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# ARTICLE I – INTRODUCTORY PROVISIONS

## **Sec. 110-1. Statutory authority**

The regulations codified in this Chapter are adopted under the authority granted by (65 ILCS 5/11-13-1).

## **Sec. 110-2. Title**

This comprehensive amendment shall be known, cited, and referred to as the “City of Rochelle Zoning Ordinance.” Throughout this document, it may be referred to simply as the “Zoning Ordinance.”

## **Sec. 110-3. Applicability**

Unless otherwise expressly exempted, the Zoning Ordinance applies to all lands and waters, land uses, buildings, structures, and development within the corporate limits of the City of Rochelle and extending beyond the corporate limits as allowable by state law.

## **Sec. 110-4. Purpose and Intent**

- (1) Protecting and promoting the public health, safety, and general welfare of the City residents.
- (2) Maintaining and promoting orderly land use and development patterns within the City.
- (3) Ensuring adequate light, air, open space, privacy, and access to property within the City.
- (4) Facilitating the provision of adequate public services such as water, sewage, and other public utilities.
- (5) Conserving the taxable value of land and buildings throughout the City.
- (6) Defining and limiting the powers and duties of the administrative officers and bodies as provided herein; and
- (7) Implementing the City’s policies and goals, including those of the Comprehensive Plan.

## **Sec. 110-5. Separability**

If any word, clause, phrase, sentence, paragraph, provision, or application of the Zoning Ordinance, is, for any reason, judged by a court of competent jurisdiction to be unconstitutional or invalid, then such judgement will not affect the validity or enforceability of any remaining word, clause, phrase, sentence, paragraph, provision or application of the Zoning Ordinance.

## **Sec. 110-6. Interpretation**

- (1) Conflicting Regulations.
  - a. Conflict with federal or state regulations. If any provision of this Zoning Ordinance is inconsistent with the provision of any federal or state law, the provision that imposes more restriction and/or greater control on development shall apply, to the extent permitted by law.

- b. Conflict with other City regulations. If any provision of this Zoning Ordinance is inconsistent with another provision of this Zoning Ordinance, or is inconsistent with another City code provision, the provision that imposes more restriction and/or greater control on development shall apply.
  - c. Conflict with private agreements or easements. The Zoning Ordinance is not intended to abrogate, interfere or annul any covenant, easement, deed restriction, or agreement between private parties. If the provisions of this Zoning Ordinance impose more restriction or greater control on development, the provisions of this Zoning Ordinance shall apply. The City does not enforce private agreements.
  - d. Conflict between text, tables, and figures. This Zoning Ordinance contains tables and figures as well as text. In some cases, the tables and figures are used in place of text. In other cases, the tables and figures are meant to supplement or clarify the meaning of the text. In cases where there is a conflict between the text of this Zoning Ordinance and a table or figure of this Zoning Ordinance, the provisions as expressed in the text shall apply.
- (2) Minimum Requirements. The provisions of the Zoning Ordinance are deemed to be the minimum requirements necessary to fulfill the Zoning Ordinance's stated purposes.
- (3) Meaning and Intent.
- a. Words used in the singular also include the plural. Words used in the plural also include the singular.
  - b. Words used in the present tense shall also include the future tense.
  - c. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
  - d. The word "lot" shall include the words "piece" and "parcel" and "plot" and "tract."
  - e. The phrase "used for" shall include the phrases "intended for" and "maintained for" and "occupied for."
  - f. The following words indicate that compliance is mandatory: "must," "shall," "will," and "may not."
  - g. The following words indicate that compliance is permissible or advisory in nature, and not required: "may" and "should."
  - h. Within a series of provisions, the word "and" indicates that all such provisions apply. Within a series of provisions, the word "or" indicated that both a single provision and a combination of provisions may apply.
  - i. Unless otherwise expressly stated, a list or series of examples that uses "including," "such as," or similar wording shall not be construed as exhaustive.
  - j. Any word not herein defined shall be construed in their general accepted meanings in the most recent publication of Merriam-Webster International Dictionary.

- (4) Fractions. When a regulation is expressed in terms of a minimum requirement, any fractional result of a calculation shall be rounded up to the nearest whole number. For example, both (33.3) and (33.7) would be rounded up to (34).

#### **Sec. 110-7. References to other Regulations**

Any references to other associated regulations are for informational purposes only and may not constitute a complete list of all applicable rules and regulations. Interested parties remain responsible for ensuring knowledge of and compliance with all applicable rules and regulations.

The City may, from time to time, establish submittal requirements, review procedures, fee schedules, design guidelines, etc. to supplement this Zoning Ordinance. All such requirements, procedures, schedules and guidelines shall be approved by the City Council and made available for distribution, purchase, or public inspection in the Office of Community Development. Where practical, such materials may also be available on the City's website at [cityofrochelle.net](http://cityofrochelle.net).

#### **Sec. 110-8. General Development Procedures**

The Planning and Zoning Commission and the City Council shall continuously develop the City's Comprehensive Plan, including their planning policies to guide future decisions. All Comprehensive Plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under the Zoning Ordinance, and no development should be approved which directly conflicts with the stated goals and objectives of the Comprehensive Plan.

#### **Sec. 110-9. Effective Date and Transition**

- (1) Effective Date. Unless otherwise expressly indicated, the provisions of the Zoning Ordinance shall become effective on (June 1, 2021).
- (2) Applications Submitted Before Effective Date. Complete applications for development that were submitted and pending approval before (June 1, 2021) will be reviewed under the provisions and procedures of the Zoning Ordinance that was in effect on the date that the complete application was submitted. Any re-application for an expired permit must meet the standards of the Zoning Ordinance in effect at the time of the re-application.
- (3) Permits Issued Before Effective Date. If a building or development was issued a Building Permit prior to the effective date of the Zoning Ordinance, the building or development may be completed in compliance with that permit and other applicable permits, even if they conflict with the provisions of the Zoning Ordinance. However, if construction is not commenced and diligently pursued within the constraints of the building permit then the building or development must be completed in compliance with the provisions of the Zoning Ordinance.

## ARTICLE II - ADMINISTRATION AND ENFORCEMENT

### Sec. 110-10. City Council

- (1) Jurisdiction. The City Council shall retain the following duties and responsibilities under the Zoning Ordinance:
  - a. Take final action on applications for text and map amendments ([Sec. 110-20. Amendments](#)) to this Chapter, and Special Use Permits ([Sec. 110-21. Special Uses](#)).
  - b. Take final action on Appeals ([Sec. 110-23. Appeals](#)) and Variances ([Sec. 110-19. Variances](#)) to the Zoning Ordinance.
  - c. Take action on applications for temporary buildings, structures, and uses of land.
  - d. Designate certain days and times at which businesses may conduct their business outside of a building or structure.
  - e. Receive and act upon all reports relating to the effectiveness of the Zoning Ordinance, with recommendations for changes.
- (2) Final Actions by the City Council. All decisions and findings of the City Council related to the Zoning Ordinance shall be final, subject to judicial review as may be provided by law.

### Sec. 110-11. City Manager

The City Manager shall retain the following duties and responsibilities under the Zoning Ordinance:

- (1) Approve all decisions of the Zoning Administrator relating to Administrative Adjustments ([Sec. 110-16. Administrative Adjustments](#)).
- (2) The City Manager may, at his/her discretion, establish a Planned Unit Development (PUD) Review Committee for the purpose of participating in PUD pre-application meetings or, the review of PUD applications ([Article VII – Planned Developments](#)).

### Sec. 110-12. Community Development Director

The Community Development Director shall retain the following duties and responsibilities under the Zoning Ordinance:

- (1) The Community Development Director or his/her designee shall act as the Zoning Administrator.
- (2) Approve submittal requirements, review procedures and guidelines, as may be established from time to time, to supplement this Zoning Ordinance.
- (3) Make administrative decisions subject to ([Sec. 110-16. Administrative Adjustments](#)).

### **Sec. 110-13. Building Official**

The Building Official shall retain the following duties and responsibilities under the Zoning Ordinance:

- (1) Review and issue Building Permit applications ([Sec. 110-17. Building Permits](#)).
- (2) Perform building and site inspections.
- (3) Issue building and code violations and maintain records of such violations.
- (4) Issue Certificates of Occupancy ([Sec. 110-18. Certificates of Occupancy](#)).

### **Sec. 110-14. Zoning Administrator**

The Zoning Administrator shall develop and review procedures and guidelines, as may be established from time to time, to supplement the Zoning Ordinance.

- (1) Designation. The Community Development Director, or his/her designee, shall act as the Zoning Administrator.
- (2) Duties. As the Zoning Administrator, the duly appointed Community Development Director, along with any deputies, assistants, coordinators, and/or other designated personnel, shall enforce the regulations of the Zoning Ordinance. The Zoning Administrator shall:
  - a. Provide zoning information upon request.
  - b. Document all nonconformities ([Article IV – Nonconforming Lots, Structures, and Uses](#)) as/when they are identified.
  - c. Conduct inspections of buildings, structures and uses of land to determine compliance with the Zoning Ordinance.
  - d. Issue violation notices that require compliance and advise those receiving a violation of the right to appeal such violation.
  - e. Require that any construction or work of any type be stopped if it is determined to not be in compliance with the Zoning Ordinance, or if the construction would result in a situation that is not in compliance with the Zoning Ordinance.
  - f. Review and forward to the Planning and Zoning Commission all applications for text and map amendments ([Sec. 110-20. Amendments](#)) to the Zoning Ordinance, and applications for Special Use Permits ([Sec. 110-21. Special Uses](#)).
  - g. Review and forward to the Planning and Zoning Commission all applications for Appeals ([Sec. 110-23. Appeals](#)) and Variances ([Sec. 110-19. Variances](#)).
  - h. Interpret the provisions of the Zoning Ordinance as questions arise.
  - i. Determine which uses, though not contained by name in a zoning district's list of permitted uses, are similar in nature and clearly compatible with the listed permitted uses for that particular zoning district, and permit their establishment.
  - j. Issue or deny sign permit ([Sec. 110-51. Permits Required](#)) applications based on compliance of the proposed signage with the provisions of the Zoning Ordinance.

### **Sec. 110-15. Planning and Zoning Commission**

- (1) Jurisdiction. The Planning and Zoning Commission shall be responsible for the following duties and obligations under the Zoning Ordinance:
  - a. Review all applications for text and map amendments ([Sec. 110-20. Amendments](#)) to the Zoning Ordinance in the manner prescribed and report findings and recommendations to the City Council in accordance with the Zoning Ordinance.
  - b. Review all applications for special uses and Planned Unit Developments ([Article VII – Planned Developments](#)) in the manner prescribed and report findings and recommendations to the City Council.
  - c. Advise the City Council on all matters referred to it and matters that it is required to review.
  - d. Periodically review and update the City's Comprehensive Plan.
  - e. Implement and uphold the goals and objectives of the Comprehensive Plan, as it may be amended from time to time.
- (2) Recommendations of the Planning and Zoning Commission. All recommendations of the Planning and Zoning Commission on applications for text or map amendments to the Zoning Ordinance, applications for special uses or planned unit developments (PUDs), or for any other matter shall, in all instances, be advisory in nature and shall be subject to final consideration, evaluation, and determination by the City Council.

### **Sec. 110-16. Administrative Adjustments**

- (1) Authority. The Zoning Administrator is authorized to make, subject to approval by the City Manager, administrative adjustments relating to the following zoning standards:
  - a. Maximum building height - up to ten percent (10%) over the maximum.
  - b. Minimum yard setbacks - up to ten percent (10%) of the minimum.
  - c. Maximum sign area - up to ten percent (10%) of the maximum.
  - d. After-the-fact encroachments into required yards - up to twelve (12) inches.
- (2) Criteria. The Zoning Administrator shall not authorize an Administrative Adjustment unless the following criteria are satisfied:
  - a. The requested Administrative Adjustment is consistent with the stated intent and purposes of the Zoning Ordinance ([Sec.110-4. Purpose and Intent](#));
  - b. The requested Administrative Adjustment eliminates an inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of the surrounding property owners, or general public; and
  - c. Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent feasible.
- (3) Procedure. The property owner, or his/her agent, shall submit to the Zoning Administrator the following:

- a. A map or elevation, as appropriate, depicting the difference between the Zoning Ordinance's standard, and the requested Administrative Adjustment;
  - b. A statement on why the Administrative Adjustment is necessary and why, if granted, it would meet the criteria of this Section.
- (4) Prohibited. The Zoning Administrator shall not make an Administrative Adjustment for a Planned Unit Development ([Article VII – Planned Developments](#)) or a Special Use ([Sec. 110-21. Special Uses](#)).

#### **Sec. 110-17. Building Permits**

- (1) Permit Required. No structure, on water or on land, shall hereafter be used, erected, moved, or structurally altered, without full compliance with the terms of this section and other applicable regulations, until a Land Use Permit has been issued.
- (2) Applications. All applications for a Building Permit shall be made to the Community Development Director, and shall be accompanied by: plans, drawn to scale, showing the name and address of the property owner; location, shape and dimensions of the lot to be built upon; high water mark of any abutting watercourse; centerline of all abutting streets and highways; the exact size and location on the lot of the proposed or existing building and any/all accessory buildings; **the lot coverage including all structures and impervious surfaces and shown as a percentage (%) of the total lot area**; the lines within which the building shall be erected, altered or moved; the existing and intended use of each building or part of a building; the number of families/occupants the building is intended to accommodate; and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Chapter. Fees for Building Permits shall be required, as established in ([Sec. 110-24. Fees and Charges](#)).
- (3) Approval. The Zoning Administrator shall issue or refuse to issue a Building Permit within thirty (30) days after receipt of a complete application, except in the case of utility permits for work within the right-of-way. Refusal to issue a Building Permit shall be given in writing, detailing the reasons for such refusal to the applicant. Unless otherwise stated in this Chapter, a Building Permit shall be valid for one (1) year, except for a commercial new construction permit which shall be valid for two (2) years, from the date of issuance.

#### **Sec. 110-18. Certificates of Occupancy**

- (1) Certificate of Occupancy Required. No vacant land or building shall be occupied or used, and no building hereafter erected, altered or moved, and no existing building change in ownership or occupancy class, shall be occupied until a Certificate of Occupancy shall have been issued by the Building Official, after review by the Building Department and Fire Department. Such certificate shall show that the building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of the Zoning Ordinance. Such certificate shall be applied for when

application is made for a Building Permit and shall be issued within thirty (30) days after the completion of the work specified in such Building Permit application, but only if the building or premises and the proposed use conform with all of the requirements of the Zoning Ordinance.

- (2) Temporary Certificate of Occupancy. Under such rules and regulations as may be established by the City Council, the Building Official may issue a temporary Certificate of Occupancy for part of a building.
- (3) Existing Buildings. Upon written request from the property owner (including a calculation of square feet of each primary and accessory structure as compared to the allowable lot coverage), the Building Official shall issue a Certificate of Occupancy for any building or premises existing on the effective date of the Zoning Ordinance from which this Section is derived; provided that on-site inspection shows that the existing building and use conforms to the provisions of this Zoning Ordinance.

#### **Sec. 110-19. Variances**

- (1) Intent and Purpose. A variance is a grant of relief to a property owner from the literal requirements of the Zoning Ordinance, where literal enforcement would cause undue hardship. Additionally, a variance is intended to provide relief where the requirements of the Zoning Ordinance render the land difficult to use because of some unique physical attribute of the property itself, or some other factor unique to the property for which the variance is requested. A variance is not intended merely to remove an inconvenience or financial burden that the requirements of the Zoning Ordinance may impose on a property owner in general. A variance is not intended to allow the establishment of a use that is not otherwise allowed in a zoning district or that would change the zoning district classification of any or all of the affected property, and should not be granted where a Special Use Permit or an amendment to the Official Zoning Map would be more appropriate.
- (2) Initiation of a Variance. A request for a variance may be initiated by:
  - a. The owner of the subject property; or
  - b. A contract purchaser of the subject property.
- (3) Application for a Variance. An application for a variance shall be filed in writing with the Zoning Administrator and shall include a map of the property showing its dimensions, all streets and alleys, and other properties within two-hundred and fifty (250) feet of the property. The Zoning Administrator shall transmit the application to the Planning and Zoning Commission, as appropriate, for review and public hearing. The Planning and Zoning Commission shall hold a public hearing within sixty (60) days after the filing of a completed application.
- (4) Notice and Conduct of the Public Hearing. The notice for, and conduct of, the public hearing shall be in accordance with the provisions of ([Sec. 110-22. Public Hearings](#)) of the Zoning Ordinance.

- (5) Findings and Recommendations. The Planning and Zoning Commission shall make findings of fact based on evidence presented to it and forward the findings with recommendations to the City Council, within ten (10) days of the public hearing.
- (6) Standards for a Granting a Variance. The Planning and Zoning Commission shall not recommend, and the City Council shall not grant, a variance from the regulations of the Zoning Ordinance unless it makes findings based on evidence presented to it in each specific case that:
- a. The variance is in harmony with the general purpose and intent of the Zoning Ordinance;
  - b. The plight of the owner is due to unique circumstances (65 ILCS 5/11-13-4) and thus strict enforcement of the Zoning Ordinance would result in practical difficulties, or impose exceptional hardships, due to the special and unusual conditions that are not generally found on other properties in the same zoning district;
  - c. The property cannot yield a reasonable return if permitted only under the conditions allowed by the Zoning Ordinance; and
  - d. The variance, if granted, will not alter the essential character of the locality, and will not be a substantial detriment to adjacent property.
- (7) Burden of Proof. In each case of a requested variance, the applicant must satisfy the proof that the proposed variance meets the standards of sub-paragraph (6) of this section, even if there is no testimony or other evidence opposing or rebutting the requested variance.
- (8) City Council Action. Within forty-five (45) days of the public hearing, the City Council shall review the findings and recommendations of the Planning and Zoning Commission. After reviewing the findings of the Planning and Zoning Commission, the City Council may grant, deny, or grant with modification, the proposed variance. If the City Council grants the variance, it shall make a finding of fact specifying the reason for the variance in accordance with the standards of sub-paragraph (6) of this section. Additionally, if granting the variance, the City Council shall adopt an ordinance approving the variance.

### VARIANCE PROCEDURE



#### **Sec. 110-20. Amendments**

- (1) Authority. The City Council, after receiving a findings and recommendations from the Planning and Zoning Commission, may amend the regulations of this ordinance, or amend the boundaries of the Official Zoning Map.

- (2) **Initiation of Amendments.** Text amendments may be initiated by the Mayor, City Council, Planning and Zoning Commission, resident/property owner, or other interested party. Official Zoning Map amendments may be initiated by the City Council, Planning and Zoning Commission, owner of the property or his/her authorized agent, or contract purchaser of the property.
- (3) **Application for Map Amendment.** An application for an amendment to the Official Zoning Map shall be filed, in writing, with the Zoning Administrator and shall include a map of the property showing its dimensions, all streets and alleys, and other properties within two-hundred and fifty (250) feet of the property. The Zoning Administrator shall forward the application to the Planning and Zoning Commission for review and public hearing. The Planning and Zoning Commission shall hold a public hearing within sixty (60) days after filing of a completed application.
- (4) **Notice and Conduct of Public Hearing.** Notice for, and conduct of, the public hearing shall be in accordance with the provisions of ([Sec. 110-22. Public Hearings](#)) of the Zoning Ordinance.
- (5) **Official Zoning Map Amendments (Rezoning).** The Planning and Zoning Commission shall not recommend, nor shall the City Council grant, an amendment altering the zoning district boundary lines unless it shall find, based on the evidence presented to it in each specific case, that:
  - a. The amendment promotes the public health, safety, comfort, convenience and general welfare, and complies with the policies and official plans of the City;
  - b. The trend of development in the area of the subject property is consistent with the requested Amendment;
  - c. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification;
  - d. The property cannot yield a reasonable use if permitted only under the conditions allowed under the existing zoning classification; and
  - e. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.
- (6) **Decision of the City Council.** Within forty-five (45) days of the public hearing, the City Council shall review the findings and recommendations of the Planning and Zoning Board. After recommendation by the Planning and Zoning Commission, the City Council may grant, deny, or grant with modification, the Amendment, or may refer the proposed amendment back to the Planning and Zoning Commission for further consideration. If the City Council grants the amendment, it shall adopt an ordinance approving such Amendment.

### **AMENDMENTS PROCEDURE**



## **Sec. 110-21. Special Uses**

- (1) Purpose. The development of this Zoning Ordinance is based upon the division of the City into zoning districts within which the use of land, and the bulk and location of buildings and structures in relation to the land, is substantially uniform. However, there are certain uses that, because of their unique characteristics, cannot be properly classified in any particular zoning district or districts, without consideration in each case of the impact of those uses on adjacent properties, and of the public need for the particular use in the particular location. Case-by-case review is intended to ensure consideration of the particular special use's anticipated land use, site design, and impacts.
- (2) Initiation of a Special Use. A special use application may be filed by the owner, his/her designee, or contract purchaser of a property.
- (3) Application for a Special Use. An application for a special use shall be filed in writing with the Zoning Administrator and shall include a map of the property showing its dimensions, all streets and alleys, and other properties within two-hundred and fifty (250) feet of the property. The Zoning Administrator shall forward the application to the Planning and Zoning Commission, as appropriate, for review and public hearing. The Planning and Zoning Commission shall hold a public hearing within sixty (60) days after filing of the application.
- (4) Notice and conduct of public hearing. Notice for and conduct of the public hearing shall be in accordance with the provisions of ([Sec. 110-22. Public Hearings](#)) of the Zoning Ordinance.
- (5) Standards for Special Uses. The Planning and Zoning Commission shall not recommend, nor the City Council grant, a special use unless it shall make findings of fact based on the evidence presented to it in each specific case that:
  - a. The special use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish property values within the neighborhood; and
  - b. The establishment of the special use will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the subject zoning district.
- (6) Burden of Proof. In each case of a requested special use, the applicant must satisfy the proof that the proposed special use meets the standards of sub-paragraph (5) of this section, even if there is no testimony or other evidence opposing or rebutting the requested special use.
- (7) Decision of the City Council. Within forty-five (45) days of the public hearing, the City Council shall review the findings and recommendations of the Planning and Zoning Commission. The City Council may grant, deny, or grant with modification, the special use, or may refer the proposed special use back to the Planning and Zoning Commission for further consideration. If the City Council grants a special use, it shall adopt an ordinance authorizing such special use.
- (8) Conditions and Restrictions. When a special use is determined to have the potential for adverse impacts, the Planning and Zoning Commission may recommend, and the City Council may impose,

conditions on the approval to ensure that the adverse impacts will be mitigated. Such conditions may include impositions on the site planning, design, location, and operation of the special use.

- (9) Lapse of Approval and Discontinuance. An ordinance approving a special use is valid for up to twelve (12) months from the date of the ordinance approving the special use unless a building permit is obtained, or the use is commenced. If a Building Permit is not obtained, or the use is not commenced within such time, the approval for a special use will lapse and shall become null and void. If a special use is discontinued for a period of six (6) months or longer, the special use shall be considered abandoned, and shall become null and void. Reinstatement or re-establishment of the special use will require reapproval pursuant to the provisions of this section.
- (10) Amendments to a Special Use. A change in the area, bulk, size, use or intensity of use of an existing special use, or a change to the conditions specified for a special use at the time of approval, shall be deemed to be the same as a new special use, and shall require reapproval pursuant to the provisions of this section.

### SPECIAL USE PROCEDURE



#### Sec. 110-22. Public Hearings

- (1) Conduct of Public Hearing. Public hearings shall be conducted by the Planning and Zoning Commission, and a record of such proceedings shall be preserved in such a manner as the appropriate body, by rule, prescribes from time to time.
- (2) Notice of Public Hearing. Unless otherwise expressly stated, notice of a public hearing for variances, amendments, and special uses shall be made in the following manner:
  - a. The City shall publish notice of the public hearing at least once in a newspaper of general circulation within the City; and
  - b. ~~The applicant shall post notice of the public hearing on a sign on the property for which the variance, amendment, or special use is sought, and the size, coloring, and letters of the sign shall be clearly legible to the public view on all adjacent public rights-of-way; and~~
  - c. The applicant shall give written notice to the owners of record - as shown on the records of the Ogle County Assessor - of all property within two-hundred and fifty (250) feet of the subject property, to include property immediately across public rights-of-way from the subject property.

- (3) Timing of Notice. All published notices shall appear not more than thirty (30) days and not less than fifteen (15) days from the scheduled date of the public hearing. All written notices shall be delivered or mailed not more than thirty (30) days and not less than fifteen (15) days prior to the scheduled date of the public hearing. All posted notices must be posted at least fifteen (15) days prior to the date of the scheduled public hearing and shall remain posted until the conclusion of the hearing.
- (4) Content of Notice. Unless otherwise expressly stated, all notices of public hearings for variations, amendments, or special uses shall contain the following:
- a. A description of the nature of the application;
  - b. The location, date, and time of the hearing;
  - c. A legal description of the property subject to the proposed zoning action;
  - d. A statement that additional information concerning the public hearing, including a legal description of the subject property, can be obtained from the office of the City Clerk; and
  - e. The street and/or mailing address of the City Clerk, and the name and telephone number of a person to contact for more information.
- (5) Delivery of Notice. Unless otherwise expressly stated, the applicant shall deliver the notices of the public hearing via certified or registered mail, with return receipt requested. A minimum of seven (7) days prior to the public hearing, the applicant shall file a sworn affidavit with a copy of the notice, showing the names and addresses of the persons to whom the notices were sent. If, after a bona fide effort to provide written notice, the owner of the property on which the notice is served cannot be found at the owner's last known address, or mailed notice is returned because the owner cannot be found at the owner's last known address, then the requirement for written notice of that owner will be deemed satisfied.
- (6) City-initiated Map Amendments. If an amendment to the Official Zoning Map is initiated by either the Mayor, City Council, or Planning and Zoning Commission, the following provisions shall apply:
- a. The Zoning Administrator shall publish at least once, a notice of the public hearing in a newspaper of general circulation within the City;
  - b. The Zoning Administrator shall mail written notices of the public hearing via certified or registered mail to all property owners - as shown on the record of the local real estate tax collector - of all properties for which the amendment is sought;
  - c. The Zoning Administrator shall mail written notices of the public hearing via certified or registered mail to all the owners of record - as shown on the record of the local real estate tax collector - of all property adjacent to the subject properties, to include property immediately across public rights-of-way from the subject property; and
  - d. The Zoning Administrator shall post notice of the public hearing on a sign on all properties for which the amendment is sought; the size, coloring, and letters of the sign shall be clearly legible to the public view on all adjacent public rights-of-way.

**Sec. 110-23. Appeals**

- (1) Right to Appeal. An appeal may be taken by any person, firm, or corporation, or by any officer, department or board of the City, aggrieved by a decision or action of the Zoning Administrator.
- (2) Procedure for Appeals. An appeal may be taken from any order, requirement, decision or determination of the Zoning Administrator. The appeal shall be made within thirty (30) days of the action by filing with the Zoning Administrator. Upon receipt of the notice of appeal, the Zoning Administrator must forward to the Planning and Zoning Commission all papers which constitute a record of the action that is being appealed.
- (3) Effect of the Appeal. A filing of a complete notice of appeal stays all further proceedings unless the Zoning Administrator certifies to the Planning and Zoning Commission, after the appeal is filed, based on the facts stated in the certification/affidavit, a stay would cause imminent peril to life or property. In this event, the stay may only be effectuated by an order of the Planning and Zoning Commission, or by a circuit court, upon notice to the officer and with due cause shown.
- (4) Public Hearing. No more than thirty (30) days after the filing of a complete notice of appeal, the Planning and Zoning Commission shall hold a public hearing to consider the appeal. The notice for and conduct of the public hearing shall be in accordance with [\(Sec. 110-22. Public Hearings\)](#) of this Zoning Ordinance.
- (5) Decision of the City Council. The Planning and Zoning Commission shall transmit to the City Council its written findings and recommendations of the appeal within a reasonable time, but in no event more than sixty (60) days after the filing of the notice of appeal and shall promptly forward a copy of the decision to all concerned parties. The City Council may affirm or may reverse, in whole or in part, or modify the order, requirement, decision, or determination of the Zoning Administrator.

**APPEALS PROCEDURE**



**Sec. 110-24. Fees and Charges**

The applicant for a Building Permit, Variance, Amendment, Special Use or Planned Unit Development shall pay a fee as established by the City Council by separate resolution.

**Sec. 110-25. – Enforcement and Penalties.**

- (1) Violations. It shall be unlawful for the owner of any real property located within the City to violate, disobey, neglect, omit, refuse to comply with, or resist the enforcement of any of the provisions of this Zoning Ordinance.
- (2) Notification of Violation. The Zoning Administrator shall investigate all alleged instances of violations. If the Zoning Administrator determines that a violation exists, the Zoning Administrator shall notify, in writing, the owner of the property. The property owner shall eliminate the violation within ten (10) days of the notification by the Zoning Administrator.
- (3) Penalties. Any person who violates, disobeys, neglects, omits, refuses to comply with, or resists the enforcement of any of the provisions of the Zoning Ordinance shall, upon conviction, be fined not less than fifty dollars (\$50) nor more than seven-hundred and fifty dollars (\$750.00) for each offense. Each day that a violation continues to exist shall constitute a separate offense.

## ARTICLE III – GENERAL PROVISIONS

### Sec. 110-26. Use Restrictions

The following use restrictions and regulations shall apply:

- (1) Principal Uses. Only those principal uses specified for a district ([Sec. 110-75. District Use Classification List](#)) or on a Planned Unit Development (PUD) plat ([Article VII – Planned Developments](#)), their essential services, and those uses specified in this section, shall be permitted in that district.
- (2) Accessory Uses and Structures. Accessory uses and structures are permitted in any zoning district ([Sec. 110-31. Accessory Buildings, Structures, and Uses of Land](#)), but not until their principal structure is present and/or under construction.
- (3) Uses by Special Permit (Special Uses). Special Uses and their accessory uses are permitted in zoning districts after review by the Planning and Zoning Commission, according to the procedure set forth in ([Sec. 110-21. Special Uses](#)). Any development within five-hundred (500) feet of the existing or proposed rights-of-way of freeways, tollways, expressways, interstate and controlled access trafficways, or located along the intersecting streets and within one-thousand five hundred (1,500) feet of the existing or proposed interchange or turning right-of-way, as measured along the center line of the intersecting street, shall be deemed to be a use by a special use permit, provided, however, that the aforesaid requirement shall not apply to any development within an I-3 zoning district.
- (4) Unclassified or unspecified uses. In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he/she shall consult the Planning and Zoning Commission for an interpretation.
- (5) Temporary Uses. Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator through the issuance of a Certificate of Occupancy ([Sec. 110-18. Certificates of Occupancy](#)) for a period not to exceed six (6) months. This temporary certificate may be renewed semiannually but in no case shall the effective period of the certificate exceed two (2) years.
- (6) Performance Standards. Performance standards listed in ([Article VI – Performance Standards](#)) of the Zoning Ordinance shall apply to all uses in all zoning districts unless specifically waived by the City Council after consulting with the Planning and Zoning Commission.

### Sec. 110-27. Site Restrictions

The following site restrictions and regulations shall apply:

- (1) Soil conditions.
  - a. No land shall be used, or structure erected, where the land is held unsuitable for such use or structure by the Planning and Zoning Commission by reason of flooding, concentrated

runoff, inadequate drainage, adverse soil or rock formation, low percolation rate or bearing strength, high erosion potential, or any other feature likely to be harmful to the health, safety, prosperity, aesthetic and general welfare of the City. The Planning and Zoning Commission may request expert advice from state and/or federal agencies, or other sources regarding the interpretation of soil conditions and data. The Planning and Zoning Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he so desires.

- b. Thereafter, the Planning and Zoning Commission may affirm, modify, or withdraw its determination of unsuitability.
- (2) Frontage on public thoroughfare. All lots shall abut upon a public thoroughfare.
  - (3) Lots on Undedicated Portion of a Street. No Land Use Permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
  - (4) Occupancy of Basement or Cellar. Basements and cellars may be occupied for residential purposes only as a related use to residential living on other stories of the same building, such as, but not limited to, bilevel residences. Such occupancy shall be permitted only if the cellar or basement conforms to the regulations pertaining to light, ventilation, area, height, fire restrictions, egress, etc., of the City's Building Code.
  - (5) Dimensions of Building Sites. In no case shall the lot size be less than those specified as minimum requirements in ([Article V - Districts](#)). However, the Planning and Zoning Commission may require lots larger than the said minimum where site and/or soil conditions would require. All uses not served by public sewers shall also conform to other applicable state and City regulations. Septic tanks and other similar systems shall not be deemed as public sewer systems.
  - (6) Reduction or Joint Use. No lot, yard, parking area or other space shall be reduced in area or dimension so as to no longer meet the requirements of the Zoning Ordinance. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
  - (7) Utility Easements. No structures, fences, trees, or shrubs shall be placed within established utility easements. The City shall not be liable for damages to property within said easements, where such damage results from required maintenance, installation or replacement of utilities.

#### **Sec. 110-28. General Development Procedure**

The Planning and Zoning Commission and the City Council shall continuously develop the City's Comprehensive Plan, including their planning policies to guide future decision. All Comprehensive Plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all

development under this Chapter, and no development shall be approved under this chapter which substantially conflicts with any Comprehensive Plan elements.

**Sec. 110-29. Permitted Obstructions in Required Yards**

Permitted Obstructions in Required Yards, lists the items that are permitted in required yards and the locations (front yard, side yard, etc.) where they are permitted. A “P” denotes that the obstruction is permitted, and an “X” denotes that the obstruction is not permitted.

Projection or Accessory Use	Front Yard	Side Yard (Interior)	Side Yard (Corner)	Rear Yard
Air Conditioning (window)	P	P	P	P
Air Conditioning (ground)	X	P	P	P
Antennas	X	P	P	P
Arbors/Trellises	P	P	P	P
Awnings/Canopies	P	P	P	P
Balconies	P	P	P	P
Bay Windows	P	P	P	P
Chimneys	P	P	P	P
Decks	X	P	P	P
Dog Run	X	X	X	P
Eaves	P	P	P	P
Fences	X	X	P	P
Flagpoles	P	P	P	P
Garages	P	P	P	P
Gardens	P	P	P	P
Greenhouse	X	P	X	P
Gutters	P	P	P	P
Loading	X	X	P	P
Patios	P	P	P	P
Porches	P	P	P	P
Sheds	X	X	X	P
Stairways	P	P	P	P
Swimming Pools	X	X	X	P
Walls	P	P	P	P
Wind and solar energy systems	P	P	P	P
Other	X	X	X	P

### **Sec. 110-30. Building Height and Yards**

- (1) Height limits. Height limits shall be as set forth under each zoning district for all buildings, structures and uses of land. Exceptions to height limits include:
  - a. Architectural projections such as chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, parapet walls, and similar structures shall count towards the height of a building or structure.
  - b. Essential services, utilities, water towers, electric power and communication transmission lines and necessary mechanical appurtenances, are exempt from the height limitations of this Chapter.
  - c. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet; provided that all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
  - d. Freestanding transmitting towers and freestanding radio towers in residential districts may extend to a height of sixty (60) feet, as measured from the mean elevation of the finished lot grade; and
  - e. Transmitting towers and radio towers employing guide wires shall be permitted only as a Special Use ([Sec.110-205. Special Uses](#)).
- (2) Yards. The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
  - a. Yard requirements shall be minimum standards unless and where the City of Rochelle Building Code (Chapter 22) imposes greater restrictions, then the requirements of the building code shall apply.
  - b. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than twenty (20) feet.
  - c. Where a business or industrial use in any business or industrial district other than B-1 abuts a residential district the minimum yard requirement of a yard abutting a residence district shall be fifty (50) feet.
  - d. Buildings in districts other than the B-1 district, and over two and one-half (2.5) stories in height, shall require five (5) feet for each additional story in addition to the required minimum side yard.
  - e. In I-3 zoning districts, minimum front yard, rear yard, side interior yard, and corner yard requirements are not applicable where rail track facilities extend along the lot line of the property. In addition, notwithstanding anything contained herein to the contrary, signs and fences as well as the following facilities entering or leaving property in I-3 zoning district: rail racks, driveways, sidewalks, landscaping, utilities, overhead transmission lines and

appurtenant facilities, and distribution lines, are specifically permitted within aforesaid yards for the purpose of entering or leaving property zoned I-3.

- f. Uncovered stairs, porches, patios, balconies, landings and fire escapes may project into any yard, but not to exceed six(6) feet and not closer than three (3) feet to any lot line.
- g. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard; but such projection shall not exceed four (4) feet, subject to the limitation that in no event shall the projection ever be closer than three (3) feet from the applicable lot line.
- h. Landscaping and vegetation are exempt from the yard requirements of this Chapter, except vision triangle requirements ([Sec.110-34. Vision Clearance Triangle](#)).

### **Sec. 110-31. Accessory Buildings, Structures, and Uses of Land**

- (1) Location. Accessory buildings, structures may be attached or detached from the principal building, structure. Accessory uses may be within an accessory building or within the principal building. Detached accessory buildings, structures or uses may be located in the required rear yard or interior side yard of any zoning district as follows:
  - a. If located outside the ([B-1 District](#)), detached accessory buildings or structures shall not be placed within five (5) feet of any rear or interior side lot line, **or within ten (10) feet from any alley line and any separate building/structure on the same lot**, and shall not be located within an easement.
  - b. If located within the ([B-1 District](#)), detached accessory buildings shall not be placed within three (3) feet of any rear or interior side lot line, and shall not be located within an easement.
  - c. Detached residential garages shall have a minimum yard setback of five (5) feet from any property line, **or ten (10) feet from any alley line and any separate building/structure on the same lot. Detached residential garages may be rebuilt subject to ([Sec. 110-43. Additional Regulations, Standards and Criteria](#))**.
- (2) Yard Requirements. All accessory buildings, structures or uses shall comply with the front and corner side yard requirements of the zoning district in which they are located. Accessory buildings, structures or uses attached to or established within the principal building or structure shall comply with the rear yard and interior side yard requirements, and the maximum lot coverage requirements of the zoning district in which they are located. Detached accessory buildings, structures or uses may be located in the required rear yard or interior side yard in accordance with paragraph (1) of this Section.
- (3) Height Limits. All accessory buildings, structures or uses shall comply with the height limits of the zoning district in which they are located. In residential districts, detached garages shall not exceed twenty (20) feet in height and storage sheds shall not exceed twelve (12) feet in height.

- (4) Bulk Regulations. All accessory buildings or structures shall be included in the computations for floor area ratio, maximum lot coverage, and maximum impervious surface coverage. The minimum floor area per dwelling unit shall not include accessory buildings, structures or uses.
- (5) Percentage of Required Yard Occupied. Detached accessory buildings or structures shall not occupy more than forty (40%) percent of the area of a required rear yard or more than thirty-three (33%) percent of all other combined yards. This requirement is in addition to any maximum lot coverage or maximum impervious area coverage requirements that may apply, and under no circumstances shall this requirement lower the minimum established yard setback requirements.
- (6) Time of Construction. No accessory building, structure or use shall be constructed or established prior to the principal building, structure, or use on the lot.
- (7) Existing Accessory Structures. Accessory structures lawfully existing or permitted on or before the adoption of this Zoning Ordinance shall be regulated by ([Article IV. Nonconforming Lots, Structures, and Uses](#)) on nonconformities.

#### **Sec. 110-32. Buildings Under Construction**

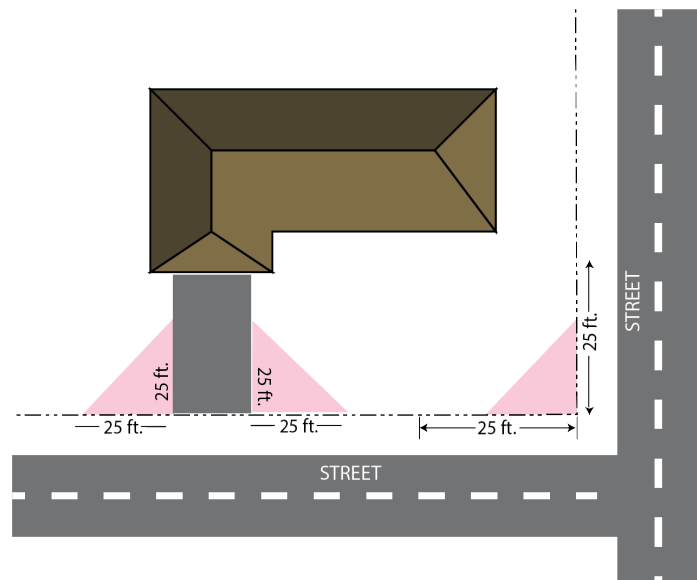
Nothing in this Chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Zoning Ordinance, and upon which building actual construction was diligently carried on; provided that such building was completed within one (1) year from the date of passage and publication of this Zoning Ordinance.

#### **Sec. 110-33. Building Moving**

- (1) No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the laws and regulations of the City, including, but not limited to, the Zoning Ordinance, Building Code (Chapter 22), Fire Code (Chapter 42), Mechanical Code (Chapter 22, Article VI) and Housing Code (Chapter 22, Article V), including obtaining of the necessary permits.
- (2) No building or structure shall be moved as provided in this chapter without the approval of the Planning and Zoning Commission given after public hearing and without the approval of the City Council, with the exception of a garage or other accessory building which may be moved upon the lot upon which it is located, or an adjacent lot or lots under the same ownership.
- (3) No building or structure shall be moved as provided in this chapter unless bond is given in sufficient amount, as determined by the City Council, to ensure that any repairs or other improvements required to be made under this chapter, or under any other applicable law or ordinance, be made within one year from the date such building or structure is moved.

### Sec. 110-34. Vision Clearance Triangle

In each quadrant of every intersection of any arterial street shown on the City's Comprehensive Plan or Master Plan and any other streets not located in the [B-1 Central Business District](#) with a private or public driveway or accessway or alley providing egress for parking area of one-thousand (1,000) square feet or more, there shall be designed a vision clearance triangle, bounded by the inner street lines (right-of-way), or the street line and driveway lines, as the case may be, and a line connecting them twenty-five (25) feet from their intersection. Within this



triangle no object shall be allowed above the height of two and one-half (2.5) feet above the streets and/or driveways if it obstructs the view across the triangle. This provision shall not apply to tree trunks, posts or wire fences.

### Sec. 110-35. Zoning of Annexed Land

Unless otherwise provided for in an annexation agreement, all land annexed into the City shall automatically be classified in the ~~R-1 District~~ **AG Agriculture District**. When land is automatically classified in the ~~R-1 District~~ **AG Agriculture District**, the annexation ordinance, upon passage, shall be referred to the Planning and Zoning Commission, and the Planning and Zoning Commission shall, within sixty (60) days after the effective date of the annexation ordinance, schedule and hold a public hearing with respect to the zoning classification of the proposed annexed land. The conduct and notice of the public hearing shall be in accordance with the provisions of ([Sec. 110-22. Public Hearings](#)) of the Zoning Ordinance. The Planning and Zoning Commission shall make findings of fact and recommendations with respect to the appropriate zoning classifications of the annexed land and the City of Rochelle Comprehensive Plan according to the process for a zoning map amendment established in ([Sec. 110-20. Amendments](#)) and transmit the findings to the City Council.

**Sec. 110-36. Interpretation by the Zoning Administrator**

- (1) Authority. Where there is ambiguity or dispute concerning the interpretation of this Zoning Ordinance, the decision of the Zoning Administrator shall prevail. Where a land use is not listed among the names and categories contained in the list of Permitted Uses and Special Uses ([Sec. 110-75. District Use Classification List](#)), the Zoning Administrator may determine that such a land use is allowable in a particular zoning district, provided that the unlisted use is deemed to be similar in nature and clearly compatible with the listed permitted uses for that particular zoning district.
- (2) Appeal. Interpretations of the Zoning Administrator are subject to appeal in accordance with the provisions of ([Sec. 110-23. Appeals](#)) of this Zoning Ordinance.

**Sec. 110-37. Agriculture as a Permitted Use**

The cultivation of crops shall be permitted in any zoning district.

## ARTICLE IV - NONCONFORMING LOTS, STRUCTURES, AND USES

### Sec. 110-40. Purpose

The purpose of this Article is to provide for the regulation and short-term maintenance of those nonconforming structures, uses and lots which substantially and adversely affect the orderly development and taxable value of other conforming property in each district. Further, this Article provides for the gradual amortization of nonconforming commercial and industrial structures and uses by specifying the circumstances and conditions under which nonconforming structures, uses and lots shall be permitted or abated. Underlying these regulations is the goal to avoid placing an undue burden on any single property owner, in accordance with the authority granted by Illinois State statutes.

### Sec. 110-41. Exempt Structures, Uses and Lots

Whenever a lawfully existing structure otherwise conforms to the use regulations of the district in which it is located, but is nonconforming only in the manner hereinafter specified, the structure and use thereof shall be exempt from the requirements of ([Sec.110-42. General Standards \(2\) and \(3\)](#)) and ([Sec.110-43. Additional Regulations, Standards and Criteria](#)) as follows:

- (1) Any residential structure in any zoning district used for single-family purposes that is nonconforming as to use or any bulk, yard or area requirements, provided no such structure shall be altered in any way so as to increase the condition creating the nonconformity.
- (2) In any business or manufacturing district, where the use is closer to a residential district than that allowed in the regulations for the zoning district in which it is located.
- (3) In any zoning district where a legally established structure, use or lot is nonconforming with respect to the parking, loading, or lot area required in the zoning district in which it is located.
- (4) In any residential zoning district where an accessory structure is nonconforming with respect to the yard, lot area, lot width, or structure height required in the district in which it is located.

### Sec. 110-42. General Standards

- (1) Prohibition of unlawful uses and structures. Nothing in this Article shall be interpreted as authorization for the continuation of the use of a structure or land or the maintenance and reconstruction of a structure established unlawfully in violation of the zoning regulations in effect at the time of the establishment of such use or structure.
- (2) Authority to continue nonconforming lots, structures and uses. Any nonconforming lot, structure or use which was nonconforming at the time of the adoption of the ordinance from which this article is derived and which remains nonconforming, and any lot, structure or use which shall become nonconforming upon the adoption of the ordinance from which this Article is derived or of any subsequent amendments thereto, may be continued, subject to the regulations of this

Article. For the purpose of this Article, the term "structure" means anything erected which requires location on the ground or is attached to something having location on the ground.

- (3) Enlargement or expansion of nonconforming structures and uses. A nonconforming use of land or nonconforming structure or nonconforming use of a structure shall not be added to, enlarged or expanded.
- (4) Maintenance and repair of nonconforming structures. Normal maintenance and incidental repair or replacement of fencing, nonbearing walls and partitions, fixtures, wiring, plumbing, parking, landscaping and mechanical equipment may be performed on any nonconforming lot or structure. Nothing in this Article shall be deemed to prevent the strengthening or restoration of an unsafe structure in accordance with any order of a public official charged with protecting public safety who finds such structure is unsafe in its then-present condition and that repair or restoration is not in violation of the provisions of this Article governing the restoration of partially damaged or destroyed structures and accessory structures.
- (5) Accessory structures and uses. Except with respect to lots used for single-family residential purposes, no new accessory structures or uses may be added. For lots containing nonconforming single-family residential uses and/or structures, new accessory structures may be added so long as such structures shall not increase the degree of nonconformity or create a new nonconformity.
- (6) Previous nonconforming lots, structures and uses. Any legally existing nonconforming lot, structure or use which existed prior to the effective date of the ordinance from which this Article is derived which is made lawful and conforming as a result of the provisions of this Chapter shall be considered as conforming.

**Sec. 110-43. Additional Regulations, Standards and Criteria**

- (1) Nonconforming lots.
  - a. Continuation of substandard lots of record. In any zoning district, notwithstanding the regulations imposed by any other provision of this Chapter, a structure may be erected on a lot which complies with the restrictions of Subsection (1) (b) of this Section and:
    - i. Has less than the required minimum lot area, width or depth, or all three;
    - ii. Consists entirely and singularly of one zoning lot;
    - iii. Is shown by a recorded plan or deed to have been owned separately and individually from adjoining parcels of land at the time when its nonconforming characteristics would not have been prohibited by this Chapter; and
    - iv. Has remained in separate and individual ownership from adjoining parcels of land continuously during the entire time since the creation of such lot became prohibited by this Chapter.
  - b. Yard requirements for nonconforming lots. Construction permitted by Subsection (1) (a) of this Section shall comply with all the regulations (except lot area, lot width and lot depth)

applicable in the zoning district in which the lot is located; provided, however, that a structure shall be placed on the lot so as to provide required yards as established by the terms of this Chapter.

(2) Nonconforming structures.

- a. Alteration. Any nonconforming structure may be altered or remodeled; provided, however, that no such alteration or remodeling shall either create any additional nonconformity or increase the degree of the existing nonconformity of all or part of the structure, except that, as to structures located on a nonconforming lot, the yard requirements shall be determined by Subsection (1) (b) of this Section. Nothing in this Section shall permit the structural alteration of bearing walls and partitions of a nonconforming structure which is devoted in whole or in part to a nonconforming use, except those structural alterations required by law or those necessary to make the structure and use thereof conform to the regulations of the district in which it is located. No alteration or remodel shall change the footprint of the structure unless the structure is made to conform to this Chapter.
- b. Restoration. In the event a nonconforming structure is destroyed or damaged by fire or other casualty or act of God, such structure may be restored only if the cost of reconstruction to its condition prior to the casualty does not exceed fifty (50%) percent of the replacement cost of the entire structure, and provided no restoration or reconstruction shall be undertaken unless it is started within one (1) year from the date of notice by the Zoning Administrator of this provision or the date of the casualty destruction, whichever is later, and completed within twenty-four (24) months from the date of the casualty. In the case of residential detached garages fronting an alley, restoration shall only occur on the existing building footprint **and to a height and roof pitch similar to the original.**
- c. Relocation. A nonconforming structure shall not be moved in whole or in part to any other location on the same or any other lot unless every portion of said structure and lot is made to conform to all of the regulations of the zoning district into which it is to be relocated.
- d. Damage or destruction. In the event any nonconforming structure is damaged or destroyed by any means to the extent of more than fifty (50%) percent of the cost of replacement of the structure new, such structure shall not be restored unless it and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located, **with the exception of detached residential garages fronting onto an alley (Sec. 110-43. Additional Regulations, Standards and Criteria).**
- e. Cost. For the purposes of this article, the cost of replacement of a structure destroyed or damaged by a casualty shall be established by the presentation of a certified affidavit of a professional, licensed architect or an MAI (member of the Appraisal Institute) appraiser.

(3) Nonconforming uses.

- a. Change of use. A nonconforming use of land or structure shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When a nonconforming use of land or a structure has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use. For purposes of this section, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a conforming use shall have commenced and continued for a period of seven (7) days.
- b. Alteration. Alterations designed to increase the intensity of a nonconforming use, or to introduce new nonconforming uses, are prohibited. Alterations shall not be made that change the physical footprint of a structure unless such changes conform to the requirements of the Chapter.
- c. Damage or destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by any means to the extent of more than fifty (50%) percent of the cost of replacement of the structure, such structure shall not be restored unless it and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty (50%) percent or less of the cost of replacement, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion. In the case of residential detached garages fronting an alley, restoration shall only occur on the existing building footprint.
- d. Relocation. No nonconforming use of land or structure shall be moved in whole or in part any distance whatsoever to another location on the same lot or any other lot unless such use shall thereafter conform to all regulations of the zoning district in which it is located after so moved.
- e. Discontinuation or abandonment.
  - i. Nonconforming use of land. When a nonconforming use of land not involving a structure or an accessory use to the nonconforming use of land is discontinued or abandoned for a period of thirty (30) consecutive days, such use or accessory use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structures shall comply with the regulations of the zoning district in which such land is located.
  - ii. Nonconforming use of a structure. The abandonment or discontinuation of any nonconforming use of a structure for a period of twelve (12) months shall terminate any rights conferred by this Article to continue such nonconforming use. Any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such land is located.

- iii. Nonconforming accessory uses. No use which is accessory to a principal nonconforming use shall continue after such principal nonconforming use shall have been ceased or terminated.

**Sec. 110-44. Eliminating Nonconforming Structures and Uses**

(1) Procedures. In accordance with authority granted to municipalities for the elimination of nonconforming uses and structures in (65 ILCS 5/11-13-1), it is hereby declared to be the policy of the City to eliminate said uses and structures. Nothing in this Section shall apply to nonconforming structures to which ([Sec.110-43 \(2\) Additional Regulations, Standards and Criteria](#)) does not apply.

(2) Elimination of nonconforming structures.

- a. Any structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall be removed and its use thereafter cease or shall be converted to a structure designed or intended for a use permitted in the zoning district in which it is located at the end of its useful life, as determined by the corporate authorities of the City. Nothing in this Section shall apply to structures used for residential purposes.
- b. The City, at any time, and from time to time, by ordinance duly enacted, may:
  - i. Acquire, by condemnation, any nonconforming lot or structure, all or substantially all of which is designed or intended for a use not permitted in the zoning district in which it is located;
  - ii. Remove or demolish all such nonconforming structures so acquired; and
  - iii. Hold and use such property for public purposes.

No such acquisition by condemnation shall be made until such time as the Planning and Zoning Commission, at the request of the City Council or upon its own initiative, has made a study of the area within which such nonconforming structure is located and has filed a written report on such study with the City Council.

(3) Elimination of nonconforming uses of land.

- a. The nonconforming use of land shall cease ten (10) years from the effective date of the ordinance from which this Article is derived in each of the following cases:
  - i. Where no structures are employed in connection with such use;
  - ii. Where the only structures or other physical improvements employed are accessory or incidental to such use or have an assessed valuation of less than two-thousand dollars (\$2,000.00); or
  - iii. Where such is maintained in connection with a conforming structure, except that inadequate off-street parking facilities used in connection with a structure whose use complies with the requirements of the zoning district in which it is located, may be continued for so long as the benefited premises are used for a permitted use.

- b. A nonconforming use of land which is accessory to the nonconforming use of a structure shall be discontinued on the same date the nonconforming use of the structure is discontinued.
- c. Nothing in this Article shall require the elimination of a nonconforming use of land for residential purposes.

# ARTICLE V - DISTRICTS

## DIVISION 1 - ZONING DISTRICTS

### Sec. 110-50. Designated

In order to carry out the purposes and provisions of this chapter, the City is divided into the following districts:

- (1) Residential districts:
  - RD Rural development district.
  - R-1 Single-family, low-density district.
  - R-2 Single-family, medium-density district.
  - R-3 Single-family, high-density district.
  - R-4 Multifamily, low-density district.
  - R-5 Multifamily, high-density district.
  - R-O Residential office district.
- (2) Commercial districts:
  - B-1 Central business district (CBD).
  - B-2 Highway commercial district.
  - B-3 Neighborhood commercial district.
- (3) Airport District
- (4) Industrial districts:
  - I-1 Light (limited) industry district.
  - I-2 General industrial district.
  - I-3 Heavy industrial district.
- (5) Planned Unit Development District  
See ([Article VII. Planned Unit Developments](#))

### Sec. 110-51. Zoning Map Adopted

The locations and boundaries of the zoning districts established in this Article are shown upon the Zoning Map which is incorporated into this Chapter. The Zoning Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part of this Chapter and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described in this Article. Such map, together with a copy of this Chapter, shall be available for public inspection at the Department of Community Development, and online at: <https://www.cityofrochelle.net/departments/community-development/planning-zoning.html>.

**Sec. 110-52. Zoning of Annexed Land; Interpretation of District Boundaries**

- (1) Property which is annexed into the City shall be zoned in the classification as requested in the petition for annexation when action is taken to annex the property. If no zoning is requested in the petition for annexation, then the annexed property shall be zoned as RD Rural Development District, as referred to in ([Sec. 110-53. RD Rural Development District](#)).
- (2) Wherever any uncertainty exists as to the boundary of any use district, as shown on the Official Zoning Map incorporated in this Article, as referred to in ([Sec. 110-51. Zoning Map Adopted](#)), the following rules shall apply:
  - a. Where zoning district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the centerlines thereof.
  - b. Where zoning district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
  - c. In unsubdivided property, the district boundary lines shown on the Official Zoning Map shall be determined by the use of the scale shown on such map.
- (3) Every building hereafter erected or structurally altered to provide dwelling units shall be located on a zoning lot as defined in ([Article XIII. General Provisions](#)), and in no case shall there be more than one such building on one zoning lot, unless specifically permitted by this Chapter.
- (4) An area indicated on the zoning map as a public park, recreation area, public school site, cemetery or other similar institutional or open space use shall not be used for any other purpose than that designated. If the use of such area is discontinued, it shall automatically be zoned to the most restrictive adjoining zoning district.

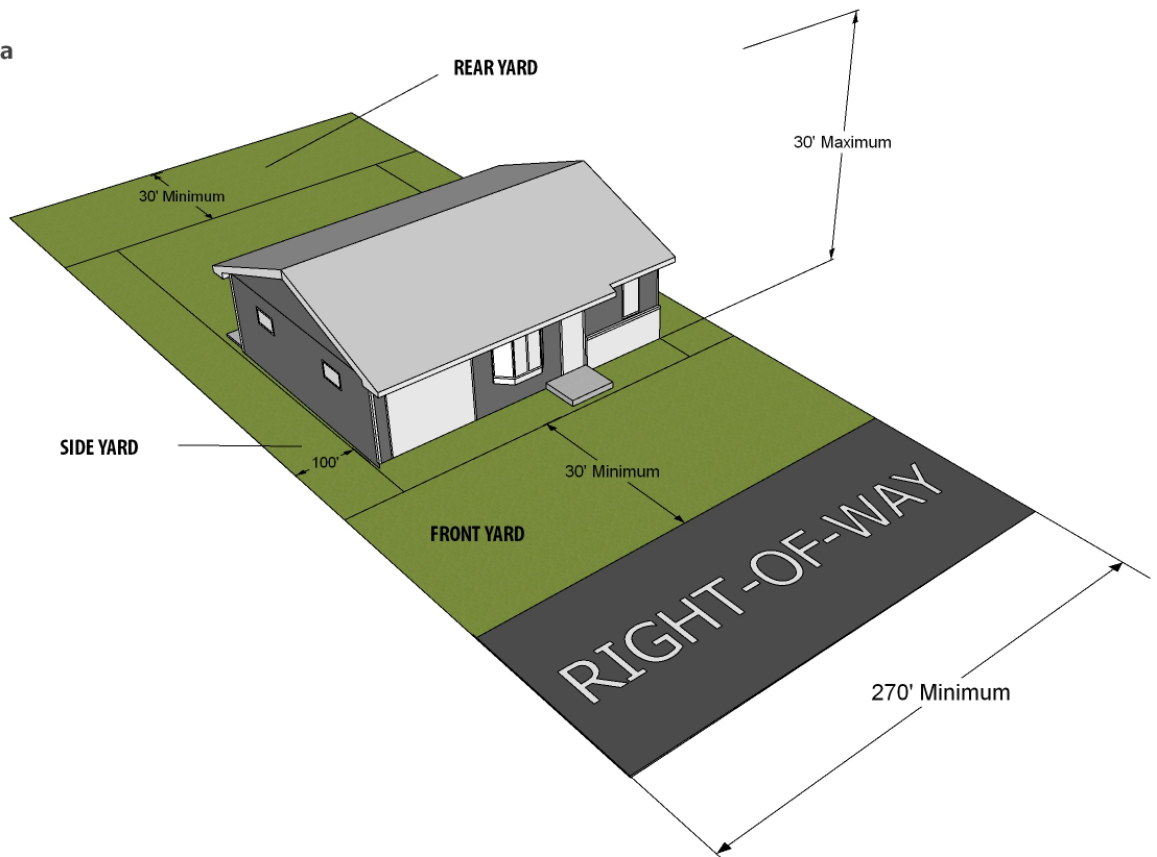
**DIVISION 2 - RESIDENTIAL DISTRICTS**

**Sec. 110-53. RD Rural Development District**

The RD Rural Development district provides a holding zone for areas that may be required for future urban development. These areas may be rezoned in accordance with the use designation appearing on the Future Land Use plan map contained in the City of Rochelle Comprehensive Plan, where logical extension of utilities and facilities can be insured. The RD Rural Development District is intended to discourage haphazard and premature development from occurring at the fringes of the community.

RD Rural Development District	
Min. Lot Area (sq.ft.)	87,120
Min. Lot Width (sq.ft.)	270
Min. Front Yard Setback (ft.)	30
Min. Rear Yard Setback (ft.)	30
Min. Side Yard (Interior) Setback (ft.)	100
Min. Side Yard (Corner) Setback (ft.)	100
Max. Building Height (ft.)	30

**87,120 sq. ft.  
Minimum Lot Area**

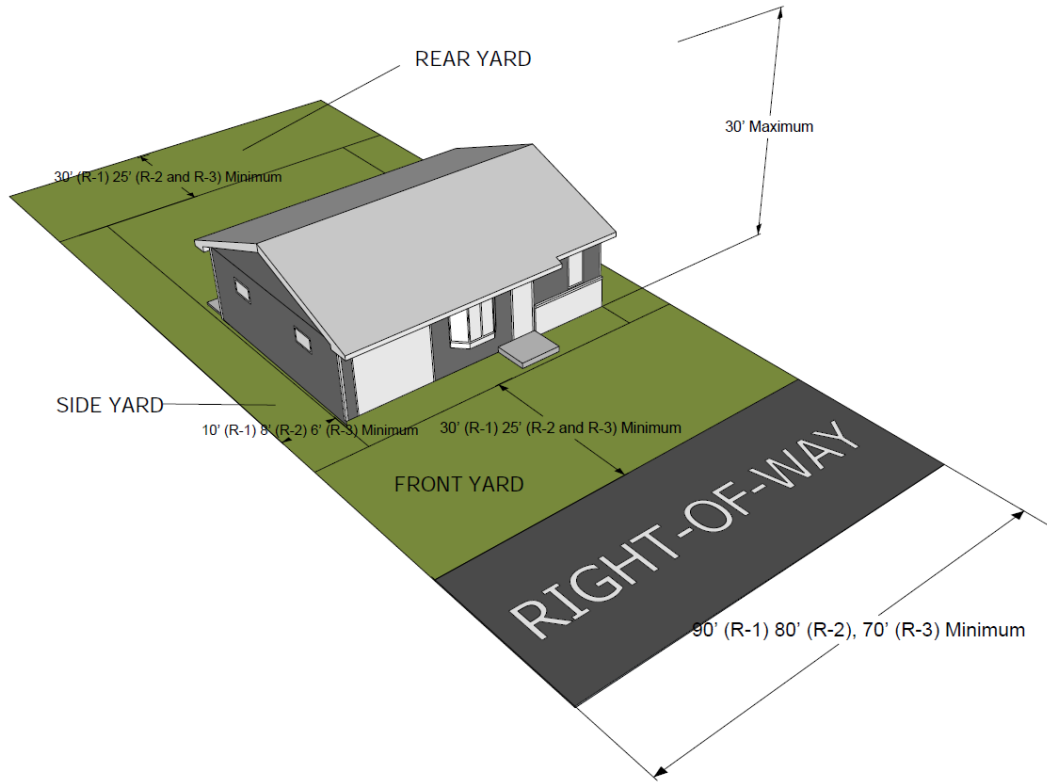


**Sec. 110-54. Single-Family Dwelling Districts (R-1, R-2, and R-3)**

Single-Family Districts	R-1	R-2	R-3
Min. Lot Area (sq.ft.)	12,150	9,600	7,350
Min. Lot Width (sq.ft.)	90	80	70
Min. Front Yard Setback (ft.)	30	25	25
Min. Rear Yard Setback (ft.)	30	25	25
Min. Side Yard (Interior) Setback (ft.)	10	8	6
Min. Side Yard (Corner) Setback (ft.)	30	25	25
Max. Building Height (ft.)	30	30	30

- (1) Generally. The regulations set forth in this Section or set forth elsewhere in this Chapter when referred to in this Section, are established as the Single-Family Dwelling District regulations.
- (1) Use regulations. A building or premises shall be used only for the following purposes:
- a. Single-family dwelling, when having a minimum floor area of one-thousand (1,000) square feet in the R-1 Single-Family, low-density district, seven-hundred and twenty (720) square feet in the R-2 Single-Family, medium-density districts, six-hundred (600) square feet in the R-3 Single-Family, high-density districts when providing two off-street parking spaces in lieu of providing one off-street parking space on the lot.
  - b. No more than one-third (33%) of a single-family lot shall be covered with structures or paved areas.
  - c. Accessory buildings and accessory uses, customarily incidental to the above uses ([Sec. 110-31. Accessory Buildings, Structures, and Uses of Land](#)). Any accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line.
  - d. On a single-family lot no more than forty (40%) percent of the rear yard, and thirty-three (33%) percent of the combined front and side yards, may be occupied by accessory buildings or uses. Accessory buildings or uses located in the rear yard do not count toward the maximum lot coverage of thirty-three (33%) percent of the lot.
  - e. Two-family Dwellings may be erected in those locations in the R-1 Single-Family low-density dwelling district where forty (40%) percent or more of the frontage on one side of a street between two intersecting streets is occupied by two-family dwellings or two-family and multiple-family dwellings; provided, however, that the area and parking regulations of the [R-4 Multiple-Family](#), low-density district are complied with.

**Minimum Lot Area**  
R-1: 12,150 sq. ft.  
R-2: 9,600 sq. ft.  
R-3: 7,350 sq. ft.



**Sec. 110-55. R-4 Multiple-Family, Low-Density District**

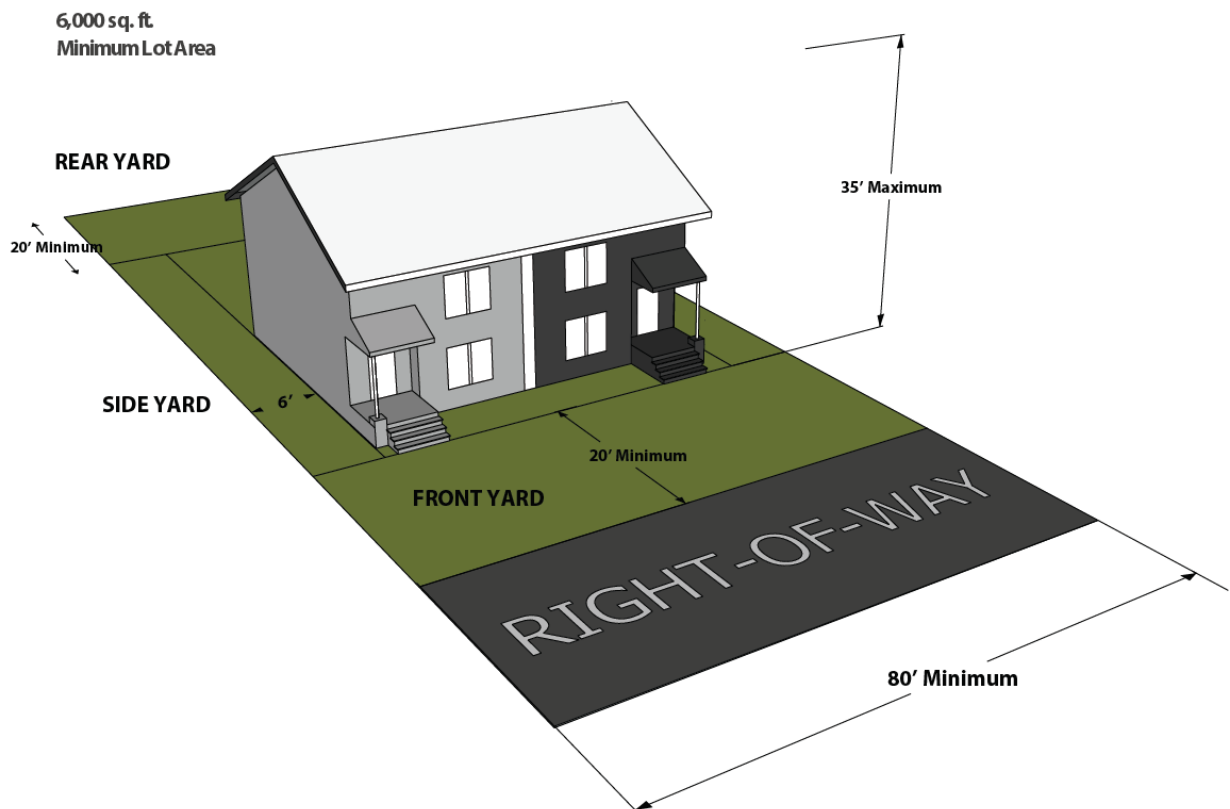
(1) Generally. The regulations set forth in this Section or set forth elsewhere in this Chapter when referred to in this Section are the R-4 Multiple-Family, low-density district regulations.

(2) Use regulations. A building or premises shall be used only for the following purposes:

- a. Any use permitted in the single-family dwelling districts.
- b. Two-family dwellings when having not less than six-hundred (600) square feet of floor space in each dwelling unit.
- c. Multiple-family dwellings may be erected in those locations in the R-4 Multiple-Family, low-density district where forty (40%) percent or more of the frontage on one side of a street between two intersecting streets is occupied by multiple-family dwellings;

provided, however, that the area and parking regulations of the R-5 multiple-family, high-density district are satisfied.

R-4 Multiple-Family District	
Min. Lot Area (sq.ft.)	6,000
Min. Lot Width (sq.ft.)	80
Min. Front Yard Setback (ft.)	20
Min. Rear Yard Setback (ft.)	20
Min. Side Yard (Interior) Setback (ft.)	6
Min. Side Yard (Corner) Setback (ft.)	20
Max. Building Height (ft.)	35



**Sec. 110-56. R-5 Multiple-Family, high-density district**

(1) Generally. The regulations set forth in this Section or set forth elsewhere in this Chapter when referred to in this section are the R-5 Multiple-Family, high-density district regulations.

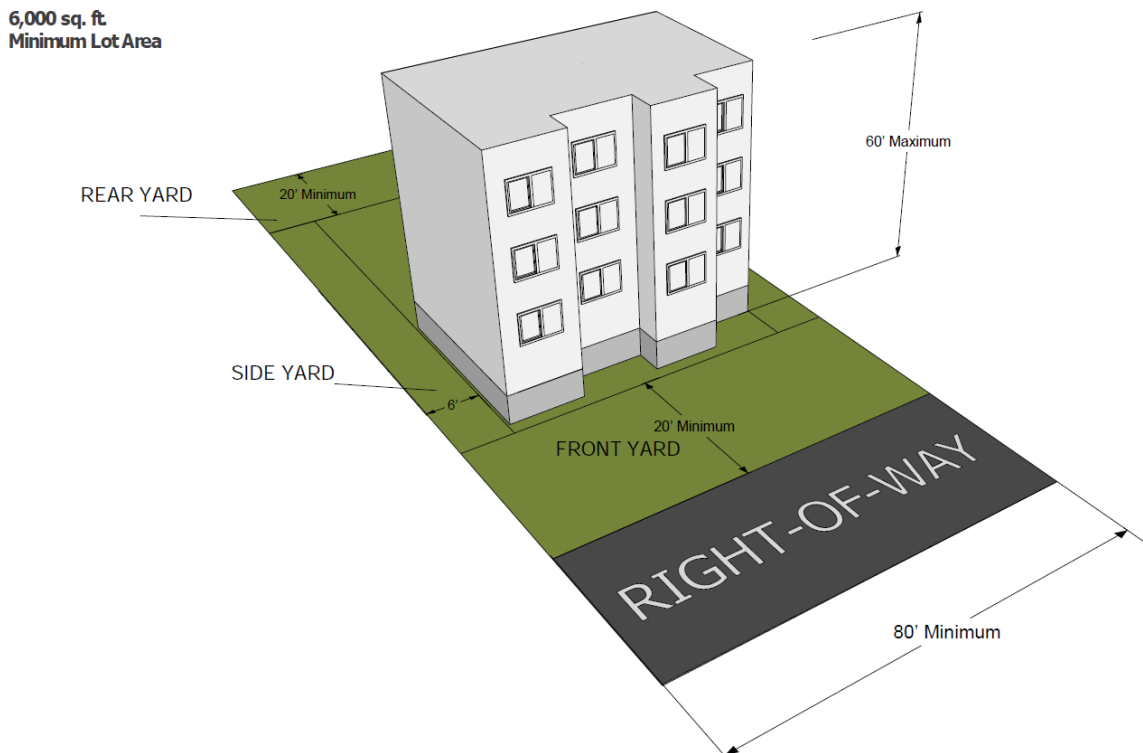
(2) Use regulations. A building or premises shall be used only for the following purposes:

- a. Any use permitted in the [R-4 Multiple-Family, low-density districts](#).
- b. Multiple-family dwellings, when having the following minimum floor area for each living unit:
  - i. Two bedrooms or more, six-hundred (600) square feet;
  - ii. One bedroom, four-hundred and fifty (450) square feet;
  - iii. Efficiency units, three-hundred (300) square feet.

R-5 Multiple-Family District	
Min. Lot Area (sq.ft.)	6,000
Min. Lot Width (sq.ft.)	80
Min. Front Yard Setback (ft.)	20
Min. Rear Yard Setback (ft.)	20
Min. Side Yard (Interior) Setback (ft.)	6
Min. Side Yard (Corner) Setback (ft.)	20
Max. Building Height (ft.)	60

(3) Intensity of use. Except as hereinafter provided, all dwellings hereafter erected, enlarged, converted, relocated or reconstructed shall be located on lots containing the following areas:

- a. All residential uses permitted in the R-5 Multiple-Family district shall provide a minimum lot area of not less than six-thousand (6,000) square feet.



**Sec. 110-57. Permitted Land Uses and Developments**

- (1) Residential dwelling units.
- (2) Public buildings used by entities of government such as City, school district, township, park district, county, state or federal government.
- (3) Accessory uses and structures ([Sec.110-31. Accessory Buildings, Structures, and Uses of Land](#)).
- (4) Permitted residential uses as listed in ([Sec. 110-75. District Use Classification List](#)).

**Sec. 110-58. Residential fences**

See ([Sec.110-235. Residential, Security and Farm Fences](#)).

## DIVISION 3 - COMMERCIAL DISTRICTS

### Sec. 110-59. B-1 Central Commercial District

The B-1 Central Commercial District provides for the continued development of the principal business and shopping areas of the City. Mixed use in the Central Commercial District permits residential units in commercial buildings only when located above the first floor.

- (1) Central Commercial District dwellings shall have the following minimum floor area for each living unit:
  - a. Two bedrooms, six-hundred (600) square feet.
  - b. One bedroom, four-hundred and fifty (450) square feet.
  - c. Efficiency unit, three-hundred (300) square feet.

B-1 Central Commercial District	
Min. Lot Area (sq.ft.)	n/a
Min. Lot Width (sq.ft.)	n/a
Min. Front Yard Setback (ft.)	n/a
Min. Rear Yard Setback (ft.)	n/a
Min. Side Yard (Interior) Setback (ft.)	n/a
Min. Side Yard (Corner) Setback (ft.)	n/a
Max. Building Height (ft.)	60

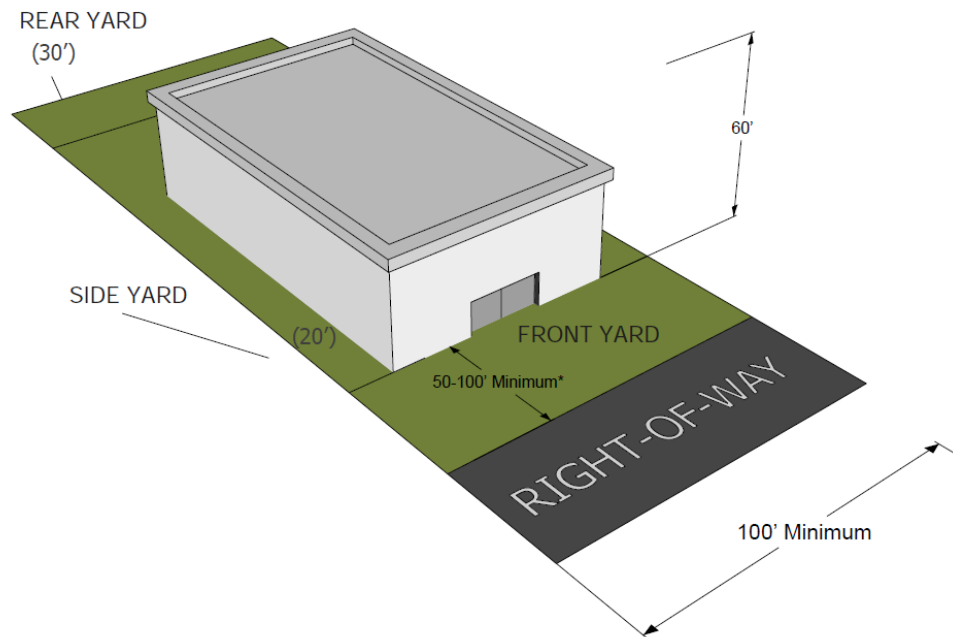
**Sec. 110-60. B-2 Highway Commercial District**

The B-2 Highway Commercial District provides appropriate areas for highway-oriented commercial uses and those requiring large lots for off-street parking ([Article X – Off-Street Parking and Loading](#)) and outdoor display or storage of merchandise ([Sec. 110.93. Outdoor Storage](#)). Permitted commercial uses are listed in ([Sec. 110-75. District Use Classification List](#)).

B-2 Highway Commercial District	
Min. Lot Area (sq.ft.)	15,000
Min. Lot Width (sq.ft.)	100
Min. Front Yard Setback (ft.)	50
	100*
Min. Rear Yard Setback (ft.)	30
Min. Side Yard (Interior) Setback (ft.)	20
Min. Side Yard (Corner) Setback (ft.)	20
Max. Building Height (ft.)	60

\* Caron to Dement corridor

15,000 sq. ft.  
Minimum Lot Area



**Sec. 110-61. B-3 Neighborhood Commercial District**

The B-3 Neighborhood Commercial District is primarily intended to provide limited retail sales and service opportunities which constitute basic trade and personal services for the convenience of residents in adjacent residential neighborhoods. These commercial uses shall be of such a character and intensity as to be compatible with surrounding residential uses. This district may also serve as transition between more intense commercial districts and less intense residential districts. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter and which are incorporated into this Section by reference.

B-3 Neighborhood Commercial District	
Min. Lot Area (sq.ft.)	10,000
Min. Lot Width (sq.ft.)	100
Min. Front Yard Setback (ft.)	30
Max. Building Height (ft.)	30
Min. Side Yard (Interior) Setback (ft.)	20
Min. Side Yard (Corner) Setback (ft.)	30
Min. Rear Yard Setback (ft.)	30
Max. Lot Coverage (%)	30

(1) Permitted land uses and developments.

The following land uses and developments are permitted in the B-3 Neighborhood Commercial District when not in excess of three-thousand (3,000) square feet of floor area:

- a. Commercial retail and service uses as listed in ([Sec. 110-75. District Use Classification List](#)).
- b. Accessory uses and structures ([Sec. 110-31. Accessory Buildings, Structures, and Uses of Land](#)).
- c. Dwelling units, when located above the first floor.
- d. Public buildings used by entities of government such as City, school district, township, park district, county, state or federal government. Vehicle maintenance, raw materials storage or other similar type uses shall not be permitted.

(2) Special uses and developments.

The following land uses and developments may be permitted within the B-3 Neighborhood Commercial District under the conditions and requirements specified in ([Sec.110-21. Special Uses](#)):

- a. Permitted land uses and developments, as identified in ([Sec. 110-75. District Use Classification List](#)) which exceed two stories or thirty (30) feet in height (whichever is less) including rooftop mechanical equipment attached to the structure and in excess of 3,000 square feet of floor area;
- b. Commercial retail and service uses as listed as a special use in ([Sec. 110-75. District Use Classification List](#)).

(3) Accessory buildings and uses.

Accessory buildings and uses, as defined in ([Sec. 110-31. Accessory Buildings, Structures, and Uses of Land](#)), as applicable, shall be allowed in the B-3 Neighborhood Commercial District, and shall include;

- a. Storage of merchandise normally carried in stock on the same lot in conjunction with a permitted or Special Use allowed within these district regulations. All stored merchandise must be in a fully enclosed accessory structure ([Sec. 110-91. Activities to be within Enclosed Buildings](#)).
- b. Off-street parking facilities and loading and unloading areas ([Article X – Off-Street Parking and Loading](#)).
- c. Lighting of parking areas shall be permitted when in conformance with ([Sec. 110-98. Glare](#)).

(4) Lot area, density and dimensional requirements.

Generally, the B-3 Neighborhood District shall be located on collector streets so as to avoid traffic congestion and conflict between commercial and residential uses. Every lot or tract of land in the B-3 Neighborhood Commercial District shall be adequate to provide required building setbacks, landscaping ([Article VIII - Landscaping](#)) and parking ([Article X - Parking](#)) as required by this Chapter. One (1) principal and one (1) accessory structure shall be allowed on each lot or parcel.

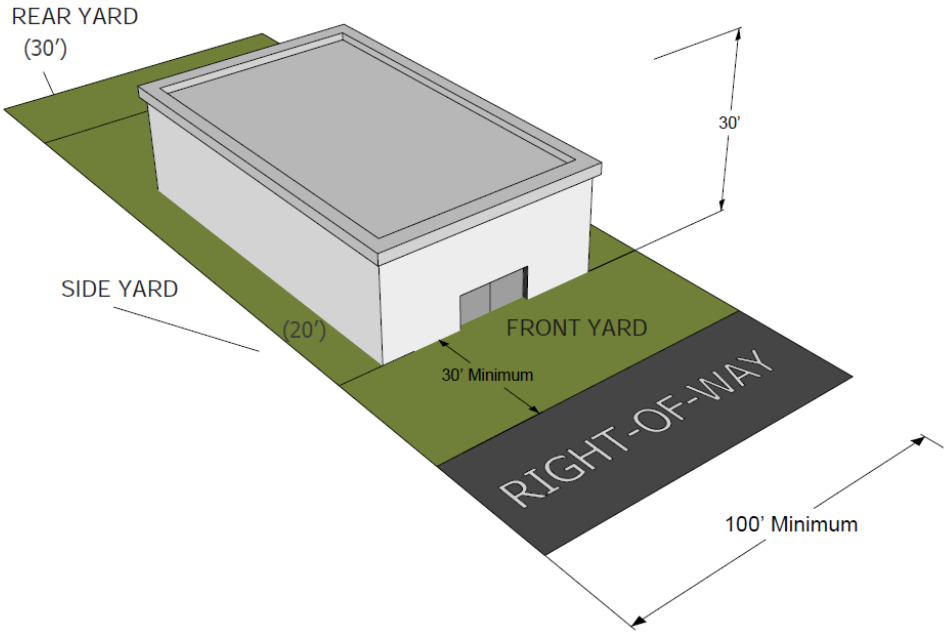
(5) Appearance criteria.

- a. A brick facade shall be required on all sides of a building that face a right-of-way, or that abut a residential district or residential use.
- b. The colors used on a building shall be consistent and complimentary to existing buildings in the general area.
- c. Any accessory structure shall match the primary structure in architectural style, material and color.

(6) Permitted hours of operation.

Commercial hours of operation in the B-3 Neighborhood Commercial District are limited to opening no earlier than 6:00 a.m. and closing no later than 10:00 p.m.

10,000 sq. ft.  
Minimum Lot Area



## DIVISION 4 - AIRPORT DISTRICT

### Sec. 110-62. A Airport District

The A Airport district is intended to promote development of airport related businesses, and other uses compatible with the City's airport (Koritz Field) in specified A districts within the City.

### Sec. 110-63. Location

The A Airport District location is commonly known as Koritz Field and is described as an area of approximately one-hundred and thirty-seven (137) acres located at the northwest intersection of Illinois Route 251 and Gurler Road, The A district may be expanded from time to time for airport related uses upon approval of the City Council, after a public hearing ([Sec. 110-22. Public Hearings](#)) before the Planning and Zoning Commission.

### Sec. 110-64. Permitted Uses

All uses in the A Airport District shall be classified as Special Uses ([Sec. 110-66. Special Uses](#)).

### Sec. 110-65. Prohibited Uses

The following uses shall be prohibited in the A Airport District:

- (1) Any uses that interfere with the airport hazard zoning (AHZ).
- (2) Any uses, including without limitation that interfere with the airport layout plan (ALP).

### Sec. 110-66. Special Uses

Airport and related airport service uses, as listed as a special use in ([Sec. 110-75. District Use Classification List](#)).

### Sec. 110-67. - Lot Area, Density and Dimension Requirements.

Front Yard	30 feet
Side Yard	20 feet
Corner Yard	30 feet
Rear Yard	30 feet
* Minimum Lot Width	100 feet
* Minimum Lot Area	15,000 square feet

*\* Minimum lot width and size do not apply if the use is located on the City airport property.*

**Sec. 110-68. Appearance Criteria**

No building permit approval shall be granted for the development of any building, structure or improvement on any parcel in the A Airport District until the Planning and Zoning Commission has recommended, and the City Council has approved, that the proposed development will conform to the following criteria:

- (1) Relationship of buildings to site and context.
  - a. The site shall be planned to provide for efficient screening, airplane movement, auto movement and parking areas.
  - b. Buildings location, mass, scale, and orientation shall be compatible with the character of the adjoining structures and ALP.
  - c. Any site development shall comply with all other requirements of this Code.
- (2) Building design.
  - a. Buildings and other structures in the A Airport district are encouraged to incorporate an airport related architectural theme.
  - b. Any building or structure in the A Airport District shall meet the requirements of the AHZ, ALP and FAA in design.

**Sec. 110-69. Application and Contents**

Applications for development within the A Airport district shall be accompanied by a boundary survey, architectural drawings, elevations, landscape plan and site engineering.

- (1) The property owner or his/her agent shall meet with the City Manager, Community Development Director, Superintendent of Streets/Cemetery/Airport and any other applicable City staff, to explain the proposed development, discuss procedures, and obtain an application form.
- (2) The applicant shall file the completed application form, together with the required exhibits and the filing fee, with the Community Development Department.
- (3) The Community Development Director or designee shall transmit the application to the Planning and Zoning Commission for review and consideration.
- (4) The Planning and Zoning Commission shall determine whether the proposed development is consistent with the requirements of the A Airport district, including without limitation whether the appearance and arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, drainage, signage and other improvements are designed in a manner that will promote safety and convenience for the public and preserve property values of surrounding property. Following its consideration, the Planning and Zoning Commission will recommend approval, denial or conditional approval of the application.
- (5) The Planning and Zoning Commission's recommendation will be referred to the City Council for final action.

**DIVISION 5 - INDUSTRIAL DISTRICTS**

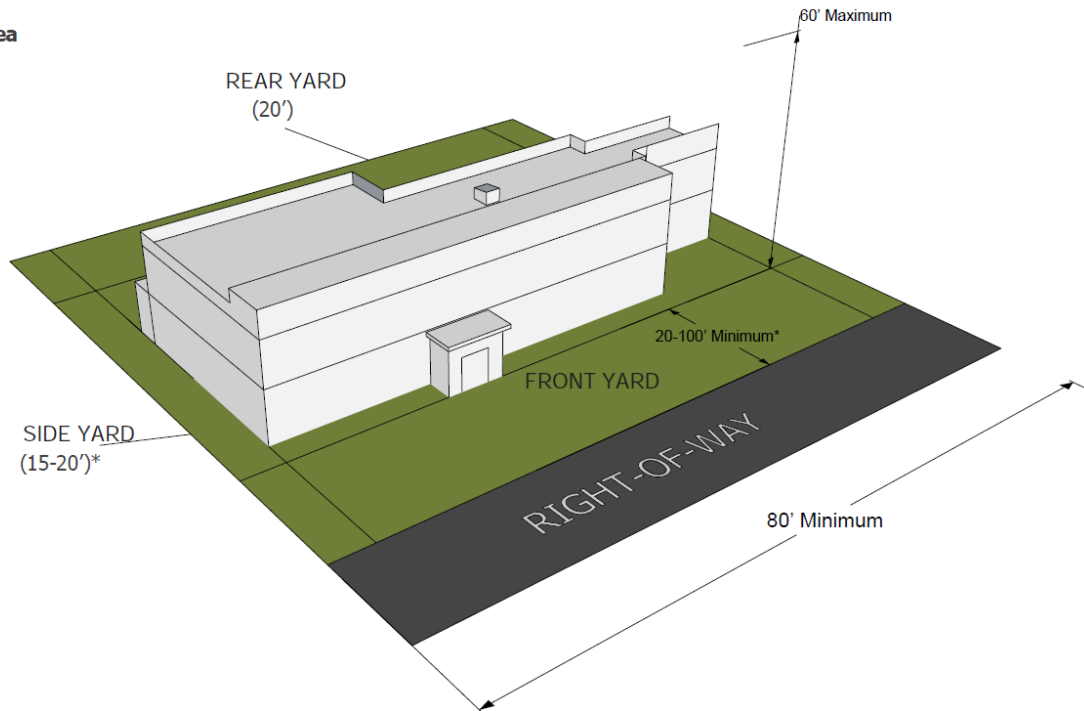
**Sec. 110-70. I-1 Light (Limited) Industry District**

The I-1 Light (Limited) Industry District provides close-in areas, located adjacent to non-industrial districts and uses, for the accommodation of those types of industrial activities that are not likely to result in significant incompatibilities with adjacent non-industrial uses. Permitted industrial and related uses are listed in ([Sec. 110-75. District Use Classification List](#)).

I-1 Light Industrial District	
Min. Lot Area (sq.ft.)	9,600
Min. Lot Width (sq.ft.)	80
Min. Front Yard Setback (ft.)	20
	100*
Min. Rear Yard Setback (ft.)	20
Min. Side Yard (Interior) Setback (ft.)	15
	20*
Min. Side Yard (Corner) Setback (ft.)	20
Max. Building Height (ft.)	60

\* 15th Street west on Highway 38 to City limits.

**9,600  
Minimum Lot Area**

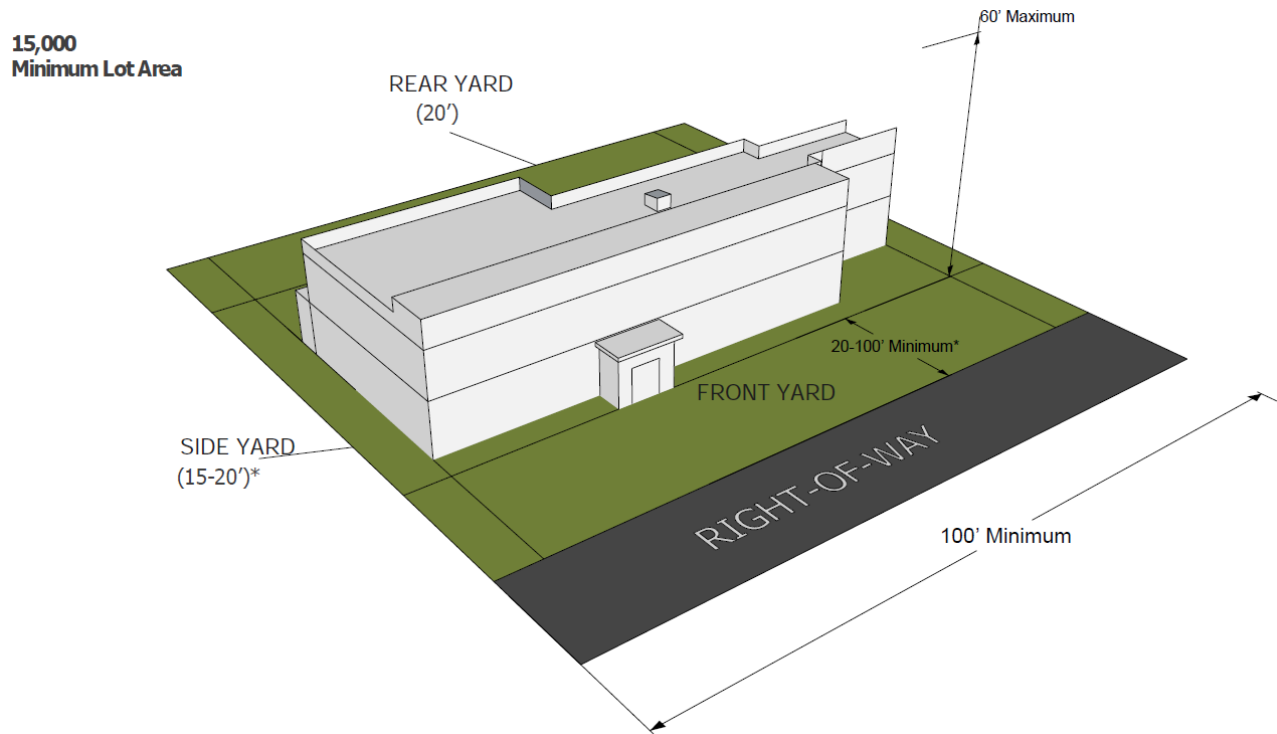


**Sec. 110-71. I-2 General Industrial District**

The I-2 General Industrial District provides for areas in more outlying locations for those types of activities which might result in incompatibilities with adjacent non-industrial uses. Permitted industrial and related uses are listed in ([Sec. 110-75. District Use Classification List](#)).

I-2 General Industrial District	
Min. Lot Area (sq.ft.)	15,000
Min. Lot Width (sq.ft.)	100
Min. Front Yard Setback (ft.)	20
	100*
Min. Rear Yard Setback (ft.)	20
Min. Side Yard (Interior) Setback (ft.)	15
	20*
Min. Side Yard (Corner) Setback (ft.)	20
Max. Building Height (ft.)	60

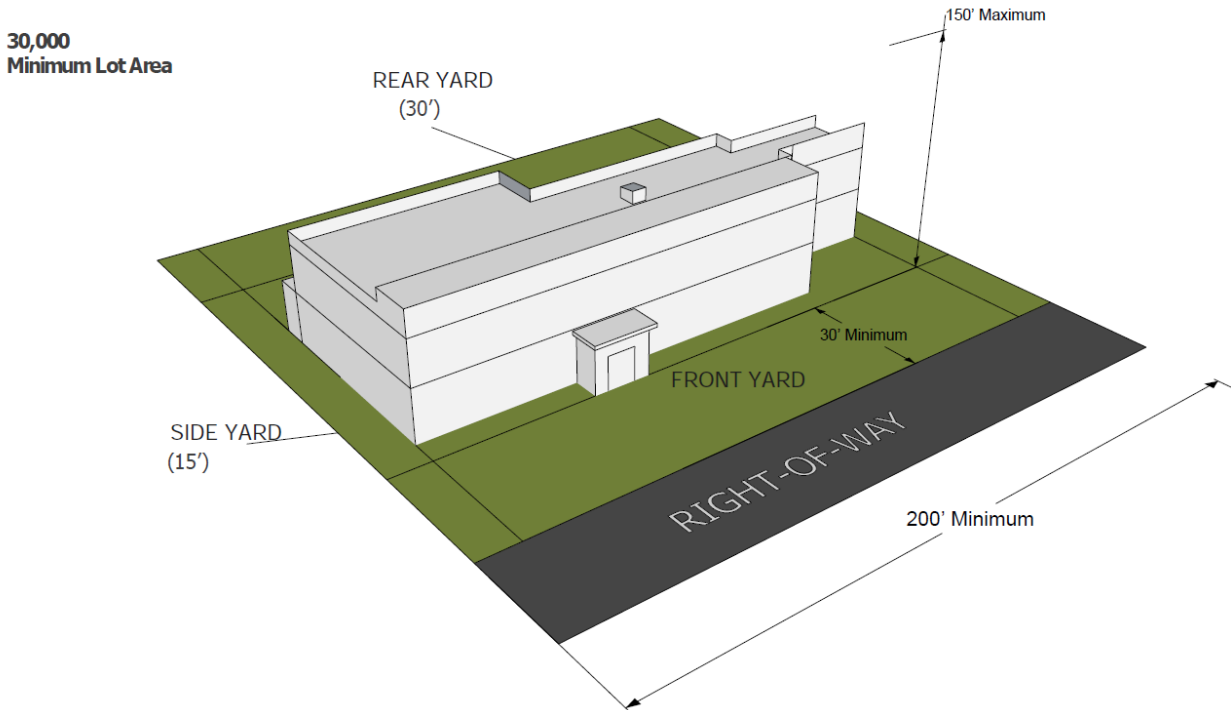
\* 15th Street west on Highway 38 to City limits.



**Sec. 110-72. I-3 Heavy Industrial District**

The I-3 Heavy Industrial District provides for areas in more outlying locations for those types of activities which might result in incompatibilities with adjacent non-industrial uses, and particularly rail and transportation-related uses. Permitted industrial and related uses are listed in ([Sec. 110-75. District Use Classification List](#)).

I-3 Heavy Industrial District	
Min. Lot Area (sq.ft.)	30,000
Min. Lot Width (sq.ft.)	200
Min. Front Yard Setback (ft.)	30
Min. Rear Yard Setback (ft.)	30
Min. Side Yard (Interior) Setback (ft.)	15
Min. Side Yard (Corner) Setback (ft.)	20
Max. Building Height (ft.)	150



## **DIVISION 6 - R-O, RESIDENTIAL OFFICE DISTRICT**

### **Sec. 110-73. Purpose**

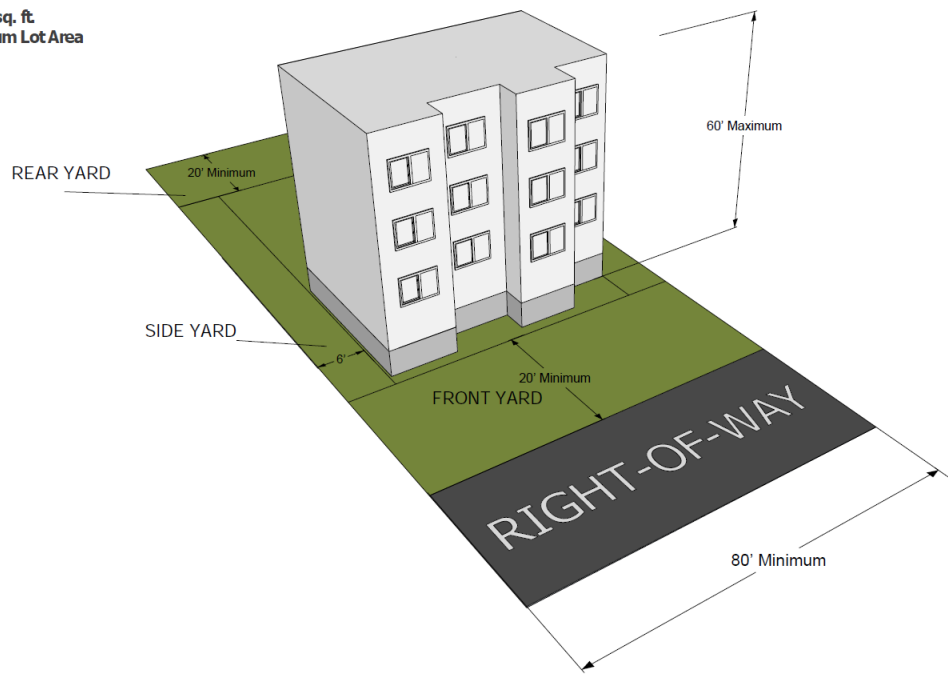
The R-O Residential Office district provides for the integrated development of residential and office uses in or near the central part of the City and the downtown. This district would also provide for the conversion of existing single-family residences to multi-family dwellings, or combination residential-commercial uses.

### **Sec. 110-74. Special Requirements**

The following special requirements shall apply in R-O Residential Office district:

- (1) The residential requirements of the [R-5 Multiple-Family District](#) shall apply. Measurements shall include the sum of both residential and commercial uses.
- (2) Hard-surfaced, off-street parking ([Sec.110-198. Parking Requirements for Specific Uses](#)) shall be provided in the amounts required in this Chapter.
- (3) Residential and commercial uses in a single structure shall provide separate means of ingress and egress. Residential uses shall be located above the first floor.
- (4) The availability of on-street and off-street parking ([Article X- Off-Street Parking and Loading](#)) shall be considered. The physical and aesthetic impact of off-street parking located on the zoning lot shall not be detrimental to the existing character of the lot and the surrounding neighborhood.
- (5) It shall be a priority to preserve greenspace; thus, off-street parking shall be related to the size and nature of lot.
- (6) Rental of parking spaces on property other than the zoning lot shall not be allowed over three-hundred (300) feet from property.

6,000 sq. ft.  
Minimum Lot Area



**DIVISION 7 - DISTRICT USE CLASSIFICATIONS**

**Sec. 110-75. District Use Classification List**

In the following list of uses, a "P" means that the use is permitted in the zoning district subject to the general provisions of this chapter; an "S" means that the use will be permitted only if a Special Use Permit ([Sec. 110-21. Special Uses](#)) is granted by the City Council. For uses not included on this list, application shall be made to the planning and zoning commission for interpretation.

LAND USE	A	RD	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	B-3	I-1	I-2	I-3
<b>RESIDENTIAL USES</b>														
Dwelling, single-family detached		P	P	P										
Dwelling, single-family attached					P	P								
Dwelling, multi-family						P	P							
Daycare home		P	P	P	P									
Mobile home park						S								
Group community residence		P	P	P	P	P								
Senior independent living						S				S				
Assisted Living/Memory Care						S				S				
<b>COMMERCIAL USES</b>														
Arts studio, workspace or teaching									P	P	S	S	S	
Automobile and / or truck rental										P		P	P	

LAND USE	A	RD	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	B-3	I-1	I-2	I-3
Automobile and / or truck sales (new and used)										P				
Automobile and / or truck repair									S	P		P	P	
Automobile Oil Change / Repair Facility									S	P		P	P	
Bakery / Coffee shop	S								P	P	S			
Banks and financial institutions									P	P	P			
Banquet hall									S	P	S	S		
Bar	S								P	P				
Bed and breakfast			S	S	S	S	S		P	P				
Brew Pub (Restaurants)									S	S	S	S	S	
Car Wash										S		S	S	
Currency exchange									S	P				
Daycare Centers									S	S	S			
Drive thru, as part of a permitted or primary use									S	P	S	P	P	
Funeral homes									S	S	S	S		
Gas/fueling stations										P		P	S	

LAND USE	A	RD	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	B-3	I-1	I-2	I-3
Home/garden stores									S	P				
Hotel / Motel									S	P		P		
Indoor retail sales of goods									P	P	P	S		
Kennel										S		P	P	
Liquor stores									P	P				
Medical cannabis dispensary										S				
Medical and dental clinics									P	P	P			
Offices, Professional and Business								P	P	P	P	P	P	
Personal services									P	P	S			
Pet Day Care									S	S				
Pet Stores									S	S				
Pet Supply Stores									P	P				
Restaurants									P	P	P			
Storage (Outdoor)										P	P	P	P	P
Storage (Enclosed)									P	P	P	P	P	P

LAND USE	A	RD	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	B-3	I-1	I-2	I-3
Tattooing									S	S	S	S		
Veterinary clinics										S		S		
Video Gaming Café									S	S				
INSTITUTIONAL USES														
Assembly/meeting halls									S	S	S	S	S	
Country club		S	S	S										
Dog park		S	S	S					S					
Golf course		S	S	S										
Government buildings and facilities		S	S	S	S	S			P	P	P	S	S	
Hospitals										S	S			
Indoor athletic facilities										S	S	S		
Indoor entertainment and amusement facilities									S	S	S			
Lighted sports fields		S	S	S	S	S			S	S				
Miniature golf course									S	S				
Museum or cultural facility		S	S	S	S				P	P				

LAND USE	A	RD	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	B-3	I-1	I-2	I-3
Public recreational facilities		S	S	S	S	S								
Public Park		S	S	S	S	S			S					
Religious Institutions		S	S	S	S	S			S	S	S			
Schools (Public, non-profit or private)		S	S	S	S	S								
Emergency shelter						S			S	S	S			
Community swimming pool		S	S	S	S	S				S				
Rehabilitation facilities						S				S	S			
INDUSTRIAL USES														
Adult-Use Cannabis Craft Grower												S	S	S
Adult-Use Cannabis Cultivation Center												S	S	S
Adult-Use Cannabis Dispensing Organization												S	S	S
Adult-Use Cannabis Infuser Organization or Infuser												S	S	S
Greenhouses										S		P	P	
Manufacturing, general												P	P	
Manufacturing, light												P	P	

LAND USE	A	RD	R-1	R-2	R-3	R-4	R-5	RO	B-1	B-2	B-3	I-1	I-2	I-3
Medical cannabis cultivation center												S	S	S
Microbrewery								S	S	S	S	S	S	
Micro-distillery								S	S	S	S	S	S	
Micro-winery								S	S	S	S	S	S	
Recycling center												S	S	S
Research and development facilities											S	PS	PS	
Warehousing									S			P	P	P
<b>MISCELLANEOUS USES</b>														
Adult regulated use												S	S	
Cemeteries			S	S	S	S								
Off-street parking lot, public								S	S	S	S	P	P	
Planned developments		S	S	S	S	S			S	S	S	S	S	
Utilities		S	S	S	S	S			S	S	S	S	S	
Personal Wireless Services		S	S	S	S	S			S	S	S	S	S	
Small Cell Facilities		S	S	S	S	S			PS	PS	P	P	P	

## ARTICLE VI - PERFORMANCE STANDARDS

### **Sec. 110-90. General Compliance**

The regulations in this article shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual noncompliance with such regulations shall be made by the City Council or its duly appointed agent. In addition, all manufacturing uses listed in the special use classification in the industrial district regulations shall give evidence of ability to comply with the following standards before the issuance of a Building Permit ([Sec. 110-17. Building Permits](#)) or Certificate of Occupancy ([Sec. 110-18. Certificates of Occupancy](#)). Continued compliance shall be required during the operation of such uses and activities. No use already established on the effective date of the ordinance codified in this article shall be so altered or modified as to conflict with, or further conflict with, the performance standards established in this Article.

### **Sec. 110-91. Activities to be within Enclosed Buildings**

All fabrication, manufacturing, processing or production shall be undertaken substantially within enclosed buildings, unless specifically exempted by the City Council upon recommendation by the Planning and Zoning Commission.

### **Sec. 110-92. Storage and Use of Materials**

- (1) The storage, use or manufacture of materials or products conducted within completely enclosed buildings shall be in keeping with the Building Codes as adopted by Rochelle, and any other applicable Ordinances.
- (2) The storage or utilization of flammable liquids and gases shall be conducted only in accordance with all applicable federal, state, and City laws.
- (3) All flammable liquid and gas storage tanks shall be a minimum of fifty (50) feet from all lot lines.
- (4) All equipment storage areas shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

### **Sec. 110-93. Outdoor Storage**

All outdoor storage shall be prohibited in the B-1 district. Where outdoor storage is enclosed within a structure, then such structure shall have solid walls to obscure view from the street or adjacent property. Where outdoor storage of materials, goods and products exists or where fabrication, manufacturing or production occurs outside within other business and industrial districts, such storage or production shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. Such screening shall be placed along property lines or, in the case of screening, along a street, at least fifteen (15) feet from the street right-of-way or adjacent property line

with landscaping between the screening and pavement. A louvered fence shall be considered "solid" if it blocks direct vision. The requirements of this section shall not apply to a railroad hub facility located in an I-3 zoning district, except where such I-3 property is located immediately adjacent to a property zoned residential at the time development of the property zoned I-3 is initially commenced.

**Sec. 110-94. Noise**

- (1) Sound pressure levels shall be in keeping with current State of Illinois standards as prescribed by the Illinois Pollution Control Board (Subtitle H: Noise), as may be amended from time to time.
- (2) Sound pressure levels shall be in keeping with current State of Illinois standards as prescribed by the Illinois Pollution Control Board (Subtitle H: Noise), as may be amended from time to time.
  - a. Sound emitted from emergency warning or safety devices.
  - b. Sound emitted from lawn care maintenance equipment used during daylight hours.
  - c. Sound emitted from vehicles, snowblowers and similar equipment used for snow removal and hauling operations.
  - d. Sound emitted from equipment being used for construction between the hours of seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M., of each day, or for such additional hours as may be authorized by the Zoning Administrator.
  - e. Sound emitted from trucks and vehicles entering or leaving industrial zoned property, except as may be caused by idling engines, off the road vehicles, mixers on ready mix concrete trucks, and trailer mounted refrigeration units.

**Sec. 110-95. Vibration**

- (1) Any process or equipment that produces intense earth-shaking vibrations - such as are created by drop forges, hydraulic surges or other processes - shall be set back at least five hundred (500) feet from the property boundaries on all sides. However, in no case shall such vibrations be allowed to create a Public Nuisance or hazard beyond the property boundaries.
- (2) Exceptions: The provisions of this Subsection shall not apply to sound emitted from equipment being used for permitted construction between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., of each day.

**Sec. 110-96. Air Pollution**

Any visual emissions, particulate matter emissions, odor, airborne toxic material and other air pollution shall meet the current standards of the Illinois Pollution Control Board; Title 35, Subtitle B, "Air Pollution", Chapter I, Pollution Control Board, as may be amended from time to time.

**Sec. 110-97. Toxic Substances**

- (1) Definitions. Toxic Substances and Highly Toxic Substances as defined in ([Article XIV – Definitions](#)).
- (2) Regulation:
  - a. Highly Toxic Substances: The storage, use or handling of highly toxic material as defined X-2-D-1 shall be as required by applicable regulations of the Illinois Pollution Control board, the International Code Council (ICC) Codes (as adopted by Rochelle), the National Fire Protection Association - National Fire Codes (as adopted by Rochelle), and all other applicable City regulations and ordinances, as adopted or amended from time to time.
  - b. Toxic Material: The use, storage, handling or transport of toxic substances shall comply with applicable regulations of the Illinois Pollution Control Board, the National Fire Protection Association - National Fire Codes (as adopted by Rochelle), the ICC International Building Code (as adopted by Rochelle), and all other applicable City regulations and ordinances, as may be adopted or amended from time to time.
  - c. Permit Required: Any person, firm or corporation engaged in the use, storage, handling or transportation of Highly Toxic substances shall be required to obtain a permit from the Rochelle Fire Department. Permit applicants shall provide all information as determined necessary by the Fire Department to ascertain compliance with the above referenced and adopted rules and regulations. The Fire Department shall make an inspection of the applicant's premises to determine such compliance prior to the issuance of the permit.

**Sec. 110-98. Glare**

All outdoor lighting shall meet the following requirements:

- (1) All lighting sources shall be arranged to reflect light away from adjoining properties in a manner that does not produce glare clearly visible beyond a property line so as to cause nuisance or impairment of vision. Glare is best reduced when the light source is not visible from adjacent properties. Therefore, the use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.
- (2) In all zoning districts, no light source shall cause illumination in excess of one-half (0.5) foot-candle at any property lot line, **except for residential zoning districts which shall be limited to one (1) foot-candle at any property line.**

**Sec. 110-99. Explosives**

No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted, except such as are specifically licensed by the City Council.

**Sec. 110-100. Odor**

The release of materials intrinsically odorous or capable of being odorous, either by bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot shall be prohibited.

**Sec. 110-101. Electromagnetic Interference**

Electromagnetic interference from any equipment or business operations shall not adversely affect the operation of any equipment located adjacent or nearby properties.

**Sec. 110-102. Sewage Waste**

Sewers and sewage discharge shall meet the appropriate City codes and all IEPA requirements.

**Sec. 110-103. Refuse**

All waste material, vehicles in an inoperable condition, debris, refuse, or garbage not disposed of through the public sanitary sewage system shall be **kept in an enclosed building effectively screened from view** or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

**Sec. 110-104. Landscaped Yard Along Streets**

In all zoning districts, all developed uses shall provide a landscaped yard ([Sec. 110-136. Interior Parkways](#)) along all streets. Such yard shall be kept clear of all structures and storage. Such yard shall be at least the depth of the front yard requirement in each district along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot. Nothing in this Section shall supersede the required lot dimension requirements ([Article V - Districts](#)).

**Sec. 110-105. Use of Trailers**

No trailer may be used for any residential, commercial or industrial purpose, either transiently or permanently, unless located in a trailer park complying with the requirements of this Chapter.

## ARTICLE VII - PLANNED UNIT DEVELOPMENTS

### Sec. 110-110. Purpose

- (1) The development and execution of zoning regulations is based upon the division of the City into districts in which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized by the City that new types, procedures, and relationships in land development are emerging and that the mixing of uses and variations in bulk regulations within districts can produce very satisfactory, desirable, and lasting results, if properly designed and planned, without adverse influence upon surrounding property. The following standards are established to provide flexibility to encourage sound and imaginative design, and to guard against the use of the planned unit development (PUD) technique solely as a means to intensify the use of land. A PUD is considered to be a subdivision of land.
- (2) A person, by choosing to develop property as a planned unit development, elects to submit a contemplated development proposal to a legislative and discretionary review by the Planning and Zoning Commission and City Council.

### Sec. 110-111. Objectives

The PUD, as a subdivision of land, is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements which may cause undue hardship or complication for desirable but unconventional development, and to establish standards and procedures for the issuance of a Special Use Permit ([Sec. 110-21. Special Uses](#)) for a PUD in order to achieve the following objectives:

- (1) To stimulate creative approaches to residential, commercial and industrial development of land.
- (2) To provide for more efficient use of land.
- (3) To preserve or enhance natural features and provide open space areas.

### Sec. 110-112. Modification of District Regulations

PUDs, as subdivisions of land, shall be constructed in each zoning district as a Special Use ([Sec. 110-21. Special Uses](#)) subject to the standards and procedures set forth as follows:

- (1) The PUD designation is not intended to be attached to existing zoning districts as an overlay. The PUD designation as detailed in this Article is a separate use district and may be attached to a parcel of land through the process of land subdivision (Chapter 86) and zoning map amendments ([Sec.110-20. Amendments](#)).
- (2) The ordinance approving the preliminary plat for the PUD may provide for such exceptions from the district regulations governing use, density, area, bulk, parking, signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed PUD, provided such exceptions are consistent with the standards and criteria contained in this article. No

modifications of district requirements or subdivision design standards may be allowed when such proposed modification would result in:

- a. Inconvenient or unsafe access to the PUD.
  - b. Traffic congestion in the streets which adjoin the PUD.
  - c. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the PUD.
  - d. A development which will be incompatible with the purpose of this chapter and the goals and objectives of the Comprehensive Plan.
  - e. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes.
  - f. Alteration, destruction of archeological and historic features.
- (3) The Planning and Zoning Commission may recommend to the City Council and the City Council may grant a Special Use Permit ([Sec. 110-21. Special Uses](#)) which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the Planning and Zoning Commission that the PUD meets the applicable objectives and standards and criteria contained in this article. Such written finding shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provisions of ([Sec. 110-111. Objectives](#)) and ([Sec. 110-113. General Standards and Criteria for PUDs](#) through [Sec. 110-114. Permitted Uses and Density](#)).

### **Sec. 110-113. General Standards and Criteria for PUDs**

No PUD shall be authorized by the City Council unless the Planning and Zoning Commission shall find evidence establishing that:

- (1) The proposed development will not injure or damage the use, value and enjoyment of surrounding property, nor hinder or prevent the development of surrounding property per the comprehensive plan.
- (2) The proposed development can be substantially completed within the estimated period of time specified in the schedule of development submitted by the applicant.
- (3) The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners.
- (4) The PUD submissions shall contain such proposed covenants, easements, other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the PUD and are consistent with the best interests of the city. Such covenants, easements, and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the City Council after a Planning and

Zoning Commission public hearing and a recommendation by the Planning and Zoning Commission as provided in this Article.

- (5) Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.
- (6) The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities are compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or accessways, is landscaped or otherwise improved.
- (7) The project area is adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or character of the community. The minimum site size for any PUD shall be twenty (20) acres, but within the [B-1 Central Business District](#) there is no minimum site size for a PUD.
- (8) The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant.
- (9) The dominant land use of the proposed PUD is consistent with the recommendations of the Comprehensive Plan for the area containing the PUD.
- (10) Any modifications of the standards and specifications of this Chapter or other regulations that would otherwise be applicable to the site are warranted by the design of the PUD, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
- (11) Exceptional landscaping features such as larger caliper, varied species, and reduce spacing of trees and additional sodding above the minimum requirements as specified in ([Article VIII - Landscaping](#)).
- (12) All proposed streets and driveways are adequate to serve the residents, occupants, visitors, or other anticipated traffic of the PUD. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval of the City, and if applicable, a county highway department, and the state department of transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the city council may require, as a condition of approval of a proposed PUD, such devices to be provided at the developer's cost. Any street improvement or construction whether in the PUD or adjacent to the PUD shall include improvements on both sides of the roadway.
- (13) Off-street parking ([Article X – Off-Street Parking and Loading](#)) is conveniently accessible to all dwelling units and other uses in the PUD. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms and walls.
- (14) An adequate pedestrian circulation network is provided.

- (15) The PUD provides for underground installation of utilities (including electricity and telecommunications) in public ways and the associated private extensions. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping, and treatment of turf to handle stormwater, prevent erosion, and the formation of dust. Utilities and maintenance of facilities shall be per the requirements and regulations of this Code.
- (16) The proposed PUD satisfies the applicable objectives as provided in ([Sec. 110-111. Objectives](#)).
- (17) Existing ponds, creeks, rivers, lakes, wetlands, or fens on or adjacent to the PUD are enhanced and protected from development ([Sec. 110-237. Shorelines and Watercourses](#)).

**Sec. 110-114. Permitted Uses and Density**

- (1) Land Uses. The Planning and Zoning Commission shall recommend, and City Council shall authorize, that there be permitted in part of the area of a proposed PUD, and for the duration of such development, specified uses within the PUD. Proposed PUDs with a mix of land uses shall not be recommended or approved unless:
  - a. The proposed land uses are necessary or desirable and are appropriate with respect to the primary purpose of the PUD.
  - b. The proposed uses are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
- (2) Density. Proposed density within a PUD shall follow the following guidelines:
  - a. Consistency with Comprehensive Plan. The density of a PUD district shall be consistent with the intent of the Comprehensive Plan.
  - b. Residential Density. The computation of density shall be based on dwelling units per net acre for the entire site. Net acreage is defined as the site area less all land allocated to street rights-of-way and preexisting wetlands and lakes, ponds, and waterways. In the case of private streets, the equivalent of public rights-of-way for these private streets shall be deducted from gross acreage. In the event that there is a question regarding the width and length of such equivalent rights-of-way, the City Engineer or Director of Public Works shall render a determination.
    - i. Density bonus. Residential density within a PUD district may be increased by up to ten (10%) percent which shall be based on the following:

Maximum % Increase	Design Element
Ten (10%) percent	A minimum of an additional five (5%) percent of the net development area devoted to common open space (above the minimum fifteen (15%) percent requirement) and improved with public pedestrian ways, bike paths, park land, swimming pools, tennis courts, community centers, club buildings, etc.

- d. Commercial and industrial density. Commercial and industrial uses within a PUD may allow for increased density provided that the development plan must demonstrate compliance with four (4) or more of the following performance criteria:
    - i. Provide storm drainage detention/retention facilities having a capacity significantly and appreciably in excess of what is required and the ability to relieve current stormwater challenged areas of their excess stormwater.
    - ii. Install storm drainage detention facilities underground.
    - iii. Providing a release rate from a detention facility that is significantly and appreciably stricter than otherwise required.
    - iv. Increase parking lot landscaping by fifty (50%) percent more than otherwise required.
    - v. Design of principal access to the development tract at an approved location that allows for shared access by an adjacent property.
    - vi. Provide for sufficiently screened loading and unloading areas that are located on side or rear yards.
    - vii. Provide for mixed-use developments that include community facilities that further the goals, objectives and policies of the Comprehensive Plan.
    - viii. Demonstration of a development using highly innovative architectural, site planning and land use design of a caliber not previously used in the area and of such quality as to set an excellent example for subsequent developments.
  - II. Any other performance criteria that further the goals, objectives and policies of the Comprehensive Plan and that, in the opinion of the Planning and Zoning Commission and City Council, warrant the approval of a setback reduction.
- (3) Development phasing. If the sequence of construction of various portions of the development is to occur in stages, then the open space and recreational facilities shall be developed in reasonable proportion during any given stage of construction as approved on a final plat by the City Council.

**Sec. 110-115. Signs**

Signage shall be in compliance with ([Article IX - Signs](#)) of this Chapter, unless the applicant for a PUD district designation elects to submit a Comprehensive Sign Plan in addition to the submission of other required development plan documents. The Planning and Zoning Commission may recommend, and the City Council may approve, a Comprehensive Sign Plan and such plan shall be made part of the ordinance approving the PUD district. That ordinance may contain conditions, requirements or standards regarding signs that may be stipulated by the City Council. Comprehensive Sign Plans approved under this Section shall be evaluated based upon the following criteria:

- (1) Placement. All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to

traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.

- (2) Quantity. The number of signs that may be approved within any development shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development subareas and business identification. Factors to be considered shall include the size of the development, the number of development subareas, and the division or integration of sign functions.
- (3) Size. All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences.
- (4) Materials. Sign materials shall be compatible with architectural and natural features of the site and proposed development. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style or the use of consistent lettering style and typography.
- (5) Comprehensive Sign Plan. A request for approval for a Comprehensive Sign Plan shall accompany the request for PUD zoning classification and shall include, but is not limited to, the following:
  - a. A site plan, depicting the proposed plan of development and illustration of proposed sign locations;
  - b. Descriptions and drawings indicating size, qualities, materials and illumination; and

**Sec. 110-116. Minimum Site Size**

The minimum site size for any PUD (except within the [B-1 Central Business District](#)) shall be twenty (20) acres. This minimum site size may be waived by the City Council upon recommendation by the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wetlands, floodplain areas, soil conditions, utility easements, or unusual shape or proportions; or, if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the City Council should determine such waiver to be in the general public interest.

### **Sec. 110-117. Common Open Space**

Common open space shall comprise at least fifteen (15%) percent of the gross area of any PUD development that includes residential uses or be of a size equivalent to one acre for each one-hundred (100) persons of expected population within the PUD development, whichever is more. For purposes of this section, the expected population shall be determined by multiplying the total number of dwelling units times the average citywide household size as provided in the most recent census. This common open space shall be used for recreational, park or environmental amenity purposes for the collective enjoyment by the occupants of the development; however, consideration will be given to having the required open space remaining on privately owned properties dedicated by easement to assure that the common open space will be permanent. In addition to these general open space requirements, the following regulates the use of this common open space in terms of physical surface characteristics, size, location and physical improvements therein.

- (1) Of the required common open space, no more than one-half (50%) of it may be covered by wetlands, stormwater management facilities, or left in a natural state.
- (2) The area of each parcel of open space shall not be less than six-thousand (6,000) square feet in area nor less than thirty (30) feet in its smallest dimension. Also, at least fifty (50) percent of the common open space shall be contiguous or connected via pedestrian/bicycle paths.
- (3) Inasmuch as practical, common open spaces should be distributed equitably throughout the development in relation to the dwelling units in which such common open space is intended to serve. The open space must not be isolated in one corner of a development, but highly accessible (physically and visually) to the residents or employees within a development.
- (4) The use, operation, and maintenance of areas for common open space, common ground, and common buildings shall be guaranteed by the establishment of necessary open space covenants, such as a homeowners' association or similar entity, and further that the applicant shall agree to establish a special service area that, at the sole discretion of the City, can be activated to ensure that these areas are properly maintained.

### **Sec. 110-118. Perimeter Buffer Requirements**

- (1) Where a PUD district containing residential development along the perimeter of the site that is higher in density than that of an adjacent residentially zoned property, there shall be a minimum thirty (30) foot buffer area ([Sec.110-137. Buffer Yards](#)). The buffer area must be kept free of buildings or structures and must be landscaped or protected by natural features so that all higher-density residential is effectively screened from the view of the abutting lower-density residential property.
- (2) Where a PUD containing no residential uses abuts a residential district, there shall be a minimum fifty (50) foot buffer area between any non-residential use and the adjacent residential district. This buffer area shall be landscaped ([Sec.110-137. Buffer Yards](#)).

### **Sec. 110-119. Other Development Regulations**

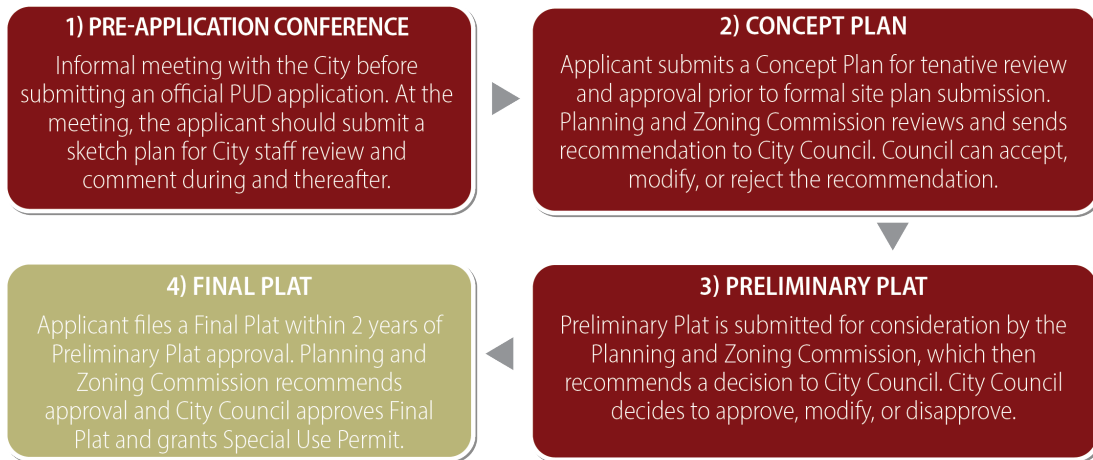
Other development regulations for PUD districts are as follows:

- (1) The following parts of this Chapter apply to development within a PUD district:
  - a. Accessory Uses ([Sec.110-31. Accessory Buildings, Structures, and Uses of Land](#)).
  - b. Screening requirements ([Sec.110-93. Outdoor Storage](#), [Sec.110-131. General Site Development Standards](#), [Sec.110-132. Site Plan](#), [Article V, Division 2 - Residential Districts](#), and [Sec.110-196. Screening and Landscaping of Parking Areas](#)).
  - c. Home occupations ([Sec.110-226. Home Occupations](#)).
  - d. Antenna regulations ([Article XII – Antennas and Satellite Dishes](#)).
  - e. Vision clearance triangle ([Sec.110-34. Vision Clearance Triangle](#)).
  - f. Off-street loading and parking ([Article XI – Off-Street Parking and Loading](#)).
  - g. Signs ([Article IX - Signs](#)) except as may be modified through a Comprehensive Sign Plan.
  - h. Traffic access and impact studies: these requirements are to be initiated by the City Manager or his/her designee and will stipulate when a traffic access and impact study is required.
- (2) Utilities (Chapter 98).
- (3) Streets (Chapter 82).
- (4) Stormwater management regulations (Chapter 22, Article XIII).

### **Sec. 110-120. Application Procedures**

All PUDs shall be processed and reviewed in four (4) steps leading to approval for recording and construction: 1) preapplication conference, 2) concept development plan, 3) preliminary plat, and 4) final plat. Prior to beginning the PUD review process, the applicant is encouraged to obtain a copy of this Chapter and (Chapter 86 - Subdivisions), and application forms. Applications shall be made on forms supplied by the City of Rochelle.

## PUD PROCEDURE



- (1) Preapplication Conference. Before submitting an application for a PUD, the applicant shall schedule a meeting with the Community Development Director to informally discuss with the City staff the proposed PUD and to obtain information and guidance before entering into binding commitments or incurring substantial expense. There is not a formal application for this conference or any associated fee. At the preapplication meeting, the applicant shall submit a **sketch site** plan for review and comment by City staff. City staff shall review and evaluate the **sketch site** plan and shall report to the applicant at the meeting or as soon as practicable thereafter, staff's opinion as to the merits and feasibility of the planned development and its improvements contemplated by the **sketch site** plan. Staff shall also inform the applicant of the required standards, documentation submittals and procedures to follow should the applicant decide to submit a formal petition. The information that should be included with the **sketch site** plan is as follows:
- a. Name of the PUD and a key map showing its location.
  - b. Name, address, and telephone number of the owner, subdivider, engineer, and any other contact person.
  - c. Acreage and current zoning classification of the PUD and the proposed number of lots.
  - d. The location of the tract in relation to the surrounding area, including names of adjacent property owners.
  - e. The approximate location of all existing land uses, structures, facilities, and wooded areas within the tract proposed to be retained or demolished and within 100 feet of the tract.
  - f. Arrangement and dimensioning of all proposed lots, parks, and common areas.

- g. Proposed location and width of street right-of-way, street pavement, alleys, and their relationship to the existing adjacent street system.
- h. Proposed location of private access drives.
- i. Proposed location and size of sanitary sewers, storm sewers, water mains, detention areas, and their relationship to existing public utilities.
- j. A generalized drainage scheme.
- k. A north arrow and scale (recommended scale is one inch equals 100 feet).
- l. Building outlines (footprints) of all structures except single-family detached dwellings proposed on subdivided lots.
- m. Internal private circulation drives and parking areas.
- n. Conceptual landscaping plan, open space/common areas and buffer areas between the proposed development and adjacent properties.
- o. If the sketch plan covers only a part of the developer's contiguous land holdings, the developer shall submit a drawing showing the probable future street and drainage system of the remaining portions of the developer's land.

(2) Concept Plan.

- a. An applicant shall submit a Concept Plan per the provisions of this Chapter to the City for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the City will accept, or under what circumstances the City will accept, a PUD of the type proposed on the site. The following items shall be required:
  - i. All of the information specified for the preapplication 'Sketch Plan' meeting as modified by the discussion of that meeting.
  - ii. The character and approximate density of dwellings, if applicable.
  - iii. A written statement which shall contain a general explanation of the size and character of the PUD, including a statement of the present ownership of all the land within the PUD and anticipated schedule of construction.
- b. The Planning and Zoning Commission shall review the concept plan within forty-five (45) days of its submission to the City and shall prepare a written report containing its recommendations to the City Council and the applicant. Approval of the Concept Plan does not guarantee approval of the Preliminary Plat.
- c. The City Council shall accept, modify, or reject the Planning and Zoning Commission recommendation within thirty (30) days following the date of action by the Planning and Zoning Commission.

(3) Preliminary Plat.

- a. The Preliminary Plat shall contain all items required for a Preliminary Subdivision Plat as enumerated in this chapter. The following additional items shall also be required:

- i. Net area of all parcels.
- ii. Maximum number of dwelling units allowed per the existing zoning classification and the Comprehensive Plan.
- iii. Number of dwelling units proposed.
- iv. Number of off-street parking spaces required ([Sec.110-198. Parking Requirements for Specific Uses](#)) and proposed.
- v. The location, gross floor area of, and distance between building and structures. Floor area for nonresidential uses shall be identified by use type.
- vi. The proposed location and general use of common ground, including recreational areas, plazas, pedestrian ways and major landscaped areas including buffer areas. Landscaping information shall include location and approximate size (at time of planting) of all plant material by type (such as deciduous/coniferous trees, ornamental trees, shrub masses and ground cover including grassed areas, ivies, etc.). Landscaping ([Sec.110-196. Screening and Landscaping of Parking Areas](#)) within parking areas shall be included.
- vii. Quantification of site area by building coverage, parking, loading and driveways, and common open areas divided into usable open areas and areas to be dedicated to water detention, floodplain, and natural areas.
- viii. The location and details of all retaining walls, fences and earth berms.
- ix. The location of all refuse collection facilities including screening to be provided.
- x. Illustrative site cross sections (two (2) minimum) indicating edge conditions and internal grade changes in relation to principal variations of building elevations and site lines to adjacent properties/structures.
- xi. Typical building elevations of sufficient scale and detail to illustrate building mass, exterior construction materials and signage if applicable.
- xii. Project report to include an explanation of the character of the proposed development, verification of the applicant's ownership or contractual interest in the subject site and proposed development schedule.
- xiii. An estimated development schedule indicating:
  1. The approximate date when construction of the project can be expected to begin;
  2. The stages in which the project will be built and the date when construction of each stage can be expected to begin;
  3. The date when the development of each of the stages will be completed; and
  4. The area and locations of planned open space that will be provided at each stage.
- xiv. Proposed agreements, bylaws, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its planned open space or other facilities.

- xv. A list of all departures from the existing zoning district regulations and the subdivision design standards which will be required for the proposed PUD.
  - xvi. A statement by the applicant demonstrating how the PUD conforms to the purpose and the standards and criteria of this Section.
  - xvii. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing city thoroughfares.
  - xviii. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
  - xix. The applicant may be required to provide, at the applicant's expense, additional clarification and further detail of the Site Plan as determined necessary by the Community Development Director, City Manager or the Planning and Zoning Commission.
  - xx. In addition to meeting all of the Preliminary Plan submittal requirements in this Section, the developer of each Preliminary Plan shall clearly show the location and general design of any collector and arterial streets, major stormwater drainage facilities, main utility lines and facilities, and other features deemed necessary by the City Engineer, Planning and Zoning Commission and City Council on all of the contiguous property holdings of such developer, their agents, trustees, beneficiaries, or owners, whether or not said contiguous land holdings are intended for immediate development. The Planning and Zoning Commission and City Council shall take steps to assure that the developer is not omitting any contiguous holdings from the Preliminary Plan submittal and to prevent the circumvention of the purpose and intent of this section.
- b. The Planning and Zoning Commission shall review the preliminary plat and shall recommend whether it is in substantial compliance with the Concept Plan and whether it complies with all other standards in this chapter which were not considered when the concept was approved.
  - c. Upon completion of a staff review, the Planning and Zoning Commission shall, within sixty (60) days of the City receiving a Preliminary Plat for a PUD, hold a public hearing after due public notice, consider the Preliminary Plat, and recommend to the City Council the approval, modification, or denial of the proposed PUD. If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:
    - 1. In what respects the proposed plan is not consistent with the stated purpose of the PUD regulations.
    - 2. The extent to which the proposed PUD departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the

density, dimension, area, bulk, use and the reasons why such departures are or are not in the public interest.

3. The extent to which the proposed PUD does not meet the requirements and standards set forth in this Section.
  4. The physical design of the proposed PUD and the manner in which said design does not make adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation, and visual enjoyment.
  5. The PUD's lack of conformity with the recommendations of the Comprehensive Plan.
- d. Within thirty (30) days of the Planning and Zoning Commission recommendation, the City Council shall approve, modify, or disapprove the Preliminary Plat.
  - e. No plats shall be recorded and no building permits issued until a Final Plat has been approved by the City Council.
  - f. If the Preliminary Development Plan is approved by the City Council, it shall adopt an ordinance approving the Preliminary Plat, with conditions as specified and authorizing the preparation of the Final Plat. Simultaneously with the approval of the Preliminary Plat, the City Council shall adopt an ordinance rezoning the property to the PUD district and said ordinance shall include all conditions imposed on the Development Plan.
  - g. All conditions imposed as a part of any PUD shall run with the land and shall not lapse or be waived as a result of a subsequent change in tenancy or ownership of any or all of said area, provided, however, that nothing herein shall be construed to limit the right of the developer, his successors or assigns to sell property in said PUD, except for such conditions imposed upon said common open space areas.
  - h. Approval of the Preliminary Plat by the City Council does not constitute final approval of the PUD but is merely an authorization to proceed with the preparation of the Final Plat. Approval of the Preliminary Plat shall be valid for a period of two (2) years from the date of City Council approval. If an application for final plat approval for all or a geographic portion of the Preliminary Plat has not been filed within the two (2) year period, or if a developer has not requested and received approval of a one-year extension from the City Council, then a resubmission of the Preliminary Plat shall be required if the applicant intends to pursue Final Plat approval. In no case shall a Building Permit be issued prior to Final Plat approval.
- (4) Final Plat.
- a. Within two (2) years following the approval of the Preliminary Plat, the applicant shall file with the City a Final Plat for the first phase of development, containing in final form the information required in the Preliminary Plan. The Final Plat shall also include all items required for a Final Subdivision Plat and Final Engineering as enumerated in this Chapter. In addition, the following items shall be required:

1. A Final Land Use Plan, suitable for recording with the County Recorder of Deeds. The purpose of the final plat is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
  2. If subdivided lands are included in the PUD, a Subdivision Plat of all subdivided lands in the same form and meeting all the requirements of a Subdivision Plat.
  3. An accurate legal description of each separate unsubdivided use area, including planned open space.
  4. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
  5. Final agreements, bylaws, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.
  6. Final development and construction schedule.
  7. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.
  8. The Final Landscape Plan with specific location of all plant material, specifying size and species.
  9. A statement placed on the plat indicating that the operation and maintenance of designated common areas, common facilities, common buildings, and open spaces shall be under the control of a homeowners' association.
  10. An agreement with the City to establish a Special Service Area (SSA) per state statutes (35 ILCS 200/27-35) to be activated should the City, in its sole discretion, determine that the common areas of the PUD, not conveyed to the City, are not being properly maintained.
- b. The Final Plat shall be approved as follows:
1. The Planning and Zoning Commission shall, within forty-five (45) days of the City receiving a Final Plat application, recommend approval if it is in substantial compliance with the Preliminary Plat. The Planning and Zoning Commission shall certify to the City Council that the Final Plat is in conformity with the previously filed Preliminary Plat and meets all the requirements for a Final Plat.
  2. If the Planning and Zoning Commission finds that the Final Plat does not substantially conform to the Preliminary Plat or that it does not meet the requirements for a Final Plat, it shall so notify the applicant and the City Council within seven (7) days of such determination.

3. The City Council shall approve the Final Plat if it is in conformance with the Preliminary Plat and meets all the requirements for a Final Plat. It shall pass an appropriate ordinance granting the Special Use Permit.
4. Approval of a PUD does not constitute acceptance by the City of the offer of dedication of any streets, utilities, sidewalks, parks or other public facilities shown on the final plat. However, the City Council may accept any such offer of dedication by resolution and may delay such acceptance until such time that the City Engineer and Director of Public Works determine that the public improvements have been completed in a satisfactory manner and accepted or approved by the appropriate authority.
- (5) Combined Preliminary and Final Plat. The City may consider a combined application for Preliminary and Final Plat approval. In such instance, the Final Plat shall include all the information required of a Preliminary Plat and a Final Plat.

#### **Sec. 110-121. Administration of PUDs**

- (1) Failure to begin development. If no substantial construction has begun or no use established in the PUD within the time stated in the approved Final Plat and construction schedule, the Special Use Permit for the PUD shall lapse upon written notice to the applicant from the City Manager or his/her designee and shall be of no further effect. The land use and development regulations applicable before the Special Use Permit for PUD was approved shall then be in effect. In its discretion and for good cause, the City Council may extend for a reasonable time, not to exceed one (1) year, the period from the beginning of construction or the establishment of a use, provided such extension is granted during the original period.
- (2) Permits.
  - a. The Community Development Director or his/her designee shall ensure the approval and issuance of permits for site or building construction ([Sec.110-17. Building Permits](#)) for that part of the development plan that has been approved in the area covered by the approved Final Plat for work in conformity with the approved final plat and with all other applicable ordinances and regulations.
  - b. A Certificate of Occupancy ([Sec. 110-18. Certificates of Occupancy](#)) for any completed building or structure located in an area covered by the approved Final Plat shall be issued if the completed building or structure conforms to the requirements of the approved final plat and all other applicable regulations and ordinances of the City. The City reserves the right to deny approval of an occupancy permit for any building or structure shown on the Final Plat of any stage of the PUD if any planned open space or public facilities allocated to that stage of the development have not been conveyed by dedication, deed, or other means to the proper authorities.
- (3) Enforcement of development schedule.

- a. The Community Development Director or his/her designee shall ensure that periodic reviews of all permits issued for the PUD are conducted, all construction that has taken place on the PUD site has been examined, and actual development compared to the approved development schedule.
  - b. If the Community Development Director or his/her designee shall find that the owners of the property in the PUD area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, he shall notify the Planning and Zoning Commission and City Council.
  - c. Within thirty (30) days of such notice, the city council shall either revoke the Special Use Permit ([Sec.110-21. Special Uses](#)), and the land shall revert to its former zoning classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable period of time.
- (4) Procedure for amending Final Plat. No changes may be made to the approved Final Plat during the construction of the PUD except upon the application to the appropriate agency under the following procedures:
- a. Minor changes. Minor changes in the location, siting and height of buildings and structures may be authorized by the Community Development Director or his/her designee without additional public hearings ([Sec. 100-22. Public Hearings](#)) if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
    - i. A change in the use or character of the development.
    - ii. An increase in overall coverage of structures.
    - iii. An increase in the intensity of use.
    - iv. An increase in the problems of traffic circulation and public utilities.
    - v. A reduction in approved open space.
    - vi. A reduction of off-street parking and loading space.
    - vii. A reduction in required pavement widths.
  - b. Other changes. All other changes in use, or rearrangement of lots, blocks and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be approved by the City Council after report of the City staff and recommendation by the Planning and Zoning commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Plan was approved or by changes in City policy. Any changes to the approved Final Plat must be recorded as Amendments per the procedures and requirements of ([Sec.110-20. Amendments](#)) of this Chapter. Additionally, the City Council shall require the applicant to refile his application subject to the requirements of this section as if it were an entirely new application.

- c. Recording of changes. Any changes approved shall be recorded as amendments to the recorded copy of the Final Plat.
- (5) Post completion regulations.
- a. Upon completion of the PUD, and as a condition of the City's acceptance of the final public improvements, the Community Development Director or his/her designee shall certify that the PUD has been completed per the approved Final Plat.
  - b. After the Community Development Director or his/her designee's certification has been issued, the uses of land and construction, modification or alteration of any buildings or structures within the PUD shall be governed by any other provision of this Chapter.
  - c. After said certification has been issued, no changes may be made in the approved Final Plat except upon application to the City under the procedures for seeking changes or Amendments ([Sec.110-20. Amendments](#)), Special Uses ([Sec.110-21. Special Uses](#)), and Variations ([Sec.110-19. Variances](#)) with respect to this Code.

**Sec. 110-122. Previously Approved PUDs**

PUDs which have been authorized by special or Special Use Permit procedures of the City's former Zoning Ordinance prior to the enactment date of the ordinance from which this Chapter is derived are still considered PUDs and all approved characteristics of such developments, such as lot sizes and configurations, setbacks, easements, dimensional characteristics, roads, utilities and other improvements, are made a part of the PUD district zoning classification as herein defined, whether conforming or legal nonconforming in character.

# ARTICLE VIII - LANDSCAPING

## DIVISION 1 - GENERALLY

### Sec. 110-130. Purpose

This Article is established to create uniform landscape, buffering, and tree planting standards for the development of property in accordance with the site plan review process. These standards are intended to ensure that the City remains an attractive community in which to reside and operate a business, and to enhance the character of existing and new development. It is also the intent of this article to safeguard the ecological and aesthetic environment of the community.

### Sec. 110-131. General Site Development Standards

- (1) Applicability. The following site development standards shall apply to all new construction (excluding single-family) requiring site plan review. All development along arterial streets shall be reviewed and approved by a landscape professional selected by the City.
- (2) Building to site relationship.
  - a. Preservation of natural elements. Site design shall minimize disruption of existing natural features, and wherever possible incorporate them into the overall design concept and ensure that the natural drainage on the site is not diverted from existing points of exit, and the rate of runoff at all points of exit shall remain consistent with previous rates at each point of exit and that overall velocity at which runoff is discharged is not affected and employ erosion control methods during construction.
- (3) Specific areas to be preserved. The following specific areas shall be preserved as undeveloped open space, or shall be mitigated:
  - a. Wetlands as described in Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1344) and delineated on wetlands maps prepared by the U.S. Fish and Wildlife Service, verified by on-site inspection.
  - b. Lands in a designated flood plain or floodway ([Sec.110-237. Shorelines and Watercourses](#)).
  - c. Significant trees with a caliper of six (6) inches or greater, or stands of trees.
  - d. Natural vegetation cover on all portions of the site outside designated construction zones.
  - e. Habitats of endangered wildlife as identified by the federal and/or state department of conservation.
- (4) Service/utility areas. All service and utility areas which include, but are not limited to, loading docks, exterior storage areas, dumpsters and mechanical equipment such as plumbing vent stacks, HVAC equipment, transformers, fans and cooling towers, shall be screened from view by:

- a. Locating all service/utility areas away from public rights of way and concealing them from building entrances, pedestrian areas and adjacent residential structures.
  - b. Providing for joint use of service areas by multiple adjoining buildings.
  - c. Incorporating trash enclosures into building design.
  - d. Preventing dumpsters in the middle of open spaces, parking lots or along circulation paths.
  - e. Screening utility service areas from public view with building elements similar in appearance and construction materials to the main structure.
  - f. Providing below ground utility connections for all new developments.
  - g. Screening rooftop mechanical equipment from view from adjoining properties by building elements such as parapet walls.
  - h. Permanent or temporary outdoor storage or display of inventory, business vehicles or personal vehicles is permitted subject to ([Sec. 110-93. Outdoor Storage](#)).
- (5) Public spaces and paths. Public spaces and paths intended for pedestrian use should be designed to incorporate natural features, building, and landscape elements to create safe and comfortable environments.
- a. All areas intended for pedestrian use shall be lighted.
  - b. Pedestrian paths and/or sidewalks should be clearly distinguished from vehicular paths by landscaping, paving materials, striping and/or architectural elements.

**Sec. 110-132. Site Plan**

The following shall establish the standards for the preparation and submission of required plans for landscaping, buffering and tree preservation:

- (1) Landscape plan required. A landscape plan shall be required for all projects (excluding single-family) requiring site plan review approval.
- (2) Contents of landscape plan. At a minimum, all landscape plans shall include or have attached thereto the following information:
  - a. Titled "Landscape Plan," name and location of project, name/address/phone number/email address of project developer, location and names of abutting streets and rights of way, graphic and written scale, date of plan and any subsequent revision. The landscape plan shall be drawn at a scale not smaller than one (1) inch equals twenty (20) feet.
  - b. Each site plan shall be accompanied by an analysis of the site describing topography; existing vegetation, existing structures and road networks; visual features; and present use of the site.
  - c. The location and dimensions of all existing and proposed property lines, buildings, structures, parking lots and driveways, roadways and rights of way, easements, sidewalks, bicycle paths, refuse disposal areas, fences, freestanding electrical equipment, light fixtures,

other surface utility structures including storm drains and utility inlets, signs and other freestanding structural features, recreational facilities, setbacks and easements.

- d. The location, quantity, installation size, mature size, and both scientific and common names of all proposed plant materials.
- e. Existing and proposed contours, including the location, slope ratios (horizontal: vertical) of all proposed berms, at one-foot contour intervals. Location, extent and general elevations and slope ratios of all detention and retention areas and drainage ways. The elevations at top and bottom of all proposed retaining and screening walls and fences.
- f. The designation, location, type and size of all existing trees six (6) inches and larger in diameter measured six (6) inches above natural grade. Any trees to be removed should be clearly identified. In the event a significant number of trees exist in concentrated areas on the site, the boundaries of the tree grove/forest or woodland area shall be shown with only trees ten inches and larger in diameter indicated within the woodland area.
- g. Details of all fences and walls proposed to be constructed on the site.
- h. Elevation, cross sections and other site of construction details determined to be necessary by the Building Official and/or Zoning Administrator.
- i. Quantities indicating the number and total square feet of parking areas, percentage and number of square feet of the interior parking lot landscape area, total linear length of buffer yards, plant quantities provided within buffer yards, and number of square feet provided for property's interior open space.
- j. A statement clearly indicating that all landscaping requirements have been satisfied. If requirements are expressed as a percentage (%) or ratio, then it should be demonstrated that such percentages and ratios have been satisfied.

## **DIVISION 2 - LANDSCAPE IMPROVEMENT STANDARDS**

### **Sec. 110-133. Applicability**

This Division shall establish standards for the landscape improvements required to be installed as part of the development of new buildings, structures and uses of land requiring site plan review (excludes additions or alterations to existing buildings).

### **Sec. 110-134. Minimum Landscaped Open Space; Variances**

For all sites excluding single-family residential, a minimum of fifteen (15%) percent of total land area of the parcel shall be devoted to landscaped open space. The requirements contained in this article shall also not apply to the B-1 zone except to the extent practical based upon the open space remaining after building construction. Stormwater detention and retention areas may be included as open space .

- (1) Detention and retention basins and ponds. Detention and retention basins and ponds shall be landscaped and shall include shade and ornamental trees, evergreens, shrubs, hedges and other live planting materials. Native plant species are preferred.
- (2) Variances. The City recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible landscape requirements. Therefore, the City may allow variances to satisfy the standards set forth in this Article.

### **Sec. 110-135. Types of Landscaped Areas**

This article regulates landscaping of four (4) distinct areas of a parcel as follows:

- (1) Interior parkway (front yard).
- (2) Buffer yards (side and rear yards).
- (3) Parking lots (on and off sites).
- (4) Site interior (adjacent to building walls).

Each area shall be landscaped in accordance with the criteria in this Division.

### **Sec. 110-136. Interior Parkways**

Interior parkway planting is required on developments in order to achieve two (2) goals: (i) to screen vehicles which may be viewed from the public rights of way, and (ii) to enhance the image and character of the City along roadway corridors.

- (1) Multiple-family residential districts.
  - a. In multiple-family residential areas, there shall be a minimum fifteen (15) feet interior parkway provided adjacent to all public rights-of-way.

- b. Shade trees shall be planted at a quantity of not less than one (1) tree for every forty (40) linear feet of frontage parallel to and within the right of way, interior parkway, or within the first ten feet of the front property line.
  - c. All surface areas of interior parkways shall be sodded or seeded where not otherwise planted.
  - d. Where parking lots providing for five (5) or more parking spaces are in view of the public right-of-way, there shall be installed within the interior parkway:
    - 1. One (1) three (3) inch caliper shade tree for every thirty (30) linear feet of parkway frontage.
    - 2. A one hundred (100) percent screen of the parking lot frontage to a minimum height of three (3) feet, except for where vehicular sight lines may be impaired. Screening will consist of one (1) or a combination of the following:
      - i. Masonry walls compatible with proposed building material and design and landscaped as a foundation wall.
      - ii. Ornamental and evergreen trees, shrubs and ground covers. At a minimum, thirty (30) percent of a planted screen shall be evergreen.
- (2) Commercial districts.
- a. Commercial developments shall provide at minimum a ten (10) foot wide interior parkway adjacent to all public rights-of-way.
  - b. Shade trees shall be planted at a quantity of not less than one tree for every forty (40) linear feet of frontage parallel to and within the right-of-way or interior parkway.
  - c. All surface areas of interior parkways shall be sodded where not otherwise planted.
  - d. Where parking lots providing for five or more parking spaces are in view of the public right-of-way, there shall be installed:
    - 1. At minimum, one (1) eight (8) foot ornamental or evergreen tree for every thirty (30) feet of parkway frontage.
    - 2. A one hundred (100%) percent screen of the parking lot frontage to a minimum height of three feet in the interior parkway, except for where vehicular sight lines may be impaired. Screening will consist of one or a combination of the following:
      - i. Masonry walls compatible with proposed building materials and design and landscaped as a foundation wall.
      - ii. An earth berm to a minimum height of three feet and minimum slope of 3:1.
      - iii. Ornamental and evergreen trees, shrubs and ground covers. At a minimum, thirty (30%) percent of a planted screen shall be evergreen.

- (3) Industrial districts.
  - a. Industrial properties, and properties located in the [I-1 Light Industrial District](#) and [I-2 Heavy Industrial District](#), shall provide a minimum fifty (50) foot wide interior parkway adjacent to all public rights-of-way.
  - b. Shade trees shall be planted at a quantity of not less than one tree for every forty (40) linear feet of frontage parallel to and within the right-of-way, interior parkway, or within the first ten (10) feet of the front property line.
  - c. All surface areas of interior parkways shall be sodded where not otherwise planted.
  - d. Where parking lots providing for five (5) or more parking spaces are in view of the public right-of-way, the developer shall provide within the parkway:
    - 1. At minimum, one (1) eight (8) foot ornamental or evergreen tree for every thirty (30) feet of parkway frontage.
    - 2. A one hundred (100%) percent screen of the parking lot frontage to a minimum height of three (3) feet, except for where vehicular sight lines may be impaired. Screening will consist of one or a combination of the following:
      - i. Masonry walls compatible with proposed building design and materials and landscaped as a foundation wall.
      - ii. Ornamental and evergreen trees, shrubs and ground covers. At a minimum, thirty (30%) percent of a planted screen shall be evergreen.
      - iii. An earth berm to a minimum height of three (3) feet and minimum slope of 3:1.

(4) Additional requirements in all districts.

Interior parkways shall also contain shade, ornamental and evergreen trees, shrubs and ground covers along with earth berms in quantities and heights adequate to substantially screen on-site storage and service/utility areas from view of public rights-of-way.

**Sec. 110-137. Buffer Yards**

All developments shall create a substantial buffer between land uses promoting a sense of privacy and security. Buffers may be composed of landscape plantings, earth berms and screen fencing as required for intended land use, as described below:

(1) Multiple-family residential districts.

- a. A minimum fifteen (15) foot wide planting strip shall be provided along the entire length of the buffer yard, except where cross access, utilities or special circumstances prohibit.
- b. At minimum, thirty (30%) percent of the length of the buffer yard shall be planted with four (4) foot high shrubs. Shrubs are intended to be planted in groupings or hedges throughout the buffer yard.
- c. Twenty-five (25%) percent of all required shrubs and trees shall be evergreen.

- d. There shall be a minimum total quantity of one (1) two-and-one-half (2.5) inch caliper tree provided for every fifty (50) feet lineal feet of buffer yard. Spacing of the required trees may vary according to design intent.
  - e. There shall be a minimum total quantity of one (1) eight (8) foot high ornamental/evergreen tree provided for every eighty (80) feet of lineal length of buffer strip.
  - f. Earth berms at a maximum slope of 3:1 should be incorporated along a minimum of seventy five (75%) percent of the linear length of the buffer strip.
- (2) Business districts.
- a. Business property abutting residential property.
    - i. A minimum twenty-five (25) foot wide planting strip shall be provided along the entire length of the buffer yard, except where cross access, utilities or special circumstances prohibit.
    - ii. There shall be a screen fence or wall of wood or other approved material six feet high and at least seventy-five (75%) percent opaque, installed along the entire length of the buffer yard.
    - iii. At minimum, twenty-five (25%) percent of the buffer strip linear length shall be planted with shrubs three feet or greater in height.
    - iv. At minimum, twenty-five (25%) percent of all required shrubs shall be evergreen.
    - v. There shall be a minimum quantity of one (1) two and one half (2.5) inch caliper tree provided for every sixty (60) linear feet of the buffer yard. Spacing of required trees may vary according to design intent.
    - vi. Up to twenty-five (25%) percent of the trees may be ornamental or evergreen trees.
  - b. Business property abutting business or industrial property. One or both of the following alternatives should be used:
    - i. A minimum ten (10) foot wide planting strip shall be provided along the entire length of the buffer yard, except where cross access, utilities or special circumstances prohibit.
    - ii. At minimum, thirty (30%) percent of the buffer strip linear length shall be planted with shrubs three feet or greater in height.
    - iii. At minimum, twenty-five (25%) percent of all required shrubs shall be evergreen.
    - iv. There shall be a minimum quantity of one (1) two and one half (2.5) inch caliper tree provided for every sixty-five (65) feet of buffer strip linear length. Spacing of required trees may vary according to design intent.
    - v. Up to twenty-five (25%) percent of the trees may be ornamental or evergreens trees.
    - vi. At minimum, thirty (30%) percent of the buffer strip linear length shall be earth berms to a minimum height of three (3) feet and a maximum slope of 3:1 (vertical: horizontal).

- (3) Industrial districts.
- a. Industrial property abutting residential property.
    - i. A minimum fifty (50) foot wide planting strip shall be provided along the entire length of the buffer yard, except where cross access, utilities or special circumstances prohibit.
    - ii. A screened fence or wall constructed of wood or other approved material being a minimum of six (6) feet high and seventy-five (75) percent opaque must be installed along the entire length of the buffer yard.
    - iii. At minimum, twenty-five (25) percent of the buffer strip linear length shall be planted with shrubs three feet or greater in height.
    - iv. At minimum, twenty-five (25) percent of all required shrubs shall be evergreen.
    - v. There shall be a minimum quantity of one (1) two and one half (2.5) inch caliper tree provided for every forty (40) linear feet of the buffer yard. Spacing of required trees may vary according to design intent.
    - vi. Up to twenty-five (25) percent of the trees may be ornamental or evergreen trees.
  - b. Industrial property abutting business property. One or both of the following alternatives should be used:
    - i. A minimum fifteen (15) foot wide planting strip shall be provided along the entire length of the buffer yard, except where cross access, utilities or special circumstances prohibit.
    - ii. There shall be a screen fence or wall of wood or other approved material six (6) feet high and at least seventy-five (75) percent opaque, to screen any open storage areas.
    - iii. There shall be a minimum quantity of one (1) two and one half (2.5) inch caliper tree provided for every sixty (60) feet of buffer strip linear length. Spacing of required trees may vary according to design intent.
    - iv. Up to twenty-five (25) percent of the trees may be ornamental or evergreen trees.
    - v. At minimum, fifty (50) percent of the buffer strip linear length shall be earth berms to a minimum height of three (3) feet at a maximum slope of 3:1 (vertical: horizontal).
  - c. Industrial property abutting industrial property.
    - i. A minimum ten (10) foot wide planting strip shall be provided along the entire length of the buffer yard, except where cross access, utilities or special circumstances prohibit.
    - ii. A minimum of thirty (30) percent the length of the buffer yard shall be planted with shrubs four (4) feet or greater in height.
    - iii. There shall be a minimum quantity of one (1) two and one half (2.5) inch caliper shade tree provided for every seventy (70) linear feet of the buffer yard. Spacing of required trees may vary according to design intent.
    - iv. Up to twenty-five (25) percent of the shade trees may be ornamental or evergreen trees.

### **Sec. 110-138. Parking Lots**

- (1) Off-street parking areas shall not be allowed to dominate the image of any development. Parking lots serving all districts shall be lighted and landscaped. Parking lots serving or adjacent to residential developments shall be located to the rear or sides of buildings. All parking areas shall be located within one thousand (1,000) feet of the entrances to the buildings they are designated to serve.
- (2) Landscaping shall be provided within all parking lots containing twenty (20) or more parking spaces. Parking lot plantings are intended to provide screening, shade, subdivide space, and reduce glare and heat from pavement surfaces by meeting the following standards:
- (3) Each parking row, regardless of its length, shall have a landscaped island at each end. Islands may be omitted to the extent necessary to ensure conformance with the required number of off-street parking spaces in ([Article X – Off-Street Parking and Loading](#)) of this Chapter. Landscape islands may be omitted in parking areas primarily used by trucks.
- (4) There shall be a minimum total quantity of one (1) three (3) inch caliper shade tree for every ten (10) parking spaces.
- (5) All parking lots or portions of parking lots adjacent to buffer yards or interior parkways, and which are also adjacent to any residential property, shall be screened from view along its entire length.
- (6) Parking lots and driveways shall have cast-in-place, concrete, barrier-type curb wherever they are adjacent to landscaping and/or green space, and around the entire perimeter of the parking lot.
- (7) Parking lot landscape islands shall maintain a thirty (30) inch clear area measured from face of curb to vehicular overhang. This may be provided through the use of concrete carriage walks or the planting of ground cover or sod.
- (8) All parking lot island planters should be over-excavated to a two (2) foot depth for their entire width and length, backfilled with an appropriate mix of topsoil, peat moss and nutrients to replace the excavated material, and shall be compacted, leaving a crowned or mounded top.
- (9) Parking lot landscape islands shall have a minimum width of seven (7) feet measured from back of curb to back of curb) and a depth equal to the depth of the parking stall.
- (10) Parking lot layout and planting designs shall account for and provide adequate room within buffer yard and/or interior parkway areas for snow storage.
- (11) Berms in parking islands shall not exceed a maximum slope of 2:1.
- (12) To ensure visibility all tree branching shall start no less than six (6) feet above the parking lot pavement level, and shrubs shall not exceed a mature height of thirty (30) inches above parking lot pavement level at the end of parking rows.
- (13) To break up large expanses of parking, landscape islands shall be required such that no parking space may be greater than ninety (90) linear feet away from either a landscape island or landscaping within a buffer yard, interior parkway or site interior landscaping. To achieve these objectives, one or both of the following options shall be used:

- a. Option A. A continuous curbed landscape island between rows of parking shall be provided. When such a continuous island is provided, it shall be a minimum of seven (7) feet in width and contain a minimum of one (1) three (3) inch caliper shade tree for every twenty (20) parking spaces.
- b. Option B. A maximum of twenty (20) parking spaces shall be permitted in length of any parking row. A curbed island at least seven feet wide and as deep as the parking stalls shall be provided to divide the row length. There shall be a minimum of one (1) three (3) inch caliper shade tree for each island.

**Sec. 110-139. Site Interior**

- (1) Generally. Site interior landscaping shall utilize plant materials, earth berms and other elements to screen and aesthetically enhance site and buildings, through the implementation of the standards in this section.
- (2) Foundation planting.
  - a. A minimum four (4) foot wide landscape area shall be provided along fifty (50%) percent of building walls (excluding driveways, entrance areas, patios and decks).
  - b. One hundred (100%) percent of the required landscape area shall be planted with a mixture of ornamental and evergreen trees, shrubs and ground cover (excluding sod).
  - c. Required plantings shall emphasize the softening of large expanses of the building walls, accent building entrances and architectural features, and screen mechanical equipment adjacent to buildings.

**Sec. 110-140. Prohibited Plant Varieties**

The following varieties of plants are restricted from use in any areas covered by this Chapter.

Common Name	Scientific Name
Large Trees	
Norway Maple	
Weeping Willow	Salix alba
Poplars (except Cottonless Cottonwood)	Populus alba and others
Box Elder	Acer negundo
Tree of Heaven	Ailanthus altissima
Chinese Elm	Ulmus siberica
Female Ginkgo	Ginkgo biloba female
Mulberry	Morus alba and others
Black Locust	Robinia pseudoacacia
Sycamore	Platanus occidentalis
Seedling Form Soft (Silver) Maple (improved forms are allowed)	Acer saccharinum
Medium Trees	
Alder trees and shrubs	Alnus spp.
Ornamental Pears	
All Fruit Trees	
Russian Olive	Elaeagnus angustifolia
Shrubs	
Common Buckthorn	Rhamnus cathartica
Fall Honeysuckle	Lonicera maacki podocarpa
Tatatian Honeysuckle	Lonicera tatarica
Barberry	Berberis spp.
Burning Bush	Euonymus Alatus

**Sec. 110-141. Recommended Plant Varieties**

The City encourages the use of native plant species indigenous to Rochelle. The following varieties of plants, while not required, are recommended for use in areas covered by this Chapter.

<b>(1) Recommended Canopy Trees for Parkway Plantings</b>	
For use where overhead wires do not exist minimum mature height of 30 feet or more	
Botanical Name	Common Name
Acer x freemanii	Freeman Maple
Acer platanoides cultivars	Norway Maple
Acer rubrum 'Red Sunset'	Red Sunset Red Maple
Acer saccharum	Sugar Maple
Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple
Acer saccharum 'Wright Brothers'	Wright Brothers Sugar Maple
Aesculus hippocastanum	Common Horsechestnut
Carya ovata	Shagbark Hickory
Celtis occidentalis	Common Hackberry
Celtis occidentalis 'Prairie Pride'	Prairie Pride Hackberry
Corylus columna	Turkish Filbert
Ginkgo biloba (male only)	Ginkgo
Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo
Ginkgo biloba 'Fairmount'	Fairmount Ginkgo
Ginkgo biloba 'Lakeview'	Lakeview Ginkgo
Ginkgo biloba 'Princeton Sentry'	Princeton Sentry Ginkgo
Gleditsia triacanthos inermis 'Greenglory'	Greenglory Honeylocust
Gleditsia triacanthos inermis 'Halka'	Halka Honeylocust

**(1) Recommended Canopy Trees for Parkway Plantings**

For use where overhead wires do not exist minimum mature height of 30 feet or more

Botanical Name	Common Name
Gleditsia triacanthos inermis 'Shademaster'	Shademaster Honeylocust
Gleditsia triacanthos inermis 'Skyline'	Skyline Honeylocust
Gymnocladus dioica	Kentucky Coffeetree
Juglans nigra	Black Walnut
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip Tree, Yellow Poplar
Ostrya virginiana	Ironwood
Phellodendron amurense	Amur Corktree
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus imbricaria	Shingle Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinquapin Oak
Quercus robur	English Oak
Quercus rubrum	Red Oak
Quercus imbricaria	Shingle Oak
Tilia americana	American Linden
Tilia americana 'Fastigiata'	Pyramidal American Linden
Tilia americana 'Redmond'	Redmond American Linden
Tilia cordata 'Chancellor'	Chancellor Linden

**(1) Recommended Canopy Trees for Parkway Plantings**

For use where overhead wires do not exist minimum mature height of 30 feet or more

Botanical Name	Common Name
<i>Tilia cordata</i> 'Glenleven'	Glenleven Linden

**(2) Recommended Canopy Trees for Parkway Plantings**

For use where overhead wires exist 15—30 feet maximum mature height

Botanical Name	Common Name
<i>Acer Ginnala</i>	Amur Maple
<i>Amelanchier canadensis</i>	Serviceberry
<i>Carpinus carolinia</i>	Ironwood (American Hornbeam)
<i>Cercis candensis</i>	Redbud
<i>Cornus mas</i>	Corneliancherry Dogwood
<i>Cornusmas alternifolia</i>	Pagoda Dogwood
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Crataegus crus-galli</i>	Cockspur Hawthorn
<i>Hammamelis virginiana</i>	Witch Hazel
<i>Malus sp.</i>	Flowering Crab Sp.
<i>Ostrya virginiana</i>	Ironwood
<i>Syringa reticulati clutivar</i>	Japanese Tree lilac "Ivory Silk"
<i>Viburnum lentago</i>	Nannyberry
<i>Viburnum prunifolium</i>	Blackhaw Viburnum

**(3) Buffer Yard Plantings - Recommended Canopy Trees**

For use in non-vehicular use areas only minimum mature height 30 feet or more

Botanical Name	Common Name
Acer platanoides	Norway maple
Acer saccharinum	Silver maple
Acer saccharum	Sugar maple
Betula nigra	River birch
Betula papyrifera	Paper Birch
Cercidiphyllum japonicum	Katsuratree
Fagus grandifolia	American Beech
Fagus sylvatica	European Beech
Ostrya virginiana	Ironwood
Quercus alba	White Oak
Quercus Rubra	Red Oak
Tillia Americana	American Linden

**(4) Buffer Yard Plantings - Recommended Evergreen Trees**

For use in property line buffers or site element screens minimum height 20 feet

Botanical Name	Common Name
Abies concolor	White Fir
Picea abies	Norway Spruce
Picea glauca	White Spruce
Picea glauca	Black Hills Spruce
Picea omorika	Siberian Spruce

**(4) Buffer Yard Plantings - Recommended Evergreen Trees**

For use in property line buffers or site element screens minimum height 20 feet

Botanical Name	Common Name
Picea pungens	Colorado Spruce and cultivars
Pinus mugo	Swiss Mountain Pine, Mugo Pine
Pinus nigra	Austrian Pine
Pinus strobus	White Pine
Pinus sylvestris	Scots Pine, Scotch Pine
Pseudotsuga menziesii	Douglas Fir

**(5) Buffer Yard Plantings - Recommended Understory Plantings**

For use in property line buffers or site element screens minimum mature height 15 feet or more

Botanical Name	Common Name
Cornus racemosa	Gray Dogwood
Cornus amomum	Silky Dogwood
Cornus mas	Corneliancherry Dogwood
Euonymus alatus	Burning Bush
Euonymus europaeus	European Euonymus
Lindera benzoin	Spicebush
Lonicera fragrantissima	Winter Honeysuckle
Rhus glabra	Smooth Sumac
Rhus typhina	Staghorn Sumac
Syringa reticulata	Japanese Tree Lilac
Viburnum dentatum	Arrowwood Viburnum

**(5) Buffer Yard Plantings - Recommended Understory Plantings**

For use in property line buffers or site element screens minimum mature height 15 feet or more

Botanical Name	Common Name
Viburnum lantana	Wayfaringtree Viburnum
Viburnum lentago	Nanyberry Viburnum
Viburnum opulus	European Cranberrybush
Viburnum prunifolium	Blackhaw Viburnum
Viburnum trilobum	American Cranberrybush

**(6) Buffer Yard Plantings—Recommended Shrub Plantings**

For use in property line buffers or site element screens maximum mature height 15 feet or less

Botanical Name	Common Name
Aronia melanocarpa	Black Chokeberry
Berberis thunbergii	Japanese Barberry
Buxus microphylla koreana	Korean Boxwood
Cornus Sericea	Redosier Dogwood
Cotoneaster muliflorus	Many-Flowered Cotoneaster
Euonymus fortuneii 'Sarcoxie'	Sarcoxie Wintercreeper
Forsythia 'Bonxensis'	Bronx Forsythia
Forsythia x intermeiad	Border Forsythia
Ilex verticilata	Winterberry
Ilex x meservae	Blue Holly
Juniperus chinensis	Chinese Junipers
Juniperus horizontalis	Dwarf Creeping Juniper

**(6) Buffer Yard Plantings—Recommended Shrub Plantings**

For use in property line buffers or site element screens maximum mature height 15 feet or less

Botanical Name	Common Name
<i>Ligustrum x vicaryi</i>	Golden Vicary Privet
<i>Potentilla fruticosa</i>	Potentilla
<i>Rhus aromatica</i> 'Gro-Low'	Grow Low Sumac
<i>Ribes Alpinum</i>	Alpine Currant
<i>Sambucus canadensis</i>	Elderberry
<i>Spiraea japonica</i>	Japanese Spiraea
<i>Spiraea x bumalda</i>	Bumald Spiraea
<i>Syringa meyeri</i>	Meyer's Lilac
<i>Syringa patula</i> 'Ms. Kim'	Miss Kim Korean Lilac
<i>Taxus cuspidata</i>	Japanese Yew
<i>Taxus x media</i> 'Tauntonii'	Taunton Yew
<i>Viburnum carlesii</i> 'Compacta'	Dwarf Koreanspice Viburnum
<i>Viburnum trilobum</i> 'Compactum'	Compact American Cranberrybush
<i>Viburnum trilobum</i> 'Hahs'	Hahs American Cranberrybush

**(7) Buffer Yard Plantings—Recommended Shrub Plantings**

For use in property line buffers or site element screens clipped hedges, 3'—5' height

Botanical Name	Common Name
<i>Berberis thunbergii</i>	Japanese Barberry
<i>Cotoneaster acutifolius</i>	Peking Cotoneaster

**(7) Buffer Yard Plantings—Recommended Shrub Plantings**

For use in property line buffers or site element screens clipped hedges, 3'—5' height	
Botanical Name	Common Name
<i>Euonymus alatus</i>	Winged Euonymus
<i>Euonymus alatus compactus</i>	Dwarf winged Euonyums
<i>Forsythia</i> sp	Forsythia
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Ligustrum lucidum</i>	Privet
<i>Physocarpus opulifolius</i>	Common Ninebark
<i>Ribes alpinum</i>	Alpine Currant
<i>Spirea prunifolia</i>	Bridalwreath Spirea
<i>Syringa meyeri</i>	Meyer's Lilac
<i>Syringa patula</i> 'Ms. Kim'	Miss Kim Korean Lilac
<i>Taxus x media</i>	Anglojap Yew
<i>Thuja occidentalis</i> 'Technyi'	Mission Arborvitae
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>Viburnum trilobum</i> 'Compactum'	Compact American Cranberrybush

### **Sec. 110-142. Planting Methods**

This section outlines guidelines for the installation of all landscape material.

- (1) Most small, deciduous trees may be moved bare rooted unless otherwise indicated. Roots of bare-rooting trees must be protected against drying out.
- (2) All coniferous trees shall be moved balled and burlapped. Balled roots should be prevented from drying out at the surface of their ball, and they should be protected from freezing.
- (3) Pits for the planting of bare root plants shall be least twelve (12) inches larger in diameter than the diameter of the root system in order to accommodate the roots without crowding. For balled trees, the pits should be a minimum of twelve (12) inches larger than the diameter of the ball of soil to allow proper backfill.
- (4) Plants shall be planted no deeper than previously grown with due allowance for settling.
- (5) In planting containers, artificial drainage shall be provided for the root system of any species intolerant of wet sites, or a species tolerant to wet sites shall be used.
- (6) Topsoil, compost, peat moss or an acceptable soil mixture may be placed about the roots of bare root stock or in the backfill around balled stock. When the planting is completed, the entire root system shall be thoroughly saturated with water and cord and burlap wrapping shall be cut and/or removed.
- (7) Although pruning should be done to develop a balance with the root system, excessive pruning at the time of transplanting should be avoided.
- (8) Tree trunks shall be suitably wrapped and guyed, or supported in an upright position, according to accepted arboricultural practices. The guys or support shall be installed so that they will neither girdle nor cause serious injury to the tree nor endanger public safety.

### **Sec. 110-143. Performance Guarantee; Maintenance**

All required landscaping materials, both living and nonliving, shall be in place prior to the time of issuance of a final Certificate of Occupancy ([Sec. 110-18. Certificates of Occupancy](#)), weather permitting.

- (1) Bond. In periods of adverse weather conditions, a temporary certificate of occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one half (1.5) times the estimated cost of the landscaping, with said estimated cost to be certified by a landscape contractor. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one (1) year after the issuance of the temporary certificate. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping. The performance guarantee shall also be accompanied by a statement of the owner giving the City the right to enter upon the property to complete the required landscaping in the case of forfeiture.
- (2) Maintenance. Trees, shrubs, and other landscaping materials depicted on landscaping plans approved by the City shall be considered to be elements of the project in the same manner as

parking, building materials and other details. The developer, its successor and/or subsequent owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plants promptly remove and replaced within the next planting season after installation. All landscaping will be subject to periodic inspection by the Building Official, or his/her designee. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and its agent or agents shall be considered in violation of the terms of the Certificate of Occupancy. The construction engineer is empowered to enforce the terms of this article.

**Sec. 110-144. Administrative Relief**

- (1) A written application for administrative relief of the requirements may be filed with the building permit. Ten (10) copies of the application and all supporting documentation shall be submitted. Such application shall be submitted with the landscape plan and demonstrate the following:
  - a. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant, or that the property has extraordinary or exceptional physical conflicts that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in absence of relief.
  - b. The Zoning Administrator may or may not approve minor exceptions to this Article. Such decisions may be appealed to the Planning and Zoning Commission as provided in ([Sec.110-23. Appeals](#)) of this Chapter.
  - c. An application may be made following the initial submission of a landscape plan to propose alternatives or changes to the approved plan or any plans pending approval, or as may be requested by the City. Any alterations or changes to a landscape plan upon resubmission to the Building Official or Zoning Administrator shall include plan copies required above, together with a written statement indicating all changes made and a revision block on the face of the plan indicating each date of revision.
  - d. All plan changes shall be represented on the face of the plan by notation encompassing the area of change and with reference to the written statement of changes. Except where changes are noted, the content of the plan is presumed to be that of the last plan accepted by the Building Official or Zoning Administrator.
  - e. The Building Official or Zoning Administrator may reject any plan changes where insufficient documentation of the location and nature of the changes lend the proposed revisions uninterpretable.
- (2) Any proposed changes to a landscape plan following final action on the plan shall constitute a new application subject to the procedures and requirements of this Article.

## ARTICLE IX. SIGNS

### Sec. 110-150. Purpose and Goals

- (1) Purposes. The purposes of these sign regulations include the following: to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development; to encourage signs that are compatible with their surroundings; to minimize the possible adverse effect of signs on nearby public and private property; to improve pedestrian and traffic safety; and to enable the fair and consistent enforcement of these restrictions:
  - a. Promote the health, safety, and general welfare of the City from signs that are unsafe, or interfere with drivers, bicyclists, or pedestrians.
  - b. Enhance the appearance and economic value of the City by avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors.
  - c. Are compatible with surroundings and not a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
  - d. Assist in wayfinding.
  - e. Are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the City of Rochelle Comprehensive Plan.
- (2) Goals. The standards, procedures, exemptions, and other requirements of this Article are intended to establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in all other zones; to allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Article, but without permits; to provide for temporary signs in limited circumstances; to prohibit all signs not expressly permitted or provided for by this Article; and to provide for the enforcement of the provisions of this Article.

### Sec. 110-151. Permits Required

- (1) It is unlawful for any person to erect, structurally repair, alter or relocate within the City any sign as defined in this chapter without first obtaining a sign permit from the building official and making payment of the appropriate fee. All illuminated signs shall, in addition, be subject to all the applicable electrical codes of the City. The routine maintenance or changing of parts is permissible, provided that such change does not alter the surface area, height, or otherwise make the sign nonconforming.
- (2) Upon receipt of a sign permit, the City may evaluate whether the existing signage and sign components are conforming to past permits issued or existing code, and if not, that the non-

conforming or illegal signs ([Article IV – Nonconforming Buildings, Structures, and Lots](#)) shall be removed prior to issuance of the new permit.

- (3) Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.
- (4) Upon the termination or revocation of the permits, the permittee shall remove the sign and supports without cost or expense of any kind to the City; provided that, in the event of failure, neglect or refusal on the part of the permittee to do so, the City, in addition to other remedies provided in this Article, may proceed to remove the sign and charge expenses to the permittee.
- (5) In order for a permit to be issued to a tenant occupying the property of another, a written statement from the landowner permitting the installation of a sign on the property must be received by the Zoning Administrator.
- (6) All construction, relocation, enlargement, alteration, and modification of signs within the City shall conform to the requirements of this Article, as well as all State and Federal regulations concerning signs and advertising.

#### **Sec. 110-152. Sign Measurement Standard**

The following standards shall control the measurement of sign area and sign height.

##### (1) Gross Sign Area

- a. Gross Sign Area is calculated as the area within a continuous perimeter of four (4) sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed.
- b. Gross Sign Area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.
- c. For double-faced signs, both display faces shall be counted towards the area of the sign.

##### (2) Sign Face

- a. Wall Signs. A two-dimensional area on the facade of a building that describes the largest square, rectangle, or parallelogram which is free of architectural details.
- b. Window Signs. The area of glass within a window frame.
- c. Other Signs. The area of the face of the sign which is designed to be used for text and graphics (the signable area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics).
- d. Signable Area Ratio. Signable area ratio is the sign area divided by the signable area. It is expressed as a percentage.

- e. Relationship Between Maximum Sign Area and Maximum Signable Area Ratio. Where both a maximum sign area and a maximum signable area ratio are set out, the standard that results in a polygon that encloses all of the text and graphics and framing that differentiates them from the wall.
- f. Measurement of Height for Freestanding Signs. The vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade around the base of the sign.

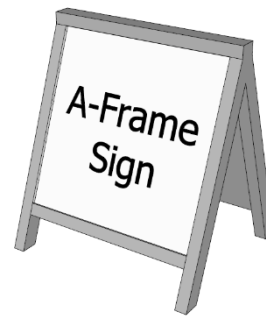
**Sec. 110-153. Replacement of Signs or Sign Structures**

If existing conforming signs, or their structures, are damaged by an act of nature or vandalism, or only the flex panels are being replaced with identical panels, a permit is not necessary for replacement, so long as the size and style are not changed from the originals.

**Sec. 110-154. Temporary Signs**

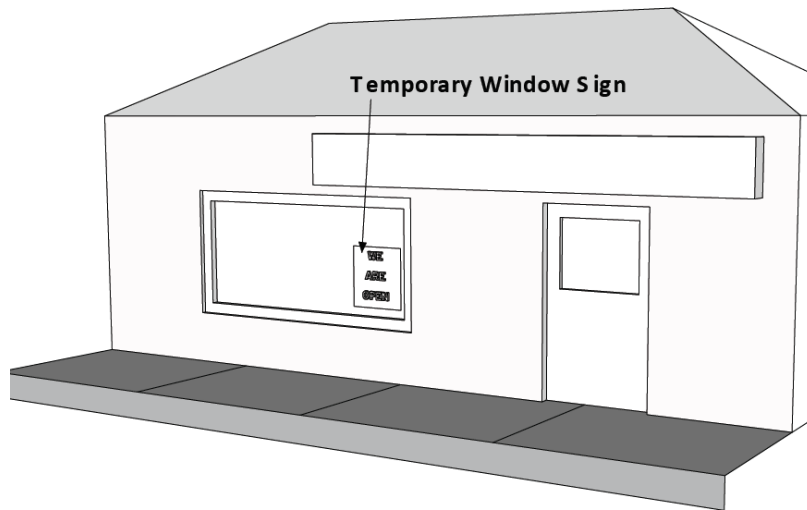
- (1) Permit required. Except as otherwise provided in this Section, prior to any temporary sign being displayed or installed, the property owner must apply for and receive a permit from the community development director, or his designee, and provide the name of the sign's owner, the address of the sign's owner, a description of the sign, and the location of where the sign is to be installed.
- (2) Signs that do not require a permit. The following signs are allowable in all zoning districts and do not require a sign permit but may require a building permit or other related permit (if subject to building or electrical codes). Temporary signs that do not require permits shall still otherwise comply with the standards of the Zoning Ordinance:

- a. A – Frame Signs
- b. Bumper Stickers. Bumper stickers on vehicles.
- c. Carried Signs. Signs that are being carried by people (however, such signs are not exempt if they are set down or propped on objects).
- d. Interior Signs. Signs intended to provide information for interior use of a property and that are not visible from abutting property or public rights of way.
- e. Official and Legal Notice. Official and legal notice signs that are issued by any court, public body, person, or officer in performance of a public duty, or in giving any legal notice.
- f. Signs with De Minimus Area. Signs that are affixed to a building or structure (even if wall signs are not permitted in the district or for the use), which do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and signs that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls,



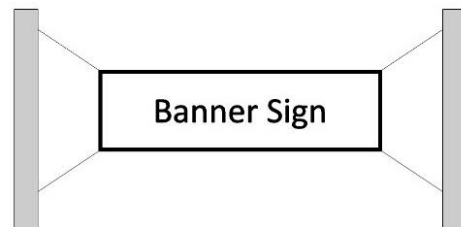
gasoline pumps, public telephones, or utility cabinets. Such signs shall not be included in the total sign area permitted on a zoning lot.

- g. Traffic Control Signs. Traffic control signs and other signs related to public safety that the City or another jurisdiction installs or requires a developer to install.
- h. Window Displays. Merchandise, fixtures or models of products incorporated into a window display.



(3) Time limitations. A permitted temporary sign, except as provided in (Subsections (e) and (f)) of this Section, shall be limited to being displayed no more than a combined total of sixty (60) days per calendar year per temporary sign design. When the same temporary sign design is displayed on multiple signs on the property, each temporary sign shall count towards the total maximum allowed time for that sign design, so that two temporary signs of the same design displayed on one day would count for two days towards the total maximum sixty (60) days for that specific design.

(4) Seasonal banners, pennants, and display board. Property owners are limited to one seasonal banner, pennant, or display board per two-hundred (200) feet of linear road frontage of the subject property. One additional seasonal banner, pennant, or display board is allowed for a subject property that supports more than one business. The maximum size of a seasonal banner, pennant, or display board is thirty-two (32) square feet per side. Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage; provided, however, that signage for each street front must be within the restrictions set forth in this Section.



(5) Inflatable signs, portable signs, and oversized temporary signs. Inflatable signs, portable signs, or other temporary signs that are larger than thirty-two (32) square feet may be allowed so long as

the Zoning Administrator finds them to be of a reasonable size and their display is otherwise consistent with the guidelines of this Section.

- (6) Community event and special group event signs. Community event signs and special group event signs shall contain the date(s) of such event on the sign, and can be placed up to one (1) week before the event and must be removed within three (3) days after the event has concluded. No such sign shall exceed thirty-two (32) square feet per side. No permit is required.
- (7) Construction signs. A permit is not necessary for temporary signs posted on property where construction will be taking place. A height of six (6) feet shall be allowed, as measured from the ground to the center of the sign. Signs are allowed thirty-two (32) square feet per side of sign and must meet all setback requirements as allowed by this Code. Temporary signs shall remain on the property for no longer than six (6) months.

#### **Sec. 110-155. Nonconforming Signs**

Existing nonconforming signs may remain, subject to the provisions of this Article, if, following any inspection, they are ruled safe and in good repair. They shall not be enlarged, altered, moved or structurally repaired, nor shall any such sign or any part thereof that is blown down, destroyed to greater than fifty (50) percent of its current value, or removed, be re-erected, reconstructed, structurally repaired or relocated unless it is made to comply with all applicable ordinances of the City. Nonconforming unlighted roof signs in existence on (June 1, 2021), may be altered by a change in copy only. This Section shall not apply to portable signs.

#### **Sec. 110-156. Unsafe and Unlawful Signs**

When any sign is in danger of falling, or otherwise unsafe, or if any sign becomes unlawfully installed, erected or maintained in violation of any of the ordinances of the City, the owner thereof or the person maintaining the sign shall upon written notice of the Zoning Administrator, within not more than ten (10) days, make such sign conform to the ordinances of the City or remove it. If, following the ten days after notice, the order is not complied with, the Zoning Administrator shall notify the City Attorney for action as prescribed by this Article. In case of immediate danger, the Zoning Administrator shall take immediate action to prevent damage or injury. All costs incurred shall be paid by the owner of the premises.

**Sec. 110-157. Permit Fee**

Every applicant, before being granted a permit hereunder, shall pay a fee as shall be established and modified from time to time by City Council Resolution, to the City for each sign regulated by this Article. However, no fee shall be required for an alteration which consists solely of a change of copy and does not otherwise violate any provision of this Article.

**Sec. 110-158. Denial of Permit**

If an application for a sign permit is denied by the Building Official, notice of the denial shall be given to the applicant, together with the reason for the denial. Appeal of said denial shall be made to the Planning and Zoning Commission. Such appeal shall be made by filing a petition requesting a hearing. Said request for a hearing shall be made in writing to the Building Official and accompanied with a nonrefundable fee of seventy-five (\$75) dollars. The Building Official may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

**Sec. 110-159. Inspection**

Any person installing, altering or relocating a sign for which a permit has been issued shall notify the Building Official prior to construction, and upon completion of the work. A pre-construction site inspection is required to approve the location of a sign. Such pre-construction inspection requires the property line to be clearly represented with a string line, and the sign location and size must be clearly identified. The Building Official may also require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

**Sec. 110-160. Revocation of Permit**

All rights and privileges acquired under this Article, or any amendment thereto, are mere licenses revocable at any time by the enforcement official upon failure of the holder thereof to comply with the provisions of this Article.

**Sec. 110-161. Removal of Certain Signs**

- (1) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within twenty (20) days after written notification by the Building Official. Upon failure to comply with such notice within the time specified in such order, in addition to any other remedies provided by this article, the enforcement official is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property, building or structure to which the sign is attached.
- (2) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the enforcement official.

- (3) For purposes of removal, the definition of sign shall include sign embellishments and structures designed specifically to support the sign.

**Sec. 110-162. Signs in Residential Zoning Districts**

All signs are prohibited in all residential districts, unless expressly permitted in this Chapter. A Special Use Permit ([Sec.110-21. Special Uses](#)) may be granted for a sign in a residential district, provided such signs having a display area not greater than ~~twelve (12)~~ sixteen (16) square feet per side as an accessory use to a permitted Special Use.

**Sec. 110-163. Signs not to constitute traffic hazard**

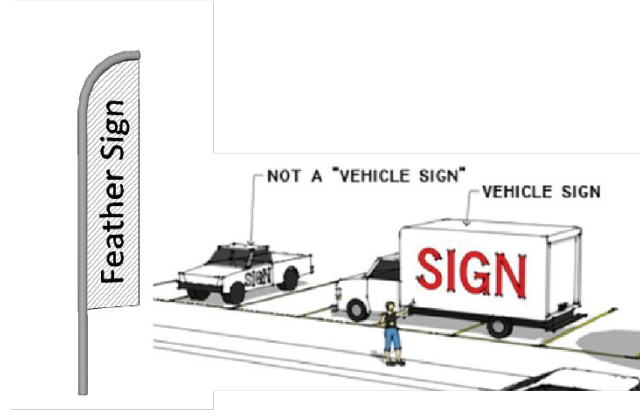
No sign or other advertising structure as regulated by this Article shall be erected within the right-of-way owned by the City and shall not be placed in such a manner as to constitute a traffic hazard. No sign shall be designed in such a manner or contain such a message so as to be confused with any authorized traffic, railroad or municipal sign.

**Sec. 110-164. Prohibited signs**

The following are prohibited signs and it shall be unlawful for any person to maintain any such sign as described below:

- (1) Any sign which extends over public property which is wholly or partially illuminated by floodlight or spotlight.
- (2) Any sign which displays any obscene matter, as defined in 720 ILCS 5/11-20(b), which is offensive to the average citizen in the community under contemporary community standards, or which displays any otherwise unlawful matter.
- (3) It shall be unlawful for any person to attach or maintain any sign to a tree, public building, private sign, utility pole, streetlight or street sign in the public right-of-way or on private property except as specifically authorized by this Article.
- (4) It shall be unlawful for any person to erect or maintain an off-premises sign without first having obtained a Special Use Permit ([Sec.110-21. Special Uses](#)) issued by the City Council upon recommendation by the Planning and Zoning Commission.
- (5) Any flashing sign, unless otherwise specified in this Article ([Sec. 110-72. Electronic Message Signs](#)) subject to the provisions relating to nonconforming signs.
- (6) Any sign shall not be placed within any public right-of-way.
- (7) Attention Getting Devices, including searchlights, propellers, spinners, streamers, and similar devices.

- (8) Feather signs.
- (9) Moving Signs. Moving signs shall not include barber poles, electronic message signs, flags, street clocks, and other signs as established by this Article.
- (10) Signs with more than two sign faces.
- (11) Signs that are a traffic hazard.
- (12) Vehicle signs.



**Sec. 110-165. General Standards**

The rules set forth in this section apply to each parcel or lot of real property as described on a recorded plat or subdivision, regardless of common ownership of more than one building or parcel.

- (1) Permitted location. All signs shall comply with the following standards:
  - a. Public Property. Signs may only be placed on public property by a government agency or as authorized by this Section. Any sign placed on public property without authorization may be removed without notice.
  - b. Private Property. Signs may only be placed on private property with prior consent of the property owner and, if applicable, pursuant to an approved building permit issued by the Zoning Administrator.
- (2) Prohibited Locations. In addition to the setback requirements of this Article, and the other restrictions of this Zoning Ordinance, all signs shall comply with the following standards:
  - a. A minimum clear sight distance at all intersections, including driveways and approaches, shall be in accordance with provisions for a Clear Vision Triangle ([Sec.110-24. Vision Clearance Triangle](#)) as defined in this Code. Signs found to otherwise be a visual obstruction by the Zoning Administrator shall be removed.
  - b. Signs shall not block or interfere with building features necessary for safety or convenient ingress or egress, including doors, windows, fire escapes, or required exit-ways.
  - c. A sign mounted on the exterior of a building shall not conceal any windows, doors, or unique architectural features. This standard does not apply to window signs.
  - d. Signs may not be in or over public rights-of-way, except:
    - i. traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity;
    - ii. signs posted by governmental entities that support event or emergency management, such as wayfinding to event or disaster relief locations;
    - iii. banners posted by the City on utility or light poles; and

- iv. signs constructed by the City or another governmental or quasi-governmental entity pursuant to terms and conditions set forth in an approved intergovernmental agreement with the City.
  - e. Signs may not be located within easements for overhead utilities (placement in other utility easement areas is allowed only if approved by the utility service provider and if the other applicable requirements of this Zoning Ordinance are met).
- (3) Prohibited Content. The following content is prohibited without reference to the viewpoint of the individual source (the narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Illinois Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare):
- a. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist);
  - b. Text or graphics of an indecent or immoral nature and harmful to minors;
  - c. Text or graphics that advertise unlawful activity; or
  - d. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats.
- (4) Setback. Each sign shall be set back from the public right-of-way a distance of at least one-half (0.5) the required minimum setback building line, or ten (10) feet, whichever is greater.
- (5) Area of ground, projecting or roof signs. The total sign area of any ground or projecting sign or roof sign shall be determined by the sign area table in Subsection (6) of this Section.
- (6) Sign area table. The following table shall be used to determine the total surface area of any ground or projecting sign oriented to any street in any business, commercial or industrial area. In the event of property having frontage on more than one street, with "frontage" being defined per this Code, only the footage of one street may be used to calculate allowable sign area. Only one ground sign shall be allowed on each parcel of real property, excluding traffic control or directional signs.

Street Frontage	Square Feet Allowable Area (all sides)
Up to 20 feet	67
25	75
30	82
35	89

Street Frontage	Square Feet Allowable Area (all sides)
40	95
50	106
60	116
70	126
80	134
90	143
100	150
125	168
150	198
175	198
200	212
250	237
300	260
400 and up	300

- (7) Wall signs. In addition to any ground sign, a wall sign located on any exterior side of the building shall be allowed having a total sign area of two (2) square feet for each foot of building frontage.
- (8) Height of ground signs. No part of any ground sign shall exceed twenty-six (26) feet in height above the public roadway in front of the property, unless expressly permitted in this Section.
- (9) Signs located along Highways. Signs located along Highway 38, from Caron Road east to Dement Road, may have a variable height restriction of twenty-six (26) feet maximum at Caron road, increasing incrementally to one-hundred (100) feet maximum adjacent to the highway. The same scale shall be used on the east side of Highway 38, **and along the Highway 88 corridor (subject to FAA restrictions)** for a distance of one and one-half (1.5) miles.
- (10) Roof signs. A roof sign shall only be allowed by the granting of a Special Use Permit ([Sec.110-21. Special Uses](#)) by the City Council upon a recommendation received by the Planning and Zoning Commission. Application for a special use for a roof sign shall be accompanied by certificate of a licensed engineer or architect stating that the proposed roof sign and the roof of the building upon which the sign is to be located is engineered to safely accommodate the additional weight and stress from the proposed roof sign.

- (11) Gas stations, restaurants, and other corporate or franchise establishments may be allowed to exceed maximum sign requirements in order to comply with national franchise or corporate standards, or change signage to comply with changes to such corporate or franchise standards, by the Zoning Administrator after approval by the City Manager.

### **Sec. 110-166. Off-Premises Signs**

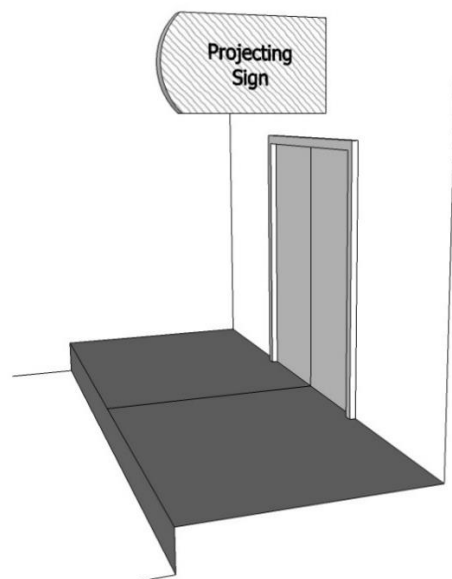
- (1) An off-premises sign is allowed only by the issuance of a Special Use Permit ([Sec.110-21. Special Uses](#)) by the City Council upon recommendation by the Planning and Zoning Commission. The following minimal requirements must be met before the submittal of an application for an off-premises sign Special Use Permit:
- a. The off-premises sign must be located in the same subdivision as the location of business advertised on the off-premises sign.
  - b. The total square footage of signage both at the location of the business and on the off-premises sign would not be greater than the total signage allowed at the business location.
  - c. Proof of an agreement between the owner of the business being advertised and the owner of the property upon which the off-premises sign is to be located.
  - d. The off-premises sign would strictly comply with the requirements of this article as to height.
  - e. Applicable setbacks from adjacent roadways would be complied with.
- (2) The City Council and Planning and Zoning Commission on their recommendation may, in their sole discretion, deny a request for an off-premises sign even though the above minimum criteria have been met by the applicant, or they may add additional conditions or requirements to the issuance of a Special Use Permit ([Sec.110-21. Special Uses](#)).

### **Sec. 110-167. Projecting Signs**

Projecting signs may be permitted in any business or industrial zoning district, and in all residential districts for multi-unit dwelling uses and non-residential uses only upon the following conditions:

A ground sign is not or cannot be located on the subject property.

- (1) Only one (1) projecting sign may be permitted per building.
- (2) The projecting sign must be mounted perpendicular to the wall.
- (3) The leading edge of the projecting sign may not extend more than forty-eight (48) inches beyond the surface of the building it is attached to.
- (4) The total area of the projecting sign shall count towards the total sign allotment for the building provided in ([Sec.110-165. General Standards](#)).



- (5) The projecting sign must provide a minimum overhead clearance of eight (8) feet measured from the sidewalk and nine (9) feet measured from vehicular rights-of-way, as applicable.
- (6) All structural supports shall be attached to the façade of the building and shall not be attached to the roof.

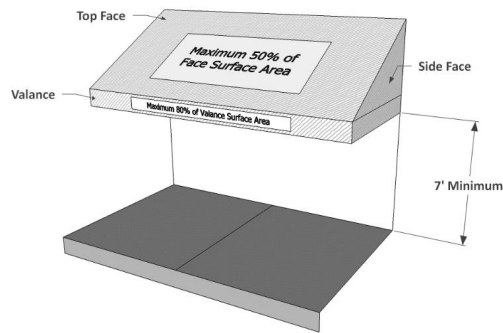
**Sec. 110-168. Window Signs**

- (1) Location. Window signs are allowed in commercial and industrial zoning districts, and in all residential districts for non-residential uses and multi-family dwelling uses.
- (2) Size.
  - a. Window signs shall not occupy more than twenty-five percent (25%) of the total ground floor window area on each building façade.
  - b. Total window area on which to define permitted twenty-five (25%) percent shall be defined as window area between the structural elements (pillars) defining the window area.
- (3) Additional regulations
  - a. One (1) window sign shall be permitted per designated window area.
  - b. Window signs shall not be located above the ground floor.
  - c. Internally illuminated window signs, including neon signs, shall not exceed six (6) square feet in area. Only one (1) internally illuminated window sign is allowed, however, said sign shall not count toward the limitation on number of signs.
  - d. Internal illumination of window areas may not exceed twenty-five (25%) percent of overall window area and shall be defined as windows between the structural elements (pillars) defining the window area.

**Sec. 110-169. Awning signs**

Awnings that display a message shall count towards the total allowable signage for the lot. Awnings that do not display a message are not subject to the regulations of this Section.

- (1) Location. Awning signs are allowed in all commercial and industrial zoning districts, and in all residential districts for multi-unit dwelling uses and non-residential uses only.
- (2) Size.
  - a. Eighty (80%) percent of maximum valance area for copy and graphics on valance;
  - b. Fifty (50%) percent of maximum top surface area for copy and graphics on top surface areas.
  - c. No signs shall be located on the side surface areas of an awning.



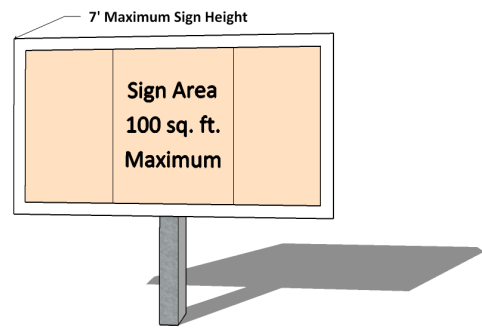
(3) Additional Regulations.

- a. One sign is permitted per awning top surface area.
- b. Awning signs shall be displayed on awnings constructed out of durable, weather-resistant material such as canvas, nylon, vinyl-coated fabric, or metal.
- c. Awning with signs and awning signs shall be generally aligned with awning and awning signs that are attached to adjacent storefronts or buildings to maintain a sense of visual continuity.
- d. Awning signs shall not be backlit or otherwise internally illuminated.
- e. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven (7) feet above the level of the adjacent sidewalk.

**Sec. 110-170. Signs Adjacent to Drive-Thru Lanes**

(1) Location.

- a. Signs Adjacent to Drive Through Lanes are allowed for any approved drive-thru establishment.
- b. Menu board signs shall be located a minimum of fifteen (15) feet from any residential zoned lot line.



(2) Size.

- a. Signs Adjacent to Drive Through Lanes shall not exceed one-hundred (100) square feet in area and seven (7) feet in height.

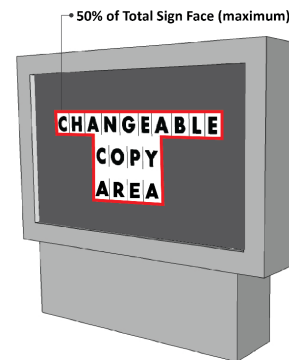
(3) Additional Regulations.

- a. Signs Adjacent to Drive Through Lanes signs may be displayed as wall, monument, or pole signs.
- b. Up to two (2) Signs Adjacent to Drive Through Lanes are allowed per drive-thru lane and shall when added together not exceed the size allowed for one such sign.
- c. Menu boards may include an electronic screen to display information to customers.

**Sec. 110-171. Manual Changeable Copy Signs**

(1) Location. Manual Changeable Copy signs are allowed in all commercial and industrial zoning districts, and in all residential districts for multi-unit dwelling uses and non-residential uses only.

(2) Size. A manually changeable copy sign may be displayed as part of a monument or wall sign and shall not occupy more than fifty (50%) percent of the total sign face of the monument of such sign.

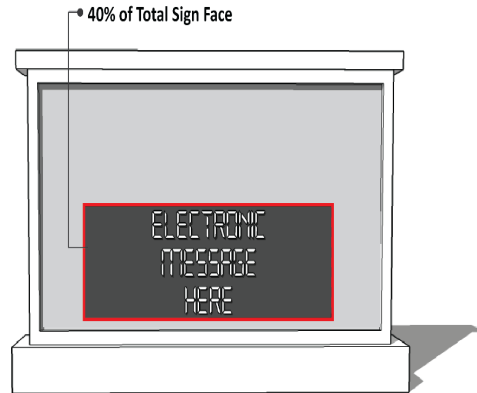


~~(3) Additional Regulations.~~

- ~~a. Manually Changeable Copy signs in residential districts for multi-unit dwelling uses and non-residential uses located upon land less than three (3) acres in size shall be permitted subject to the following conditions:
  - ~~i. There shall be not more than one (1) such sign per lot.~~
  - ~~ii. No sign shall exceed twenty four (24) square feet in area.~~
  - ~~iii. No sign shall be closer than eight (8) feet to any other zoning lot.~~
  - ~~iv. The top of a sign shall not be higher than eight (8) feet above grade.~~~~
- ~~b. Manually Changeable Copy signs in residential districts for multi-unit dwelling uses and non-residential uses located upon a property of three (3) acres or more in size shall be permitted subject to the following conditions:
  - ~~i. One Manually Changeable sign in the form of a monument sign shall be permitted.
    - ~~a. Sign shall not exceed ten percent (10%) of the lot's frontage or one hundred (100) square feet, whichever is less.~~
    - ~~b. Sign height shall not exceed six (6) feet.~~~~
  - ~~ii. One Manually Changeable sign in the form of a Wall Sign shall be permitted.
    - ~~a. Sign shall not exceed ten percent (10%) of the wall area to which the sign is affixed or one hundred (100) square feet, whichever is less.~~
    - ~~b. Signs height shall not exceed eight (8) feet.~~~~~~
- ~~c. Monument or wall signs which enclose the manual changeable copy message center sign shall all sides be finished of brick, stone, stucco, powder coated or comparably finished metal. Gaps between the message center and the finish are permitted to accommodate locks and hinges for a cover for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.~~
- ~~d. Manual changeable copy message centers, including their frames, shall make up not more than fifty (50%) percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols. See figure to below.~~
- ~~e. Gas/Fueling Stations may have a changeable electronic message board sign for that portion of the sign that displays the price of fuel.~~

### Sec. 110-172. Electronic Message Signs

- (1) Location. Electronic Message signs may be substituted for any permitted sign subject to the requirements of this Section and Article.
- (2) Size. An electronic message sign shall not occupy more than forty (40%) percent of the total Sign Face of a permitted monument sign area.
- (3) Additional Regulations.



- a. One (1) electronic message sign is allowed per property.
- b. No sign containing a changeable copy sign may also contain an electronic message sign.
- c. Electronic message centers are only permitted on monument signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, powder coated (or comparably finished) metal, or the surface of the sign face.
- d. Electronic Message Signs shall change messages no more than twelve (12) cycles per one (1) minute, or every five (5) seconds.
- e. Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
- f. Transitions between messages shall be instantaneous.
- g. Every Electronic Message Sign must have the capability to lower the intensity of the light being emitted after it is erected.
- h. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.
- i. Photometric Plan. The City may require applicants to submit photometric plans demonstrating compliance with this Article as a condition to issue a sign permit.

### Sec. 110-173. Maintenance

All signs shall be maintained by the owner and occupant of the property upon which they are located. If, in the opinion of the Building Official, a sign has deteriorated to a point where repair of the sign would exceed the current value of the sign, then the sign must be removed by the property owner within thirty (30) days of written notice given by the Building Official.

**Sec. 110-174. Variances**

- (1) In obtaining a permit, the applicant may apply to the Zoning Administrator for a Variance ([Sec. 110-19. Variances](#)) from certain requirements of this Article. A variance may be recommended by the Planning and Zoning Commission and granted by the City Council where a literal application of this Article would create a particular hardship for the applicant. In such a case, the following criteria shall be followed:
  - a. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;
  - b. The hardship caused the applicant under a literal interpretation of this Article is due to conditions unique to that property and does not apply generally to the City; and
  - c. The granting of the variance would not be contrary to the general objectives of this Article.
- (2) In granting a variance, the Planning and Zoning Commission and City Council may attach additional requirements necessary to carry out the spirit and purpose of this Article in the public interest.

**Sec. 110-175. Penalty**

Any corporation, business, partnership, legal entity or person violating any of the provisions of this Article shall be guilty of a violation of this Code, and upon conviction thereof be subject to punishment in accordance with ([Sec.110-25. Enforcement and Penalties](#)). Each day such a violation is committed, or permitted to continue, shall constitute a separate offense.

## ARTICLE X - OFF-STREET LOADING AND PARKING

### Sec. 110-180. Purpose

The purpose of this Chapter is to promote successful business operations and enhance residential neighborhoods within the Village by setting forth uniform standards for the amount, location and design of off-street parking and loading areas. Implementation of these standards is intended to provide an appropriate amount of parking, reduce traffic congestion, facilitate vehicle movement, enhance vehicle and pedestrian safety, and reduce adverse effects on other nearby land uses and surrounding neighborhoods.

### Sec. 110-181. Off-Street Parking Required

All new development shall be provided with adequate off-street automobile parking facilities, either within a private garage constructed on the lot or parcel of land occupied by the main building or use or within an open area properly located and improved in accordance with the requirements of this Section.

- (1) All zoning districts. The provisions for off-street parking and loading specified in this section shall apply to all zoning districts.
- (2) Existing buildings. For existing buildings and existing land uses, the following provisions shall apply:
  - a. At the time the ordinance is adopted. The minimum number of parking spaces designated for specific land uses in this section shall not be applied to existing structures or for structures that have an approved building permit on the date of the adoption of this ordinance.
  - b. Subsequent expansions. If such land, structures or uses are enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street parking space that would be required if the increment were a separate structure or use established or placed into operation after the effective date of this ordinance.
  - c. Change in land use. Where land uses change in an existing building, the parking standards for the new land use shall apply.
- (3) New buildings. All buildings constructed after the effective date of this Zoning Ordinance shall provide for parking that conforms to the standards of this Article.

### Sec. 110-182. Exemptions from Off-Street Parking Regulations

- (1) The off-street parking regulations set forth in this Article, except as required for residential uses, may be exempted by the Planning and Zoning Commission for new buildings or structures, or any existing principal building or structure which is enlarged or increased in capacity after the adoption of the ordinance from which this chapter is derived, when located within the downtown area ([Sec.110-59. B-1 Central Commercial District](#)).
- (2) This provision in no way affects required off-street loading spaces.
- (3) Individuals or corporations may apply for variations from this Chapter according to procedures established in ([Sec.110-19. Variances](#)).

### **Sec. 110-183. Computations Resulting in Fractional Parking Spaces**

When units of measurement determining the number of required off-street parking and off-street loading spaces result in a requirement of a fractional space, any fractional result of a calculation shall be rounded up to the nearest whole number ([Sec.110-6. Interpretation](#)) and shall require one (1) off-street parking or off-street loading space.

### **Sec. 110-184. Location of Off-Street Parking Facilities**

Off-street automobile parking facilities shall be located as specified in this Article. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve:

- (1) For residential uses, the required off-street parking spaces shall be on the same lot with the building they are required to serve.
- (2) For rooming houses, lodging houses, clubs, hospitals, sanitariums, asylums, orphanages, homes for the aged, convalescent homes, dormitories, sororities and fraternity houses, and for other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served, or within three-hundred (300) feet of the main building or buildings being served; provided that they are adjacent to, or across the street or alley from, the main building they are intended to serve, measured between the nearest point of the off-street parking area and the nearest entrance to the main building or buildings.
- (3) For uses other than those specified in this Section, the off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land, and not over three-hundred (300) feet from the entrance of the main building; provided that they are adjacent to, or across the street or alley from, the main building, measured from the nearest point of the parking area; provided that the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted uses or in a less restricted district.

### **Sec. 110-185. Shared Parking**

- (1) Description. Shared parking is an arrangement whereby two or more owners of non-residential properties with different peak-hour parking demands use the same off-street parking spaces to satisfy their off-street parking requirements.
- (2) Approval. The Zoning Administrator is authorized to make an Administrative Adjustment ([Sec. 110-16. Administrative Adjustments](#)) allowing shared parking arrangements for non-residential uses with different hours of operation. The Zoning Administrator may allow up to one-hundred (100%) percent of the parking required for a use with peak weekday daytime demand to be supplied with parking spaces provided for a use with peak weekday nighttime or Sunday demand and vice-versa. In order to approve such an Administrative Adjustment, the Zoning Administrator must find:

- a. That, based on evidence provided by the property owners, that there is no substantial conflict or overlap in the principal operating hours for which the shared parking is proposed; and
  - b. That the shared parking facility is located within three-hundred (300) feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the facility.
  - c. That there are convenient, visible pedestrian connections between the facility and all of the sharing properties.
- (3) Agreement. The parties involved shall execute an agreement on the shared parking and file it with the Zoning Administrator. The shared parking shall remain in effect only so long as the agreement remains in force. If the agreement is no longer in force, then the property owners must provide parking as otherwise required by this ordinance.

#### **Sec. 110-186. Collective Parking and Reduction in Parking Requirements**

- (1) Description. Collective parking is an arrangement whereby two or more commercial properties use the same parking lot to fulfill their off-street parking requirements.
- (2) Approval. For such an arrangement, the Zoning Administrator is authorized to make an Administrative Adjustment ([Sec. 110-16. Administrative Adjustments](#)) that reduces the off-street parking requirements for each participating commercial property by twenty (20%) percent. In order to approve such an Administrative Adjustment, the Zoning Administrator must find that:
  - a. That the shared parking facility is located within six-hundred (600) feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the facility.
  - b. There are convenient, visible pedestrian connections between the facility and all of the sharing properties
- (3) Agreement. The parties involved shall execute an agreement on the collective parking and file it with the Zoning Administrator. The collective parking shall remain in effect only so long as the agreement remains in force. If the agreement is no longer in force, then the property owners must provide parking as otherwise required by this Article.

#### **Sec. 110-187. Use of Off-Street Parking Facilities**

- (1) A required off-street parking space, or a required off-street parking lot or facilities serving residential uses and in a residential district, including the driveway thereof, shall be used only for the parking of passenger automobiles of two axles or fewer, designed to carry nine (9) or fewer passengers, trucks of less than seven feet, six inches (7' 6") in height, measured from the highest point to the ground with fully inflated tires, and recreational vehicles, the same being any vehicle originally designed or permanently converted and used for living quarters or for human habitation and not used as a commercial vehicle, including a house trailer, camper or private living coach. However,

said recreational vehicle shall not be used for living quarters or for human habitation when parked in a residential district.

- (2) Notwithstanding any other provision of this article, no motor vehicle shall be parked in the required front yard in any residential zoning district unless said vehicle is parked upon a driveway. Said driveway shall be paved as provided for in the definition of the term "parking space, automobile" ([Article XIV - Definitions](#)). For the purposes of this subsection, a driveway must have an appropriate curb cut if connected to a street.

#### **Sec. 110-188. Reduction of Existing Off-Street Parking Facilities**

Existing off-street parking facilities provided at the effective date of the ordinance from which this Chapter is derived and actually being used for the parking of automobiles in connection with the operation of an existing building or land use, shall not be reduced in space or facility to less than that hereinafter required under the provisions of this chapter for a similar new building or new land use, except as provided in ([Sec.110-198. Parking Requirements for Specific Uses](#)).

#### **Sec. 110-189. Change in Intensity of Use**

Wherever, in a building or structure erected prior to or after the effective date of the ordinance from which this Chapter is derived, there is an increase in the intensity of use by increasing the number of dwelling units, guestrooms, floor area, seating capacity, number of employees, or in any other unit of measurement specified in this Article, which creates a need for additional parking spaces or loading and unloading spaces as required hereinafter, off-street parking and loading facilities shall be provided on the basis of the increased units of measurement of the new use or of the altered or expanded existing use, and such parking and loading facilities shall be maintained thereafter in connection with such buildings or structures.

#### **Sec. 110-190. Floor Area Defined**

The term "floor area," as employed in this Article, in the case of office, merchandising or service types of use, shall mean the gross floor area of a building or structure intended to be used for service to the public as customers, patrons, clients, patients or tenants, including area occupied by fixtures and equipment used for display or sale of merchandise. The term "floor area," for the purpose of this Article, shall not include area used for storage accessory to the principal use of a building.

#### **Sec. 110-191. Parking Requirements for Unlisted or Mixed-Uses**

- (1) In the case of a use not specifically mentioned this Article, the requirements for off-street parking facilities for a similar use, as determined by the Zoning Administrator, which is so mentioned shall apply.
- (2) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum total of the requirements of the various uses computed separately, in accordance with the requirements set forth in ([Sec.110-198. Parking Requirements for Specific Uses](#)), and off-street

parking facilities for any other use, except as specified in this Article for shared parking ([Sec.110-185. Shared Parking](#)) or collective parking ([Sec.110-186. Collective Parking](#)).

#### **Sec. 110-192. Off-Site Parking Facilities**

Where required parking facilities are provided off the site of the main building or structure generating the need for parking facilities, in accordance with the provisions of this Section, the following additional regulations shall apply: The land upon which the parking facilities are located, or to be located, shall be in the same possession, either by deed or long-term lease, as the property occupied by the use to which the parking facilities are auxiliary, in which case the owner of the land shall be bound by covenants of record filed in the office of the Ogle County Recorder of Deeds requiring the owner, his heirs or assigns to maintain the required number of parking facilities through-out the existence of the principal use, or until such time as it is proved that the parking facilities are no longer needed in the interest of the public convenience, safety and general welfare.

#### **Sec. 110-193. Design Standards for Parking Facilities**

All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street or alley, in a manner which will least interfere with traffic movements. **With the exception of single-family residential,** all driveways, approaches, and parking areas shall have a cast in place, concrete, barrier-type curb, not less than six (6) inches in height wherever the impervious surface meets green space, landscaping buffers, planted areas, etc., and along their entire perimeter. No driveway or curb cuts in any single-family residential district shall exceed twenty (20) feet in width at the right-of-way line, and twenty-four (24) feet in width at the back of curb approach meeting the roadway. No signs shall be displayed in any parking area within any residential district, except such signs as may be necessary for the orderly use of such facilities. Each parking space shall be not less than nine (9) feet in width and twenty (20) feet in length, as measured from the back of curb to the end of the stall. Aisles between parked vehicles shall be not less than twelve (12) feet in width when serving automobiles parked in a forty-five (45) degree angle in one direction, nor less than twenty-two (22) feet in width when serving automobiles parked at a forty-five (45) degree angle in both directions, nor less than twenty-two (22) feet in width when serving automobiles parked perpendicular to the aisles and accommodating two-way traffic movements.

#### **Sec. 110-194. Setbacks for Parking Area**

The parking area, if on the same lot with a main building, shall not be located within the front yard required for such building, except that in the [B-2 Highway Commercial District](#) and [B-3 Neighborhood Commercial District](#) parking may be permitted in the front yards, provided it maintains not less than a twenty (20) foot setback from the street right-of-way. If not on the same lot with the main building, the paved parking area shall not be closer to any street line than the established building line on adjacent properties, or less than the setback required for the district in which the parking area is located, whichever is closer, but never less

than twenty (20) feet. Further, any wall, fence, or hedge developed around the parking area shall observe the yard requirements of this article.

**Sec. 110-195. Surfacing of Parking Areas**

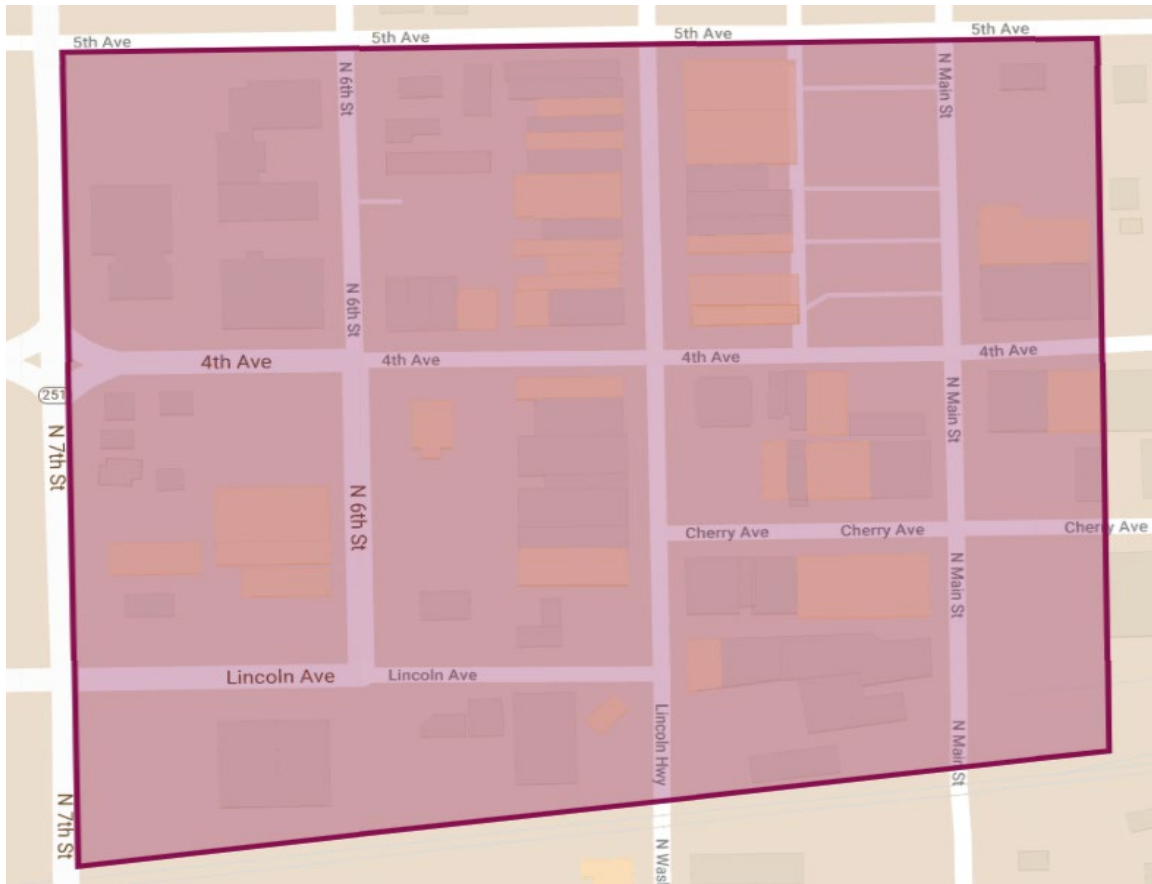
All open off-street parking areas shall be improved with a compacted Type-B base course, not less than eight (8) inches in thickness, surfaced with either an asphalt or concrete surface and with the exception of single family residential districts, shall be encompassed on all edges with a cast in place, concrete, barrier-type curb.

**Sec. 110-196. Screening and Landscaping of Parking Areas**

- (1) Screening. All automobile parking areas shall be effectively screened on each side which adjoins or fronts any residential and/or institutional district and/or use, by a wall, solid fence or densely planted compact hedge. Such wall, fence or hedge shall be not more than six (6) feet in height and shall be maintained in good condition.
- (2) Landscaping. All open off-street automobile parking areas either created or redesigned and rebuilt subsequent to the adoption of the ordinance from which this chapter is derived, containing twenty (20) or more parking stalls and an area of ten thousand (10,000) square feet or more, shall provide and maintain canopy-type shade trees along with other forms of vegetation hardy to this region, in tree islands and planting buffer strips totaling not less than three (3) percent of the surfaced parking area. The minimum size of each tree island or planting strip shall be not less than fifty (50) square feet. The size, type and location of the islands and planting strips and the plant material shall be indicated on the plans required for obtaining a Building Permit.

**Sec. 110-197. Downtown Parking Requirements**

- (1) Purpose. Downtown Rochelle is an area that historically has been occupied with older commercial and residential buildings on small lots. Such development, which occurred before the current level of automobile use in today's society, often means that parcels are not of an adequate size to accommodate the required number of off-street parking spaces. The relaxation in parking requirements is intended to encourage the preservation of older buildings, create a more pedestrian-friendly environment, and ensure robust economic activity for commercial establishments in the historic downtown area.
- (2) Downtown area. The downtown area is defined as: *A tract of land situated in the City of Rochelle, County of Ogle, State of Illinois, said tract bounded as follows: Between the north side of the Chicago and Northwestern tracks on the south, the south side of Fifth Avenue on the north, the east side of North Seventh Street on the west, the alley between North Main Street and North Third Street on the east.*



(3) Standards.

- a. Exemption from parking requirements. Residential and business land uses within the downtown are exempt from the minimum parking requirements of this Section.
- b. Inclusion of on-street parking. If a commercial land use has a gross floor area of two-thousand five-hundred (2,500) square feet or more, then the standards contained in ([Sec.110-198. Parking Requirements for Specific Uses](#)) shall apply. However, all on-street parking spaces within one-hundred and fifty (150) feet, and any parking spaces within municipal parking lots within three-hundred (300) feet, may be included in the calculation for the required number of off-street parking spaces. Such distances shall be measured from the customer entrance to the commercial use to the parking spaces.
- c. Maximum off-street parking limits. Commercial establishments within the downtown shall not provide a number of off-street parking spaces that is greater than one-hundred (100) percent of the parking requirement for that particular establishment's land use found in ([Sec.110-198. Parking Requirements for Specific Uses](#)).
- d. Other parking arrangements. Shared parking ([Sec.110-185. Shared Parking](#)) and collective ([Sec.110-186. Collective Parking](#)) parking arrangements are permissible and encouraged.

- e. Administrative adjustment. The Zoning Administrator may grant an administrative adjustment of parking requirements within the downtown area. In order to approve such an administrative adjustment, the Zoning Administrator must find:
- i. That, based on evidence provided by the property owner, parking demand for the property can be met with available on-street and off-street parking in the immediate vicinity; and
  - ii. Administrative adjustment of the parking requirements will have minimal adverse effects on other nearby land uses and surrounding neighborhoods; and
  - iii. Strict adherence to the parking requirements ([Sec.110-198. Parking Requirements for Specific Uses](#)) would cause undue hardship for the property owner.

**Sec. 110-198. Parking Requirements for Specific Uses**

The following table of parking requirements for various uses shall be applied to all new developments. Allocation of said parking areas shall be indicated on the plans required for obtaining a Building Permit:

Use	Parking Requirements
<b>Residential Uses</b>	
Multi-family residential	two (2) spaces per dwelling unit except that in housing developments for the elderly, this ratio shall be one (1) space per unit
Apartment hotels	one (1) space per dwelling unit
Boardinghouses, etc.	one (1) space per three (3) rooming units, plus one (1) space for manager
Mobile home parks	two (2) spaces per lot
Single-family residential	two (2) spaces per dwelling unit
<b>Business Uses</b>	
Animal hospitals	two (2) spaces per employee
Auto sales	two and one-half (2.5) spaces per one-thousand (1,000) square feet of sales and office area
Bakery/coffee shop	ten (10) spaces per one-thousand (1,000) square feet with eat in option / four (4) spaces per one-thousand (1,000) square feet if retail only
Banks and financial institutions	two and one-half (2.5) spaces per one-thousand (1,000) square feet
Bowling alleys	five (5) spaces per alley, plus one (1) space per three-hundred (300) gross square feet used for bars, restaurants, etc.

Use	Parking Requirements
Campgrounds	one (1) space per campsite
Car wash	one (1) space per three (3) employees, plus one (1) space for manager, plus space equaling five (5) times the capacity of the wash
Commercial schools (music, dance, etc.)	one (1) space per two (2) employees plus one (1) space per five (5) students
Contractor/construction office	one (1) space per employee
Funeral parlors	eight (8) spaces per chapel or parlor, plus one (1) space per funeral vehicle
General commercial uses	one (1) space per three-hundred (300) gross square feet , or six (6) spaces for each one-thousand (1,000) gross square feet in integrated center
Home and garden stores	four (4) parking spaces per one-thousand (1,000) square feet
Hotels	one (1) space per three (3) rooms plus spaces required per this Table for any banquet, office, meeting, or other accessory spaces.
Indoor theater	one (1) space per six (6) seats up to four-hundred (400) seats, plus one (1) space for each four (4) seats over four-hundred (400)
Laboratories	one (1) space per three (3) rooms
Laundries	one (1) space per three (3) employees
Liquor stores	four (4) parking spaces per one-thousand (1,000) square feet
Medical and dental clinic	three (3) spaces per staff member
Motels	one (1) space per unit, plus one (1) space for manager
Offices, professional and business	four (4) parking spaces per one-thousand (1,000) square feet
Personal services	four (4) parking spaces per one-thousand (1,000) square feet
Pool halls, dancehalls, pools, skating rinks, etc.	parking spaces equal to thirty (30%) percent of the capacity in persons
Printing and publishing	one (1) space per three employees
Resorts	one (1) space per two (2) employees, plus spaces equal to twenty (20%) percent of capacity, or one (1) space per rental unit, whichever is greater

Use	Parking Requirements
Riding stables	one (1) space per one employee and enough additional space for public (as determined by the building official)
Gas/service stations	four (4) parking spaces per one-thousand (1,000) square feet of total retail space plus spaces required per this Table for restaurants or other accessory uses. One – half (0.5) the number of gas pumps may be counted as parking spaces.
Tattoo parlors	three (3) parking spaces per one-thousand (1,000) square feet
Taverns, restaurants and brewpubs	parking spaces equal to thirty (30%) percent of capacity in persons
Travel trailer parks	one and a half (1.5) spaces per travel trailer site
<b>Industrial Uses</b>	
Adult regulated use	four (4) parking spaces per one-thousand (1,000) square feet
Cartage/express facilities	one (1) space per vehicle operated, plus one (1) space per two (2) employees
General industry	one (1) space per one and one third (1.3) employees (maximum number of employees at one time in plant)
Microbrewery, microdistillery, microwinery	two (2) spaces per (1000) square feet (except office area calculated at four (4) spaces per one-thousand (1000) square feet)
Recycling center	one and one-half (1.5) spaces per one-thousand (1000) square feet (any office area calculated at four (4) spaces per one-thousand (1,000) square feet).
Warehousing and wholesaling	one (1) space per three (3) employees
<b>Institutional Uses</b>	
Auditoriums (school)	one (1) space per eight (8) seats
Churches, etc.	one (1) space per six (6) seats
Dog park	one (1) space per three (3) persons of capacity
Elementary schools	one (1) space per two (2) employees
Golf course	forty (40) spaces per each nine (9) holes, plus additional parking spaces as applicable to any accessory retail, service or banquet area.
Government buildings and facilities	three and one-third (3.3) spaces per one-thousand (1000) square feet

Use	Parking Requirements
Hospitals	one (1) space per two (2) beds, plus one (1) space per two (2) employees plus one (1) space per doctor on staff
Indoor athletic facilities	five (5) spaces per one-thousand (1,000) square feet
Institutions for care of aged	one (1) space per four (4) beds, plus one (1) space per two (2) employees, plus one (1) space per doctor on staff
Junior or senior high schools	one (1) space per two (2) employees, plus one (1) space per ten (10) students
Libraries	one (1) space per eight-hundred (800) gross square feet
Noncommercial community center	parking spaces equal to thirty (30%) percent of capacity in persons
Philanthropic and charitable	one (1) space per two (2) employees, plus adequate number to serve public (number to serve public as determined by building official)
Post office	one (1) space per two (2) employees, plus one (1) space for three-hundred (300) gross square feet in excess of four-thousand (4,000) square feet
Private clubs	one (1) space per lodging room spaces equal to thirty (30%) percent of capacity in persons
Radio and TV stations	one (1) space per two (2) employees
Railroad hub facility	one (1) space per two (2) employees (maximum number of employees on site at any one time)
School gyms, stadiums, etc.	one (1) space per eight (8) seats

**Sec. 110-199. Administrative Decisions and Adjustments of Parking Standards**

- (1) Uses not listed. The Zoning Administrator shall make an administrative decision for parking requirements of uses not specifically listed. Such a decision shall be based on similar uses found either inside or outside the corporate limits of the City of Rochelle.
- (2) Administrative Adjustments. Property owners may seek an adjustment of the minimum parking standards contained in this ordinance. Requests for Administrative Adjustments ([Sec. 110-16. Administrative Adjustments](#)) will be forwarded through the Zoning Administrator to the Planning and Zoning Commission. In granting an administrative adjustment to the parking requirements, the Planning and Zoning Commission shall produce findings of fact that state:
  - a. The property owner produced competent evidence that similar land uses with similar conditions (e.g., location near arterial road), either within or outside the corporate limits of the City of Rochelle, do not generate parking demand commensurate with the number of spaces specified in the schedule of off-street parking requirements.

- b. That granting of an adjustment to the minimum parking requirements will not have significant adverse effects on nearby land uses and surrounding neighborhoods.

**Sec. 110-199.5. Loading and Unloading**

In any commercial or industrial district and for all commercial, industrial and institutional uses, sufficient space for the loading and/or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the public street shall at all times be free and unobstructed to the passage of vehicular and pedestrian traffic. Such loading and/or space shall be provided as follows:

- (1) Location of off-street loading facilities. All off-street loading facilities used to serve a building or land use constructed or established after the effective date of this ordinance, or subsequently altered or enlarged, shall be located on the same lot as the building or land use served.
- (2) Central loading facilities. Central loading facilities may be substituted for off-street loading facilities on individual lots, provided that:
  - a. Access. Each lot served shall have direct access to the central loading area without crossing a street or alley. Additionally, no lot served shall be more than five-hundred (500) feet from the central loading facility.
  - b. Required berths. The total number of off-street loading berths required shall be the sum total of berths required for all of the properties served by the central loading facility.
  - c. Agreement. Whenever the required off-street loading facilities are collectively provided and used in a central loading facility, the parties concerned shall execute written covenants and easements assuring their retention, maintenance, and use for such purposes. Such covenants and easements shall be reviewed by the Zoning Administrator and City Manager, and approved by the City Attorney.
- (3) Yard requirements for off-street loading facilities. Off-street loading facilities located within the buildings they serve shall comply with the yard and setback requirements of the zoning district in which located. For unenclosed off-street loading facilities, the following provisions apply:
  - a. The facilities shall not be located in any front yard or exterior side yard; and
  - b. Loading facilities shall not be located within five (5) feet of any property line.
- (4) Street access. All off-street loading facilities shall allow for appropriate vehicular access to a street or alley.
- (5) Off-street loading and off-street parking. Areas allocated for off-street loading shall not satisfy any portion of a requirement for off-street parking.

(6) Schedule of loading requirements.

Gross Floor Area (square feet)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0—1,500	None
1,501—9,999	One (1) space
10,000 and above	One (1) space plus one (1) space for each 20,000 sq. ft. in excess of 10,000 sq. ft.

## ARTICLE XI - ANTENNAS AND SATELLITE DISHES

### Sec. 110-200. Purpose; Intent

It is the intent and purpose of this Article to permit antennas and satellite dishes where they can be installed with minimal visual impact by encouraging collocation and other aesthetic measures, without creating adverse economic or safety impacts and promoting the health, safety and general welfare of the community. Furthermore, it is the intent of this Article to ensure compliance with Federal Communications Commission (FCC) regulations as they relate to the promotion of universal service and competitive contracting by ensuring fairness through the creation of clear and objective approval criteria.

### Sec. 110-201. Permits

- (1) Required. Building and electrical permits shall be required prior to the erection of an antenna or satellite dish, except as provided for in this Section. The plans and specifications shall meet or exceed the applicable requirements of (Chapter 22 – Buildings and Building Regulations).
- (2) Exceptions.
  - a. The private use of an antenna or satellite dish for the reception or transmission of radio or television signals, ham radio signals, or citizen band transmissions, of a height no greater than forty-five (45) feet, is exempt from the requirements of an engineering report or Special Use Permit.
  - b. The private use of an antennae or satellite dish for the reception or transmission of radio or television signals, ham radio signals, citizen band transmissions, cellular, microwave, or other electronic or light transmissions, of a height no greater than one-hundred and fifty (150) feet, is exempt from the requirements of an engineering report or Special Use Permit if located in an [I-3 zoning district](#), provided said height is within the allowable airport protected airspace limitations.

### Sec. 110-202. General requirements

- (1) Federal Communications Commission requirements. All antennas, towers, and satellite dishes shall comply with all Federal Communications Commission (FCC) requirements.
- (2) Maximum number on lot. Each business or residential lot shall have not more than one antenna, tower, or satellite dish, except for radio or television studios or amateur radio operators licensed by the FCC. Businesses selling satellite dishes shall be allowed a maximum of three (3) satellite dishes located outdoors and only one (1) of these shall be allowed in front of the building.
- (3) Location on lot. An antenna, tower, or satellite dish shall be located in the side or rear yard. In the situation of a corner lot, the antenna, tower, or satellite dish shall not be closer to the adjoining side street than the principal building.

- (4) Placement on roof. In the event that a usable satellite signal cannot be obtained from the rear yard or side yard of the property, such antenna, tower, or satellite dish may be placed on the roof of a building subject to the other requirements of this section.
- (5) Visibility; screening. Satellite dishes shall not be visible between the ground level and ten feet above ground from any street adjoining the property. Screening used to achieve this requirement shall be in compliance with the building code and the provisions of this chapter.
- (6) Maximum size; color. Within residential zoning districts, the diameter of satellite dishes shall not exceed twelve (12) feet. The dish and supporting structure shall be neutral in color and shall, as much as possible, blend with the character and appearance of the neighborhood.
- (7) Advertisements. No antenna or satellite dish shall be used or serve as a sign or bear an advertising emblem other than the name of the manufacturer in letters not to exceed two inches in height.
- (8) Guy wires. Guy wires, only where necessary, shall not be anchored within any front yard area but may be attached to the building.
- (9) Safety wire. Whenever an antenna is installed within a distance less than the height of the tower to power or telephone lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna or mast or tower and secured in a direction away from the hazard.
- (10) Installation and materials. Antennas, towers, and satellite dishes shall meet and be installed according to all manufacturers' specifications. The mast or tower shall be constructed of noncombustible materials, unless otherwise approved by Underwriters' Laboratories (UL). Brackets, turnbuckles, clips, and similar type equipment shall be protected with materials approved by Underwriters' Laboratories (UL).
- (11) Setbacks. Antennas, towers, or satellite dishes shall meet the setback requirement for a primary structure for the zoning district in which the facilities are located.
- (12) Exemption for residential use. The residential use of an antenna or satellite dish for the reception of radio or television signals, ham radio signals, or citizen band transmissions in excess of forty-five (45) feet shall be considered a Special Use and shall meet the requirements of ([Sec.110-21. Special Uses](#)) but will be exempt from the requirements of ([Sec.110-205. Special Uses](#)).
- (13) Exemptions for I-3 district. Notwithstanding anything contained herein to the contrary, the provisions of Subsections (2) through (6) of this Section shall not be deemed to apply in [I-3 zoning districts](#).

### **Sec. 110-203. Prohibited Uses**

The following uses are prohibited: Towers or antennas in residential districts: a tower or antenna used for any commercial or other nonresidential purposes, including the placement of other support equipment or buildings, used in connection with the tower or antenna in any residential district, including the planned unit development district, except by Special use as provided in ([Sec.110-205. Special Uses](#)).

### **Sec. 110-204. Permitted Uses in Commercial and Industrial Zones**

- (1) Collocating antennas on existing towers in industrial or commercial zones, or on publicly owned property, or antennas on an existing communication tower of any height, is permitted, provided that:
  - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing tower;
  - b. The antenna is neutral in color; and
  - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed collocation apparatus.
- (2) Collocating antennas on existing non-tower structures in industrial or commercial zones, or on publicly owned property, or antennas on an existing structure other than a tower (such as a building, water tank, sign, utility pole, power pole, or other structure), is permitted, provided that:
  - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure;
  - b. The antenna is neutral in color; and
  - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed collocation apparatus.
- (3) Notwithstanding anything contained herein to the contrary, in [I-3 zoning districts](#), collocating antennas on existing towers and collocating antennas on existing non-tower structures shall be a permitted use unless otherwise prohibited by Federal Aviation Administration (FAA) airspace limitations, the cumulative height of the additional antennas on the existing towers or non-tower structures shall not exceed twenty-two (22) feet more than the maximum allowable height requirements in ([Sec.110-30. Building Heights and Yards](#) and [Sec.110-72. I-3 Heavy Industrial District](#)).

### **Sec. 110-205. Special Uses**

The following uses may be permitted under the conditions and requirements specified in ([Sec.110-21. Special Uses](#)) in addition to those outlined below:

- (1) Collocating antennas on existing non-tower structures or existing commercial towers in residential districts: antennas on an existing structure (such as a building (excluding dwelling units), water tank, sign, utility pole, or other structure), provided that:
  - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure;
  - b. The antenna is neutral in color; and
  - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed collocation apparatus.
- (2) Towers or antennas in commercial or industrial zones or on publicly owned property: antennas or towers of any height, including the placement of other supporting equipment and accessory buildings. Any equipment shelter shall comply with development standards (i.e., setbacks, height limitations, bulk, etc.) of the property's zoning district classification.

### **Sec. 110-206. Application for special use permit for antenna**

In addition to the requirements of ([Sec.110-21. Special Uses](#)), the applicant shall be required to submit information that includes, but is not necessarily limited to, how the proposed Special Use will satisfy the following conditions:

- (1) Points of visual interest to be protected. Views from residential structures located within two-hundred and fifty (250) feet of the proposed antenna or tower to the following points of visual interest shall be protected to the greatest practical extent:
  - a. Public open spaces.
  - b. Natural areas as defined on the development plan.
  - c. Landmark structures.
- (2) Methods for protecting points of visual interest. The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within two-hundred and fifty (250) feet from a proposed antenna or tower to a point of visual interest specifically identified above, are significantly impacted. The applicant shall:
  - a. Examine locations within the same area where such visual impacts can be minimized.
  - b. Investigate alternative tower designs that can be used to minimize the interruptions of views from the residence to the point of visual interest.
  - c. Minimize visual impacts to the point of visual interest referred to above, by demonstrating that collocation or the use of other structures within the service area is not feasible at this time.

- d. Minimize visual impacts by varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good as or better than that which would otherwise be required without said variations.
- (3) Color. Antennas or towers and their support structures shall be a neutral color that is the same or similar in color as the supporting structure to make the antenna and equipment as visually unobtrusive as possible, unless otherwise specified under Federal Aviation Administration (FAA) standards.
- (4) Height. Antennas or towers shall not exceed the maximum building height plus fifteen (15) feet, in the zoning district in which it is located, applicants who wish to exceed this height shall provide evidence demonstrating the need for exceeding this maximum standard.
- (5) Preapplication requirement.
- a. Purpose. The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with the city, at the time the provider schedules a preapplication conference with the City. This collocation protocol is designed to increase the likelihood that all reasonable opportunities for collocation have been investigated and that the appropriate information has been shared among the providers. The City recognizes that collocation is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that collocation of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible collocation opportunities and will also assure the City that all reasonable accommodations for collocation have been investigated.
  - b. Collocation request letter requirement. At the time of preapplication conference, the applicant shall demonstrate that the following notice was mailed to all other providers rendering service within the City:

*"Pursuant to the requirements of (Sec.110-206), (applicant name) is hereby providing you with notice of our intent to meet with the City of Rochelle in a pre-application conference to discuss the location of a wireless communication facility that would be located at (property address). In general, we plan to construct a support structure of (height) feet in height for the purpose of providing (Cellular, PCS, etc.) service.*

*Please inform us whether you have any existing or pending antenna or tower facilities located within (distance) feet of the proposed facility that may be available for possible collocation opportunities. Please provide us with this information within ten (10) business days after the date of this letter. Your cooperation is appreciated.*

*Sincerely, (applicant name)"*

- c. Setback from adjacent residential property. Antennas or towers shall be set back from any existing adjacent residential property line by a distance equal to the height of the tower, unless building plans are submitted demonstrating that the tower will collapse within itself. Such building plans shall be affixed with the seal of a certified structural engineer.
- d. Lighting. None allowed except as required by the Federal Aviation Administration (FAA).
- e. Fencing and security. For security, antennas or towers and ancillary facilities shall be enclosed by a fence not less than six feet in height.
- f. Landscaping and screening. Landscaping shall be placed outside the required fence area on side facing public rights-of-way or residential areas and shall consist of a fast-growing vegetation with a minimum planted height of four feet, spaced evenly at intervals equal to twice the expected width of the plant material. Any landscaping standards ([Article VII - Landscaping](#)) of the property's zoning district shall also apply.
- g. Noise. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 30 dB(A) when adjacent to residential areas and 45 dB(A) in other areas.
- h. Tower design. Towers shall generally be designed without the use of guy wires or external supports. In instances where such a requirement may not be feasible, appropriate documentation shall be provided by the petitioner, demonstrating why such a tower is not feasible. The applicant will offer alternatives to the design so as to minimize the visual impact of the tower.
- i. Collocation protocol. Any special use request for the erection of a new tower shall complete the collocation protocol as outlined in ([Sec.110-207. Collocation Protocol](#)).

**Sec. 110-207. Collocation Protocol**

If a response to a collocation request letter is received by an applicant indicating an opportunity for collocation, the applicant shall analyze the feasibility of collocation. This analysis shall be submitted with an application for any support structure.

- (1) Required information. The investigation of the feasibility of collocation shall be deemed to have occurred if the applicant submits all of the following information:
  - a. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by collocation at the possible location site;
  - b. Evidence that the lessor of the possible collocation site either agrees or disagrees to collocation on his property;
  - c. Evidence that adequate access does or does not exist at the possible collocation site to accommodate needed equipment and meet all of the site development standards.
  - d. Evidence that adequate access does or does not exist at the possible collocation site.

- (2) Result of analysis. If the applicant has provided information addressing each of the criteria in Subsection (1) of this section, the collocation protocol shall be deemed complete.

**Sec. 110-208. Abandoned Facilities**

An antenna or satellite dish that has been discontinued for a period of six consecutive months or longer is hereby declared abandoned. Abandoned facilities shall be removed by the property owner within ninety (90) days of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties as outlined in this Code.

## ARTICLE XII – SUSTAINABLE ENERGY SYSTEMS

### Sec. 110-209. Solar Energy Systems

- (1) Purpose. The City of Rochelle seeks to encourage environmentally sensitive development techniques to benefit its residents, business owners, and others in the community. This goal is supported by sustainable energy techniques such as Solar Energy Systems (SES). The purpose of this Section is to ensure that Solar Energy Systems are compatible in character and appearance with the principal structure and surrounding neighborhood or area of the zoning districts in which they are located. Solar energy systems are permitted as an accessory use to any principal permitted or Special Use subject to the following development standards:
- (2) All SES shall meet applicable requirements of the Building Code (Chapter 22 – Buildings and Building Regulations) regulations of the City of Rochelle.
- (3) Building Mounted Facilities
  - a. Appearance and Materials. Solar energy systems shall be neutral in color and generally match the roof color of the principal structure. All such devices shall have the following characteristics:
    - i. Not be plastic or other non-UV stable material;
    - ii. Include frames, where applicable, of anodized aluminum or painted steel;
    - iii. Where devices are encased with glass, the glass shall be nonreflective tempered glass; and
    - iv. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.
  - b. Yards. Solar energy systems shall be subject to the following yard requirements:
    - i. Solar energy systems are an allowed encroachment in front, side, and rear yards so long as they do not project more than five (5) feet from an exterior wall;
    - ii. Solar energy systems shall be located flush to the exterior wall of the principal and street facing facades; and
    - iii. For side or rear wall installations, solar energy systems must be set back a minimum of three (3) feet from any property line.
  - c. Height. Solar energy systems shall be subject to the following height requirements:
    - i. Solar energy systems may not exceed the maximum building height requirements for the district in which they are located;
    - ii. SES located on sloped roof buildings shall not extend beyond one (1) foot above the roof surface at any point in residential zoning districts and fifteen (15) inches for all other zoning districts; and
    - iii. SES located on flat roofed buildings shall not extend beyond two (2) feet in overall height above the roof on which they are mounted in residential zoning districts or eight (8) feet in

all other districts. In no case shall solar collection devices extend above the parapet wall of the structure.

- d. Ground Mounted Separate or Adjacent to the Principal Structure. Solar energy systems mounted on the ground shall not:
  - i. Be more than eight (8) feet high;
  - ii. Have a footprint (as determined by a horizontal plane at the ground generated by extending all parts of the structure vertically down) greater than twenty-five (25%) percent of the principal building footprint; or
  - iii. Be located in front-facing or street-facing yards.
- e. Accessory Structures. Solar energy systems mounted to accessory structures:
  - i. Shall comply with all yard requirements for accessory structures ([Sec.110-31. Accessory Buildings, Structures, and Uses of Land](#)); and
  - ii. May extend up to four (4) feet above the roof ridge for sloped roof structures and up to five (5) feet above the roof height for flat roofed structures.

#### **Sec. 110-209.5. Wind Energy Systems (WES)**

- (1) Purpose. The City of Rochelle seeks to encourage environmentally sensitive development techniques to benefit its residents, business owners, and others in the community. This goal is supported by sustainable energy techniques such as Wind Energy Systems (WES). The purpose of this Section is to ensure that wind energy systems are compatible in character and appearance with the principal structure and surrounding neighborhood or area of the zoning districts in which they are located. Wind energy systems are permitted as an accessory use to any principal permitted or Special Use subject to the following development standards.
- (2) A. Wind Energy Systems: shall be allowed as an accessory structure ([Sec.110-31. Accessory Buildings, Structures, and Uses of Land](#)), provided that no more than one WES is permitted per lot; except that, more than one WES may be permitted for commercial and manufacturing properties, subject to the approval of the City Council. The following criteria have been established as minimum standards for consideration such systems.
- (3) WES may only be designed for and installed on the roof of an existing principal structure and shall meet the following requirements:
  - a. Shall be set back at least twenty (20) feet from front or exterior building lines, and at least ten (10) feet from side building lines. Setbacks shall be measured to the widest point of blade rotation or to the side of the WES, whichever is greater.
  - b. Shall be limited to a height of no more than fifteen (15) feet above the roof peak or top of a parapet wall, whichever is greater. Total height shall be measured from the highest point of blade rotation or the highest point of the WES, whichever is greater.
  - c. Shall comply with all noise regulations ([Sec.110-94. Noise](#)) of the City of Rochelle.

- d. Shall be safely and securely attached to the rooftop in compliance with the Building Code (Chapter 22 – Buildings and Building Regulations) of the City of Rochelle.
- e. All WES structures shall conform to the appropriate City related rules and regulations pertaining to their construction, design, operation and maintenance.
- f. WES shall be designed to withstand a minimum wind velocity of one-hundred (100) miles per hour, with an impact pressure of forty (40) pounds per square foot.
- g. The applicant shall submit documentation that the proposed WES will not create a nuisance to adjacent uses. In no event shall the noise level produced by a WES continuously exceed sixty-five (65) decibels as measured at the property line.
- h. No WES shall cause electromagnetic degradation in performance of other electromagnetic radiators, receptors, or generators of quality and proper design. The City reserves the right to revoke any Special Use permit for a WES system whenever electromagnetic interference from the WES is evident and cannot be corrected.
- i. WES shall not be artificially lighted, except to the extent required by the FAA or other applicable government authority.
- j. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and turbine components.
- k. Signage: No signs shall be attached except for a manufacturer and/or installer identification and those required for safety, provided that they do not measure more than two (2) square feet.
- l. Abandonment: If a small wind energy system is inoperable or abandoned for a period of twelve (12) consecutive months; the owner may be notified by the City that the energy system must either be repaired or removed within ninety (90) days.

## **ARTICLE XII - MISCELLANEOUS USES**

### **Sec. 110-210. Agricultural Processing Plants**

Agricultural processing plants in any district which process agricultural products produced on the premises or within a contiguous area shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic; and shall provide parking and loading spaces. Proponents shall show that adequate measures shall be taken to control odor, dust, noise and water disposal so as not to constitute a nuisance and shall show that the proposed source of water will not deprive others of normal supply.

### **Sec. 110-211. Airports**

Airports, heliports or landing strips for aircraft shall be located no closer than six-hundred (600) feet from any residential dwelling; and shall be located so that air or land traffic shall not constitute a nuisance to neighboring uses. Proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights; proponents shall show that the field in question comes up to standards of the Federal Aviation Administration for the particular class of field.

### **Sec. 110-212. Amusement Centers**

Amusement centers, bowling alleys, dancehalls and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestion; shall not be less than twenty (20) feet from any property line; shall provide a solid board fence, masonry wall or dense hedge separating parking area from abutting residential property; and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

### **Sec. 110-213. Amusement Parks and Golf Driving Ranges**

Golf driving ranges and amusement parks shall be located on major or secondary thoroughfares or nonresidential streets. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall be not less than two-hundred (200) feet from any adjacent residence district, except in the RD residential district, or existing dwelling. A temporary certificate may be renewed for a period of one (1) year at the expiration of such certificate, provided that all requirements of this chapter have been and can continue to be complied with.

**Sec. 110-214. Animal Feed Yards**

Animal feed yards, animal sales yards, riding academies and public stables shall be located no closer than two-hundred (200) feet from any property line; shall provide automobile and truck egress; and shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion. Proponents shall show that odor, dust, noise, drainage shall not constitute a nuisance or a hazard to adjoining property or uses.

**Sec. 110-215. Animal Hospitals**

Animal hospitals shall be located no closer than one-hundred (100) feet to any residential district, restaurant, hotel or motel in any district, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

**Sec. 110-216. Bed and Breakfast**

No person shall operate a bed and breakfast establishment without first having obtained the necessary special use permit from the City. The requirements set forth for the issuance of a special use permit must continue to be adhered to by the property owner so long as the property is used as a bed and breakfast establishment. Failure to adhere to these requirements will result in the immediate cancellation of the Special Use permit by the City, together with other remedies as set forth in this Code.

(1) General requirements.

- a. Each owner shall maintain a guest register.
- b. The owner shall comply with the minimum standards relating to serving breakfast and the standards relating to linen, towels, etc., as set forth in the Illinois Bed and Breakfast Act (50 ILCS 820/1 et seq.).
- c. The appearance of the bed and breakfast house may not be altered in a manner which would cause the premises to differ from its residential character by use of color, lighting, signs, etc.
- d. The owner must comply with fire prevention and safety ordinances adopted by the City.
- e. The special use permit shall be issued for a specific period of time, not longer than ten years.

(2) Special use permit required.

- a. An application for a bed and breakfast Special Use Permit ([Sec. 110-21. Special Uses](#)) shall include at a minimum the following, together with payment of the appropriate fee:
  - i. A site plan depicting all existing conditions of, and proposed modifications to, buildings, walks, drives, parking, berms, planting, fencing, signage and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;
  - ii. Photographs of the house proposed for bed and breakfast use, accessory buildings and zoning lot;
  - iii. A floor plan showing all rooms and designation of room usage; and

- iv. In the case of Special Use Permit renewal, records of payments to the state department of revenue, the county and the City for hotel/motel taxes shall be submitted.
  - b. The Special Use Permit shall contain a record of the information on which the permit is based, including the following:
    - i. The specific period of time for which the permit shall be granted, not greater than ten (10) years;
    - ii. Proof of registration with the state department of revenue, the county, and the city for hotel/motel taxes shall be given to the zoning administrator within 90 days; and
    - iii. Proof of compliance with fire and safety criteria.
- (3) Enforcement. Enforcement of the standards set forth in this Article shall be the responsibility of the office of the Building Official. Complaints regarding bed and breakfast noncompliance shall be directed to that office.
- (4) Conflicting requirements. The provisions of this article shall be deemed as additional requirements to standards required by other ordinances of the City. In case of conflicting requirements, the most specific shall apply.
- (5) Violations; penalty. Failure to comply with this Article and with other applicable state, county and city ordinances relating to bed and breakfast establishments shall be grounds for revocation of the special use permit. In addition, any person, firm, trust, corporation or other legal entity found to have violated this Article has committed a city ordinance violation and may be punished as provided in ([Section 110-25. Enforcement and Penalties](#)) for each offense.

#### **Sec. 110-217. Cemeteries**

It is unlawful for any person to establish a cemetery or to bury any person within the City limits, or within one (1) mile of the City limits, except in an established cemetery. Cemeteries, crematories and mausoleums shall provide entrance on a major street or road with ingress or egress so designed as to minimize traffic congestion; shall provide required off-street parking space; and shall provide a minimum six-foot-high wall or minimum three-foot-thick, six-foot-high evergreen hedge, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any residential zoning district or residential street.

**Sec. 110-218. Community Buildings, Social Halls, Lodges, Fraternal Organizations and Clubs**

The following shall apply to community buildings, social halls, lodges, fraternal organizations and clubs:

- (1) All buildings must be a minimum of twenty (20) feet from the side lot line, and fifty (50) feet from the rear lot line.
- (2) There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.
- (3) Any such use must be located on a major or secondary thoroughfare or be able to provide access without causing heavy traffic on local residential streets.

**Sec. 110-219. Country Clubs; Golf Courses**

The following shall apply to county clubs and golf courses:

- (1) No building shall be located within one-hundred (100) feet of any property line.
- (2) Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.
- (3) Swimming pools, tennis courts and the like shall be located not less than twenty-five (25) feet from any property line, and adjoining property in any residence or commercial district shall be effectively protected by a wall, hedge and/or screen planting.

**Sec. 110-220. Day Nursery School**

Day nursery school having more than five (5) children shall maintain a solid board, chain-link, or masonry fence no more than six (6) feet high on any property line abutting a residential district. A day nursery school shall be located only on a lot at least ten-thousand (10,000) square feet in area.

**Sec. 110-221. Drive-in Theaters**

Drive-in theaters shall be located only on major thoroughfares; shall provide ingress and egress so designed as to minimize traffic congestion; shall be located sufficiently distant from any residential zoning district, except the [RD Residence District](#), or existing dwelling, and so screened from such district or dwelling that any noise shall not disturb residents; and shall maintain lighted signs and other lights only in such a way as not to disturb neighboring residents.

**Sec. 110-222. Essential Services**

Essential services, City-owned utilities, electric power and communication transmission lines are exempt from the requirements of this Chapter.

**Sec. 110-223. Excavations**

- (1) The excavation from or deposit on the earth of rock, stone, gravel, sand, earth, minerals or building or construction materials shall not be construed to be a permitted use in any district established by this chapter unless and until a Building Permit ([Sec. 110-17. Building Permits](#)) shall first have been secured therefor, except for the following defined extractions and deposits:
  - a. Excavations for the foundation or basement of any building or for a swimming pool for which a land use permit or a building permit has been issued, or deposits on the earth where any building permit has been issued.
  - b. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten (10) feet in vertical height, or when less than one-thousand (1,000) cubic yards of earth are removed from the premises.
  - c. Grading in a subdivision which has been approved by the City in accordance with the City subdivision regulations and any amendments thereto.
  - d. Excavations by any public agency or public utility for the installation, operation, inspection, repair or replacement of any of its facilities.
- (2) Any quarry or gravel pit existing as such on the effective date of the ordinance from which this chapter is derived shall obtain a new use permit and conform with the provisions of this chapter within one year of the adoption of this Chapter.
- (3) The City Council shall have the power to grant Special Use Permits ([Sec. 110-21. Special Uses](#)), revocable and valid for specified periods of time, to permit extractions from or deposits on the earth or rock, stone or gravel, sand, earth, minerals or building or construction materials, as set forth in this Section.
- (4) The Building Official shall make such inspections as he deems necessary or as are required by the Planning and Zoning Commission to ensure that all work is in accordance with the use permit.
- (5) The conditions under which a permit for excavation from or depositing on the earth of said materials may be issued may include, but are not limited to, any requirements deemed necessary to protect the public health, safety, comfort, convenience or general welfare, including insurance against liability arising from production or activities or operations incident thereto; completion of the work and cleaning up and planting in accordance with approved plans; designation of areas in which work may be done; designation of the slope to which excavation may be made or the grade of filling; provisions for controlling dust; hours during which operations may proceed; precautions which must be taken to guide safe traffic movements in and around and by said operation; enclosure by fences of exterior boundaries of property to be used; posting of a good and sufficient bond to assure compliance with the use permit; and any other conditions deemed necessary by the Planning and Zoning Commission.

**Sec. 110-224. Fertilizer Plants**

Fertilizer plants and yards shall be no closer than two-hundred (200) feet to any residential district, except the [RD Rural Development District](#); shall provide automobile parking and truck loading area together with ingress and egress so designed to minimize traffic hazard and congestion; and shall show that odor, dust, noise and drainage will not constitute a nuisance to surrounding properties.

**Sec. 110-225. Gasoline (Motor Fuel) Stations**

Motor fuel stations shall be subject to the following standards:

- (1) The setback of any overhead canopy or weather protection, freestanding or projecting from the station structure, shall be not less than ten feet from the street right-of-way nor less than twenty (20) feet from an adjacent property line.
- (2) The total height of any overhead canopy or weather protection shall not exceed twenty (20) feet.
- (3) Open dead storage of motor vehicles, other than motor vehicles for rent, shall not be permitted for a period of more than forty-eight (48) hours.
- (4) No sales of motor vehicles or trailers or campers shall be permitted.
- (5) All goods for sale by a motor fuel station convenience store, other than those generally required for the operation and maintenance of motor vehicles, shall be displayed within the principal motor fuel station structure.
- (6) Each motor fuel station shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.
- (7) For the purpose of architectural appropriateness, each side of a motor fuel station shall be considered as a front face.
- (8) The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage, and such surfaces shall be designed to meet the requirements of a minimum four-ton axle load.
- (9) Wherever a motor fuel station abuts a residential zoning district, a fence or compact evergreen hedge which is a minimum twenty-five (25%) percent opaque and not more than six (6) feet high shall be erected and maintained along the side and rear property line that abuts the residential zoning district. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way. A minimum yard abutting a residential zoning district shall be not less than fifty (50) feet.
- (10) All trash, waste materials and obsolete automobile parts shall be stored with a separate enclosure behind the principal structure of the motor fuel station.
- (11) All interior curbs shall be constructed within the property lines to separate driving and parking areas from landscaped areas. Such curbing shall be constructed of concrete and shall be of six (6) inch non-surmountable design.

- (12) All rental campers, trailers or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street. Said rentals shall not be stored within the front yard setback or the side yard adjacent to the street.
- (13) All outside parking spaces shall be located to the side and/or rear of the principal structure.
- (14) All outdoor illumination shall be provided with lenses, reflectors or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light therefrom being directly visible upon any adjacent street, roadway or private property occupied for residential purposes, and shall be limited to one-half (0.5) footcandles at all property lines ([Sec. 110-98. Glare](#)).
- (15) Notwithstanding anything of a more restrictive nature in other sections of this Chapter, the following minimum requirements shall be observed for yards and setbacks for motor fuel stations:

Lot width	150 feet
Front yard	60 feet
Side yard (interior)	30 feet
Side yard (corner)	60 feet
Rear yard	30 feet
Pump setback	25 feet

**Sec. 110-226. Home Occupations**

A home occupation, as defined in this Chapter, is permitted as a Special Use ([Sec. 110-21. Special Uses](#)) in all residential districts; provided, that:

- (1) It is conducted entirely within the dwelling.
- (2) It is incidental and secondary to the use of the dwelling for dwelling purposes, and not more than one-fourth (25%) of the floor area of any one story, including also a basement of a dwelling, is devoted to such home occupation.
- (3) It is not conducted from a detached or attached accessory building ([Sec. 110-31. Accessory Buildings, Structures, and Uses of Land](#)) and does not require internal or external alteration, change the character of the dwelling, or involve construction features not customary in a dwelling.
- (4) The entrance to the space devoted to such occupation is from within the dwelling.
- (5) There is no sign, display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling.
- (6) It is conducted by only a member of the family residing on the premises, and no person other than a member of the immediate family living on the premises is employed.
- (7) No mechanical or electrical equipment is used other than such as is permissible for purely domestic or hobby purposes.
- (8) No service is rendered, or article is sold or offered for sale on the premises except such as is produced by such occupation on the premises.

- (9) The home occupation shall not require the receipt or delivery of merchandise, goods or equipment by other than carrier mail service or the passenger automobile of the person conducting the home occupation.
- (10) A professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession.
- (11) Teaching of musical instruments and dancing shall be conducted only in a single-family dwelling, and then to not more than two (2) pupils at one time, and academic or religious instructions may be given to not more than six (6) pupils at one time in a single-family detached dwelling, and not more than one pupil at one time in any other type dwelling unit.
- (12) ~~Offices, arts involving astrology, palmistry, fortunetelling,~~ clinics, doctor's offices, hospitals, ~~barbershops, beauty parlors, dress shops, millinery shops, insurance offices, real estate offices, tearooms,~~ restaurants, ~~tourist homes,~~ animal hospitals and kennels, among others, shall not be deemed to be home occupations.

**Sec. 110-227. Hospitals and Churches**

Hospitals, churches or other religious or eleemosynary institutions shall be located on a major street on a minimum parcel of one-half (1/2) acre; and shall maintain a ten (10) foot wide minimum landscaped strip on all property lines abutting all residential zoning districts, except the [RD Rural Development District](#), and on all residential streets.

**Sec. 110-228. Inflammable Liquid Storage in Industrial Districts**

Aboveground storage of materials or products rated as fast burning, or which produce flammable or explosive vapors or gases, in quantities over one-thousand (1,000) gallons will only be permitted in the I districts; provided that such storage area is not less than three-hundred (300) feet distant from any nonindustrial district. Such storage area must be provided with adequate safety devices against the hazard of fire and explosion and adequate fire suppression and firefighting equipment and devices standard to the industry and shall meet the requirements of other applicable City ordinances.

**Sec. 110-229. Joint Residential and Nonresidential Use**

Joint use of a principal structure for both residential and nonresidential uses is prohibited except that such joint use in the case of home occupations in the B-1, B-3, R-O or RD zoning districts shall be permitted as regulated in this Chapter.

**Sec. 110-230. Mobile Home Parks**

- (1) Districts where permitted. Mobile home parks are permitted as a Special Use ([Sec.110-21. Special Uses](#)) in the districts specified in ([Sec.110-75. District Use Classification List](#)) of this Chapter.
- (2) Minimum size. The minimum size of a mobile home park shall be five (5) acres.

- (3) Licensing. Mobile home parks shall comply with all applicable regulations of this Code and the State and City building codes **within three (3) years of the adoption of this Chapter**. All mobile home parks shall be licensed by the City and shall pay a fee of fifty dollars (\$50.00) each calendar year for said municipal license. In order to obtain a license and be licensed, the mobile home park must meet the requirements and provisions as contained in the applicable state laws, this Code and City building codes.
- (4) Screening. Unless adequately screened by existing vegetative cover, the mobile home park shall be screened by a temporary planting of fast growth material, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar; and a permanent evergreen planting ([Article VIII - Landscaping](#)) such as white or Norway pine, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
- (5) Minimum yard setback. There shall be a minimum yard setback of forty (40) feet along all exterior boundaries of the mobile home park.
- (6) Minimum dimensions of mobile home sites. Minimum dimensions of a mobile home site shall be fifty (50) feet wide by eighty-five (85) feet long.
- (7) Surfacing of drives, parking areas and walkways. All drives, parking areas and walkways shall be hard-surfaced ([Article XIV - Definitions](#)).
- (8) Maximum number of mobile homes per acre. The maximum number of mobile homes per one (1) acre shall be not more than ten (10).
- (9) Penalty. The owner or manager of any mobile home park which violates any of the provisions of this Code shall be subject to punishment in accordance with ([Sec.110-25. Enforcement and Penalties](#)), together with other remedies as may be allowed by the circuit court including all remedies available at law and in equity, including restraining orders.

### **Sec. 110-231. Nursing homes**

Approval must be obtained from proper agencies concerning health and safety conditions and said home must be licensed by such agencies. Said use must meet space requirements specified for the multi-family residential district within which it is located.

### **Sec. 110-232. Pawnshop**

The following shall apply to pawnshops:

- (1) Pawnshops shall be allowed only in a [B-1 Central Business District](#) or a [B-2 Highway Commercial District](#) by the approval of a Special Use Permit ([Sec. 110-21. Special Uses](#)).
- (2) There shall be no sale or pawning of firearms or other weapons unless in compliance with all City, State and Federal laws governing the sale of such firearms and/or weapons.
- (3) Hours of operation are limited from 8:00 a.m. to 7:00 p.m.

### **Sec. 110-233. Private Swimming Pools**

A private swimming pool, as regulated in this Section, shall be any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1.5) feet, ~~but shall not include temporary swimming pools designed to be seasonably movable and removable in less than one (1) hour, which are not regulated by this Section.~~

No such swimming pool shall be allowed in any residential or rural development district, except as an accessory use and unless it complies with the following conditions and requirements:

- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (2) It may not be located, including accessory structures adjacent thereto, closer than ten feet to any property line of the property in which it is located.
- (3) The swimming pool or the entire property on which it is located shall be so walled or fenced as to prevent uncontrolled access by children from the streets or from adjacent properties; and where located closer than fifty (50) feet to any property line, shall be screened by a wall, fence or compact hedge not less than four (4) feet in height, maintained in good condition. The wall of a pool may serve as such a barrier provided that the vertical measurement from finished grade to the highest point of the pool wall, measured from finished grade, along the entire outer edge of said pool, measures no less than the forty-eight (48) inches in height.
- (4) All swimming pools hereafter installed shall conform to all requirements of health, building, electrical and plumbing codes.

### **Sec. 110-234. Retail Sales for Guests Only**

Community buildings, private clubs, lodges, social or recreational establishments may engage in retail sales for guests, provided that:

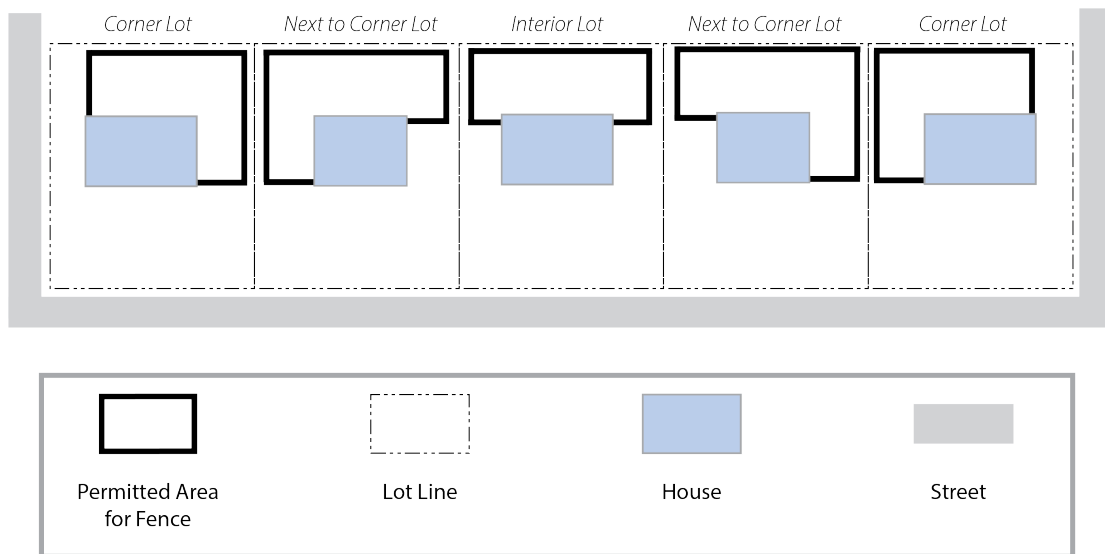
- (1) There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.
- (2) There shall be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise ([Sec. 110-94. Noise](#)) or other circumstances.

**Sec. 110-235. Residential, Security and Farm Fences**

Security and farm fences are permitted on the property lines in all zoning districts except residential zoning districts ([Article V, Division 2 – Residential](#)) but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing. Fences of any height shall be permitted in connection with any farm use; except that the requirement of traffic visibility at intersections ([Sec. 110-34. Vision Clearance Triangle](#)) shall be observed.

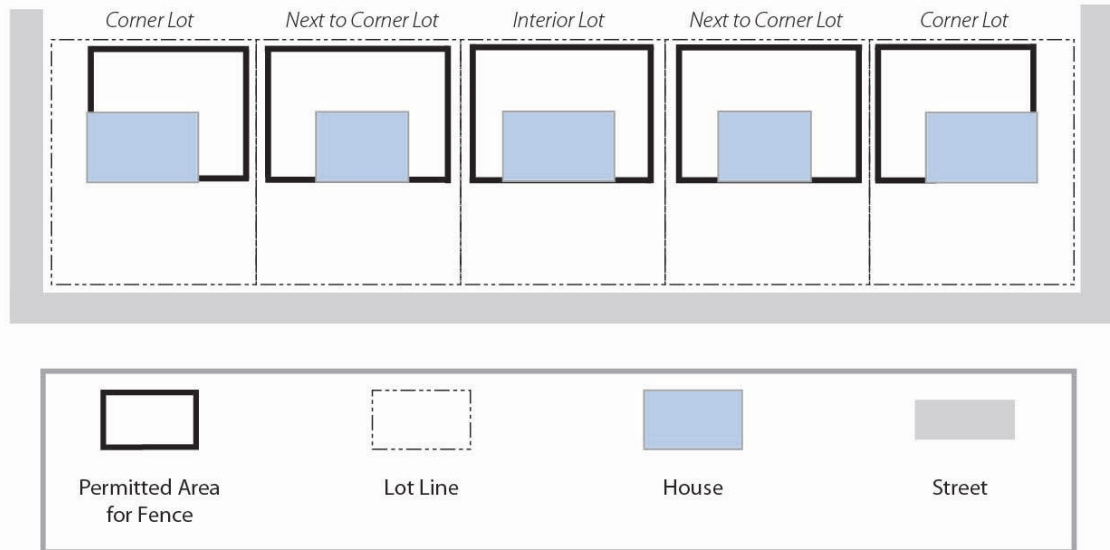
~~Residential fences or walls not over six (6) feet in height are permitted, except that:~~

- ~~(1) On corner lots, no fence or wall will extend beyond the street setback requirements, or building line, whichever is greater.~~
- ~~(2) On interior lots, fences or walls will be permitted on the rear lot only, or where:
  - ~~a. — Adjacent to a corner lot where the fence is established by an existing fence or wall of the corner lot.~~
  - ~~b. — Building line at the front of the adjacent corner lot where there is no fence or wall existing.~~
  - ~~c. — Fences or walls may be extended along the side lot line to include an egress door which is located within the rear twenty (20) feet of a building, or which is established by an existing adjacent fence or wall.~~~~
- ~~(3) No fences or walls will be permitted in areas established as utility easements unless provision is made for removal when required for maintenance, installation or replacement of utilities.~~



Residential fences or walls not over six (6) feet in height are permitted, except that:

- (1) On corner lots, no fence or wall will extend beyond the street setback requirements, or building line, whichever is greater.
- (2) On interior lots, fences or walls will be permitted on rear and/or side yards, extending no further than the front building line.
- (3) No fences or walls will be permitted in areas established as utility easements unless provision is made for removal when required for maintenance, installation or replacement of utilities.



### **Sec. 110-236. Sexually-Oriented Land Uses**

- (1) Definitions. See ([Article XIV - Definitions](#)).
- (2) Restrictions—Location. Sexually-oriented land uses, as defined herein, are permitted in the [I-3 Heavy Industrial](#) and [I-2 General Industrial](#) zoning districts, as a Special Use ([Sec. 110-21. Special Uses](#)) after obtaining a Special Use Permit, and shall additionally be restricted as to location in the following manners:
  - a. Other similar uses. Any sexually-oriented land use shall not be located within a one-thousand (1,000) foot radius of another sexually-oriented land use.
  - b. Residential uses. Any sexually-oriented land use shall not be located within a one-thousand (1,000) foot radius of any area zoned for residential use.
  - c. Place of worship; parks. Any sexually-oriented land use shall not be located within a one-thousand (1,000) foot radius of any church, or other place of religious worship, park, playground, or athletic field.
  - d. Schools. Any sexually-oriented land use shall not be located within a one (1) mile radius of any public or private school.
  - e. Measurement. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the parcel of property for which a sexually-oriented land use is proposed to the nearest point of the property line from which the proposed land use is to be separated.
- (3) Parking requirements. Parking shall be provided on premises at the rate of one (1) space per three-hundred (300) square feet of gross floor area or one (1) space per person at the maximum capacity of the establishment, whichever is greater.

### **Sec. 110-237. Shorelines and Watercourses**

- (1) Purpose. The purpose of this Article is to prevent and control water pollution and to preserve shore cover and natural beauty.
- (2) Applicability. The provisions of this Article shall apply to the shorelands of the Kyte River.
- (3) Setbacks. For lots that abut on the Kyte River, all buildings and structures, except accessory uses which require a lesser setback as determined by the Planning and Zoning Commission, shall be set back at least one-hundred (100) feet from the high-water line and elevated at least two (2) feet above the established high-water elevation, unless otherwise specified in this Chapter.
- (4) Special Use Permit required for dredging, channeling, filling or grading. Except for any drainage district, a Special Use Permit ([Sec. 110-21. Special Uses](#)) shall be required for any dredging or channeling or for any filling or grading of more than five-hundred (500) square feet of any wetland which is contiguous to the river, or more than two-thousand (2,000) square feet on non-wetland soils located adjacent to the river. For purposes of this section, a wetland shall be defined as any area where groundwater is at or near the surface a substantial part of the year, as determined by the Building Official.

(5) Additional conditions for filling or grading. In granting a Special Use Permit ([Sec. 110-21. Special Uses](#)) for filling or grading, the planning and zoning commission may attach the following conditions in addition to those specified elsewhere in this Article:

- a. The smallest amount of bare ground is exposed for the shortest feasible time period.
- b. Temporary ground cover such as mulch is used, and permanent cover such as sod is planted.
- c. Diversions, silting basins, terraces and other methods to trap sediment are used.
- d. Fill is stabilized according to accepted engineering standards.
- e. Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- f. Walls of a channel or artificial watercourse are stabilized to prevent slumping.
- g. Sides of channels or artificial watercourses are constructed with side slopes of two horizontal to one vertical or flatter, unless vertical bulkheading is provided.

**Sec. 110-238. Stables and Kennels**

Stables and kennels shall not be permitted on property situated in districts of any classification; except that a permit, valid for one (1) year only and renewable at the option of the City Council, may be granted for the temporary erection and maintenance of a stable or kennel when the council is advised by the Planning and Zoning Commission that each would not be inconsistent with the purposes of this Chapter.

**Sec. 110-239. Temporary Tract Offices**

A temporary tract office in any district shall be located on the property to which it is appurtenant, shall be limited to a six (6) month period, at the expiration of which time the applicant may request a further extension of time; otherwise, the tract office shall be removed at the expense of the owner. The tract office shall meet all yard requirements of the district in which it is located.

## ARTICLE XIV - DEFINITIONS

### Sec. 110-240. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

#### *Accessory building or use.*

- (1) The term "accessory building or use" means a subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (2) An "accessory use" includes, but is not limited to, the following:
  - a. A child's playhouse, garden house and private greenhouse;
  - b. A garage, shed or building for domestic storage;
  - c. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
  - d. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
  - e. Off-street motor vehicle parking areas, and loading and unloading facilities;
  - f. Signs as permitted and regulated in each district incorporated in this chapter;
  - g. Fences and walls;
  - h. Satellite antenna and/or a satellite receiving station;
  - i. Decks whether attached or not to the principle building.

*Acreege* means any tract or parcel of land which has not been subdivided and platted.

*Adult arcade* means a place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

*Adult bookstore* means an establishment which advertises, sells, rents, or offers for sale or rent adult material, which is not open to the public generally, and which excludes any minor by reason of age. The provisions of this subsection are not intended to apply if the presumption is rebutted by evidence that establishes that at the establishment:

1. Admission is not restricted to adults only; and
2. All adult material is accessible only by employees; and
3. The gross income from the sale and/or rental of adult material comprises less than ten percent of the gross income from the sale and rental of the goods or services at the establishment, and the individual items of adult material offered for sale and/or rent comprise less than 25 percent of the total individual new items publicly displayed as stock in trade in any of the following categories: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videotapes, slides, or other visual representations, or recordings or other audio matter, or less than 25 percent of the individual used items publicly displayed at the establishment as stock in trade in the same categories set out above.

*Adult club* means any establishment wherein admission is limited to members of the establishment and their guests, and facilities are maintained and used for the engagement of members and guests of the club in specified sexual activities or the exhibition of specified anatomical areas, or for the exhibition to members and guests of the club of specified sexual activities or specified anatomical areas.

*Adult material* means any one or more of the following, regardless of whether it is new or used:

1. Books, magazines, periodicals, or other printed matter, paintings, drawings or other publications or graphic media, or photographs, films, motion pictures, video cassettes or disks, slides, or other visual representations, or recordings, or other audio matter, which have as their primary or dominant theme matter depicting, illustrating, describing, or relating to a specified sexual activity or specified anatomical area; or
2. Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

*Adult photographic or modeling studios* means any business establishment which offers or advertises as its primary business stock in trade the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas or the modeling of apparel that exhibits specified anatomical areas.

*Adult theater* means an enclosed building, or an enclosed space within a building, or an open-air area used for presenting either filmed or live plays, dances, or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. An establishment which has an adult arcade is considered to be an adult theater.

*Agricultural use* includes farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

*Alley* means a public way, not more than 30 feet wide, which affords only a secondary means of access to abutting property.

*Alteration* and *alter* mean to change size, shape, materials or painting. The change of sign copy shall be considered alteration.

*Antenna* means a device in the form of a metal rod, wire panel or dish for transmitting or receiving radio, television, telephone or other telecommunication signals including any supporting tower, pole, mast or building to which it is affixed.

*Antenna Height* means the height of an antenna or satellite dish shall be measured vertically from the highest point of the signal receiving/transmitting apparatus, when positioned for operation, to the bottom of the base, which supports the antenna.

*Apartment* means a room or suite of rooms in a multifamily structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Individual bathrooms and complete kitchen facilities, permanently installed, must always be included for each apartment.

*Automobile repair, major* means engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

*Automobile repair, minor* means incidental repairs, replacement of parts, and motor service of automobiles, but not including any operation specified under the term "automobile repair, major."

*Automobile service station* means a place where gasoline stored only in underground tanks, kerosene, and lubricating oil or grease for operation of automobiles are offered for sale directly to the public on the premises, including minor accessories and services for automobiles, and including automobile repairs, and washing of automobiles. When the dispensing, sale or offering for sale of motor fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage, or auto wash.

*Auto wrecking* means any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and includes any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.

*Basement* means a story partly or wholly underground where more than one-half of its height is above established curb level or above the average level of the adjoining ground where curb level has not been established.

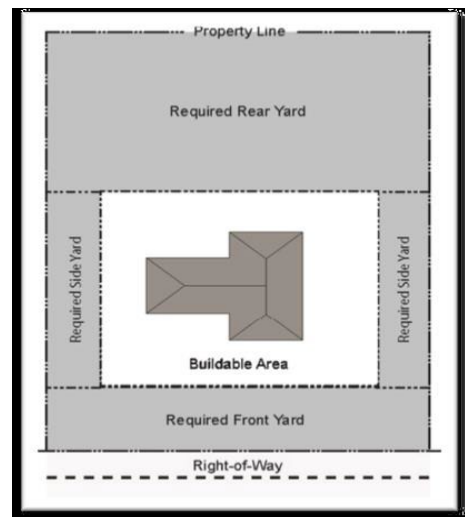
*Billboard* means any structure or portion thereof upon which signs or advertisements are used as an outdoor display. This definition does not include any bulletin board used to display official court or public notices, or signs advertising the sale or lease of the premises on which the sign is located.

*Boardinghouse* means a building, other than a hotel or restaurant, where meals and lodging are provided for compensation for four or more persons who are not members of the keeper's family.

*Block* means a tract of land bounded by streets or, in lieu of a street, by public parks, cemeteries, railroad rights-of-way or a corporate boundary line of the City.

*Buildable area* means the space remaining after the minimum open space requirements of this Chapter have been complied with.

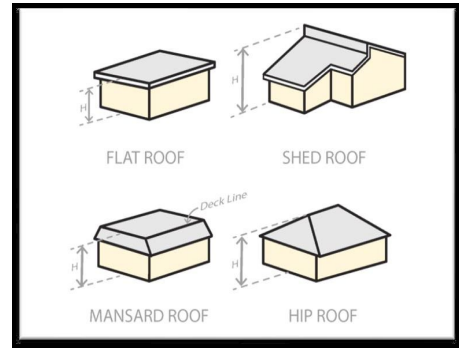
*Building* means any structure with substantial walls and roof, securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as gasholders, oil tanks, water tanks, grain elevators, coalbunkers, oil cracking towers and other similar structures, are not considered as buildings.



*Building code* means the building code as adopted by the City.

*Building height* means the vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

*Bus lot* means any lot or land area used for the storage or layover of passenger buses or motor coaches used in public transportation.



*Carport* means a structure attached to or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor-driven passenger vehicles.

*Cartage, local* means pickup and delivery of parcels, packages and freight by motor truck within the city area.

*Cellar* means a story, partly or wholly underground, where more than one-half of its height is below the established curb level or above the average level of the adjoining ground where curb level has not been established.

*Collocation* means the placement of two or more antenna systems or platforms by separate FCC license holders on the same structure, building, water tank, or utility pole.

*Copy* means any message or thought reduced to printed or visible form, including words, numbers, shapes, trademarks, names, symbols and pictures.

*Court* means the vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls.

*Curb level* means the level of the established curb in front of the building, measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front on each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the curb level.

*Day care home* means family home which receives more than three and up to a maximum of 12 children for less than 24 hours per day, including the family's adopted or natural children and all other persons under the age of 12 years, excluding facilities which received only children from a single household, that is licensed by the state under 225 ILCS 10/1 et seq., the Child Care Act of 1969.

*Day nursery* and *nursery school* mean premises operated for the care and education of young children below the age of six.

*Density* means number of living units per acre allowable under the schedule of district regulations.

*Detached structure* means a structure surrounded by an open space on the same lot.

*Dwelling* means a building or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boardinghouses or lodginghouses.

*Dwelling group* means two or more one-family or multiple-family dwellings located on one zoning lot, but not including tourist courts, lodginghouses or boardinghouses.

*Dwelling, multiple family* means a building, or portion thereof, designed for occupancy by three or more families living independently of each other.

*Dwelling, one-family* means a building designed exclusively for use and occupancy by one family, entirely separated by space from any other building.

*Dwelling, row (party-wall)* means a row of two to eight attached, one-family, party-wall dwellings, not more than two and one-half stories in height.

*Dwelling, two-family* means a building designed exclusively for occupancy by two families.

*Dwelling unit* means one or more rooms in a residential structure, designed for living and sleeping purposes and limited in occupancy to one family. Individual bathrooms and complete kitchen facilities, permanently installed, must always be included for each dwelling unit.

*Efficiency unit* means a dwelling unit consisting of one principal room for living and sleeping purposes, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing such dining alcove does not exceed 125 square feet in area.

*Enforcement official* means the Building Official of the City, or his/her representative.

*Erect* means to build, construct, attach, hang, place, suspend or affix.

*Family* means one or more persons related by blood, marriage or adoption, or a group of not more than five persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities, or other similar organizations.

*Fixed canopy* and *fixed awning* mean any hood, canopy or awning made of cloth, metal or wood, attached to a building, and/or carried by a frame supported by the ground or sidewalk.

*Floor area* means area in square feet of all floors in all buildings, including elevators and stairways, measured from outside of exterior wall to outside of exterior wall and multiplied by the number of floors. The term "floor area" includes basements which are used in the primary function of the building.

*Floor area ratio* means the square footage of floor area on all floors for each square foot of lot area.

*Frontage.*

1. When referring to a building, the term "frontage" means the side of a building oriented toward an open space containing the entrance used by general public.
2. When referring to land, the term "frontage" means the length which the land shares a common border with a public highway or street.

*Garage, bus* means any building used or intended to be used for the storage of three or more passenger motorbuses, or motor coaches used in public transportation, including school buses.

*Garage, bus or truck* means a building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles.

*Garage, private* means a detached accessory building or portion of the main building designed, arranged, used or intended to be used for the storage of passenger automobiles of the occupants of the premises.

*Garage, public* means a building, other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles.

*Group day care home* means a family home which receives more than three and up to a maximum of 16 children for less than 24 hours per day, including the family's adopted or natural children and all other persons under the age of 12 years, that is licensed by the state under 225 ILCS 10/1 et seq., the Child Care Act of 1969.

*Highly Toxic Substance* means a chemical or substance that is listed as an Extremely Hazardous Substance by the Environmental Protection Agency (EPA), as may be amended from time to time.

*Holiday decorations* means signs in the nature of decorations, customarily associated with any national, local or religious holiday. Such decorations shall be displayed for not more than 60 days in any calendar year and shall not be used for advertising purposes.

*Home occupation* means a gainful occupation conducted by members of the family only within their place of residence.

*Hospital* and *sanatorium* mean an institution open to the public in which or injured persons are given medical or surgical care; or for the care of contagious diseases or incurable patients.

*Hotel, apartment* means a building containing dwelling units or individual guestrooms, the majority of which are not for transients. Maid and janitor services are provided, but kitchen facilities are not necessarily included.

*Hotel, transient* means a building in which 50 percent or more of the rooms or suites are reserved to provide living and sleeping accommodations for transient guests who are lodged with or without meals, and in which no provisions are made for cooking in any individual room or suite.

*Householder* means the occupant of a dwelling unit, who is either the owner or lessee thereof.

*Junkyard* means open area where waste, scrap, iron, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, but excluding similar uses taking place entirely within a completely enclosed building.

*Kenel, commercial* means any lot or premises on which two or more dogs, at least four months of age, are kept, boarded for compensation, or kept or bred for sale.

*Laboratory, commercial* means a place devoted to experimental study, such as testing and analyzing. Manufacturing, assembly or packaging of products is not to be permitted within this definition.

*Living space ratio* means the square footage of open space, less the space used for vehicular movement, that exists for each square foot of building floor area.

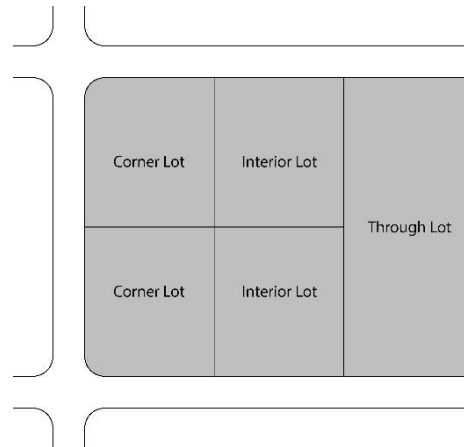
*Loading space* and *unloading space (off-street)* means a hard-surfaced area other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public use of streets and alleys. Such space shall not be less than ten feet in width, 45 feet in length, and 14 feet in height, exclusive of access aisles and maneuvering space.

*Lodginghouse* means a building with not more than five guestrooms where lodging is provided for compensation pursuant to previous arrangements, but not open to the public or transients.

*Lot, corner* means a parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

*Lot depth* means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

*Lot frontage* means that boundary of a lot along a public street; for a corner lot, the owner may elect either street line as the front lot line provided, however, that the yards parallel to a duplex party wall shall be side yards as defined in this section.



*Lot, interior* means a lot other than a corner lot.

*Lot line, rear* means the lot line most nearly parallel to the front line. Other lot lines are side lot lines.

*Lot, nonconforming* means any lot containing less than the required square footage, or other requirements as specified in this chapter.

*Lot, through* means a lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.

*Lot width* means the horizontal distance between the side lot lines measured at right angles to the lot depth at the setback line.

*Lot, zoning* means a plot of ground, made up of one or more parcels, which is or may be occupied by a building, including the open spaces required by this chapter.

*Mobile home* means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent location, at which it is intended to be a permanent home and designed to permit the occupancy thereof as a dwelling place for one or more persons.

*Motor freight terminal* means a building in which freight brought to such building by motor truck is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

*Motor truck repair shop* means a premises where motor trucks, trailers, truck trailers and industrial and commercial vehicles, or their bodies, are overhauled, built, rebuilt or repaired.

*Nameplate* means a sign which is affixed to the side of a building and contains the name, occupation, hour of business, address and/or telephone number of the occupant.

*Nonconforming use* means any building, structure or land lawfully occupied by a use or lawfully established at the time of the passage of the ordinance from which this Chapter is derived or amendments thereto, which does not conform after the passage of this chapter or amendments thereto with the use regulations of this Chapter.

*Nonconforming sign* means any sign that does not conform to this Chapter but was in conformance with provisions of whichever ordinance existed at the time it was erected.

*Nursing home* and *rest home* mean a private home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

*Open space* means total area in square feet of all uncovered open space of the land area within the site to be developed, plus one-half of covered open spaces such as park shelters and carports.

*Open space ratio* means the square footage of site "open space" provided for each foot of building floor area.

*Parcel delivery station* means a building in which commodities, sold at retail within the city area and packaged by the retailer, are assembled, sold and routed for delivery to retail customers located within the city area.

*Parking area* means an open, hard-surfaced area of land, other than a street or public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under three-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers.

*Parking area, private* means an open, hard-surfaced area of land, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building or buildings for which the parking area is developed and is accessory.

*Parking area, public* means an open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under three-ton capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

*Parking space, automobile* means space within a parking area or a building of not less than 180 square feet (nine feet by 20 feet minimum) exclusive of access drives or aisles, ramps, columns or office and work areas for the storage of one passenger automobile or commercial vehicle under three-ton capacity.

*Pawnshop* means any place of business that is regulated by the Illinois Pawnbroker Regulation Act which defines a pawnbroker as every individual or business entity which lends money on the deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to a legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property, or who deals in the purchase of such property on the condition of selling the property back again at a stipulated price, shall be held and is hereby declared and defined to be a pawnbroker. The business of a pawnbroker does not include the lending of money on deposit or pledge of title to property. Any change in the definition in the Illinois Pawnbrokers Act will constitute a change in the definition of a pawnshop.

*Pennant* means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

*Person* means any natural person, partnership, trust, corporation or association. The term "person," as applied to partnerships or associations, means the partners or members thereof, and as applied to trusts or corporations, shall mean the trustees or officers thereof.

*Philanthropic institution* means a nonprofit charitable institution devoted to the housing, training and care of children, or of aged, indigent, handicapped or underprivileged persons, but not including the following:

- (1) Office buildings, except as accessory to and located on the same lot with an institutional activity, as listed above;
- (2) Hospitals, clinics or sanitariums;

- (3) Correctional institutions;
- (4) Institutions or homes for the insane or those of unsound mind;
- (5) Lodginghouse or dormitories providing temporary quarters for transient unemployed persons;
- (6) Organizations devoted to collecting and salvaging new or used materials; or
- (7) Organizations devoted principally to distributing food, clothing or supplies on a charitable basis.

*Porch* means a roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

*Principal building* means the building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

*Public utility* means any person, firm, corporation or municipal department, duly authorized to furnish under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.

*Publicly owned property* means property in any district owned, leased, or otherwise controlled by a governmental entity.

*Railroad hub facility* means intermodal rail yards and facilities; marshalling yards; transload facilities; automotive loading, unloading and parking; railroad storage, switching or classification yards; locomotive, railroad car, crane, container and/or intermodal equipment repair, washing, fueling and cleaning facilities; off-street public and private parking (including trucks and truck trailers); offices and office buildings; indoor and/or outdoor storage, including without limitation trailer, material storage and container storage facilities; antennae and antennae towers, dishes and appurtenances thereto (including without limitation microwave, cell radio, TV or other transmission and reception); crew and employee change, housing and dining facilities; employee training facilities; gate stations, lighting standards and towers; cross dock facilities; warehouse; motel; restaurant; gas and oil station; truck and automotive repair facilities. In addition to the foregoing: (1) the outdoor conduct of any permitted use is expressly allowed; and (2) nothing contained in this Chapter, including without limitation ([Section 110-97. Toxic Substances](#)), shall be deemed to prohibit or regulate the type of material contained in locomotives, trains, train cars, intermodal containers, trucks or any other type of containers or vehicles.

*Railroad right-of-way* means a strip of land with tracks and auxiliary facilities for truck operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

*Recreation space* means total area in square feet which is countable as open space, but is not paved in streets, walks or driveways and is suitable for recreation pursuits. That part of a recreation area having a dimension of less than twenty (20) feet shall not be included as countable recreation space. In addition, countable recreation space must be at least twenty (20) feet away from any residential wall containing a window on the ground floor.

*Recreation space ratio* means the square footage of space for active recreation provided for each square foot of building area.

*Seasonal banner* means any sign of lightweight fabric or similar material that is temporarily mounted to a pole or a building by a permanent or temporary frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business are not banners within the meaning of this definition.

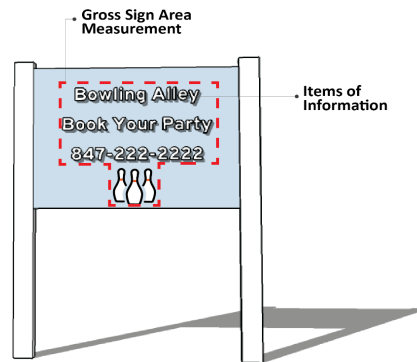
*Satellite signal receiving antenna* and *satellite dish* mean a device designed for the purpose of receiving and converting earth orbiting satellite communications signals. It may be a solid, open mesh or bar configured structure typically in the shape of a shallow dish or parabola. Said antennas of this type are hereinafter referred to as "satellite dishes."

*Setback* means a minimum horizontal distance between the street line (right-of-way) and the nearest point of a building or any projection thereto.

*Sexually-oriented land use* means adult arcades, adult bookstores, adult clubs, adult photographic or modeling studios, adult theaters, special cabarets, and any other proposed use that is substantially similar in nature to those set forth herein.

*Sign* means any display, device, notice, figure, painting, drawing, message, placard, poster, symbol, letter, word, numeral, emblem, trademark, banner, pennant or other thing which is designed, intended or used to advertise, inform or direct attention, which is visible to the general public from a street, highway, alley, sidewalk or other public way, whether such sign is placed out of doors or in windows.

*Sign Area* means the total exposed surface devoted to the sign's message (i.e., a ten (10) foot by ten (10) foot freestanding sign with copy on both sides would have a total area of two-hundred (200) square feet). The area shall be measured by the smallest area which encloses the entire message, including any air space between portions of the sign. The supporting structure which does not contain a message shall not be used in determining a sign's area. The area of a sign composed of characters or words attached directly to a building surface shall be the smallest rectangle which encloses the whole group.



*Sign, banner* means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business are not banners within the meaning of this definition.

*Sign, building* means any sign attached to any part of a building as contrasted to a free standing sign.

*Sign, canopy* means a sign meant to be suspended beneath a canopy, or on the canopy material, over a public walkway.

*Sign, community event/special group* means a sign advertising an event of public interest (e.g., church fairs, concerts, community dinners).

*Sign, electronic message* means a sign that displays its message electronically, as opposed to physically.

*Sign, existing* means any permanently mounted, attached or painted sign in existence at the time of passage of this Chapter, if said sign has been registered with the building division of the city.

*Sign, feather* means a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting

*Sign, flashing* means any directly or indirectly illuminated sign (other than an electronic message sign as defined in this Section), either stationary or animated, which exhibits changing natural or artificial light or color by any means whatsoever.

*Sign, ground* means any sign supported by uprights or braces placed in the ground and not attached to any building.

*Sign, illegal* means signs installed, erected, painted or altered without permit, whether or not it is conforming to locations allowed in this chapter.

*Sign, illuminated* means any sign which has characters, letters, figures, designs or outline illuminated by owner.

*Sign, information* means any sign directing and guiding automotive or pedestrian traffic or parking. Including signs identifying restrooms, public telephones, walkways and similar features or facilities.

*Sign, interior* means any sign located in the interior of any building, or within an enclosed mall or court, which are designed and located to be viewed exclusively by patrons of such use or uses.

*Sign, memorial* means tablets, names of buildings and the date of erection, cut into any masonry surface or constructed of metal and affixed flat against a structure.

*Sign, moving or rotating* means any sign or other advertising structure which physically moves in any manner whatsoever.

*Sign, off-premises* means a sign, the copy thereon not necessarily related to activities, goods or services conducted or available on the premises whereon the sign is located.

*Sign, on-premises* means a sign, the copy thereon relating to activities, goods or services, conducted or available on the premises whereon the sign is located.

*Sign, portable* means any sign, upon which the copy can be changed by movable or removable letters, numbers or symbols, not permanently affixed to a building or the ground and designed to be moved from place to place.

*Sign, prohibited* means any sign prohibited by this Chapter.

*Sign, roof* means any sign erected, constructed, placed or maintained in whole or in part upon or over the roof of a building.

*Sign, projecting* means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

*Sign, public utility* means signs indicating danger or which serve as an aid to public safety or which show the location of underground facilities.

*Sign, real estate* means signs which advertise the sale or rental of the real property upon which said sign is located.

*Sign, temporary* means a sign which is not permanently affixed to the ground or a structure and which is designed to promote or advertise a particular event or purpose.

*Sign, wall* means any flat signs mounted, attached to or painted, in a professional manner, on the exterior wall of a building or structure. Wall signs shall not project more than 12 inches from the wall to which they are affixed.

*Sign, window* means any flat signs mounted, attached to or painted, in a professional manner, on the interior window surface of a building or structure. Window signs shall not project more than six inches from the window to which they are affixed. A window sign shall not cover more than fifty (50%) percent of the window area. The area of window signage shall be included in the total signage area allowed by this Chapter.

*Special cabaret* means any bar, dance hall, restaurant, or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters or waitresses that engage in specified sexual activities or display specified anatomical areas, or any such business establishment the advertising, sign, or signs, for which use the words "adult", "topless", "nude", "bottomless", or other words of similar import.

*Specified sexual activities* means the following are specified sexual activities, regardless of whether the activity is actual or simulated:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or excretory functions; or
3. Fondling or erotic touching of human genitals, pubic region, anus, buttocks, or female breasts.

*Specified anatomical areas* means the following are specified anatomical areas:

1. Less than completely and opaquely covered human genitals, pubic region, or cleavage of the nates of the buttock. H

2. Human male genitalia in a discernible turgid state, even if completely and opaquely covered.
3. That portion of the human female breast directly or laterally below a point immediately above the top of the areola, which shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not so exposed.
4. Any covering, tape, plastic, latex spray, paint, or other device which simulates or otherwise gives the appearance of the display or exposure of any of the specified anatomical areas listed above.

*Special use* means a use of land, water or building which is allowable only after the issuance of a special permit by the city council under conditions specified in this chapter.

*Stable, livery* means any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses or horse-drawn vehicles or both.

*Story.*

- (1) "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.
- (2) For purposes of building height measurement, the term "story" means the vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

*Street* means a public way other than an alley.

*Street line* means a line separating an abutting lot, piece or parcel of land from a street.

*Structural alterations* mean any change made to any load bearing member of a structure, including but not limited to drilling, notching, replacing, or repairing said load bearing member.

*Structure* means anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

*Terrace, open* means a level and rather narrow plane, or platform, which, for the purposes of this chapter, is located adjacent to one or more faces of the main structures, and which is constructed not more than four feet in height above the average level of the adjoining ground.

*Tourist court, motor lodge* and *motel* mean a group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar facilities.

*Tourist home* means a dwelling in which accommodations are provided or offered for transient guests.

*Toxic Substance* means any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances is likely to be present in the environment, cause or threaten to cause bodily injury, illness or death to members of the general public through ingestion, inhalation, or absorption through any bodily surface. In addition, substances which are corrosive, irritants, strong sensitizers, or radioactive substances (other than highly toxic radioactive substances) shall be considered toxic substances for the purposes of this regulation.

*Transloading* means the process of transferring a shipment from one mode of transportation to another, such as railcar to truck (and vice-versa). It is most commonly employed when one mode cannot be used for the entire trip, as for instance when goods must be shipped internationally from one inland point to another. An "intermodal" facility is a form of transloading, even though in this case the product typically does not change containers.

*Truck parking area* means any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers and commercial vehicles, while not loading or unloading, and which exceed three tons in capacity.

*Usable satellite signal* means a satellite signal which, when converted and viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

*Use* means the purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

*Used car lot* means a zoning lot on which used cars or trucks are displayed for sale or trade.

*Vision clearance triangle* means an unoccupied triangular space at either:

- (1) The corner lot which is bounded by the street right-of-way lines; or
- (2) The intersection of the street line and either side of the line of a private driveway at an egress point facing the public right-of-way which consists of the street lines or street and driveway lines, as the case may be, and a setback line connecting points determined by measurements from intersection of the street and driveway lines.

*Wall* for purposes of building height measurement, means the vertical distance of such wall to the top of the wall.

*Yard* means any open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

*Yard, front* means a yard extending the full width of the lot between the front lot line and the nearest part of the main building.

*Yard, rear* means a yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building.

*Yard, side* means a yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

*Zoning map* means the maps incorporated into this Chapter as a part hereof.

*Zoning ordinance* means this Chapter.

