-4 MULTIPLE DWELLING DISTRICT

Sections:

- 17.32.010** **References to regulations.**
- 17.32.020** **Use regulations.**
- 17.32.030** **Height and area regulations.**
- 17.32.040** **Parking regulations.**

Section 17.32.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the R-4 multiple dwelling district. (ZO Art. 8 § 1)

Section 17.32.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-3 two-family residence district;
- B. Multiple dwelling;
- C. Boarding or lodging house;
- D. Institution of a religious, educational, eleemosynary or philanthropic nature, but not a penal or mental institution;
- E. Hospital or sanitarium, except a criminal, mental or animal hospital;
- F. Nursing or convalescent home, community residence;
- G. Private club, fraternity, sorority or lodge, excepting one the chief activity of which is a service customarily carried on as a business;
- H. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple dwelling, hospital or institution. (Ord. 98-5 § 3; ZO Art. 8 § 2)

Section 17.32.030 **Height and area regulations.**

The height and area requirements set forth in Chapter 17.72 shall be observed. (ZO Art. 8 § 3)

Section 17.32.040 **Parking regulations.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.76. (ZO Art. 8 § 4)

Chapter 17.36

R-5 TRAILER OR MOBILEHOME DISTRICT

Sections:

- 17.36.010** **References to regulations.**
- 17.36.020** **Use regulations.**
- 17.36.030** **Height and area regulations.**
- 17.36.040** **Parking regulations.**

Section 17.36.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the R-5 trailer and mobilehome district. (ZO Art. 8A § 1)

Section 17.36.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-S, R-1 and R-2 single-family resident districts;
- B. Trailer or mobilehomes, providing the following conditions are complied with:

1. The trailer or mobilehome shall be no more than 10 years old when placed on the property, contain a minimum of five hundred (500) square feet of floor space, with a minimum width of ten feet and a minimum length of fifty (50) feet and after location on the lot, tract or parcel of land, the wheels, axle assembly, and hitch shall be removed. In addition, a foundation of solid continuous concrete or concrete blocks and/or adequate skirting from the bottom edge of the trailer to the ground shall be installed and secured to the foundation,

2. The owner shall comply with all applicable City ordinances and state statutes and regulations regarding existing structures, life safety, health and sanitation,

3. The owner of the land must submit an application for a building permit with photographs of the trailer or mobilehome proposed to be placed on the property showing all sides of the trailer or mobilehome and proof of the age of the trailer or mobilehome. Before issuance of a building permit, the Building Official shall inspect the location and determine that the foregoing conditions in reference to the location have been complied with. Following the erection of the trailer or mobilehome, the Building Official shall again inspect the location and shall determine that the foregoing conditions in reference to the trailer or mobilehome have been complied with before a certificate of occupancy is issued. The trailer or mobilehome must be placed on the approved property in compliance with the foregoing conditions within six months from the date of issuance of the building permit. Failure to place the trailer or mobilehome on the approved property within six months from the date of issuance of the building permit shall be deemed an abandonment of the proposed placement and shall result in the voiding of the building permit previously issued by the Building Official. (Ord. 04-11, Sec. 1; Ord. 97-14 § 1; ZO Art. 8A § 2)
(04-11, Amended, 03/08/2004, Amended Paragraphs 1 & 3 of B. Trailers no more than 10 years old)

Section 17.36.030 **Height and area regulations.**

The height and area regulations shall be as set forth in Chapter 17.72 of the zoning ordinance for R-2 areas. (ZO Art. 8A § 3)

Section 17.36.040 **Parking regulations.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses sets forth in Chapter 17.76. (ZO Art. 8A § 4)

Chapter 17.40

C-1 NEIGHBORHOOD SHOPPING DISTRICT

Sections:

- 17.40.010** **References to regulations.**
- 17.40.020** **Use regulations.**
- 17.40.030** **Height and area regulations.**
- 17.40.040** **Parking and loading regulations.**

Section 17.40.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the C-1 neighborhood shopping district. (ZO Art. 9 § 1)

Section 17.40.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-4 Multiple dwelling district;
- B. Retail store or shop such as grocery, drug store, meat market, florist, delicatessen, notion or stationery store, and the like, but prohibiting taverns, package liquor stores or cocktail lounges;
- C. Clinic;
- D. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing and bakery with sale of bakery products on the premises, and other uses of a similar character, provided that no use permitted in this subsection shall employ more than five persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees;
- E. Filling station, provided that the storage of all gasoline in connection with the filling station shall be below the surface of the ground, and provided further that propane, butane, or similar hydrocarbon products shall not be sold or stored on the premises;
- F. Laundromat;
- G. Offices and office buildings;
- H. Personal service uses including barber shops, banks, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants except drive-in restaurants, and other personal service uses of a similar character;
- I. Private school, nursery, or day care center/school;
- J. Off-street parking lots;
- K. Accessory building or use, including signs pertaining to the name of the establishment or to products or services sold or offered on the premises. Such signs shall not extend more than eighteen (18) inches from a wall of the structure. Signs not attached to the wall of a structure shall not exceed a gross area of three hundred (300) square feet per lot and shall not be greater than forty (40) feet in height and no part of any sign shall be located within the public right-of-way or closer than twenty (20) feet to any R district. Signs within six hundred sixty (660) feet of the nearest edge of the right-of-way of U.S. Route 50 shall be regulated pursuant to the State Highway Control Act, 225 ILCS 440/1 through 440/16, and as it may hereafter be amended, rather than the restrictions contained in this paragraph. (Ord. 01-66, Sec. 2: Ord. 01-9, Sec. 3: ZO Art. 9 § 2)

Section 17.40.030 **Height and area regulations.**

The height and area regulations set forth in Chapter 17.72 shall be observed, and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard and lot

area per family requirements of the R-3 two-family residence district. (ZO Art. 9 § 3)

Section 17.40.040 Parking and loading regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.76. (ZO Art. 9 § 4)

Chapter 17.44

C-2 COMMERCIAL DISTRICT

Sections:

- 17.44.010** **References to regulations.**
- 17.44.020** **Use regulations.**
- 17.44.030** **Height and area regulations.**
- 17.44.040** **Parking and loading regulations.**

Section 17.44.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the C-2 commercial district. (ZO Art. 10 § 1)

Section 17.44.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the C-1 neighborhood shopping district;
- B. Off-premise commercial sign or billboard advertising a function or service rendered that is not located on the premises upon which the signs are placed shall be at least fifty (50) feet from any R district, shall maintain a fifteen (15) foot front yard setback, shall be separated from other off-site advertising signs by 300 feet on either side of the highway or street and shall not exceed forty (40) feet in height nor have a surface area exceeding seventy-two (72) square feet and be of steel, single or double pedestal, single or double-faced construction. Signs within six hundred sixty (660) feet of the nearest edge of the right-of-way of U.S. Route 50 shall be regulated pursuant to the State Highway Control Act, 225 ILCS 440/1 through 440/16, and as it may hereafter be amended, rather than the restrictions contained in this paragraph;
- C. Automobile or trailer display and sales rooms, and when located not less than fifty (50) feet from any R district, an automobile repair garage;
- D. Business or commercial school;
- E. When located not less than one hundred (100) feet from any R district:
 - 1. Bowling alley,
 - 2. Drive-in restaurant,
 - 3. Drive-in theater (when approved by the Board of Appeals),
 - 4. Other similar place of entertainment or amusement;
- F. Dancing or music academy;
- G. Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere;
- H. Farm implement display and sales room;
- I. Frozen food locker;
- J. Hotel or motel;
- K. Milk distributing station;
- L. Parking or public garage;
- M. Plant nursery or greenhouse;
- N. Radio or television broadcasting station or studio;
- O. Telephone business office or exchange;
- P. Theater;
- Q. Undertaking establishment;
- R. Veterinarian or animal hospital or riding academy, provided that no such building, kennel, or

exercise runway shall be closer than fifty (50) feet to any R district;

S. Used car sales or storage lot when located at least fifty (50) feet from any R district;

T. When not employing more than ten persons on the premises:

1. Dyeing and cleaning establishment or laundry,

2. Painting, plumbing or tinsmithing shop,

3. Printing shop,

4. Tire sales and service, including vulcanizing,

5. Upholstering shop, not involving furniture manufacturing,

6. Any other general service or repair establishment of similar character;

U. Accessory building or use customarily incidental to any of the above uses. (Ord. 01-66, Sec. 3: Ord. 01-32, Sec. 1: Ord. 01-9, Sec. 4: ZO Art. 10 § 2)

Section 17.44.030 Height and area regulations.

The height and area regulations set forth in Chapter 17.72 shall be observed and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard requirements of the R-4 multiple dwelling district. (ZO Art. 10 § 3)

Section 17.44.040 Parking and loading regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements of Chapter 17.76. (ZO Art. 10 § 4)

Chapter 17.48

C-3 CENTRAL BUSINESS DISTRICT

Sections:

- 17.48.010** **References to regulations.**
- 17.48.020** **Use regulations.**
- 17.48.030** **Height and area regulations.**
- 17.48.040** **Parking and loading regulations.**

Section 17.48.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the C-3 central business district. (ZO Art. 11 § 1)

Section 17.48.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-2 commercial district and without restriction as to the number of employees on the premises, except off-premise commercial advertising signs and billboards as described in Section 17.44.020(B) which shall be prohibited. Signs pertaining to the name of the establishment or to products or services sold or offered on the premises shall be permitted provided that such signs comply with the requirements contained in Section 17.40.020(K);

B. Laboratory--experimental, film or testing;

C. Wholesale or distributing establishment or warehouse or wholesale market;

D. Printing, publishing or engraving;

E. Service industry such as a laundry, cleaning or dyeing establishment or similar use;

F. The manufacture, compounding, processing, packaging or treatment of such goods, materials and products as follows:

1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products--except fish and meat products, sauerkraut, vinegar, yeast and the rendering of fats and oils,

2. Articles made from previously prepared materials such as: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, wax, wire, yarns and the like,

3. Musical instruments, toys, novelties, rubber or metal stamps, and other small molded rubber products. Fabrication and repair of electric or neon signs or other commercial advertising structures, light sheetmetal products, cabinet and furniture manufacturing, and the like;

G. Any other use of similar character which is not objectionable by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibration, or which is not specifically prohibited or regulated in Chapter 17.60. (Ord. 01-9, Sec. 5: ZO Art. 11 § 2)

Section 17.48.030 **Height and area regulations.**

The height and area regulations set forth in Chapter 17.72 shall be observed and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard requirements of the R-4 multiple dwelling district. (ZO Art. 11 § 3)

Section 17.48.040 **Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in accordance with the requirements of Chapter 17.76. (ZO Art. 11 § 4)

Chapter 17.52

C-4 PLANNED COMMERCIAL DISTRICT

Sections:

- 17.52.010** **References to regulations.**
- 17.52.020** **Use regulations.**
- 17.52.030** **Height and area regulations.**
- 17.52.040** **Parking and loading regulations.**

Section 17.52.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the C-4 planned commercial district. (ZO Art. 12 § 1)

Section 17.52.020 **Use regulations.**

A. A building or premises may be used only for the retail sale of merchandise; services, general and professional offices; recreational, except outdoor theaters; parking areas and other facilities ordinarily accepted as shopping center uses.

B. Before land is used or a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the Board for all contiguous property within this district in any one location. The Board shall have thirty (30) days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned. Rejection of a preliminary or final plan by the Board may be appealed to the City Council. Final plans will be approved when in accordance with approved preliminary plans. From time to time the proponents may make minor changes in the approved final plan so long as such changes have been approved by the Building Inspector, or upon denial of approval by said Building Inspector, with the approval of the Board. What constitutes a minor change will be determined in the sole discretion of the Building Inspector. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan.

C. The preliminary plan shall:

1. Be drawn to scale;
2. Show boundaries of property to be developed;
3. Show the proposed size, location, use and arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and proposed streets;
4. Indicate location, type, use and size of structures on adjacent properties within two hundred (200) feet of the proposed development;
5. Provide for the dedication of any rights-of-way for the widening, extension or connection of major streets as shown on the official plan; and
6. Indicate the stages, if any, which will be followed in construction.

D. The final plan shall be a standard plot plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof. (ZO Art. 12 § 2)

Section 17.52.030 **Height and area regulations.**

The height and area regulations set forth in Chapter 17.72 shall be observed. (ZO Art. 12 § 3)

Section 17.52.040 Parking and loading regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements of Chapter 17.76. (ZO Art. 12 § 4)

Chapter 17.56

M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

- 17.56.010** **References to regulations.**
- 17.56.020** **Use regulations.**
- 17.56.030** **Height and area regulations.**
- 17.56.040** **Parking and loading regulations.**

Section 17.56.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the M-1 light industrial district. (ZO Art. 13 § 1)

Section 17.56.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the C-3 central business district, except residences;
- B. Bottling works;
- C. Carting, express, hauling or storage yard;
- D. Contractor's yard;
- E. Coal, coke, wood or lumber yard;
- F. Auto wrecking yards and junk yards, but only when the premises upon which such activities are conducted are wholly enclosed within a building or by a wooden fence not less than eight feet in height and in which the openings or cracks are less than fifteen (15) percent of the total area;
- G. Assembly and manufacture from prefabricated parts of household appliances, electronic products and similar products or the processing or assembling of parts for production of finished equipment;
- H. Bulk storage or refined petroleum products for distribution, except propane, butane and similar hydrocarbon products, but only after the location and treatment of the premises have been approved by the Chief of the Fire Department as meeting applicable requirements of laws and regulations relating to inflammable liquids;
- I. Drive-in theater;
- J. Sporting and athletic equipment manufacture;
- K. Other industrial and manufacturing plans where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, odor, gas, smoke or noise is emitted.
- L. Signs pertaining to the establishment or to products or services sold or offered on the premises and off-premise commercial signs or billboards advertising a function or service rendered that is not located on the premises upon which the signs are placed shall not exceed forty (40) feet in height nor have a surface area exceeding 300 square feet and be of steel, single or double pedestal, single or double-faced construction. Off-premise commercial signs or billboards shall be separated from other off-premise advertising signs by 300 feet on either side of the highway or street. Signs within six hundred sixty (660) feet of the nearest edge of the right-of-way of U.S. Route 50 shall be regulated pursuant to the State Highway Control Act, 225 ILCS 440/1 through 440/16, and as it may hereafter be amended, rather than the restrictions contained in this paragraph.
- M. Sexually oriented businesses, subject to the conditions set forth below, are permitted in this zoning district so as to minimize secondary effects of sexually oriented businesses on residential, business and other districts.
 - 1. Location Requirements
 - a. If situated within the corporate limits of the City, the sexually oriented business shall not be

operated within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, or place of religious worship.

b. If situated outside the corporate limits of the City, the sexually oriented business shall not be operated within 3,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, place of religious worship, or residence.

c. A sexually oriented business shall not be operated in the same building, structure or portion thereof containing another sexually oriented business or containing any premises licensed under Chapter 5.12 (Liquor Control) of the City of Olney Municipal Code or containing any massage establishment. In addition, a sexually oriented business shall not be operated within 500 feet of another sexually oriented business or within 500 feet of any business or premises licensed under Chapter 5.12 (Liquor Control) of the City of Olney Municipal Code or within 500 feet of any massage establishment. A sexually oriented business shall be operated only within a single structure situated upon the premises; two or more buildings connected by an enclosed walkway or hall shall constitute a single structure.

d. Measurements shall be made in a straight line without regard to intervening structures or objects from the property line of the premises upon which the sexually oriented business is located or proposed to be located to the nearest property line of the premises of a business or use described within a, b, or c above.

2. Lighting Requirements

a. All off-street parking areas and entrances to the premises of a sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of 5 foot candles of light on surface of the parking areas and walkways. Illumination of the remaining external surface areas of the sexually oriented business shall be an average maintained horizontal illumination of not less than 2 foot candles of light or greater than 5 foot candles of light. This required lighting level is established in order to provide sufficient illumination to the parking areas and walkway areas serving the sexually oriented business for the personal safety of the patrons and employees of the sexually oriented business and to reduce the incidents of vandalism and criminal conduct.

b. All light shall be shielded and arranged so that illumination is directed toward the surface areas of the premises and not onto adjoining properties or into the skyward area above the premises or the skyward area of a property adjoining the premises, so that light trespass onto adjoining properties and light pollution (sky glow and/or glare) will be minimized. No light fixture shall be mounted or placed higher than 25 feet from the ground surface. Illumination from the sexually oriented business shall not exceed 1 foot candle 10 feet from the property boundary line on any property adjoining the premises of the sexually oriented business.

3. Sign Requirements

a. The display surface shall: (1) not contain any flashing light; (2) be a flat plane, square or rectangular in shape; (3) not contain any photographs, silhouettes, drawing or pictorial representation in any manner; (4) each letter forming a word shall be of a solid color and each letter shall be of the same print, type, size and color; the background behind such lettering on the display surface shall be of a uniform and solid color.

b. No exterior shall have flashing lights, search lights, spot lights, photographs, silhouettes, drawings or pictorial representations in any manner.

c. No exterior portion of the establishment shall be painted any color other than an achromatic color.

d. No sign shall be a flashing, moving or constant motion sign.

e. No sexually oriented business shall have an off-premises sign, nor permit an off-premises sign of another sexually oriented business on its property. (Ord. 05-30, Sec. 3: Ord. 01-66, Sec. 4: Ord. 01-9, Sec. 6: ZO Art. 13 § 2)

Section 17.56.030 Height and area regulations.

The height and area regulations set forth in Chapter 17.72 shall be observed and in addition any

building used for dwelling purposes shall comply with the side and rear yard and lot area per family regulations in the R-4 multiple dwelling district. (ZO Art. 13 § 3)

Section 17.56.040 Parking and loading regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.76. (ZO Art. 13 § 4)

Chapter 17.60

M-2 HEAVY INDUSTRIAL DISTRICT

Sections:

- 17.60.010** **References to regulations.**
- 17.60.020** **Use regulations.**
- 17.60.030** **Height and area regulations.**
- 17.60.040** **Parking and loading regulations.**

Section 17.60.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the M-2 heavy industrial district. (ZO Art. 14 § 1)

Section 17.60.020 **Use regulations.**

A building or premises may be used for any purpose not in conflict with any ordinance of the City regulating nuisances; provided, however, that no building shall be erected, reconstructed, or structurally altered for residential purposes, except for resident watchmen and caretakers employed on the premises; and provided that any advertising signs and billboards shall comply with the requirements of Section 17.56.020(L); and provided further that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council after report by the Board of Appeals and the Chief of the Fire Department:

- A. Acid manufacture;
- B. Cement, lime, gypsum or plaster of Paris manufacture;
- C. Distillation of bones and glue manufacture;
- D. Explosives, manufacture or storage;
- E. Fat rendering and fertilizer manufacture;
- F. Garbage, offals, or dead animals, reduction or dumping;
- G. Petroleum, or its products, refining of;
- H. Smelting of tin, copper, zinc or iron ores;
- I. Stockyards or slaughter of animals. (Ord. 01-9, Sec. 7: ZO Art. 14 § 2)

Section 17.60.030 **Height and area regulations.**

The height and area regulations set forth in Chapter 17.72 shall be observed. (ZO Art. 14 § 3)

Section 17.60.040 **Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Chapter 17.76. (ZO Art. 14 § 4)

Chapter 17.64

S-1 COMMERCIAL RECREATION DISTRICT

Sections:

- 17.64.010** **References to regulations.**
- 17.64.020** **Use regulations.**
- 17.64.030** **Height and area regulations.**
- 17.64.040** **Parking and loading regulations.**

Section 17.64.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the S-1 commercial recreation district. (ZO Art. 15 § 1)

Section 17.64.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Bowling alley;
- B. Club and lodge;
- C. Fishing or fly-casting pond;
- D. General commercial amusement;
- E. Marina;
- F. Miniature golf course;
- G. Pitch and putt course;
- H. Pool or billiards;
- I. Restaurant;
- J. Skating rink;
- K. Swimming pool, swim park, or natatorium;
- L. Tennis court;
- M. Theater, not including drive-in theater.

N. Signs pertaining to the name of the establishment or to products or services sold or offered on the premises, provided that such signs comply with the requirements contained in Section 17.40.020(K). (Ord. 01-9, Sec. 8: ZO Art. 15 § 2)

Section 17.64.030 **Height and area regulations.**

The height and area regulations set forth in Chapter 17.72 shall be observed. (ZO Art. 15 § 3)

Section 17.64.040 **Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in accordance with the requirements of Chapter 17.76. (ZO Art. 15 § 4)

Chapter 17.68

S-2 RESORT DISTRICT

Sections:

- 17.68.010** **References to regulations.**
- 17.68.020** **Use regulations.**
- 17.68.030** **Height and area regulations.**
- 17.68.040** **Parking and loading regulations.**

Section 17.68.010 **References to regulations.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the regulations in the S-2 resort district. (ZO Art. 16 § 1)

Section 17.68.020 **Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Church and incidental facilities;
- B. Public park, playground, wildlife preserve, forest preserve, golf course, and other public recreation use;
- C. Motel or resort hotel together with accessory uses located on the premises and having no exterior entrances closer than one hundred (100) feet to a public street as follows: cocktail lounge, personal services, recreational facilities, restaurant and retail shops;
- D. Guest ranch and incidental facilities, including stable, corral, swimming pool, restaurant, incidental retail sales and services, provided such resorts and ranches are located on sites containing not less than five acres. (ZO Art. 16 § 2)

Section 17.68.030 **Height and area regulations.**

The height and area regulations set forth in Chapter 17.72 shall be observed. (ZO Art. 16 § 3)

Section 17.68.040 **Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in accordance with the requirements of Chapter 17.76. (ZO Art. 16 § 4)

Chapter 17.72

HEIGHT AND AREA REGULATIONS

Sections:

17.72.010 Table of height and area requirements.

17.72.020 Height and area exceptions and modifications.

Section 17.72.010 Table of height and area requirements.

The required height and area regulations are established and shown on the accompanying table, which is Table 17.72.010.

**Table 17.72.010
HEIGHT AND AREA REQUIREMENTS**

District	Maximum Height of Buildings		Minimum Depth of Front Yard in Feet	Minimum Width of:		Minimum Depth of Rear Yard in Feet	Minimum Lot Area Per Family in Sq. Ft.	Minimum Lot Width in Feet
	Stories	Feet		Either Side Yard in Feet	Aggregate Side Yards in Feet			
A-1 agricultural	2 1/2	35	50	50	100	50	3 acres	200
R-S single-family residence	2 1/2	35	35	10	20	40	20,000	100
R-1 single-family residence	2 1/2	35	30	8	16	35	10,000	75
R-2 single-family residence	2 1/2	35	25	6	14	25	7,500	60
R-3 two-family residence	2 1/2	35	25	6	14	25	5,000 1-family 2,500 2-family	50
R-4 multiple dwelling	3	45	25	6	14 ¹	25	5,000 1-family 2,500 2-family 1,500 multiple dwelling	50
R-5 trailer and mobilehome	2 1/2	35	25	6	14	25	7,500	60
C-1 neighborhood shopping	2	35	25	None ²	-	None ³	Same as R-3 District	-

C-2 commercial	3	45	15	None ²	-	None ³	Same as R-4 District	-
C-3 central business	6	75	None	None	-	None	1,000	-
C-4 planned commercial	3	45	As required				Residences not permitted	-
M-1 light industrial	6	75 ⁴	25	None ²	-	None ³	Residences not permitted	-
M-2 heavy industrial	6	75 ⁴	25	None ²	-	None ³	Residences not permitted	-
S-1 commercial recreation	3	45	40	12	24	40	20,000	100
S-2 resort	3	45	40	12	24	40	20,000	100

- 1 For buildings of less than three stories in height. For three-story buildings, side yards of eight feet each shall be required.
- 2 No side yard required except on the side of a lot adjoining a residence district, in which case a side yard of not less than five feet shall be provided in any C district and of not less than ten feet in any M district.
- 3 No rear yard required except on the rear of a lot adjoining a residence district, in which case a rear yard of not less than twenty-five (25) feet shall be provided.
- 4 Whenever a building in an M district adjoins or abuts an R district, within one hundred (100) feet therefrom, such building shall not exceed three stories or forty-five (45) feet in height unless it is set back one foot from the required side and rear yard lines for each foot of additional height above forty-five (45) feet.

(ZO Art. 17)

Section 17.72.020 Height and area exceptions and modifications.

A. Height.

1. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator penthouses, smokestacks, conveyors and flagpoles.

2. Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet when, the required front, side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.

3. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are located.

B. Front Yards.

1. When forty (40) percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.

2. On lots having double frontage the required front yard shall be provided on both streets.

3. In a residential district, no fence, structure or planting higher than three and one-half feet above the established street grades shall be maintained within twenty (20) feet of any street intersection.

4. An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten feet, but this shall not be interpreted to include or permit fixed canopies.

5. Filling station pumps and pump islands and signs may be located within a required yard, provided they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from the boundary of any residential district.

6. Off-street parking facilities may be located within the required front yard of any C or M district but shall not be nearer than fifty (50) feet to any R district unless there is an existing intervening street or alley and no off-street parking shall be permitted in the required front yard of any R district.

C. Side Yards.

1. On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.

2. No accessory building shall project beyond a required yard line along any street.

3. Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot adjoining a residence district.

4. A canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed and not less than five feet from any side lot line. No portion of the enclosed building itself shall extend beyond or be cantilevered over the building line.

5. Where a lot of record at the time of the effective date of the ordinance codified in this title is less than fifty (50) feet in width, each of the required side yards may be reduced to ten percent of the width of the lot, provided, however, that no side yard be less than three feet.

D. Rear Yards.

1. Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.

2. An accessory building not exceeding twenty (20) feet in height may occupy not to exceed thirty (30) percent and unenclosed parking spaces may occupy not to exceed ninety (90) percent of the area of a required rear yard, but no accessory building shall be closer than ten feet to the main building nor closer than three feet to any side or rear lot line.

3. The ordinary projections of sills, belt courses, cornices and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard. Roofs and eaves may extend not more than thirty (30) inches into a required yard.

4. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard, may be permitted by the Building Official for a distance not to exceed five feet when these are so placed as not to obstruct light and ventilation.

E. Lot Area per Family.

1. Where a lot of record at the time of the effective date of the ordinance codified in this title has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any nondwelling use permitted in the district in which it is located.

2. Where a lot is not served by either a public water supply or a public or community sewer, it shall have an area of not less than twenty thousand (20,000) square feet and a width of not less than one hundred (100) feet; where a lot is served by a public water supply but not a public or community sewer, it shall have an area of not less than ten thousand (10,000) square feet and a width seventy-five (75) feet.

3. In the case of a farm, the lot area per family requirement may be reduced to twenty thousand (20,000) square feet per family for an individual dwelling used as part of the farm operation, provided such farm has an area of three acres or more for each such dwelling. (ZO Art. 18)

Chapter 17.76

OFF-STREET PARKING AND LOADING

Sections:

- 17.76.010** Off-street parking requirements.
- 17.76.020** Computation of number of parking spaces required.
- 17.76.030** Location of parking spaces.
- 17.76.040** Loading space.

Section 17.76.010 Off-street parking requirements.

In all districts, except the C-3 central business district, there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Section 17.76.020), off-street parking spaces in accordance with the following requirements:

- A. Dwellings, including single and two-family and multiple: one parking space for each dwelling unit;
- B. Boarding or lodging house: one parking space for each two sleeping rooms;
- C. Private club or lodge: one parking space for every ten members;
- D. Church or temple: one parking space for each eight seats in the main auditorium;
- E. School (except high school or college): one parking space for each ten seats in the auditorium or main assembly room, or one space for each classroom, whichever is greater;
- F. College or high school: one parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater;
- G. Country club or golf club: one parking space for each five members;
- H. Community center, library, museum or art gallery: ten parking spaces plus one additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet;
- I. Hospital: One parking space for each two beds;
- J. Sanatorium, convalescent home, home for the aged or similar institution: one parking space for each six beds;
- K. Theater or auditorium (except school): one parking space for each five seats or bench seating spaces;
- L. Sports arena, stadium, or gymnasium: one parking space for each five seats or seating spaces;
- M. Hotel: one parking space for each three sleeping rooms or suites plus one space for each two hundred (200) square feet of commercial floor area contained therein;
- N. Tourist home, cabin or motel: one parking space for each sleeping room or suite;
- O. Dance hall, assembly or exhibition hall without fixed seats: one parking space for each one hundred (100) square feet of floor area used therefor;
- P. Business or professional office, studio, bank, medical or dental clinic: three parking spaces plus one additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000);
- Q. Bowling alley: five parking spaces for each alley;
- R. Mortuary or funeral home: one parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms;
- S. Restaurant, nightclub, cafe or similar recreation or amusement establishment: one parking space for each one hundred (100) square feet of floor area;
- T. Retail store or personal service establishment, except as otherwise specified herein: one parking space for each two hundred (200) square feet of floor area;
- U. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment

sales and service, clothing or shoe repair or service shop: two parking spaces plus one additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000);

V. Printing or plumbing shop or similar service establishment: one parking space for each three persons employed therein;

W. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: one parking space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

X. Adult store: one space per 300 square feet of gross floor area, excluding viewing rooms and one space per viewing room.

Y. Adult cabaret: one space for each table or booth or three seats at counter or bar.

Z. Adult motel: one space per guest sleeping room.

AA. Adult theater: one space for each six seats of designated capacity.

AB. Semi-nude studio, Sexual encounter center, Escort agency: one space per 300 square feet of gross floor area. (Ord. 05-30, Sec. 4: ZO Art. 19 § 1)

Section 17.76.020 Computation of number of parking spaces required.

A. In computing the number of such parking spaces required, this shall be construed to be the nearest whole number, and in the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

B. Whenever a building or use constructed or established after the effective date of the ordinance codified in this title is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of the ordinance codified in this title is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein. (ZO Art. 19 § 2)

Section 17.76.030 Location of parking spaces.

A. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the Corporation Counsel and shall be filed with the application for a building permit. (ZO Art. 19 § 3)

Section 17.76.040 Loading space.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

A. In the C-1 and C-2 shopping and commercial districts and in the M-1 and M-2 industrial districts: one loading space for each ten thousand (10,000) square feet, or fraction thereof, of floor area in the building;

B. In the C-3 central business district: one loading space for the first five thousand (5,000) to fifteen thousand (15,000) square feet of floor area in the building and one additional loading space for each

fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet. (ZO Art. 19 § 4)

Chapter 17.80

SPECIAL USE REGULATIONS

Sections:

- 17.80.010** **Special use permits.**
17.80.020 **Residence development plan.**

Section 17.80.010 **Special use permits.**

A. The City Council by a majority vote may by ordinance grant a special use permit for the following special uses in any district except as herein qualified, for which they are otherwise prohibited by this title, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood; provided, however, any proposed special use which fails to receive the approval of the Plan Commission shall not be approved by the City Council except by a favorable vote of two-thirds of all Councilmembers then holding office:

1. Airport, landing field, or landing strip for aircraft;
2. Amusement park, but not within three hundred (300) feet of any R district;
3. Cemetery or mausoleum;
4. Circus or carnival grounds, but not within three hundred (300) of any R district;
5. Commercial, recreational or amusement developments for temporary or seasonal periods;
6. Hospitals or institutions, nursing homes, shelter care homes; provided that any hospital, nursing home, shelter care home or institution building permitted in an R district shall be located on a site of not less than five acres, shall not occupy more than ten percent of the total lot area, and shall be set back at least one hundred (100) feet from all lot lines;
7. Oil well or the extraction of other natural material, but only under conditions that will protect the surrounding property and building development to the advantage of the entire community, including requirements that all excavated areas shall be graded or backfilled to substantially conform with the contour of the surrounding area, that oil drilling and pumping sites shall be adequately landscaped and screened with planting maintained in good condition, and that all oil drilling equipment shall be removed from the premises and sump holes filled within sixty (60) days after completion of a well;
8. Privately operated community building or recreation field;
9. Any public or government building;
10. Radio or television broadcasting tower or station;
11. Mobilehome court in the R-4 multiple dwelling district, provided that the mobilehome court complies with the following requirements:
 - a. A mobilehome court shall be located on a tract of land not less than ten acres,
 - b. Minimum mobilehome space shall be four thousand (4,000) square feet,
 - c. Any building, structure or mobilehome shall be located at least twenty-five (25) feet from any front or rear property line or any side property line adjacent to a street and at least ten feet from any other property line,
 - d. No building or structure within the mobilehome court shall exceed the height of thirty-five (35) feet,
 - e. There shall be provided within the boundaries of the mobilehome court not less than two off-street parking spaces for each mobilehome space plus one parking space for each two mobilehome spaces for visitors and the parking of recreational vehicles,
 - f. The mobilehome court shall have direct access to a public street or highway by an accessway of not less than forty (40) feet in width,

g. Each mobilehome space shall abut on a street at least twenty-five (25) feet wide with unobstructed access to a public street. Appropriate turn-around space shall be provided at the terminus of any dead-end street in the mobilehome court sufficient to accommodate emergency vehicles,

h. Individual mobilehome spaces shall have a minimum width of forty-two (42) feet and depth of seventy (70) feet. Spaces shall be arranged and mobilehomes parked in such a manner that there is an open space not less than fifteen (15) feet by thirty (30) feet at the rear of and part of each mobilehome space,

i. Not less than ten percent of the gross site area of the mobilehome court shall be devoted to recreational facilities. Such facilities shall be centrally located on the site and readily accessible to all mobilehome occupants,

j. All mobilehome parks within the zoning jurisdiction of the City shall comply with all applicable provisions of the mobilehome park code as amended from time to time,

k. A mobilehome court must comply with the stormwater detention requirements established for subdivisions as set forth in Section 16.28.070, stormwater detention, of Title 16 of this code,

l. A mobilehome court must comply with the sidewalk requirements established for subdivisions as set forth in Section 16.28.120, Sidewalks, of Title 16 of this code;

12. Bed and breakfast establishments in any R district;

13. Self-service individual storage units used for noncommercial purposes;

14. Day care center/school in any R district;

15. Taxicab office in any R district;

16. Manufactured home in a residential or commercial district, except R-1 (single-family residence district) and C-4 (planned commercial district), provided that the following requirements are satisfied:

a. The applicant must submit a plot plan of the lot showing the proposed manufactured home on the lot with the dimensions of the home and the distances from the various property lines.

b. The applicant must submit a floor plan of the proposed manufactured home, along with the name of the manufacturer and model name and number.

c. The applicant must submit elevations of all sides of the proposed manufactured home.

d. The manufactured home must be installed on piers, supports or foundation as required by the manufacturer. There must also be a perimeter wall of mortared continuous masonry or concrete consisting of a thirty-six (36) inch frost wall not less than six inches wide.

e. The manufactured home must have a minimum of one thousand (1,000) square feet, a minimum width of twenty-four (24) feet, a roof pitch of at least one to four, and must not have been previously occupied.

f. The exterior of the manufactured home must be of a type commonly found in conventional housing in the residential area and the roofing material must be similar to conventional housing in the area.

g. All exterior doors of the manufactured home must be accessible from the outside by porch, deck, stairs, or other means constructed in accordance with the ICC International Building Codes adopted by the City.

h. The demolition of any existing dwellings on the lot must occur prior to the placement of the manufactured home on the lot.

17. Small community residences located less than six hundred (600) feet from another small community residence, provided:

a. The City Council of the City finds that the cumulative effect of such uses would not alter the residential character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties,

b. Prior to occupancy, a certificate of zoning compliance is applied for and received;

18. Large community residences subject to the following conditions:

a. No such residence shall be located less than one thousand three hundred twenty (1,320) feet from a small or large community residence; provided, however, that this spacing requirement may be waived if the City Council of the City finds that the cumulative effect of such uses would not alter the residential

character of the neighborhood, would not create an institutional setting, and by its operation would not create an adverse effect on surrounding properties.

b. Prior to admitting residents, the operator of such residence shall demonstrate that the dwelling will comply with all applicable licensing and code standards.

c. Applicant shall submit a statement of the exact nature of the residence, the qualifications of the agency that will operate the residence, the number and type of personnel who will be employed, and the number and nature of the residents who will live in the residence.

d. The residence shall, to the extent possible, conform to the type and outward appearances of the residences in the area in which it is located.

e. Prior to occupancy, a certificate of zoning compliance is applied for and received.

19. Owner-occupied private residence providing specifically food and facilities for special occasion gatherings.

20. Trailers or mobilehomes in an R-5 trailer or mobilehome district which are more than 10 years old when placed on the property, provided that all other requirements of Section 17.36.020(B) are satisfied and the trailer or mobilehome will not be detrimental to the surrounding properties.

21. Community Renewable Generation Project or Utility Scale Solar Project or Utility Scale Wind Project, but only under conditions that will protect the surrounding property and building development to the advantage of the entire community, including requirements that all excavated areas shall be graded or backfilled to comport with the water runoff requirements of the surrounding area, that sites shall be adequately landscaped and/or screened with planting and/or fencing maintained in good condition, that sites conform in all other ways to the requirements and standards of the City Code Enforcement Officer and Illinois law, and that all equipment shall be removed from the premises and the premises restored to a condition compatible with its former use within one hundred eighty (180) days after decommission of the project.

B. All applicants filing for a special use permit shall pay a fee of two hundred dollars (\$200.00). Application for a special use permit under this chapter shall include among other pertinent information five copies of a site plan to scale showing:

1. A small locational map indicating location of the development within the community;
2. The location, dimensions and character of all present and/or proposed buildings, structures and uses;
3. The location of off-street parking and off-street loading;
4. The location of adjacent pedestrian and vehicular traffic and circulation;
5. Type of proposed surfacing material for accessways and parking;
6. Plan for pedestrian and vehicular traffic within the subject area with consideration given to the established street system serving the subject area, and to emergency vehicle access to each building;
7. Perspectives of structures or other such drawings necessary to indicate the relative compatibility with the immediate neighborhood as well as within the subject area;
8. General landscaping and screening plan;
9. Location of public or private utilities proposed to serve the subject area;
10. Existing contour map of the site;
11. Proposed finished grade of the site; and
12. Development schedule providing reasonable guarantees for the completion of the proposed development or other construction according to the development schedule.

C. Before authorization of any of the above special uses, the request therefor shall be referred to the City Plan Commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood, and a public hearing shall be held in relation thereto before the Plan Commission, notice and publication of the time and place for which shall conform to the procedure prescribed in Section 17.12.040 for hearings on amendments. If no report is transmitted by the Plan Commission within sixty (60) days of notification, the City Council may take action without further awaiting such report.

D. Any proposed special use shall otherwise comply with all the regulations set forth in this title for

the district in which such use is located, except that the City Council may permit hospitals and institutions to exceed the height limitations of such district. (Ord. 2018-40 § 1; Ord. 10-23 § 2; Ord. 04-11 § 2; Ord. 99-23 § 1; Ord. 98-139 § 1; Ord. 98-5 § 4; Ord. 97-69 § 1; ZO Art. 20 § 1)

Section 17.80.020 Residence development plan.

A. An authorized agency of the municipal, county, state or federal government or the owner or owners of any tract of land comprising an area of not less than ten acres may submit to the City Council a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the City Plan Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Section 17.12.040 for hearings on changes and amendments. If the Commission approves the plans, these shall then be submitted to the City Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected, and to this end, the Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project;

2. The plan is consistent with the intent and purposes of this title to promote public health, safety, morals and general welfare, and will establish a residential environment of sustained desirability and stability;

3. The buildings shall be used only for single-family dwellings, two-family dwellings, or multiple dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including churches;

4. The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

B. If the City Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located. (ZO Art. 20 § 2)

Chapter 17.84

PLANNED UNIT DEVELOPMENTS

Sections:

17.84.010	Purpose.
17.84.020	General procedure.
17.84.030	Preapplication conference procedures and requirements.
17.84.040	Preliminary plat procedures and requirements.
17.84.050	Final plat procedures and requirements.
17.84.060	Standards.
17.84.070	Findings.
17.84.080	Conditions and guarantees.

Section 17.84.010 Purpose.

A. The purpose of the planned unit development regulations is to encourage and allow more creative imaginative design for land developments than is possible under the more conventional zoning regulations. The planned unit development also provides for more efficient use of the land and thus results in more economical land development. Preservation of natural site qualities, better urban amenities, more open space, and a higher quality project are the normal results of the planned unit development process.

B. The following objectives may be obtained through the use of the planned unit development procedure:

1. To permit a maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this title;
2. To promote a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities;
3. To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative design;
4. To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features;
5. To provide for the prevention and/or control of soil erosion, surface flooding, and the preservation of subsurface water;
6. To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development;
7. To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities;
8. To promote the more efficient use of the land resulting in more economic networks of utilities, streets and other facilities;
9. To encourage a land use which promotes the public health, safety, comfort and welfare.

C. The planned unit development is intended to provide for projects incorporating a single type or a variety of related uses which are planned and developed as a unit. The planned unit development should provide amenities not otherwise required by law and often establishes facilities and open space greater than the minimums required by law.

Such development may consist of conventionally subdivided lots to be sold, unsubdivided single ownership, separate condominium ownership of structures, or other ownership methods, and shall provide for development by means of a planned unit development plat which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

D. The unique and substantially different character of planned unit developments requires their administrative processing as a special use in this title. Planned unit developments are more complex and of a different character than other special uses requiring the establishment herein of specific and additional procedures, standards and exceptions to govern the recommendations of the City Plan Commission and the action of the City Council. (ZO Art. 20A § 1)

Section 17.84.020 General procedure.

A planned unit development shall be granted as a special use in accord with the procedures, requirements and standards of this chapter and may depart from the normal procedures, standards, and other requirements of the zoning ordinance of the City.

Applications shall be made on forms provided by the City and shall be accompanied by the required plats and documents. Detailed plans, drawings, and other information as specified by this chapter shall be required at the time of the various meetings and hearings. (ZO Art. 20A § 2)

Section 17.84.030 Preapplication conference procedures and requirements.

A. Preapplication Conference Procedure. Prior to the filing of an application for approval of a planned unit development, the developer may request of the City Plan Commission an informal meeting to discuss the development of designated land in conjunction with the City planning and zoning objectives and the comprehensive plan. The request for a preapplication conference shall be made to the City Clerk of the City. Said meeting shall be a part of the next regularly scheduled City Plan Commission meeting, shall be open to the public, and included on their agenda in advance of the meeting.

The preapplication conference is not mandatory and does not require formal application, fee, or filing of a planned unit development plat.

B. Preapplication Conference Requirements. The planned unit development plats and supporting data shall include at least the following information, unless waived by the City Plan Commission:

1. General Site Information. Data regarding site conditions, land characteristics, available community facilities and utilities, existing covenants, and other related information;
2. Sketch Plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots and other features;
3. Legal Description. A complete property survey and legal description of the site proposed for development. (ZO Art. 20A § 3)

Section 17.84.040 Preliminary plat procedures and requirements.

A. Purpose. The purpose of the preliminary plat submission is to obtain tentative approval and/or commitments from the City that the plans, design and program that the developer intends to build and follow are acceptable, and that the developer can reasonably proceed into final detailed architecture, engineering, surveying, and landscape architecture in anticipation of final plat approval and subsequent construction. This is a relatively detailed submission that assures the developer that his or her plan is acceptable and that he or she can invest the money necessary to prepare final plans with the assurance that the final plat and plans will be accepted if they substantially conform to the preliminary plat and plans.

B. Procedures. A request for preliminary approval of the planned unit development shall be submitted to the City Clerk who shall refer same to the City Plan Commission for public hearing, report, and recommendation as to whether or not the City Council should issue the special use permit applied for. The required procedures for review of the preliminary plat shall be:

1. Submission of the following:
 - a. Written application for review of a planned unit development shall be made on forms and in the manner prescribed by the City. Said application for review shall require that the developer provide a list of the names and addresses of all owners of all property which is within two hundred (200) feet of the proposed planned unit development property;
 - b. A filing fee of fifty dollars (\$50.00);

c. Four copies of prints of the preliminary plat(s) and other necessary documentation in accordance with the requirements of subsection C of this section.

2. The City Clerk of the City shall give notice of the time, place and purpose of the hearing on any application for a planned unit development in accordance with state law and Section 17.12.040 of this title.

3. The City Plan Commission shall hold a public hearing on the application for planned unit development at the time and place specified in the notices required in the preceding subsection.

4. Following the public hearing in review of the preliminary planned unit development plat and supporting data for conformity to these regulations, the City Plan Commission shall, within sixty (60) days, unless an extension is requested by the petitioner and granted by the City Plan Commission, recommend approval, modification or disapproval, and the reasons therefor, or indicate why a report cannot be rendered to the City Council.

The City Plan Commission shall set forth in a separate communication to the City Council findings of fact, in accord with Section 17.84.070, on which they base their recommendations and describing how the proposal meets the standards of Section 17.84.060.

5. The City Council, after receipt of the preliminary planned unit development plat from the City Plan Commission, shall approve, modify or disapprove the preliminary plat within a period of sixty (60) days, unless an extension is requested by the petitioner and granted by the City Council. In the case of approval, or approval with modification, the City Council shall pass an ordinance granting the special use and indicate their approval upon the plat and arrange zoning map modifications as necessary. The City Council may require such special conditions as they may deem necessary to insure the conformance with the intent of the planning objectives of the City and the stated purposes of the planned unit development.

6. Approval of a preliminary planned unit development plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the City Plan Commission and the City Council and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any.

7. The preliminary and final plats may be filed and approved simultaneously or the final plat may be filed and approved without a preliminary plat if all of the land is to be developed at one time, and if all requirements hereof are met.

8. No building permit shall be issued for any structure until the final plat has been filed, approved and recorded.

C. Requirements. The planned unit development preliminary plats and supporting data shall include at least the following information, unless waived by the City Plan Commission:

1. Detailed Plan. A drawing of the planned unit development shall be prepared under the active and personal direction of a licensed engineer or registered land surveyor at a scale of not less than one inch equals one hundred (100) feet. The submission may be composed of one or more sheets and drawings and include:

a. Boundary Lines. Bearings and distances,
b. Easements. Location, width and purpose,
c. Streets On and Adjacent to the Tract. Street name, right-of-way width, existing or proposed center line elevations, pavement type, walks, curbs, gutters, culverts, etc.,

d. Utilities on and Adjacent to the Tract. Location, size, and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to and size of nearest usable water mains and sewers adjacent to the tract showing invert elevation of sewers,

e. Ground Elevation on the Tract. For land that slopes less than one-half percent, show one-foot contours; for land that slopes more than one-half percent, show two-foot contours; also show spot elevation at all breaks in grades, along all drainage channels or swales, and at points of special significance,

f. Other Conditions on the Tract. Watercourses, floodplains, marshes, rock outcrop, wooded areas,

isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings, and other significant features,

g. Other Conditions on Adjacent Land. Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, and show approximate percent built up, typical lot size, and dwelling type,

h. Zoning. Show zoning districts on and adjacent to the tract,

i. Proposed Public Improvements. Highways or other major improvements planned by public authorities for future construction on or near the tract,

j. Open Space. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated,

k. Structures. General location, purpose, architectural style, approximate square footage, and height, in feet or stories, of each building other than single-family residences on individually platted lots,

l. Map Data. Names and addresses of the owner, subdivider, land planning consultant and the licensed engineer or registered land surveyor who prepared the preliminary plat, north point, scale, date of preparation, and acreage of site,

m. Miscellaneous. Such additional information as may be required by the City Plan Commission;

2. Objectives. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer.

3. Character. Explanation of the character of the planned development;

4. Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the County Recorder of Deeds. A certificate shall be furnished that there are no delinquent taxes constituting a lien on the whole or any part of the property;

5. Schedule. Development schedule indicating:

a. Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material,

b. Approximate dates for beginning and completion of each stage,

c. If different land use types are to be included within the planned unit development, the schedule must include the mix of uses to be built in each stage,

6. Covenants. Proposed agreements, provisions or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space;

7. Density. Provide information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, and the number of buildings by type;

8. Nonresidential Use. Provide information on the type and amount of ancillary and nonresidential uses, including the amount of common open space, if any;

9. Service Facilities. Provide information on all service facilities and off-street parking facilities;

10. Facilities Plans. Preliminary plans or information, adequate to indicate that the proposed development can be serviced, shall be submitted for:

a. Roads including classification, width of right-of-way, width of pavement, and typical construction details,

b. Sanitary sewers,

c. Storm drainage,

d. Water supply system,

e. Lighting program,

f. Sidewalks, paths, and cycle trails. (ZO Art. 20A § 4)

Section 17.84.050 Final plat procedures and requirements.

A. Purpose. The purpose of the final plat is to designate with particularity the lands subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open space and building sites. The final plat is intended as a document to be recorded. The final plat shows the exact location of facilities while the preliminary plat shows the general location of the same facilities.

B. Procedures. The final plat shall be submitted as a planned unit development plat and shall conform substantially to the preliminary plat as approved and, if desired by the developer, may be submitted in stages with each stage reflecting the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plat shall be:

1. A final planned unit development plat and other supporting data required for approval shall be submitted to the City Clerk in accordance with the provisions of subsection C of this section. Final plats and supporting data shall show in detail the design, location and use of all buildings, facilities and site improvements, as well as such additional information as the City Plan Commission may require.

2. After review of the final plat, the City Plan Commission shall, within sixty (60) days, unless extension is requested by the petitioner and granted by the City Plan Commission, recommend approval or disapproval, and the reasons therefor, to the City Council.

3. The City Council, after receipt of the final plat from the City Plan Commission, shall approve or disapprove the final plat within a period of sixty (60) days, unless an extension is requested by the petitioner and granted by the City Council. Upon approval, the City Council shall pass an ordinance by a majority vote authorizing the planned unit development and allowing the issuance of all necessary permits. If the final plat fails to receive the approval of the Plan Commission, the City Council shall not approve the final plat except by a favorable vote of two-thirds of all Councilmembers then holding office.

Permits are to be issued only after the final planned unit development plat and supporting data have been recorded with the County Recorder of Deeds, and shall be issued in full conformance with this title. Proof of the recording of the final plat shall be provided to the City Clerk of the City of Olney.

C. Requirements. The planned unit development final plats and supporting data shall include at least the following information, unless waived by the City Plan Commission:

1. Final Detailed Plan. A final planned unit development plat, suitable for recording with the County Recorder of Deeds, shall be prepared. The purpose of the final plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final plat shall include, but not be limited to:

a. An accurate legal description of the entire area under immediate development within the planned development;

b. A plat of the planned unit development indicating lands in the same form and meeting all the requirements of a normal subdivision plat;

c. An accurate legal description of each separate unsubdivided use area, including common open space;

d. Designation of the exact location of all buildings to be constructed;

e. Certificates, seals and signatures required for the dedication of lands, and recording the document. The forms for the necessary certificates are in Section 16.20.020(D)(18)--(25) of Title 16;

f. Date on separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.

2. Common Open Space Documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development, or retained by the developer with legally binding guarantees, in a form approved by the City Attorney, that the common open space will be permanently preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.

3. Performance Guarantee or Bond for Public Facilities. A performance guarantee or bond as

approved by the City Attorney or the City Manager shall be posted to guarantee construction of the required improvements. The performance guarantee or bond may be in the form of a bond issued by a surety company, a pledge of lots within the development, pledged cash, personal surety secured by lots within the development, or similar collateral approved by the City Attorney or the City Manager. The performance guarantee or bond shall be in an amount determined by the City Manager or his or her designee as equal to the estimated cost of the construction of all improvements intended to be dedicated to the City for maintenance and operation. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the City shall be within two years of the date of approval of the final plat, unless such time is extended by written mutual consent of the developer and the City. If such improvements are not satisfactorily installed within the time constraints imposed herein, then such guarantee or bond shall be forfeited and shall be used to complete and/or install such improvements in accordance with the requirements specified herein. The guarantee or bond shall be in full force and effect for one year after the City officially accepts the improvements. During the one-year period after acceptance by the City, all deficiencies due to workmanship, material and/or method of construction must be corrected at the developer's expense. Acceptance by the City shall be in accordance with Section 16.28.010(C)(1) and (2) of Title 16.

4. Construction Plans. Detailed plans shall be submitted for the design, construction or installation of site amenities, including buildings, landscaping, lakes and other site improvements. Construction plans for all public facilities shall be submitted in accordance with Section 16.28.020 of Title 16.

5. Construction Schedule. A final construction schedule shall be submitted for that portion of the planned unit development for which approval is being requested.

6. Covenants. Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned unit development shall be recorded at the same time as the final planned unit development plat.

D. Recording of Final Plat. The ordinance authorizing construction of the planned unit development shall be effective only upon recording of the final planned unit development plat and supporting data with the County Recorder of Deeds. The recording of the final plat shall inform all who deal with planned unit development of the restrictions placed upon the land and act as a zoning control device.

E. Submission Requirements. The first final plat must be submitted no later than one year from the approval of the preliminary plat and construction, as authorized by the issuance of a building permit, must begin within one year of the date of the filing of the final plat dealing with such construction, unless an extension is granted by the City Plan Commission and the City Council. If construction falls more than two years behind the building schedule filed with the final plat, the City Plan Commission shall either extend the schedule period or initiate action to revoke the planned unit development special use. Extensions in the building schedule for one-year periods may be recommended by the City Plan Commission and granted by the City Council.

F. Changes in the Planned Unit Development. The planned unit development project shall be developed only according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

Changes to the recorded planned unit development may be made as follows:

1. Major Changes. Changes which alter the concept or intent of the planned unit development including increases in density, increases in the height of buildings, reductions of proposed open space, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions or covenants may be approved only by submission of a new final planned unit development plat and supporting data and following the final plat procedure. All changes to the original final plat shall be recorded with the County Recorder of Deeds as amendments to the final plat or reflected in the recording of a new corrected final plat.

2. Other Changes. The City Manager or his or her designee may approve other changes in the planned unit development which do not change the concept or intent of the development. Other changes

shall be any change not defined as a major change.

G. Failure to Begin or Complete Development. Failure to comply with subsection E of this section shall result in the lapse of the final development plan upon written notice to the developer from the City Council, and shall be of no further effect. If a final development plan lapses as per this section:

1. The special use permit shall be automatically revoked;
2. Any building permit shall automatically become null and void; and
3. All regulations applicable before the PUD was approved shall automatically be in full effect.

H. Occupancy. Upon the substantial completion of the planned unit development, a portion thereof, or an individual building or element of the planned unit development in full compliance with the final planned unit development plat and supporting data, then and only then can a certificate of occupancy be issued by the Building Official to allow the use of a building or facility. (Ord. 98-139 § 2; Art. 20A § 5)

Section 17.84.060 Standards.

The planned unit development must meet the following standards:

A. Comprehensive Plan. A planned unit development must conform with the intent and spirit of the planning objectives of the City.

B. Size and Ownership. The site of the planned unit development must be under single ownership and/or unified control and be not less than two acres in area.

C. The planned unit development is authorized as a special use in each of the zoning districts of this title, the zoning ordinance of the City of Olney.

D. Compatibility. The uses permitted in a planned unit development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.

E. Height and Area Requirements. The height and area requirements within a planned unit development shall conform to the height and area requirements set forth in Chapter 17.72 of this title for the zoning district or districts in which the planned unit development is located.

F. Parking Requirements. Adequate parking, based upon the use of each building, shall be provided and in no event shall the parking be less than that provided for in Chapter 17.76 of this title.

G. Traffic. Adequate provision must be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

H. Design and Improvements Standards. The provisions of Chapter 16.24 and Sections 16.28.040--16.28.120 shall be adhered to, unless a variance is granted by the City Plan Commission.

I. Other Standards. The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use and other regulations for the standard zoning districts and other provisions of this title to the extent specified in the preliminary plat and documents authorizing the planned unit development so long as the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. (ZO Art. 20A § 6)

Section 17.84.070 Findings.

The City Plan Commission shall, after the public hearing, set forth to the City Council the reasons for the recommendation, and said recommendation shall set forth with particularity the respects with which the proposal would be in the public interest, including but not limited to findings of fact on the following:

A. In what respects the proposed plan is consistent with the stated purpose of the planned unit development regulations;

B. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations;

C. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest;

D. The method by which the proposed plan makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and

further the amenities of light and air, recreation and visual enjoyment;

E. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood;

F. The conformity with the intent and spirit of the planning objectives of the City. (ZO Art. 20A § 7)

Section 17.84.080 Conditions and guarantees.

Prior to the granting of any planned unit development, the City Plan Commission may recommend, and the City Council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area, and to secure compliance with the standards specified in Section 17.84.060. In all cases in which planned developments are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with. (ZO Art. 20A § 8)

Chapter 17.88

NONCONFORMING USES

Sections:

- 17.88.010** **Nonconforming buildings.**
17.88.020 **Nonconforming uses of land.**

Section 17.88.010 **Nonconforming buildings.**

A. Any lawful use of a building existing at the effective date of the ordinance codified in this title may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification in accordance with Section 17.12.040. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of the ordinance codified in this title.

B. Whenever the use of a building shall become nonconforming through a change in the zoning ordinance or in the district boundaries, such use may be continued, and if no structural alterations are made, may be changed to another nonconforming use or of a more restricted classification in accordance with Section 17.12.040.

C. Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of two years, any future use of such building or portion thereof shall be in conformity with the regulations of the district in which such building is located.

D. A nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty (60) percent of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within one year of the date of such damage. (ZO Art. 21 § 1)

Section 17.88.020 **Nonconforming uses of land.**

A. A nonconforming use of land existing at the effective date of the ordinance codified in this title may be continued; provided, however, that no such nonconforming use of land shall, in any way, be expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of one year, or changed, any future use of such land shall be in conformity with the provisions of this title.

B. A trailer or mobilehome constituting a nonconforming use of land may be replaced with another trailer or mobilehome of the same or different size provided that it satisfies all the requirements of this title, including the height and area requirements found in Chapter 17.72.

C. Prior to the continuation of any nonconforming use of land, including the replacement of a trailer or mobilehome with another trailer or mobilehome, after the nonconforming use of land has been discontinued for a period of less than one year, the property owner or other interested party shall file a petition for continuance of a nonconforming use in the manner prescribed in Section 17.12.040(B)--(D). The City Council may approve a continuation of a nonconforming use of land, including the replacement of a trailer or mobilehome with another trailer or mobilehome, but only after a public hearing is held by the City Plan Commission and its report to the City Council. (ZO Art. 21 § 2)

Chapter 17.92

BOARD OF APPEALS

Sections:

- 17.92.010** **Establishment--Organization--Meetings.**
- 17.92.020** **Powers and duties.**
- 17.92.030** **Procedure.**

Section 17.92.010 **Establishment--Organization--Meetings.**

A. A Board of Appeals is established. The word "Board" when used in this section shall be construed to mean the Board of Appeals. Said Board shall consist of seven members appointed by the Mayor with the approval of the Council. Not less than three members of the Board shall be members of the City Plan Commission. The term of office of each member shall be five years except that the seven members first appointed shall serve respectively for terms of one, two, three, four, five, six and seven years. Thereafter, as each term expires, the appointment shall be for five years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The Mayor shall have the power to remove any member of the Board for cause, after notice and hearing. One of the members of the Board shall be named as Chairperson at the time of his or her appointment.

B. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. (ZO Art. 22 § 1)

Section 17.92.020 **Powers and duties.**

The Board of Appeals shall have the following powers:

A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this title;

B. To hold public hearings on, and, when in harmony with the general purpose and intent of this title, to authorize the following exceptions to the terms thereof:

1. The extension of a district where the boundary line thereof divides a lot in a single ownership at the time of the ordinance codified in this title,

2. Interpretation of the provisions of this title in such a way as to carry out the intent and purpose of the plan, as shown upon the district map, where the street layout actually on the ground varies from the street layout as shown on the map,

3. The use of a temporary building in conjunction with construction work only, which temporary building shall be removed promptly upon completion of the construction work,

4. The use of premises for public utility purposes and railroad purposes,

5. The reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly,

6. Variation of the parking and loading regulations by not more than fifty (50) percent where it is conclusively shown that the specific use of a building would make unnecessary the parking and loading spaces otherwise required by this title,

7. The classification of commercial or industrial uses not specifically listed in this title as to the appropriate district therefor based on the general character of the use and its comparability with other uses specifically permitted in the district;

C. To authorize, after public hearing as required by law, a variation in the strict application of the regulations with respect to a specific lot where, by reason of exceptional narrowness, shallowness or shape thereof or by reason of exceptional topography or other extraordinary or exceptional situation or condition, strict application of any provision of this title would result in practical difficulties or particular hardship upon the owner of such property, the Board of Appeals shall require evidence that: (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality; provided that any such variation shall be authorized only to the extent that justice may be done and provided, further, that the variation can be granted without substantial detriment to the public good and in harmony with the general purpose and intent of the comprehensive plan as established by the regulations.

Every variation shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the variation, which shall remain a part of the permanent records of the Board of Appeals. The findings of fact shall specify the reason or reasons for making the variation.

The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact of the Board of Appeals. (Ord. 03-11, Sec. 1: ZO Art. 22 § 2)

Section 17.92.030 Procedure.

A. Petition to the Board for exceptions or variations or appeals, as authorized in Section 17.92.020, may be made by any person or by any officer, department, board or bureau of the City affected by any decision of the Building Official. The appeal shall be taken within such time as shall be prescribed by the Board by general rule, by filing with the Building Official a notice of appeal, specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record from which the action appealed from is taken. A fee of one hundred dollars (\$100.00) shall accompany all notices of appeals to cover the cost of publication of notice of hearing, the cost of mailing notices of hearing as required by law and other costs incidental to such hearing. If the cost of publication of notice of hearing and the cost of mailing notices of hearing as required by law exceeds one hundred dollars (\$100.00), the applicant shall pay the additional costs to the City no later than the date and time set for the hearing. Failure to pay any additional costs prior to the hearing shall result in the postponement or cancellation of the hearing.

B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board, after notice of appeal shall have been filed with him or her, that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.

C. The Board shall fix a reasonable time for the hearing of the petition or appeal and give due notice of the time, place and purpose thereof, and shall decide the appeal within a reasonable time. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or to decide in favor of the applicant any matter on which it is required to pass under this title or to effect any variation in this title. (Ord. 11-19 § 5: Ord. 10-23 § 3: ZO Art. 22 § 3)

Chapter 17.96

CERTIFICATE OF OCCUPANCY

Sections:

- 17.96.010** **When required.**
- 17.96.020** **Certificate of occupancy for a building.**
- 17.96.030** **Certificates of occupancy for land.**
- 17.96.040** **Contents--Application required prior to excavation permit.**
- 17.96.050** **Certificates of occupancy for nonconforming uses.**

Section 17.96.010 **When required.**

Certificates of occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered;
- B. Change in use of an existing building to a use of a different classification;
- C. Occupancy and use of vacant land;
- D. Change in the use of land to a use of a different classification;
- E. Any change in the use of a nonconforming use. No such occupancy, use or change of use shall take place until a certificate of occupancy therefor shall have been issued by the Building Official. (ZO Art. 23 § 1)

Section 17.96.020 **Certificate of occupancy for a building.**

Certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Building Official for a period not exceeding six months, during the completion of alteration or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this title, and such temporary certificate shall not be used except under such restrictions and provisions as will adequately insure the safety of the occupancy. (ZO Art. 23 § 2)

Section 17.96.030 **Certificates of occupancy for land.**

Certificates of occupancy for the use of vacant land or the change in the character of the use of land, as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three days after the application has been made, provided such use is in conformity with the provisions of these regulations. (ZO Art. 23 § 3)

Section 17.96.040 **Contents--Application required prior to excavation permit.**

A. Certificate of occupancy shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

B. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy. (ZO Art. 23 § 4)

Section 17.96.050 Certificates of occupancy for nonconforming uses.

A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of the ordinance codified in this title. Application for such certificate of occupancy for a nonconforming use shall be filed with the Building Official by the owner or lessee of the building or land occupied by such nonconforming use within one year after the effective date of the ordinance codified in this title. (ZO Art. 23 § 5)