City of Kankakee

Zoning Ordinance

1995

(Revised June, 2019)

ZONING ORDINANCE AMENDMENTS

Ordinance Number	Adoption Date	Effective Date	Section(s)	Description
96-04	02-20-96	03-01-96	2.03	Changes to definition of "Convenience Store, Major."
96-32	05-06-96	05-16-96	Appendix-B, Sheets U, V, X & Y	Annexation & zoning - 2525 South Kensington Avenue
96-36	05-20-96	05-31-96	12.07, A., (6) and 13.01 thru 13.07	Planned Unit Development regulations and fees.
96-54	07-01-96	07-10-96	2.06; 7.02, B & C; 7.03, B & C; 7.04, B & C; 8.02, C; 8.03, C; and 8.04,C	Provisions regulating Community Residences for Persons with Disabilities.
96-55	07-01-96	07-10-96	4.03, B.,(2)	Changes to residential fence regulations.
96-53	07-15-96	07-25-96	12.06, A., (2) and (3)	Changes to variance appeals requirements.
96-89	11-04-96	11-14-96	Appendix-B, Sheet W	Annexation & zoning - Otto Twp. Sec. 25 (RR ROW)
97-15	03-03-97	03-13-97	Appendix-B, Sheet E	Annexation & zoning - 2000 Grinnell Road.
97-16	03-03-97	03-13-97	10.02, B., (1)	Changes to off-street residential parking regulations.
97-26	05-05-97	05-15-97	2.03; 4.03, B and C	Changes to residential fence regulations.
97-54	09-02-97	09-12-97	Appendix-B, Sheet H	Rezoning of 1890 W. Station, from C2 to R2.
97-55	09-02-97	09-12-97	Appendix-B, Sheet N	Rezoning of 240-242 E. River, from C2 to R3.
98-08	02-02-98	02-12-98	Appendix-B, Sheet U	Annexation & zoning - Lot 7, Block 2, Peerbolte's Subdivision.
98-34	05-04-98	05-14-98	Appendix-B, Sheet U	Annexation & zoning - Lots 1,2,5 & 6, ViaGrande Sub. and adjoining parcels.
98-42	06-01-98	06-11-98	Appendix-B, Sheet E	Rezoning of 931-935 N. Hobbie, from R1 to C2.
98-60	07-06-98	07-16-98	Appendix-B, Sheet K	Rezoning of 2569 E. Court, from C2 to I1.
98-86	11-02-98	11-12-98	7.02, B and C; 7.03, B and C; 7.04,B and C; 8.02, C; 8.03, C; 8.04, C.	Spacing requirements for shelter care facilities.
98-87	11-02-98	11-12-98	12.01,B.	Changes to Planning Board quorum.
99-28	04-05-99	04-15-99	10.01,F.	Changes to off-street residential parking regulations.
99-36	05-03-99	05-13-99	Appendix-B, Sheet K	Rezoning of 2205 E. Court, from C2 to I2.

ZONING ORDINANCE AMENDMENTS

Ordinance Number	Adoption Date	Effective Date	Section(s)	Description
99-44	06-07-99	06-17-99	Appendix-B, Sheet C	Rezoning of 855 Kennedy, from R1 to C1.
99-123	12-06-99	12-16-99	Appendix-B, Sheet J	Rezoning of 190-210 S. Gordon, from I1 to C2.
2000-14	02-07-00	02-17-00	Appendix-B, Sheet I	Rezoning of 180-190 N. Chicago, from R1 to C2.
2000-46	06-05-00	06-15-00	Appendix-B, Sheet M	Annexation & zoning - 1075 W. Jeffery.
2000-71	09-05-00	09-15-01	Appendix-B, Sheet S	Annexation & zoning - River Road (State Hospital Cemetery).
2001-05	02-05-01	02-15-01	Appendix-B, Sheet O	Rezoning of 607 S. Elm, from C-1 to R-1.
2001-20	04-16-01	04-26-01	Appendix-B, Sheet D	Rezoning of 1050 N. Schuyler, from C1 & I1 to R1.
2001-21	04-16-01	04-26-01	Appendix-B, Sheet C	Rezoning of 955 N. Schuyler, from R1 to C2.
2001-32	06-04-01	06-14-01	Appendix-B, Sheets K & P	Rezoning of 3200 E. Court, from R1 to I2.
2001-42	08-06-01	08-16-01	Appendix-B, Sheet O	Rezoning of 1354 E. Eagle, from C1 to R1.
2001-70	11-19-01	11-29-01	Appendix-B, Sheet W	Annexation & zoning - Otto Twp. Sec 25.
2001-71	11-19-01	11-29-01	Appendix-B, Sheet W	Annexation & zoning - Otto Twp. Sec 25.
2001-88	12-17-01	12-27-01	Appendix-B, Sheet W	Annexation & zoning - Otto Twp. Sec 25.
2001-89	12-17-01	12-27-01	Appendix-B, Sheet W	Annexation & zoning - Otto Twp. Sec 25.
2001-91	12-17-01	12-27-01	Appendix-B, Sheet W	Annexation & zoning - Otto Twp. Sec 24.
2002-03	01-22-02	02-01-02	Appendix-B, Sheet H	Rezoning of 300 Blk of N. Wall, from R1& C1 to C2.
2002-10	03-04-02	03-14-02	Appendix-B, Sheet D	Rezoning of 125 E. Mulberry, from I1 to C1.
2002-17	04-01-02	04-11-02	Appendix-B, Sheet E	Annexation & zoning - 2100 Grinnell Road
2002-32	06-03-02	06-13-02	Chapter 4, Table 4.1	Changes to accessory structures (garages) regulations.
2002-43	09-03-02	09-03-02	13.02,C.,(1) & D.,(1), 13.04,D.,(3), (4) & (5)	Changes to PUD regulations.

ZONING ORDINANCE AMENDMENTS				
Ordinance Number	**Adoption Date**	**Effective Date**	**Section(s)**	**Description**
2002-62	12-02-02	12-02-02	12.01,B.,(1), e.,(3)	Changes to Board membership.
2003-03	02-03-03	02-03-03	Appendix-B, Sheet H	Rezoning of 719 N. Kennedy Dr., from R1 to C1.
2003-08	03-03-03	03-03-03	Appendix-B, Sheet I	Rezoning of 156 N. Greenwood, from R1 to C2.
2003-09	03-03-03	03-03-03	Appendix-B, Sheet J	Rezoning of 148 S. Albert, from R1 to C2.
2003-14	03-17-03	03-17-03	Appendix-B, Sheet K	Annexation & zoning - Splear Rd.
2003-47	09-02-03	09-02-03	Chapter 4	Swimming pool fences.
2003-46	09-02-03	09-02-03	Appendix-B, Sheet E6	Annexation & zoning - Airport Rd.
2003-76	12-01-03	12-01-03	Appendix-B, Sheet C3	Annexation & zoning - Jeffery St.
	06-03-19	06-03-19	Chapter 12	Administration

CITY OF KANKAKEE

ORDINANCE NO. 95-69

AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE USE, PLACEMENT, SPACING, AND SIZE OF LAND, BUILDINGS, AND STRUCTURES; KNOWN AS THE ZONING ORDINANCE OF THE CITY OF KANKAKEE

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF KANKAKEE
THIS 17TH DAY OF OCTOBER, 1995

Published in pamphlet form by authority of the City Council
of the City of Kankakee, Kankakee County, Illinois,
this 27th day of October, 1995

ORDINANCE NO. 95-69

AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE USE, PLACEMENT, SPACING, AND SIZE OF LAND, BUILDINGS, AND STRUCTURES; KNOWN AS THE ZONING ORDINANCE OF THE CITY OF KANKAKEE

BE IT ORDAINED by the City Council of the City of Kankakee, an Illinois home-rule municipality situated in Kankakee County, Illinois, as follows:

SECTION 1: That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Kankakee, being marked and designated as "The Zoning Ordinance of the City of Kankakee," be and is hereby adopted as the Zoning Ordinance of the City of Kankakee, in the State of Illinois; for the regulation of the use, placement, spacing, and size of land, buildings, and structures as provided therein; and each and all of the regulations, provisions, penalties, conditions, and terms of said Zoning Ordinance are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance.

SECTION 2: That this Ordinance is adopted pursuant to the provisions of the Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11013-1 et. seq.

SECTION 3: That Ordinance Number 74-34 of the City of Kankakee entitled "AN ORDINANCE ADOPTING AN ORDINANCE KNOWN AS THE ZONING ORDINANCE OF 1969, AS AMENDED, AND THE ZONING DISTRICT MAP APPENDED THERETO, AND DATED APRIL, 1974," and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That nothing in this Ordinance or in the Zoning Ordinance of the City of Kankakee hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5: That the City Clerk shall certify to the adoption of this Ordinance, and cause same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KANKAKEE, KANKAKEE

COUNTY, ILLINOIS, THIS 17TH DAY OF OCTOBER, 1995

13 - AYES

0 - NAYS

0 - ABSTENTIONS

1 - ABSENT

Katherine Carr, City Clerk

Donald E. Green, Mayor

KANKAKEE ZONING ORDINANCE/1995

Adopted October 17, 1995

DONALD E. GREEN
Mayor

KATHERINE CARR
City Clerk

KANKAKEE CITY COUNCIL

Jess C. Gathing, Jr. . . . . 1st Ward
JoAnn Ford-Box . . . . . 1st Ward

JoAnne Schwade . . . . . 2nd Ward
Tom Fitzpatrick . . . . . 2nd Ward

Charles Summers . . . . . 3rd Ward
Duane Goodrich . . . . . 3rd Ward

Norman Coy . . . . . 4th Ward
Robert Foster . . . . . 4th Ward

Joe Ciaccio . . . . . 5th Ward
Sam Ciaccio . . . . . 5th Ward

Thomas Cunnington . . . . . 6th Ward
Dennis Baron . . . . . 6th Ward

Steven J. Hunter . . . . . 7th Ward
W. Earl Greene . . . . . 7th Ward

Duane O'Conner . . . . . City Attorney
Chris Bohlen . . . . . Assistant City Attorney
L. Patrick Power . . . . . Assistant City Attorney

PLANNING COMMISSION

Willie L. Ames . . . . . Thomas J. Jones
Doug Cooper . . . . . Ron Keast
Mary Costanza . . . . . Bruce D. Matthews
Loretto S. G. Cowhig . . . . . Toby Olszewski
Fr. James F. Crilly, CSV . . . . . Theodis E. Pace
Lillie L. Ford . . . . . James Ruder
Terry Johnston . . . . . Leonard Sacks, Chairman

David A. Schaeffer . . . . . City Planner
Gil and Associates, Inc. . . . . Consultant

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CHAPTER 1
TITLE, PURPOSE AND INTENT

1.01 TITLE

This Ordinance shall be known as the Zoning Ordinance of the City of Kankakee, and shall be cited and referred to as the Kankakee Zoning Ordinance.

1.02 PURPOSE AND INTENT

A. Purpose. The Kankakee Zoning Ordinance is hereby adopted for the purpose of achieving the following goals:

(1) Promoting and protecting the public health, safety, comfort, morals, and general welfare;

(2) Securing adequate natural light, pure air, and/or safety from fire and other dangers;

(3) Conserving the taxable value of land; and,

(4) Generally enhancing aesthetic values throughout the City.

B. Intent. To achieve said goals, the Kankakee Zoning Ordinance shall define certain objectives, standards and/or practices, and regulate the development and/or use of land by:

(1) Dividing the City into zoning districts, regulating therein the alteration, construction, reconstruction, location and/or principal use of buildings, structures and/or land, whether for residential, commercial and/or industrial uses, in addition to those permitted accessory and/or conditional uses;

(2) Lessening congestion in the public streets;

(3) Preventing the overcrowding of land through the regulation of building height and bulk;

(4) Defining and regulating building lines and setbacks, with respect to property lines and public rights-of-way;

(5) Regulating the intensity of development by specifying minimum open space requirements for each zoning lot;

(6) Establishing minimum standards for buildings and/or structures located on a zoning lot, and requiring full compliance with said standards;

(7) Prohibiting uses, buildings, and/or structures, or portions thereof, incompatible with the character of abutting or neighboring residential, commercial and/or industrial zoning districts;

(8) Preventing additions and/or alterations to existing buildings and/or structures, or portions thereof, which do not fully comply with the provisions of this Ordinance;

(9) Providing for the gradual elimination of any use, building and/or structure, or portion thereof, determined to be incompatible, with the permitted and/or conditional uses, specified herein, for each category of zoning district specified herein, including, but not limited to, the following: (a) When said use is discontinued; (b) Through rehabilitation and/or adaptive reuse, when existing buildings and/or structures are adaptable for permitted uses; and, (c) Through the relocation of said use to another zoning lot and/or zoning district, where said use is permitted, when buildings and/or structures are damaged and/or destroyed, by a casualty;

(10) Providing individuals, agencies, corporations, and/or institutions, a means of appeal and/or relief from the provisions specified herein;

(11) Defining the powers and duties of the corporate authorities, City officials and departments, and/or their designated representatives, and/or governmental bodies established by the provisions of this Ordinance; and,

(12) Prescribing penalties for violations of the provisions of this Ordinance, as amended.

CHAPTER 2
DEFINITIONS AND RULES

2.01 APPLICABILITY

In the construction of this Ordinance, and in any subsequent amendment, the rules, words, and/or terms defined by this Chapter, shall be observed and applied as specified herein, except when the context clearly indicates otherwise.

2.02 RULES FOR CONSTRUCTION OF LANGUAGE

A. **Interpretation.** For the purposes of this Ordinance, certain words and terms are to be interpreted as follows:

(1) Words used in the present tense shall include the future tense;

(2) Words used in the singular shall include the plural, and, the plural shall include the singular;

(3) The masculine gender shall include the feminine gender and neuter;

(4) The words "shall" and "will" are mandatory and are not discretionary; the word "may" is permissive;

(5) The word "lot" shall include "zoning lot;"

(6) The word "building" shall include "structure;"

(7) The phrase "including, but not limited to, the following" and/or, "shall include, but not be limited to, the following," shall define examples selected to illustrate the interpretation and/or requirements of this Ordinance; such examples are not mutually exclusive and the final interpretation shall be reserved for the corporate authorities;

(8) The phrase "used for" shall include the phrases "arranged for," "designed for, " "intended for," "maintained for," and/or "occupied for;"

(9) The word "person" shall include the words "association," "corporation," "estate," "governmental agency," "individual," "joint venture," "partnership," "venture," and/or any other legal entity.

B. **Measurement**. All measured distances shall be expressed in feet and/or inches, as appropriate, and where possible, shall be rounded to the nearest one tenth (1/10 or .01) of an integral foot.

2.03 DEFINITION OF WORDS AND TERMS

The words and terms used in this Ordinance shall be defined as set forth herein, except when specified otherwise. Words and terms not defined herein, shall be defined as specified in the most recent published edition of Webster's Dictionary.

Abandonment. To cease or discontinue a use or activity without intent to resume such use or activity, but excluding temporary or short-term interruptions to such use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. Abandonment of property and/or the use thereof shall be determined by, but not limited the non-payment of property taxes, lack of general maintenance, and/or lack of required utilities.

Abut. To physically touch or border upon, or to share a common property line with and/or being separated from such a common border or property line by a public right-of-way.

Access. A way or means of approach to provide vehicular or pedestrian traffic physical entrance to a property.

Accessory Apartment. A dwelling unit that has been added onto, or created within, a single family dwelling.

Accessory Building. *see Building, Accessory*

Accessory Structure. A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use. *see Use, Accessory*

Administrative Occupancy Permit. Administrative Occupancy Permit means a certificate of zoning compliance issued administratively to an applicant that meets established criteria to receive an administrative occupancy permit. An administrative occupancy permit for a community residence, halfway house or hospice may be revoked if its license or certification to operate a community residence, halfway house or hospice, is revoked or suspended by the licensing or sponsoring agency. An administrative occupancy permit is non-transferable to another community residence operator or location.

Adult Entertainment Use. An establishment where the principal use shall be the retail sale, rental, showing, performance and/or display, or wholesale distribution of media, primarily distinguished and/or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities and/or anatomical genital areas. Such establishments shall include, but not be limited to, adult bookstores, cabarets and motion-picture theaters.

Aesthetic. The perception of artistic elements, or elements in the natural or created environment that are pleasing to the eye.

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activity.

Airport. A place where the principal use involves the landing, take-off and servicing of fixed-wing and/or vertical lift aircraft along with appurtenant areas equipped and/or used for aircraft-related activities.

Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions as well as any change in doors, windows, means of ingress or egress or any enlargement to or diminution of a building or structure whether horizontally or vertically, or the moving of a building or structure from one location to another.

Alteration, Major. Any alteration requiring a building and/or a demolition permit.

Alteration, Minor. Any alteration, excluding normal repairs and maintenance, not requiring a building and/or a demolition permit, and not defined as a major alteration.

Amendment. Any revision and/or addition to the provisions of this Ordinance, including the City's Official Zoning Map, as officially adopted by the corporate authorities.

Amendment, Map. An amendment which includes proposals for additions, alterations, deletions and/or other substantive changes to the delineation of zoning districts on the City's Official Zoning Map, commonly known as rezoning.

Amendment, Substantive. An amendment which includes proposals for additions, alterations, deletions and/or other substantive changes to the specific text, provisions and/or procedures established by this Ordinance, commonly known as a text amendment.

Americans With Disabilities Act. A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities and services.

Amortization. A method by which non-conforming use, buildings and/or structures are eliminated by requiring the termination of such non-conforming uses, buildings, and/or structures, after a specified period of time.

Amusement Machine or Device. Any coin or token operated machine or device that, whether mechanical, electrical or electronic shall be ready for play by the insertion of a coin or token and may be operated by the general public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, by comparison to the score of other players.

Amusement and Recreation Services. Establishments engaged in providing entertainment for a fee and including such activities as dance halls, studios, theatrical productions, bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial facilities, such arenas, rings, rinks, and racetracks; public golf courses; coin operated devices; amusement and theme parks; membership sports and health clubs; swimming pools; carnival operations; riding academies; expositions; and game parlors.

Amusement Arcades. A primary outdoor area or open structure, open to the general public, that contains coin-operated games, rides, shows and similar entertainment facilities and devices. *(see also Recreation Facility)*

Animal, Domestic. A tame animal commonly kept in a home by an individual, family and/or household, including, but not be limited to, cats, birds, dogs and/or tropical fish.

Animal Cemetery. An outdoor area reserved for the burial of deceased domestic animals.

Animal Hospital. A facility which provides preventive clinical treatment and/or immediate, emergency surgical treatment for domestic animals and/or livestock, and including as an integral part of such facility, related accessory uses such as animal boarding services, when incidental to short-term care and/or surgery, and other such uses customarily associated with veterinary medicine.

Annexation. The incorporation of land into an existing municipality with a resulting change in the corporate boundaries of that municipality.

Antenna. A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

Antenna, Satellite. A parabolic or dished shaped antenna or any other apparatus that is designed for the purposes of receiving radio or electromagnetic waves.

Apartment. One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing two (2) or more such dwelling units, which traditionally are rented and not owned by its occupants.

Apartment Building. A building originally designed and constructed as a multi-family residential structure, featuring a minimum of three (3) dwelling units.

Assisted Living Facility. Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication, and which may provide additional services such as recreational activities, financial services, and transportation.

Attached Building. *see Building, Attached*

Attached Dwelling. *see Dwelling, Attached*

Auction House. An establishment where objects of art, furniture and other such goods are offered for sale to persons who bid on the object in competition with each other.

Automobile. *see Motor Vehicle*

Awning. A roof like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and which typically can be retracted into the face of the building. *(see also Canopy)*

Banquet Hall. A n establishment where food and beverages are prepared and/or delivered, by special order and in advance, to be consumed on-premises by groups of people attending special events such as wedding receptions, awards banquets and/or other such meetings.

Bar. Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use. *(see also Nightclub and/or Tavern)*

Basement. A space having one-half (½) or more of its floor-to-ceiling height above the grade/ground level, and with a floor-to-ceiling height of not less than six and one-half (6½') feet.

Bedroom. A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Berm. A mound of earth, of varying dimensions, typically used as a buffer, screening and/or landscaping device.

Billboard. *see Sign, Outdoor Advertising*

Block. A unit of land bounded by public streets or rights-of-way, or by a combination of streets, public rights-of-way and other public land, railroad rights-of-way, waterways and/or other barriers to the continuity of development.

Boarder. An individual other than a member of the family occupying a dwelling unit who, for a fee or other consideration, is furnished sleeping accommodations, meals, and may be provided personal care, financial services, counseling or other such services.

Boarding House. *see Rooming House*

Buffer. An open space, landscaped area, fence, wall, berm or any combination thereof used or intended to separate and partially obstruct the view of two adjacent properties or uses from one another so as to visually shield or block noise, lights or other such nuisances.

Buildable Area. The area of a zoning lot, measured in square feet, which remains after yard and/or setback has been met.

Building. A structure completely or substantially enclosed by exterior walls, with a roof supported by columns and/or walls and intended for use as shelter, housing and/or enclosure of an individual, animal, process, equipment, goods and/or materials of any kind. *(see also Structure)*

Building, Accessory. A subordinate building located on the same zoning lot as the principal or main building, or use.

Building, Apartment. *see Apartment Building*

Building, Attached. A building sharing a common wall and/or roof, floor and/or other structural component with an adjacent building.

Building, Detached. A building which does not share common walls and/or a roof, floor and/or other structural component with an adjacent building.

Building, Enclosed. A building separated on all sides from abutting open space and/or other structures by a permanent roof and exterior walls, pierced only by windows and door openings.

Building, Principal. A building in which is conducted the principal use of a zoning lot on which it is established or located.

Building, Temporary. Any building not designed or intended to be permanently located on a zoning lot.

Building Code. The current building code, as amended, and adopted by the corporate authorities, for the regulation of the construction and alteration of buildings and/or structures.

Building Coverage. *see Lot Coverage*

Building Elevation. The exterior wall or elevation of a building exposed to the elements and/or public view, commonly referred to as a facade and/or building face.

Building Height. The vertical distance from finished grade to the highest point of the building, excluding mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, water towers and similar appurtenances and/or elements that are usually appurtenant to a building

Building Inspector. The individual designated by the appointing authority to enforce the provisions ob the building code, also referred to as the code official.

Building Line. The line parallel to the front and/or corner side lot line of a zoning lot, at a distance equal to the depth of the required front yard, and/or corner side yard, for the zoning district in which the zoning lot is located, commonly referred to as the setback line.

Building Line, Established. In cases where previous construction and/or variances have created exceptions to the required yards and/or setbacks, a line equal to the mean setback of those buildings fronting on one (1) side of a block, provided that a minimum of twenty-five percent (25%) of the zoning lots in said block have been developed and/or improved.

Building Materials. Those raw materials and/or finished products used in the alteration, construction, rehabilitation, repair and/or demolition of a building and/or structure, or portion thereof, or in the improvement of a zoning lot.

Building Permit. Written permission issued by the proper municipal authority for the construction, repair, alteration, addition, or demolition to a structure.

Bulk Regulations. Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which such buildings or structures can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

Business. A commercially-oriented occupation, employment and/or enterprise, which occupies time, attention, labor and/or materials for compensation and/or a commercial establishment where goods and merchandise is exhibited, exchanged or sold and/or where services are rendered. *(see also Commercial Use)*

Campground. An place or area upon which campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Canopy. A roof like cover that is permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and which typically can not be retracted into the face of the building. *(see also Awning)*

Capacity in Persons. The maximum number of persons who may safely occupy and/or use a building and/or structure at any given time, as established and/or determined by the provisions of the National Fire Protection Association's Life Safety Code, as adopted by the corporate authorities..

Carport. A roofed accessory structure enclosed on not more than three (3) sides and designed to provide space for the off-street parking and storage of motor vehicles.

Carry-Out or Delivery Restaurant. *see Restaurant, Carry-Out or Delivery*

Carwash. *see Motor Vehicle Laundry*

Cemetery. Land used or intended to be used for the interring of the dead and including , crematories, mausoleums, mortuaries and gardens when operated in conjunction with and within the boundaries of such cemetery.

Cemetery, Animal. *see Animal Cemetery*

Central Business District (CBD). The largest, most intensively developed, mixed-use area within a city, usually containing, in addition to major retail uses, governmental offices; service uses; professional, cultural, recreational, and entertainment establishments and uses; residences, hotels, and motels; appropriate industrial activities; and transportation facilities, and which typically restricts residential and industrial uses from prime, first floor locations, which are typically used for retail activities.

Certificate of Occupancy. A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable municipal codes and ordinances.

Change of Use. *see Use, Change of*

Charitable Organization. An organization that provides essential goods or services, such as food, housing, clothing, counseling, aid, or assistance to those in need, for no fee or compensation or at a fee recognized as being significantly less than that charged by profit-making organizations.

Child Care Facility. An establishment providing for the care, supervision, and protection of children.

Child Care Facility, Group. A commercial activity conducted as a major home occupation which uses a single-family dwelling to provide care, supervision and protection for not less than three (3) children and not more than twelve (12) children, from multiple households, for less than twenty-four (24) hours per day, commonly referred to as a day care center. The maximum of twelve (12) children shall include the family's natural, and/or adopted children, and all other persons under fourteen (14) years of age. This term shall not include facilities which receive children from a single household.

Child Care Facility, Family. A commercial activity conducted as a minor home occupation which uses a single-family dwelling to provide care, supervision and protection for no less than three (3) children and no more than eight (8) children, from multiple households, for less than twenty-four (24) hours per day, commonly referred to as a day care home. The maximum of eight (8) children shall include the family's natural, and/or adopted children, and all other persons under fourteen (14) years of age. This term shall not include facilities which receive children from a single household.

Child Care Facility, Commercial. An establishment providing day care services for not less than three (3) children, from multiple households, for less than twenty-four (24) hours per day, and for which such service is the principal use of such building.

Child Care License. A document issued by the Illinois' Department of Children and Family Services, authorizing child care in accordance with the applicable standards and/or provisions of the Child Care Act of 1969, as amended.

Church. *see Religious Institution*

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, social workers or counselors and where patients are not lodged overnight.

Club. A building, or portion thereof, used by a group of people organized for a common purposes to pursue common goals, interests or activities and typically characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

Clubhouse. A building, or portion thereof, used by a club.

Commercial Motor Vehicle. *see Motor Vehicle, Commercial*

Commercial Private Parking Lot. *see Parking Lot, Commercial Private*

Commercial Public Parking Lot. *see Parking Lot, Commercial Public*

Commercial Sign. *see Sign, Commercial*

Commercial Use. *see Use, Commercial*

Community Centers or Facilities. A building, structure, or area, usually owned and operated by a governmental, public, or nonprofit group or agency, used to provide recreational, social, educational, and cultural activities and/or services, open to the general public or a designated part of the public.

Community Residence. A single dwelling occupied on a relatively permanent basis in a family-like atmosphere, by a group of unrelated persons with disabilities, including paid professional support staff provided by a sponsoring agency, living with the residents on a twenty-four (24) hour basis, and/or present whenever residents are present at the dwelling, and which fully complies with the provisions of the City's Community Residence Ordinance, commonly referred to as a group home.

Community Residence, Family. A single dwelling occupied on a relatively permanent basis, in a family-like atmosphere, by not more than eight (8) unrelated persons with disabilities, plus paid professional support staff.

Community Residence, Group. A single dwelling occupied on a relatively permanent basis, in a family-like atmosphere, by not less than nine (9) and not more than fifteen (15) unrelated persons with disabilities, plus paid professional support staff.

Community Shelter. *see Shelter Care Facility*

Comprehensive Plan. A plan, officially adopted by the corporate authorities, which indicates current and projected demographic information, proposals for future physical, social and economic development, along with recommendations for implementation of such plan.
Conditional Use. *see Use, Conditional*

Conditional Use Permit. A permit or ordinance issued and/or authorized by the corporate authorities that must be acquired before a conditional use can be established.

Condominium. A building or group of buildings in which dwelling units are owned individually, and the structures, common areas and/or mechanical equipment are, to varying degrees, the responsibility of all the owners of record, on a proportional, undivided basis. A condominium association or similarly named group, typically operate such common areas and equipment, using covenants, bylaws and/or restrictions specified and agreed to by the members of such association.

Conforming Use. *see Use, Conforming*

Contiguous. *see Abut*

Contractor. An individual, agency, institution and/or corporate entity engaged in providing a professional service relating to the alteration, construction, rehabilitation, repair and/or demolition of a building and/or structure, or portion thereof.

Convalescent Home. *see Nursing Home*

Convenience Store. An establishment offering for retail sale, prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, and the like, for off-site consumption and having a gross floor area of not more than three thousand five hundred (3,500) square feet, and which may feature the retail dispensing and sale of motor vehicle fuel.

Convenience Store, Major. A convenience store which may feature the retail dispensing or sale of motor vehicle fuels, with a maximum of four (4) pump islands and not more than sixteen (16) individual fueling positions.

Convenience Store, Minor. All convenience stores not classified as major convenience stores shall be classified as minor convenience stores, of which the sale of motor vehicle fuel shall be prohibited.

Conversion. A change in the use land or a building and/or structure.

Corner Lot. *see Lot, Corner*

Corner Side Lot Line. *see Lot Line, Corner Side*

Corner Side Yard. *see Yard, Corner Side*

Corporate Authorities. The duly elected Mayor and members of the City Council of the City of Kankakee, Kankakee County, Illinois, and, to the extent defined herein, and within additional limitations established by said corporate authorities, the following appointed officials, or their designated representatives, shall act on behalf of the corporate authorities to implement the provisions of this Ordinance. City Attorney, City Engineer, City Clerk, City Planner and/or Chief Code Official.

Country Club. Land area containing golf courses, recreational facilities, a clubhouse and customary accessory uses, open only to members and their guests. *(see also Golf Course)*

Courtyard. An open space, unobstructed from grade level to the sky, other than a required yard, located on the same zoning lot with, and bounded on three (3) or more sides by, the walls of a building and/or structure.

Covenant, Restrictive. A restriction and/or limitation on the use of land set forth in a deed, lease, mortgage, government regulation and/or ordinance and/or as a per-condition for development approval.

Cul-De-Sac. A turnaround at one end of a dead-end street.

Cultural Facilities. Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize society and which include museums, art galleries, and botanical and zoological gardens of a natural, historical, educational, or cultural interest.

Day Care Center. *see Child Care Facility*

Decibel. A unit of sound pressure level.

Dedication. The transfer of property by the owner to another party.

Density. The number of families, individuals, dwelling units, households or housing structures per unit of land.

Density, Gross. A numerical value indicating the number of dwelling units per gross acre and/or square footage of land, obtained by dividing the total number of dwelling units on a zoning lot by the total acreage and/or square footage of said lot.

Density, Net. A numerical value indicating the number of dwelling units per net acre and/or square footage of land, obtained by dividing the total number of dwelling units on a zoning lot, by the total acreage and/or square footage of said lot, but excluding the square footage occupied by public and/or private rights-of-way.

Detached Building. *see Building, Detached*

Detached Dwelling. *see Dwelling, Detached*

Development. The division of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure and/or any mining, excavation, landfill or land disturbance and/or any use or extension of the use of land.

Development, Planned Unit (PUD). *see Planned Unit Development*

Disability. A physical or mental impairment which substantially limits one or more of a person's major life activities, including, but not limited to. self care, receptive or expressive language, learning, mobility, self direction, capacity for independent living and economic self-sufficiency; or a record of having such an impairment, or being regarded as having such an impairment, but such term does not include current use of, nor addiction to, a controlled substance.

Displacement. The amplitude and/or intensity of an earth-borne vibration measured in inches.

District. A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

District, Zoning. *see Zoning District*

Domestic Animal. *see Animal, Domestic*

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar institutional use.

Double Frontage Lot. *see Lot, Double Frontage*

Drive-In Use. An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Drive-In Restaurant. *see Restaurant, Drive-In*

Driveway. A private roadway providing access for motor vehicles form a parking area, garage, building and/or structures to a public street or highway.

Dwelling. A building and/or structure, or portion thereof, designed for, or whose principal use is exclusively for human.

Dwelling, Attached. A dwelling attached to one (1) or more dwellings by common vertical walls.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-Family. A building containing three (3) or more dwelling units, including units that are located one over the other.

Dwelling, Single-Family. A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Two-Family. A building containing two (2) dwelling units, including units that are located one over the other.

Dwelling Unit. One (1) or more rooms designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling Unit, Efficiency. A dwelling unit consisting of not more than one (1) habitable room together with kitchen and sanitary facilities.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Educational Institution. An educational institution authorized by the state to award baccalaureate or higher degrees, including related facilities and uses.

Efficiency Dwelling Unit. *see Dwelling Unit, Efficiency*

Egress. An exit. *(see also Ingress)*

Electronic Message Sign. *see Sign, Electronic Message*

Eleemosynary or Philanthropic Institution. A private or public organization or foundation that is organized and operated for the purpose of providing a service or carrying on a trade or business without profit.

Emergency Shelter. A facility providing temporary housing for one or more individuals who are otherwise temporarily or permanently homeless. *(see also Shelter Care Facility)*

Enclosed Building. *see Building, Enclosed*

Established Building Line. *see Building Line, Established*

Establishment. An economic unit, generally at a single physical location, where business is conducted or services or industrial operation performed.

Existing Use. *see Use, Existing*

Extended Care Facility. A long-term facility or distinct part of a facility licensed or approved as a nursing or convalescent home, infirmary unit of a home for the aged, or a governmental medical institution.

Fabrication and Assembly. The manufacturing from standardized parts of a distinct object differing from the individual components. *(see also Industry, Light)*

Facade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Family. A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single household under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. For purposes of this Zoning Ordinance, however, a family shall not include persons living together in a Community Residence, Halfway House or Nursing Home.

Farmers Market. An establishment featuring the sale of agricultural produce and/or related products directly to the general public, by growers and producers, typically on a seasonal basis.

Fast-Food Restaurant. *see Restaurant, Fast-Food*

Fence. An artificially constructed barrier of any material or combination of materials which exceeds three (3') feet in height and which is typically erected to enclose, screen, or separate areas.

Fence, Open. A fence having a design pattern that is greater than or equal to eighty percent (80%) opacity.

Fence, Perimeter. A fence which is located on or within six (6") inches of the lot line.

Fence, Semi-Open. A fence having a design pattern which is not less than thirty percent (30%) and not greater than eighty percent (80%) opacity.

Fence, Closed or Solid. A fence having a design pattern that is less than or equal to thirty percent (30%) opacity.

Finance, Insurance and Real Estate Services. Establishments such as banks and savings and loan associations, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

Flag Lot. *see Lot, Flag*

Flashing Sign. *see Sign, Flashing*

Flea Market. An occasional or periodic market or commercial activity typically conducted in an open area or structure where groups of individual sellers offer goods and merchandise for sale to the general public.

Flood. The temporary overflowing of water onto land that is usually devoid of surface water.

Flood Elevation, Base. The highest height, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

Flood Insurance Rate Map. A map issued by the U. S. Department of Housing and Urban Development - Federal Insurance Administration on which special flood hazard areas are delineated and/or insurance risk premium zones applicable to the community have been designated.

Flood Protection Elevation. An elevation of one (1) foot above the regulatory base flood elevation, which provides free-board protection against ice jams, waves and debris, in the event of periodic flooding.

Floor Area, Gross. The sum of the gross horizontal areas of several floors of a building or structure from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6') feet.

Floor Area, Net. The total of all floor areas of a building or structure, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading areas, and all floors below the first ground floor, except when used or intended to be used for human habitation or service to the public.

Floor Area Ratio (FAR). The gross floor area of all buildings or structures on a lot divided by the total lot area.

Fraternal Organization. A group of people formally organized, typically at a national level, for a common interest, usually cultural, religious, or entertainment, with regularly meetings, rituals, and formal written membership requirements.

Free-Standing Sign. *see Sign, Free-Standing*

Front Lot Line. *see Lot Line, Front*

Front Yard. *see Yard, Front*

Frontage Road. A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Full Service Restaurant. *see Restaurant, Full Service*

Garage. A deck, building or structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Garage, Private Customer and Employee. A structure that is accessory to a commercial or industrial establishment, building, or use and that is primarily intended for the parking and storage of motor vehicles operated by the customers, visitors and employees of such building and that is not available to the general public.

Garage, Private Residential. A structure that is accessory to a residential building and that is used or intended to be used for the parking and storage of motor vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

Garage, Public. A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used or intended to be used primarily for the parking and storage of vehicles and available to the general public.

Gas Station. *see Motor Vehicle Service Station*

General Public. Any and all individuals without any prior qualifications.

Glare. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility, and commonly applies by establishing a reference line and maximum foot candle reading.

Golf Course. A tract of land laid out for at least nine (9) holes playing the game of golf and improved with tees, greens, fairways and hazards and that may include clubhouses and other associated facilities. *(see also Country Club)*

Golf Course, Miniature. A tract of land laid out for playing the game of golf and improved with man-made obstructions, excluding tees, greens, fairways and natural hazards or obstructions generally found on a standard golf course.

Government Agency. Any department, commission, agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district or other governmental unit.

Grade. The average elevation of the land around a building and/or the percent of rise or descent of a sloping surface.

Grade, Finished. The final elevation of the ground level after construction, filing or excavation.

Grade, Natural. The elevation of the ground level in its natural state, before construction, filing or excavation.

Grocery Store. A retail establishment primarily selling food as well as other convenience and household goods and merchandise.

Gross Density. *see Density, Gross*

Gross Floor Area. *see Floor Area, Gross*

Gross Lot Area. *see Lot Area, Gross*

Ground Floor. The first floor of a building other than a basement.

Group Home. *see Community Residence*

Halfway House. A temporary residential living arrangement for persons who typically receive therapy and/or counseling from support staff who are present at all times residents are present, for the purposes of helping them recuperate from the effects of drug or alcohol addiction. For the purpose of this Ordinance, the term Halfway House shall not include a Community Residence.

Health Care Facility. A facility or institution, whether public or private, which provides general, specialized, clinical and/or emergency medical services, including dental services, by licensed, degreed, registered professionals, oriented towards the diagnosis and/or treatment of human diseases, pain, injury, deformity and/or general physical conditions and the maintenance of general health.

Heliport. An area, either at ground level or elevated on a structure, licensed by the federal government or appropriate state agency and approved for the loading, landing and takeoff of helicopters and including related auxiliary facilities.

Helistop. An area, either at ground level or elevated on a structure, licensed by the federal government or appropriate state agency and approved for the loading, landing and takeoff of helicopters, but excluding related auxiliary facilities.

Height. The vertical distance to the highest point of the roof, as measured from finished grade level.

Highway. *see Street*

Home Occupation. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in a resident's dwelling unit.

Home Occupation, Minor. All home occupations not classified as a major home occupation shall be classified as a minor home occupation, subject to the provisions of Chapter 4 (Accessory Uses) of this Ordinance.

Home Occupation, Major. All home occupations not classified as a minor home occupation shall be classified as a major home occupation, subject to the provisions of Chapter 4 (Accessory Uses), and the issuance of a conditional use permit as provided for in Chapter 12 (Administration) of this Ordinance.

Hospice. A facility or institution providing living quarters and/or medical care and treatment, for persons suffering from a debilitating disease and/or condition which requires full-time medical supervision.

Hospital. A facility or institution, licensed by the appropriate state agency, which provides primary health services and medical or surgical care to persons, primarily on an inpatient basis, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including as an integral part of such institution, related support facilities such as laboratories, outpatient clinics, training facilities, medical offices and staff residences.

Hospital, Animal. *see Animal Hospital*

Hotel. A facility offering transient lodging accommodations to the general public, typically on a short term basis, and providing additional related services such as restaurants, meeting rooms, entertainment and recreational facilities.

Hotel, Apartment. A facility offering transient lodging accommodations to the general public, typically on a long term basis, and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom.

Household. A family living together in a single dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Impermeable Surface. Any material which prevents the passage of water.

Impervious Surface. Any material which reduces and/or prevents absorption of storm water into the ground, and which has a percolation rate slower than one hundred twenty (120) minutes per inch. *(see also Pervious Surface)*

Improvement. Any permanent structure that becomes part of, placed upon and/or is affixed to real estate.

Incompatible Use. *see Use, Incompatible*

Industrial Park. A tract of land, planned and developed as an integrated facility, devoted primarily to industrial uses, addressing the issues of circulation, parking, utilities, aesthetics and compatibility, when planning improvements and selecting tenants.

Industrial Use. *see Use, Manufacturing*

Industry, Heavy. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light. A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Ingress. Access or entry. *(see also Egress)*

Inoperable Motor Vehicle. *see Motor Vehicle, Inoperable*

Interior Side Yard. *see Yard, Interior Side*

Institutional Use. *see Use, Institutional*

Interior Lot. *see Lot, Interior*

Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Junkyard. *see Motor Vehicle Wrecking Yard*

Kennel. An establishment in which dogs, cats, or other household pets or domesticated animals are housed, groomed, bred, boarded, trained or sold for a fee or compensation.

Laboratory. A building and/or structure, or portion thereof, in which scientific investigation and/or experimentation is being conducted on a regular or ongoing basis.

Laboratory, Research. An establishment or other such facility for carrying on investigation in the naturel, physical or social sciences, which may include engineering and product development.

Land Use. *see Use, Land*

Landscaping. Lawns, trees, plants and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains and pools, located and arranged so as to enhance the aesthetic value of an area or land.

Landscape Plan. A component of a development plan on which is shown the location and arrangement of landscaping.

Laundromat. *see Laundry, Self-Service*

Laundry. A establishment providing washing, drying, or dry-cleaning, ironing an/or temporary or seasonal storage services.

Laundry, Self-Service. An establishment that provides home-type washing, drying, and/or ironing machines on the premises for rental use to the general.

Lawfully Existing Use. *see Use, Lawfully Existing*

Legal Interest. A documented interest, as prescribed by law, in land, buildings and/or structures and/or the use thereof.

Loading Space. A off-street space or berth used for the loading or unloading of cargo, products or materials form motor vehicles.

Loading Requirements, Schedule of. The minimum requirement for off-street accessory loading space for a particular permitted or conditional use, as specified by the provisions of Chapter 10 (Parking and Loading) of this Ordinance.

Lodging House. A facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of a fee. *(see also Rooming House)*

Lodger. A transient renter whose meals may or may not be included in the cost of his or her rent. *(see also Boarder)*

Lot. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon. *(see also Parcel)*

Lot, Corner. A lot or parcel of land abutting two or more streets at their intersection or upon two parts of the same street forming an angle of less than one hundred and thirty-five (135°) degrees.

Lot, Double Frontage. A lot which fronts upon two, more or less parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot, commonly known as a through lot.

Lot, Flag. A lot which does not front on, or otherwise abut a public street and where access is typically provided by a narrow private right-of-way or drive-way.

Lot, Improved. A lot upon which a building can be constructed and occupied, and for which a building permit can be issued to construct a building.

Lot, Interior. Any lot other than a corner lot.

Lot, Open Sales. A lot, or portion thereof, devoid of any principal buildings and/or structures, used and/or occupied for the purpose of buying and/or selling goods or merchandise.

Lot, Reverse Frontage. A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

Lot, Substandard. A lot or parcel of land that has less than the minimum area or minimum dimensions required in the zoning district in which such lot is located.

Lot, Through. *see Lot, Double Frontage*

Lot Area, Gross. The physical area of a horizontal plane within the lot lines of a zoning lot, measured in square feet.

Lot Area, Net. The physical area of a horizontal plane within the lot lines of a zoning lot, excluding rights-of-way, measured in square feet.

Lot Coverage. The area of a lot which is occupied or covered by buildings, structures or roofed areas, excluding allowed projecting eaves, balconies and similar accessory features.

Lot Depth. The average horizontal distance between the front and rear lot lines of a lot.

Lot Frontage. The length of the front lot line measured at the street right-of-way line.

Lot Line. A line of record dividing one lot from another lot or from a street, alley or other such right-of-way.

Lot Line, Corner Side. The side lot line of a corner lot, abutting either a public or private right-of-way.

Lot Line, Front. On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a double frontage lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot Line, Rear. The lot line not intersecting a front lot line that is most distant and most closely parallel to the front lot line

Lot Line, Side. Any lot line, other than on a corner lot, that is not a front lot line or a rear lot line. On corner lots, a side lot line may be a lot line fronting on a street or other such right-of-way.

Lot Line, Zero. The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

Lot of Record. A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

Lot Width. The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot, Zoning. A parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law, to be used, developed, and/or built upon, as a single unit, under single ownership or control. When two (2) or more contiguous parcels of land, under the same ownership, do not fully comply, as individual zoning lots, with the minimum requirements for a permitted or conditional use under the provisions of this Ordinance, such zoning lots shall be regarded as a single zoning lot for the purpose of establishing a permitted or conditional use and/or activity.

Lots, Merged. Two or more contiguous lots, in single ownership, that individually do not conform to the zoning ordinance bulk standards.

Lounge or Cocktail Lounge. *see Nightclub*

Major Home Occupation. *see Home Occupation, Major*

Manufactured Home. A structure transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems contained therein. For the purposes of this Ordinance, a mobile home shall be considered a manufactured home.

Manufactured Home Park. A site, of not less than five (5) acres in size, containing spaces with required improvements and utilities that are leased for the long term placement of mobile and/or manufactured homes and that may include services and facilities for the residents thereof.

Manufactured Home - PUD. A planned development located on a site consisting of not less than five (5) acres in size and containing subdivided lots with required improvements and utilities that are sold for the permanent placement of manufactured homes.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins and liquors.

Manufacturing Use. *see Use, Manufacturing*

Marina. A facility for the storing , servicing, fueling, berthing and securing of boats and that may include sleeping, eating and retail facilities for owners, crews and guests.

Marquee. Any hood, canopy, awning or permanent construction that projects from a wall of a building, typically above an entrance.

Master Plan. *see Comprehensive Plan*

Mini-Mall. *see Shopping Center - Minor*

Mini-Warehouse. *see Storage Facility, Self-Service*

Miniature Golf Course. *see Golf Course, Miniature*

Minor Home Occupation. *see Home Occupation, Minor*

Mobile Home. *see Manufactured Home*

Moratorium. A legally authorized delay and/or restriction on specified construction and/or development activity and/or an application process involving such activity.

Motel. *See Hotel*

Motor Vehicle. A self-propelled, free moving vehicle, propelled and/or drawn by mechanical power, using petroleum products, gas, electric, and/or other sources of fuel, designed to carry and/or transport passengers and/or cargo, and licensed by the appropriate state agency.

Motor Vehicle, Commercial. Any motor vehicle operated in conjunction with a commercial activity and/or licensed by the State of Illinois as a commercial vehicle.

Motor Vehicle, Inoperable. Any motor vehicle characterized by the inability to be driven from a under its own power, and/or to be utilized in a manner for which it was originally designed and/or intended.

Motor Vehicle, Off-Road (ORV). Any vehicle designed for use on a variety of non-improved surfaces and including dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes. *(see also Motor Vehicle, Recreational)*

Motor Vehicle Laundry. A structure containing facilities for the washing of motor vehicles and automatic or semiautomatic application of a cleaner, brushes, rinse water and heat for drying.

Motor Vehicle Laundry, Mechanized. A motor vehicle laundry designed and/or intended to automatically wash motor vehicles without the driver and/or passengers having to exit the vehicle, commonly known as an automatic car wash.

Motor Vehicle Laundry, Self-Service. A motor vehicle laundry designed and/or intended to allow customers to manually wash motor vehicles, commonly known as a self-serve car wash.

Motor Vehicle Laundry - Detailing. An establishment which utilizes manual labor for the hand washing, shampooing, and/or cleaning of a motor vehicle's interior and/or exterior.

Motor Vehicle Leasing and/or Rental. An establishment which utilizes a building and/or structure, or open area, or portions thereof, to display and/or merchandise motor vehicles, primarily for the purpose of short-term rental and/or limited-term leasing of such vehicles.

Motor Vehicle Raceway. A facility where the principal use involves the organized, competitive racing of motor vehicles over a raceway or track designed specifically for such competition, including related accessory facilities and uses.

Motor Vehicle, Recreational. A portable vehicular structure, motorized or non-motorized, without a permanent foundation, which can be towed, hauled, and/or driven away, and is primarily designed as a temporary living accommodation for recreational camping, and/or travel use, including, but not limited to travel trailers, campers and camping trailers, motor homes and/or boats. *(see also Motor Vehicle, Off-Road)*

Motor Vehicle Repair. The installation, service, repair and/or replacement of motor vehicle engines, body, chassis, drive train components and/or related parts and accessories, required due to mechanical failure, depreciation, and/or casualty.

Motor Vehicle Repair, Major. Motor vehicle repairs which include, but are not limited to the replacement and/or rebuilding of engines, transmissions , painting and bodywork and/or the reconstruction of motor vehicles, or any portion thereof.

Motor Vehicle Repair, Minor. Motor vehicle repairs which include all types of motor vehicle repairs not classified as major motor vehicle repairs, such as routine engine service, including engine tune-ups, fluid changes and/or lubrication, the installing of parts and accessories, tire and wheel service, including wheel alignment and balancing, shock absorbers and struts, brake service, electrical service including batteries, alternators and/or generators, and exhaust systems including mufflers, tailpipes, pipes and brackets.

Motor Vehicle Sales, New. An establishment which utilizes a building and/or structure, or open area, or portions thereof, to display and/or merchandise, primarily new motor vehicles, in order to promote the retail sale thereof, including related facilities and uses, such as leasing & rental services, parts & accessories sales, and/or major motor vehicle repair services.

Motor Vehicle Sales, Used. An establishment which utilizes a building and/or structure, or open area, or portions thereof, to display and/or merchandise, only used or per-driven motor vehicles, in order to promote the retail sale thereof, including related facilities and uses, such as leasing & rental services, parts & accessories sales, and/or major motor vehicle repair services, provided all such repairs are limited to only those vehicles available for sale, lease, and/or rental.

Motor Vehicle Body Repair & Painting Services. An establishment where the principal use is the painting and/or repairing of motor vehicle bodies, or parts thereof, commonly known as a body shop.

Motor Vehicle Service Station. Any building, land area or other premises, or portion thereof, used primarily for the retail dispensing or sales of motor vehicle fuels, servicing and repair of motor vehicles, and including as an accessory use, the sale and installation of lubricants, tires, batteries, and similar motor vehicle accessories.

Motor Vehicle Service Station - Major. Any building, land area or other premises, or portion thereof, used primarily for the retail dispensing or sales of motor vehicle fuels, servicing and major and/or minor repairs, as defined herein, of motor vehicles, and including as an accessory use, the sale and installation of lubricants, tires, batteries, and similar motor vehicle accessories and/or the sale of prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, and the like, for off-site consumption.

Motor Vehicle Service Station - Minor. Any building, land area or other premises, or portion thereof, used primarily for the retail dispensing or sale of motor vehicle fuels, servicing and minor repairs, as defined herein, of motor vehicles, and having a gross floor area of not more than five thousand (5,000) square feet, and including as an accessory use, the sale and installation of lubricants, tires, batteries, and similar motor vehicle accessories and/or the sale of prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, and the like, for off-site consumption.

Motor Vehicle Storage Facilities - Recreational. A building, structure, open area, or portion thereof, used or intended to be used primarily for the seasonal parking and storage of recreational motor vehicles.

Motor Vehicle Wrecking Yard. An establishment that dismantles or wrecks used motor vehicles or trailers, including the storage, sale, or dumping of such dismantled or wrecked vehicles or their parts, commonly known as a auto salvage yard.

Multi-Family Dwelling. *see Dwelling, Multi-Family*

Neighborhood. An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers.

Net Density. *see Density, Net*

Net Floor Area. *see Floor Area, Net*

Nightclub. An establishment dispensing alcoholic beverages and meals and in which music, dancing and/or live entertainment is featured. *(see also Bar or Tavern)*

Non-Conforming Use. *see Use, Non-Conforming*

Non-Profit Organization. *see Charitable Organization*

Nuisance. A condition, physical element or environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare or heat which interferes with the enjoyment and use of property.

Nursery. Any land or greenhouses used to raise flowers, shrubs, and plants for sale or for transplanting, including associated uses such as the retail sale of landscaping materials.

Nursing Home. A long-term care facility or a distinct part of a facility or institution licensed or approved as an extended care facility, infirmary unit of a home for the aged, or a governmental medical institution, commonly referred to as a convalescent home.

Occupancy Permit. *see Certificate of Occupancy*

Off-Premises Sign. *see Sign, Off-Premises*

Off-Site. Located outside the lot lines of the lot that is the subject of an application for development.

Off-Site Parking. *see Parking, Off-Site*

Off-Street Loading. *see Loading Space*

Off-Street Parking. *see Parking, Off-Street*

Office. A room or group of rooms located within a building, primarily used for conducting the affairs of a business or commercial activity, profession, service, industry, or government and generally furnished with desks, tables, files, computers and communication equipment, and which may include ancillary services for office workers, such as dining areas and child-care facilities.

Official Zoning Map. *see Zoning Map, Official*

On-Premises Sign. *see Sign, On-Premises*

On-Site. Located within the lot lines of the lot that is the subject of an application for development.

Opacity. Degree of obstruction of light.

Open Fence. *see Fence, Open*

Open Space. A parcel or area of land and/or water, essentially unimproved or otherwise devoid of pavement, buildings and/or structures, which has been set aside, dedicated, designated, or reserved for public and/or private use or enjoyment or for the use and/or enjoyment of owners, occupants, and/or their guests, of land adjoining or neighboring such open space.

Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of such development.

Ordinance. A municipally adopted law or regulation.

Outdoor Advertising Sign. *see Sign, Outdoor Advertising*

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Owners of Record. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land; and, subject to the provisions of Chapter 12 (Administration) of this Ordinance, for public notification purposes, owners of record shall be limited to only those individuals, firms, associations, syndicates, partnerships or corporations to whom the current real estate tax bills are sent for such land, as shown on the record of the local real estate tax collector.

Parcel. A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity. *(see also Lot)*

Park. Any public or private land dedicated or reserved for recreational, educational, cultural or aesthetic purposes.

Parking, Off-Site. Parking provided for a specific use but located on a lot or site other than the one on which the specific use is located.

Parking, Off-Street. A temporary storage area for a motor vehicle that is directly accessible to an access aisle and or street and that is not located on a dedicated street right-of-way.

Parking Lot. An off street, ground level open area, usually improved for the temporary parking and/or storage of motor vehicles.

Parking Lot, Private Customer and Employee. A parking lot that is accessory to a commercial or industrial establishment, building, or use and that is primarily intended for the parking and storage of motor vehicles operated by the customers, visitors and employees of such building and that is not available to the general public.

Parking Lot, Private Residential. A parking lot that is accessory to a residential building and that is used or intended to be used for the parking and storage of motor vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

Parking Lot, Public. A parking lot, or portion thereof, other than a private customer and employee parking lot or private residential parking lot, used or intended to be used primarily for the parking and storage of vehicles and available to the general public.

Parking Requirements, Schedule of. The minimum requirement for off-street accessory parking space, specified for a particular use and/or zoning lot, as specified by the provisions of Chapter 10 (Parking and Loading) of this Ordinance.

Parking, Shared. The development and use of parking area by two (2) or more separate properties for joint use by the businesses on those properties.

Parking Space. A space for the parking of motor vehicles within a public or private parking area.

Parking Stall. The parking space in which motor vehicles are parked.

Parking Structure. A building or structure consisting of more than one level and used or intended to be used for the parking and/or storage of motor vehicles.

Particulate Matter. Finely divided solid or liquid particles in the air or in an emission, including dust, smoke, fumes, mist, spray and fog.

Patio. A level, landscaped, and/or surfaced area, also referred to as a terrace, directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.

Performance Guarantee. Any security that may be accepted by a municipality to assure that improvements required as part of an application for development will be satisfactorily completed.

Performance Standards. An established set of criteria or limits relating to certain characteristics that a particular use, activity and/or process may not exceed.

Perimeter. The boundaries or borders of a lot, tract, or parcel of land.

Perimeter Fence. *see Fence, Perimeter*

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to so some act not forbidden by law but not allowed without such authorization.

Permitted Use. *see Use, Permitted*

Personal Care Service. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods, apparel or appearance, such as a tailor, seamstress, dry-cleaner, barber and/or beautician.

Pervious Surface. Any materials that permits full or partial absorption of storm water into the ground.

Phasing. Development undertaken in a logical time and geographical sequence, typically subject to specified deadlines and/or performance guarantees.

Planned Unit Development (PUD). An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity, and containing one or more structures with appurtenant common areas.

Planning Department - Director. The Director of the Planning Department, commonly referred to as the City Planner, shall serve as the enforcement officer of this Ordinance by interpreting the provisions specified herein and by providing technical and clerical assistance to the Planning Board and/or the corporate authorities, while coordinating implementation of the provisions of this Ordinance and the City's Official Comprehensive Plan.

Plant Nursery. *see Nursery*

Plat. A site plan, map plan, and/or layout, showing the legal boundaries of a subdivision, as well as the legal boundaries of each zoning lot proposed for the development.

Pool. An accessory structure, located either indoors or outdoors, temporary or permanent, which serves as a receptacle for water to be used for recreational purposes and/or as a landscaping feature.

Pool, Private Commercial. A pool that is accessory to a commercial establishment, building, or use and that is primarily intended for the recreational enjoyment of he customers, members and/or visitors establishment and that is not available to the general public.

Pool, Private Residential. A pool that is accessory to a residential building and that is used or intended to be used for the recreational enjoyment of the residents thereof and that is not a separate commercial enterprise available to the general public.

Pool, Public. A pool, other than a private residential or private commercial pool, used or intended to be used primarily for the recreational enjoyment of the general public.

Pool, Swimming. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or an above surface pool, having a depth of more than thirty (30") inches, designed, used and/or intended to be used, and maintained for swimming and bathing.

Portable Sign. *see Sign, Portable*

Preexisting Use. *see Use, Preexisting*

Premises. A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

Principal Building. *see Building, Principal*

Principal Use. *see Use, Principal*

Private Customer & Employee Garage. *see Garage, Private Customer & Employee*

Private Residential Garage. *see Garage, Private Residential*

Private Right-of-Way. *see Right-of-Way, Private*

Private Street. *see Street, Private*

Professional Service. The provision of services by a member of a recognized, licensed, profession maintained for the conduct of that profession, such as accounting, architectural, engineering and legal services.

Prohibited Use. *see Use, Prohibited*

Project. A development with the necessary site improvements on a particular parcel of land.

Projecting Sign. *see Sign, Projecting*

Public Facility or Service. A facility or service relating to the general health, safety and welfare of the population, typically operated by a governmental and/or quasi-public agency, organization or institution.

Public Notice. The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing and where the application and/or petition and other pertinent documentation may be inspected.

Public Garage. *see Garage, Public*

Public Pool. *see Pool, Public*

Public Right-of-Way. *see Right-of-Way, Public*

Public Street. *see Street, Public*

Public Utility. A closely regulated enterprise, typically with a franchise for providing to the public, a utility service deemed necessary for the public health, safety and welfare.

Public Utility Facilities. Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the general public.

Public Utility Facilities - Community & Regional. All utility facilities other than neighborhood facilities.

Public Utility Facilities - Neighborhood. Utility facilities that are designed to serve the immediate surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near a neighborhood where such utilities are proposed to be located.

Quasi-Public Use. A use owned or operated by a not-for-profit, religious, or eleemosynary institution and providing educational, cultural, recreational, religious, or similar types of programs. *(see also Use, Institutional and/or Public Facility or Use)*

Rear Lot Line. *see Lot Line, Rear*

Rear Yard. *see Yard, Rear*

Recreation Facilities. A place designed and equipped for the conduct of sports and leisure-time activities.

Recreational Motor Vehicle. *see Motor Vehicle, Recreational*

Religious Institution. An institution that people regularly attend to participate in or hold religious services, meetings, and other such activities, including, but not limited to accessory uses such as schools, child day care centers, bingo parlors and halls. The term "church" shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

Research Laboratory. *see Laboratory, Research*

Residence. A home, abode, or place where an individual is actually living at a specific point in time.

Residential Parking Lot. *see Parking Lot, Private Residential*

Residential Use. *see Use, Residential*

Residential Unit. *see Household*

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building and/or structure.

Restaurant, Drive-In. An establishment in which the principal use is the delivery of prepared food and/or beverages to customers in motor vehicles, for consumption either on or off premises.

Restaurant, Full Service. An establishment where food and drink are prepared, served, and consumed primarily on the premises and within the principal building and/or structure, and in which such service is provided by wait staff, at a table and/or booth, typically requiring the use of reusable, non-disposable flatware and dishware.

Restaurant, Fast Food. An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the building, in motor vehicles on the premises, or off the premises.

Restaurant, Carry-Out or Delivery. An establishment where food and/or beverages are sold in a form ready for consumption, where all, or significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering, pickup and/or delivery of food may take place form a motor vehicle.

Retail Sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods or merchandise, such as limited processing and/or manufacturing of products sold on the premises, and the buying and receiving of merchandise in addition to the sale of such merchandise to the general public, but excluding wholesale and/or retail outlet sales operations.

Retail Sales, Outdoor. The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats, aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards, and other similar products customarily stored outdoors.

Retail Service. Establishments providing services or entertainment, as opposed primarily to products, unless such products are part of the overall service and are typically consumed on the premises, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurances services, personal services, motion picture theaters, amusement and recreational services, health, educational, and social services, museums and galleries.

Rezone. *See Amendment, Map*

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, waterline, sanitary storm sewer, and other similar uses; and, generally the right to pass over the property of another.

Right-of-Way, Private. A right-of-way under private ownership or control.

Right-of-Way, Public. A right-of-way under public ownership or control.

Road. *see Street*

Roof. The outside top covering of a building.

Roof Mounted Sign. *see Sign, Roof Mounted*

Rooming House. A dwelling unit or a part thereof in which, for compensation, lodging and meals are provided. For the purpose of this Ordinance, the term Rooming House shall also mean lodging house, and a rooming house shall not include a Community Residence, Halfway House or Nursing Home.

Room. That portion of a building and/or dwelling unit, in which the owners of record and/or occupants conducts a specific activity related to the maintenance of the principal, special and/or accessory uses permitted on a specified zoning lot.

Run With the Land. A covenant or restriction to the use of land contained in a deed and binding on the present and all future owners of the property.

Satellite Antenna or Dish. *see Antenna, Satellite*

Schedule of Loading Requirements. *see Loading Requirements, Schedule of*

Schedule of Parking Requirements. *see Parking Requirements, Schedule of*

School. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including public and/or private business, trade, vocational, beauty or barber, dance or music, and martial arts schools, as well as academic institutions and related accessory facilities and uses. *(see also Educational Institution)*

Seating Capacity. The actual seating capacity of an area based upon the number of seats per square feet of net floor area and/or as otherwise determined by the provisions of the National Life Safety Codes.

Self-Service Laundry. *see Laundry, Self-Service*

Semi-Open Fence. *see Fence, Semi-Open*

Service Station. *see Motor Vehicle Service Station*

Services. Establishments primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises.

Setback. The distance between the building and any lot line.

Setback Line. That line that is the required minimum distance from any lot line and that established the area within which the principal structure must be erected or placed. *(see also Building Line)*

Shared Parking. *see Parking, Shared*

Shelter Care Facility. A boarding or rooming home for the sheltered care of persons with special needs, excluding such homes defined herein as a community residence and/or halfway house, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation, including but not limited to homeless and/or domestic violence shelters.

Shopping Center. A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan, and commonly referred to as a shopping mall.

Shopping Center - Major. A shopping center having a gross floor area of more than twenty-five thousand (25,000) square feet.

Shopping Center - Minor. A shopping center having a gross floor area of not more than twenty-five thousand (25,000) square feet, commonly known as a strip or mini-mall.

Side Lot Line. *see Lot Line, Side*

Side Yard. *see Yard, Side*

Sight Triangle. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or exiting such intersection.

Sign. A device, fixture, display, and/or structure, utilizing a color, form, graphic, illumination, symbol, and/or written copy, to advertise and/or direct attention to a product, place, activity, institution, business, and/or individual.

Sign Area. The entire area of a sign, within a single, continuous, rectilinear perimeter, enclosing the advertising and/or informational material. For signs consisting of two (2) or more facings and/or three-dimensional signs, the sign surface area shall be computed, including the total area of all facings designed to attract attention, and/or communicate information. Should a sign consist of multiple facings, sections, and/or modules, the entire area, including surfaces between said facings, sections, and/or modules, shall be included. Sign surface area shall not include supporting framework and/or bracing, clearly incidental to the display itself, unless such framework contains and/or displays advertising material.

Sign, Banner. A sign, typically composed of plastic, lightweight fabric, and/or a similar material, temporarily or permanently mounted to a pole, building, and/or structure, at one or more edges.

Sign, Billboard. *see Sign, Outdoor Advertising*

Sign, Commercial. A sign which directs attention to, or identifies a commodity, service, and/or entertainment, to be sold, or offered for sale, and/or any sign displaying the name of a business, commercial, and/or industrial establishment.

Sign, Electronic Message Board. Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programed and can be modified by electronic process.

Sign, Flashing. Any sign which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

Sign, Free-Standing. A sign which is completely, or primarily self-supporting, utilizing a pole, mast, frame, and/or other support mechanism and/or structure, that is not itself, an integral part of, or attached to, a building and/or structure, whose principal use is something other than the support of said sign.

Sign, Non-Conforming. A sign erected and/or displayed, prior to the effective date of this Ordinance, or subsequent amendments thereto, which does not fully conform to the standards and/or minimum requirements established for signs, by the provisions of Chapter 11 (Signs) of this Ordinance.

Sign, Off-Premises. A sign, the content of which, relates to a use, occupancy, and/or function, existing and/or being conducted, on a zoning lot, other than the zoning lot on which said sign is located.

Sign, On-Premises. A sign, the content of which, relates to a use, occupancy, and/or function, existing and/or being conducted, on the same zoning lot, on which said sign is located.

Sign, Outdoor Advertising. A standardized, off-premises sign, either free-standing or wall-mounted, including anchors, supports, braces, standards, and/or other structural components, facings, poster panels, and painted bulletins, which is primarily designed, intended for, and customarily used, to mount periodically changing displays and/or advertising materials, and which is generally made available to the general public, on a short-term or long-term basis, by an outdoor advertising company, commonly known as a billboard.

Sign, Portable. A free-standing sign, not permanently anchored or secured, to either a building and/or a structure, which is designed to be transported using wheels or other devices; including balloons used as signs, and signs attached to, or painted on, motor vehicles parked, and visible from the public right-of-way, excluding those motor vehicles which are used in the normal, day-to-day operations of such business.

Sign, Projecting. Any sign, other than a wall sign, that is attached to and projects from the wall or face of a building or structure.

Sign, Roof Mounted. Any sign erected upon, against or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, Temporary. A sign, used and/or intended to be used for a limited or intermittent period of time, which is readily moveable, and not permanently anchored to the ground, a building, and/or to another structure, and shall include all signs defined as a portable sign.

Sign, Wall. A sign, attached parallel to a wall, and/or painted on the surface of a wall, or erected and confined within the limits of an outside wall, of any building and/or structure, which is supported by said wall, and which displays a single facing sign surface area.

Sign, Window. A sign, picture, symbol, and/or combination thereof, placed and/or painted inside a window, or upon the window glass, and which is visible from the exterior of such window.

Similar Use. A use that has the same characteristics and/or range of impacts as the specifically cited uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.

Single-Family Dwelling. *see Dwelling, Single-Family*

Site Plan. The graphical depiction of the location and/or arrangement of existing and/or proposed buildings and/or structures, or portions thereof, parking and loading space, driveways, roads, rights-of-way, sidewalks, and other free-standing elements and/or features located on a zoning lot.

Sketch Plan. A concept, informal map of a proposed subdivision or site plan that is submitted to the approving authorities for preliminary, and non-binding, approval.

Slope. *see Grade*

Social Services. Establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, and physical disabilities.

Solid or Closed Fence. *see Fence, Closed or Solid*

Special Use. *see Use, Conditional*

Spot Zoning. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.

Stall, Parking. *see Parking Stall*

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be defined as a story if more than one half (½) of its floor-to-ceiling height is above the average level of the adjoining ground and/or if the floor-to-ceiling height is more than six and one half (6½') feet.

Street. Any vehicular right-of-way that is an existing state, county or municipal roadway, is shown upon a plat approved pursuant to law, is approved by other official action, includes the land between the street lines, whether improved or unimproved, and is used or intended to be used for passage or travel by motor vehicles.

Street, Public. A street or right-of-way that has been accepted by the municipality or other governmental entity.

Street, Private. A street or right-of-way that has not been accepted by the municipality or other governmental entity.

Storage Facility, Self-Service. A building and/or structure consisting of individual, small, self-contained units that are leased or owned for the storage of businesses and household goods or wares.

Structural Alteration. *see Alteration, Structural*

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

Structure, Accessory. *see Accessory Structure*

Structure, Temporary. A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Studio. The workshop of an artist, sculptor, photographer, or craftsman.

Studio Apartment. *see Dwelling Unit, Efficiency*

Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, or other divisions of land for the purpose of immediate or future sale, development or lease, and subject to the provisions of Kankakee Subdivision Ordinance, as amended, and/or the Illinois Plat Act.

Supermarket. *see Grocery Store*

Survey, Plat of. The graphic representation of a precisely ascertained area of land, including the dimensions and location of such land, and any buildings, structures, and other objects located thereon.

Swimming Pool. *see Pool, Swimming*

Tavern. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where the sale of food for consumption on the premises typically comprises less than twenty-five (25%) percent of the gross receipts. *(see also Bar or Nightclub)*

Tax Map. The recorded map of delineated lots or tracts in a municipality typically showing boundaries, bearings, sizes, dimensions, including the block and lot numbers and/or subdivision name.

Temporary Building. *see Building, Temporary*

Temporary Sign. *see Sign, Temporary*

Temporary Use. *see Use, Temporary*

Theme Park. An entertainment or amusement facility built around a single theme that may be historical, architectural or cultural.

Tenant. An occupant of land or premises or who occupies, uses, and enjoys real property for a fixed time, usually through a lease agreement with the property owner and with the owner's consent.

Through Lot. *see Lot, Double Frontage*

Tower. A structure situated on a non-residential lot that is intended to function as a support for an antenna.

Tract. An area, parcel, site, piece of land, or property that is the subject of a development application.

Trailer. A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

Trailer, Travel. A recreation vehicle that is towed by a car or a truck. *(see also Motor Vehicle, Recreational)*

Transitional Area. An area in the process of changing from one use to another or changing from one racial or ethnic occupancy to another and/or an area that acts as a buffer between tow land uses of different intensity and compatibility.

Transitional Use. *see use, Transitional*

Transitional Yard. *see Yard, Transitional*

Two-Family Dwelling. *see Dwelling, Two-Family*

University. *see College*

Use. The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, Accessory. A use of a lot, building, and/or structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use and/or which is commonly, and by long practice, established or reasonably associated with the principal use.

Use, Change of. Any use which substantially differs from the previous principal use of land or a building.

Use, Commercial. An activity involving the sale of goods, merchandise and/or services related to such goods or merchandise, carried out for profit.

Use, Conditional. A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all conditions and standards for the location or operation of the use as specified in a zoning ordinance and authorized by the corporate authorities, commonly known as a special use.

Use, Conforming. The principal and/or accessory use of property and/or improvements located on a zoning lot, which complies with the minimum requirements, as established herein, for said zoning district in which such zoning lot is located.

Use, Existing. The use of a lot, building, and/or structure at the time of the enactment of a zoning ordinance.

Use, Non-Conforming. A use or activity, lawfully existing on the effective date of this Ordinance, which does not comply with one (1) or more of the regulations and requirements established herein.

Use, Institutional. A non-profit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purposes.

Use, Land. A description of how land is occupied or utilized.

Use, Manufacturing. An economic activity engaged in the mechanical and/or chemical transformation of materials or substances into new products, including the assembly of component parts, the manufacturing of products, and/or the blending of bulk materials .

Use, Permitted. Any use allowed in a zoning district an subject to the restrictions applicable to that zoning district.

Use, Preexisting. The use of a lot, building, or structure prior to the time of the enactment of a zoning ordinance.

Use, Preexisting Non-Conforming. The legal use of a lot, building, and/or structure at the time of the enactment of a zoning ordinance, but made non-conforming as a result of the ordinance, with the legal right to continue.

Use, Principal. The primary or predominant use of any lot or parcel.

Use, Prohibited. Any use not permitted in a zoning district.

Use, Quasi-Public. A use owned or operated by a nonprofit, or religious institution, providing educational, cultural, recreational, religious, or similar types of programs.

Use, Residential. An activity which consists of the habitation of a dwelling unit, or temporary residential facility, for the purposes of overnight accommodations and accessory and ancillary activities such as eating, bathing, recreation and storage of personal property.

Use, Temporary. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period, and which does not involve the construction or alteration of any permanent building or structure.

Use, Transitional. A permitted land use or structure of an intermediate intensity by level of activity or scale between a more intensive and less intensive use.

Variance. Permission to depart from the literal requirements of a zoning ordinance.

Variance, Minor. A variance that which will produce an increase or decrease in the degree of compliance by no more than ten percent (10%) of the amount required for full compliance.

Variance, Major. All variances not classified as a minor variance, and/or which will produce an increase or decrease in the degree of compliance by more than ten percent (10%) of the amount required for full compliance.

Variance, Use. A variance granted for a use that is not permitted in a specified zoning district.

Wall Sign. see Sign, Wall

Window Sign. see Sign, Window

Warehouse. A building or structure used or intended to be used for the short or long-term storage of goods, merchandise and/or materials.

Warehousing and Distribution. An activity which utilizes a building or structure for the short-term storage of goods, merchandise and/or materials for a specified commercial use, commonly known as distribution centers.

Water Course. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and which includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

Yard. An open space that lies between the principal building or structure and the nearest lot line. The minimum required yard, as set forth in this ordinance is unoccupied and unobstructed from the ground upward except that as otherwise may be provided in this ordinance.

Yard, Corner Side. A required side yard which abuts a public right-of-way.

Yard, Depth. The shortest distance between a lot line and a yard line a space

Yard, Front. A space extending the full width of a lot between any building or structure and the front lot line and measured perpendicular to the building or structure at the closest point to the front lot line.

Yard, Rear. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required. The open space between a lot line and the yard line within which no structure shall be located except as otherwise provided in this ordinance, commonly known as setback or building setback.

Yard, Side. A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Yard, Transitional. A yard on a lot, designated on the Official Zoning Map as a commercial or industrial district, that abuts a residential zoning district, and/ or a yard on a lot designated as a industrial district abuts a lot designated as a commercial and/or residential district.

Yard Line. A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

Zero Lot Line. *see Lot Line, Zero*

Zoning, Spot. *see Spot Zoning*

Zoning Board. The duly designated zoning board of the City of Kankakee, established under the provisions of this ordinance and in accordance with the laws of the State of Illinois, with the responsibility to serve as an advisory and review authority for all planning, zoning, and/or zoning classification changes, conditional use permits and/or variances pertaining to lots of record within the corporate limits and/or extraterritorial jurisdiction of the City of Kankakee.

Zoning District. A delineated district within which certain zoning regulations are established which govern the use, placement, spacing, and size of land and buildings.

Zoning Lot. *see Lot, Zoning*

Zoning Map, Official. The map or maps that are part of the zoning ordinance and which delineate the boundaries of zoning districts, as adopted by the corporate authorities.

CHAPTER 3
GENERAL PROVISIONS

3.01 INTERPRETATION

A. **Minimum Requirements.** The provisions of this Ordinance shall establish the minimum requirements for the promotion of the public health, safety, morals, and welfare. Said requirements shall be met prior to commencing all uses of land, buildings, and/or structures, or portions thereof, in any zoning district established, and governed by the provisions of this Ordinance. All permits and/or licenses specified by the provisions of this Ordinance, and other applicable laws, codes, and/or regulations, shall be obtained prior to commencing a use on any zoning lot. No provision of this Ordinance shall be deemed as a consent, license, and/or permit to use any property, or to locate, construct, or maintain buildings, structures, facilities, and/or portions thereof, or to carry on a specific trade, industry, occupation, and/or activity.

B. **Relationship with Other Laws.** The provisions of this Ordinance shall be cumulative, and considered as additional limitations upon other applicable laws, codes, and/or regulations in effect, governing all subject matter herein. Where conditions imposed by the provisions of this Ordinance, upon a zoning lot, buildings, and/or structures, or portions thereof, vary in the degree of regulation imposed, either from other provisions specified herein, or provisions of other laws, codes, and/or regulations, the more restrictive provision, or that which imposes a higher standard or requirement, shall take precedence.

C. **Existing Agreements and Violations.** The provisions of this Ordinance are not intended to abrogate easements, covenants, or other private agreements, and where the minimum requirements established by this Ordinance are more restrictive, or impose higher standards than said easements, covenants, or other private agreements, the minimum requirements established by this Ordinance shall take precedence. As of the effective date of this Ordinance, unlawful uses, buildings, and/or structures, or portions thereof, shall remain unlawful hereafter, to the extent and manner, said uses, buildings, and/or structures, or portions thereof, shall be in conflict with the provisions of this Ordinance.

D. **Uses Not Specifically Permitted.** Uses, other than those uses specified as permitted, in the appropriate sections of this Ordinance, shall be expressly prohibited, except when it is determined by the Director of the Planning Department, that a proposed use is similar in nature to a use specified as a permitted or conditional use in the appropriate sections of this Ordinance. Unspecified uses, may be added to the list of specified uses, as either a permitted principal and/or accessory use, or a conditional use, utilizing the provisions of Chapter 12 (Administration) relating to text amendments and conditional use permits.

E. **Interpretation.** For the purposes of this Ordinance, the Director of the Planning Department, commonly referred to as the City Planner, shall serve as the enforcement officer of this Ordinance, and shall interpret the provisions of this Ordinance, as specified herein. Where disputes arise over final administrative decisions, and/or interpretation of the provisions of this Ordinance, the owner(s) of record of the subject zoning lot may appeal such decision and/or interpretation to the Planning Board, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance.

3.02 SEPARABILITY AND VALIDITY

If any chapter, section, subsection, clause, sentence, and/or other provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, said judgement shall not affect, impair, invalidate, and/or nullify the remaining provisions of this Ordinance. The effect of said judgement and/or decree thereof, shall be confined to said chapter, section, subsection, clause, sentence, and/or provision immediately involved in the controversy in which said judgement and/or decree shall be rendered.

3.03 SCOPE OF REGULATIONS

The provisions of this Ordinance shall apply to all zoning lots, uses, buildings, and/or structures, or portions thereof, as specified herein.

A. **Conditional Uses.** A classification of conditional uses is hereby established, in order to provide for and regulate the location of certain uses, as specified by the provisions of this Ordinance, commonly referred to as special uses. Conditional uses shall be those uses determined to possess unique characteristics, of an otherwise generally acceptable form of development and/or use, within a given category of zoning district, whose impact on nearby zoning lots and/or uses, or upon the character and future development of the zoning district in which they are located, may require additional regulations, controls, and/or conditions, in order to accommodate the purpose and intent of this Ordinance. Procedures for regulating conditional uses are set forth in Chapter 12 (Administration) of this Ordinance.

B. **Use of Zoning Lots, Buildings and/or Structures.** Any lawfully existing use of zoning lots, buildings, and/or structures, or portions thereof, which does not fully conform to the provisions of this Ordinance, as of the effective date of this Ordinance, may be continued, only in accordance with the provisions of Chapter 5 (Non-Conforming Uses) of this Ordinance.

C. **Building Permits.** Subject to the provisions of this Ordinance, a building permit issued prior to the effective date of this Ordinance, shall remain valid, provided the specified work is continuously pursued, and/or completed, within the time period specified by the Kankakee Building Code.

D. **Certificates of Occupancy.** Subsequent to the effective date of this Ordinance, no changes in the use and/or occupancy of an existing zoning lot, building and/or structure, or portion thereof shall be permitted, nor shall any new construction be occupied for any purpose, until and unless, a valid Certificate of Occupancy and/or Occupancy Permit has been issued by the Kankakee Fire Department - Code Enforcement Division. Every Certificate of Occupancy and/or Occupancy Permit shall fully document that any new occupancy fully complies with the provisions of this Ordinance. No permit for excavation for and/or the alteration of, any building and/or structure shall be issued before the application has been made and approved for a Certificate of Occupancy and/or Occupancy Permit. Copies of all Certificates of Occupancy and/or Occupancy Permits shall be kept as a public record in the offices of the Kankakee Fire Department - Code Enforcement Division, and shall be available for public inspection. Copies shall be furnished to any person having a proprietary or tenancy interest in land, or in a building affected by said Certificate.

E. **Regulation of Bulk.** A use, building, and/or structure, or portion thereof, shall not be used, occupied, erected, reconstructed, moved, extended, enlarged, and/or altered, except in a manner which fully complies with the applicable provisions of this Ordinance for the zoning district in which it is located. Subject to the other provisions of this Ordinance, and the requirements of other applicable laws, codes, and/or regulations, structures which may exceed the height requirements specified herein, shall include, but are not limited to, chimneys, cooling towers, elevator bulkheads, fire towers, mechanical appurtenances, parapet walls and/or smoke stacks.

F. **Below Grade Regulation.** A dwelling unit shall be prohibited in a basement, as defined in Chapter 2 (Definitions) of this Ordinance, as a space having one-half (½) or more of its floor-to-ceiling height above the grade/ground level, and with a floor-to-ceiling height of not less than six and one-half (6½') feet.

3.04 SUBDIVISIONS

The subdivision of all parcels, tracts, and/or lots of record, creating a zoning lot or lots, subject to the provisions of this Ordinance, shall fully comply with the provisions of the Kankakee Subdivision Ordinance, as amended; this provision shall exclude those subdivisions specifically exempted by the Illinois Plat Act, Chapter 109, of the Illinois Revised Statutes, as amended. The creation of non-conforming zoning lots shall be prohibited. Each zoning lot created through the subdivision process shall front, and/or abut, a public street. Zoning lots accessible only through the use of existing private rights-of-way, as defined in Chapter 2 (Definitions), may be permitted

only when said zoning lots, are determined to be lawfully existing lots of record, as of the effective date of this Ordinance, or, when included as part of a planned unit development, approved by the corporate authorities.

3.05 YARD AND/OR OPEN SPACE REQUIREMENTS

All yards and open spaces required by the provisions of this Ordinance, shall be located on the same zoning lot as the principal use, building, and/or structure. The owner(s) of record of said zoning lot, shall be responsible for retaining title to sufficient property, required for the legal existence of pre-existing buildings and/or structures, or portions thereof, on said zoning lot. No portion of a zoning lot, used to document compliance with the provisions of this Ordinance, shall be used to satisfy the minimum requirements specified herein, for any other zoning lot, either through change of ownership, or other reasons, if the portion to be reallocated, would cause the original zoning lot to fall below the minimum requirements of this Ordinance. No required yard, existing or hereafter provided for a zoning lot in existence on the effective date of this Ordinance, shall subsequently be reduced in area below its existing level, or below minimum requirements established herein.

3.06 SETBACK REQUIREMENTS ALONG PUBLIC RIGHTS-OF-WAY

As of the effective date of this Ordinance, all construction shall be setback from abutting public rights-of-way, in a manner which fully complies with the applicable provisions of this Ordinance, for the zoning district in which said construction is located. Any improvement to an existing building and/or structure, or portion thereof, shall retain the setback currently existing, for the zoning lot where said improvements are being made. Existing non-conforming lots proposed for inclusion in a residential subdivision, shall fully comply with the provisions of this Ordinance.

3.07 AIRPORT REQUIREMENTS

All airports, as defined in Chapter 2 (Definitions) of this Ordinance, either existing or proposed, shall be subject to all applicable laws, codes, and/or regulations established by the Federal Aviation Administration (FAA), State of Illinois' Department of Aeronautics (IDOA), and/or, other applicable state and federal jurisdictions and agencies. The height of buildings and/or structures, or portions thereof, in areas designated as impact zones, as defined in an approach plan, established and approved for said airport, shall fully comply with the minimum requirements set forth in such plan. The height of buildings and/or structures, or portions thereof, located on zoning lots surrounding an airport which does not have designated impact zones, and/or an approved approach plan, shall fully comply with the minimum requirements established by the applicable provisions of this Ordinance.

3.08 DAMS AND WATER COURSES

No provision of this Ordinance shall be deemed to control, regulate, and/or prevent, the erection and/or maintenance of dams or natural water courses, provided full compliance can be documented, for all applicable laws, codes, and/or regulations, as established by the Federal Emergency Management Agency (FEMA), the State of Illinois' Department of Conservation (IDOC), and/or other governmental agency or entity with appropriate jurisdiction.

3.09 FLOOD PLAIN DEVELOPMENT

In all zoning districts, the construction of any building and/or structure, or portion thereof, designed or intended for residential, commercial and/or industrial use, shall be prohibited, except those which fully comply with the minimum requirements established by the Kankakee Flood Plain Development Ordinance, as amended, for said buildings and/or structures, or portions thereof, located on or near, shores and/or water courses, as designated on the current Flood Insurance Rate Map (FIRM), as defined in Chapter 2 (Definitions) of this Ordinance.

3.10 RESIDENTIAL AND/OR COMMERCIAL USE OF BOATS

The residential and/or commercial use of boats, and/or other floating structure and/or watercraft, on a permanent basis, shall be prohibited, except for the temporary and/or seasonal use of marinas, boat yards and ways, and/or boat liveries, as defined in Chapter 2 (Definitions) of this Ordinance.

3.11 WATER SUPPLY AND/OR SANITARY SEWAGE

Each dwelling, business, trade, industry, or other such activity and/or use, permitted on a zoning lot located within the corporate limits, and hereafter established in accordance with the provisions of this Ordinance, shall provide facilities conforming to standards of design and location, approved by the Kankakee Metropolitan Waste Water Utility, in accordance with the Kankakee Sewer Use Ordinance, as amended. Any new water supply and/or sanitary sewage disposal systems, hereafter provided for existing uses, shall conform to said standards.

3.12 PERFORMANCE STANDARDS

All industrial and/or commercial activities, whether newly established or previously existing on any zoning lot, shall conduct such activities in a manner which complies with the provisions of Section 9.02 (Performance Standards) of this Ordinance, when such provisions are deemed applicable by the corporate authorities, as defined in Chapter 2 (Definitions) of this Ordinance.

CHAPTER 4
ACCESSORY USES, BUILDINGS AND/OR STRUCTURES

4.01 ACCESSORY USES, BUILDINGS, AND/OR STRUCTURES

A. General Provisions. An accessory use, building and/or structure, or portion thereof, hereafter established, altered, enlarged, erected, and/or relocated on a zoning lot, shall fully conform with the applicable provisions of this Chapter, and all other applicable laws, codes, and/or regulations.

(1) Construction Standards. Accessory uses, buildings, and/or structures, shall be compatible with the principal use, and shall be constructed in a manner which fully complies with the requirements of the Kankakee Building Code, as amended.

(2) Public Easements. The construction of permanent accessory buildings and/or structures, or portions thereof, shall be prohibited on public easements, unless authorized by the corporate authorities and/or by such utility having such easement.

B. Permitted Accessory Uses. Subject to the other provisions of this Ordinance, accessory uses shall be permitted in all zoning districts, as specified in Table 4-1 (Permitted Residential Accessory Uses), and Table 4-2 (Permitted Commercial and Industrial Accessory Uses), of this Section.

C. Residential Zoning Districts. Subject to other provisions of this Ordinance, accessory uses located on a zoning lot designated as a residential zoning district (R-1, R-2, or R-3), on the City's Official Zoning Map, shall be subject to the provisions of this Section.

(1) Height Requirements. Subject to the provisions of this Ordinance, accessory buildings and/or structures, or portions thereof, excluding radio and/or television antennas, located on a residential zoning lot, at their highest point, shall not exceed fifteen (15) feet in height, as measured from grade/ground level.

(2) Yard and/or Setback Requirements. Accessory uses, buildings and/or structures, located within required front, rear and or side yards of a residential zoning lot, shall be erected in compliance with the requirements set forth in Table 4-1 (Permitted Residential Accessory Uses), of this Section.

(3) Maximum Lot Coverage. The maximum lot coverage permitted for all residential accessory uses, and any other impermeable surfaces, as defined in Chapter 2 (Definitions) of this Ordinance, excluding private residential garages, shall be limited to twenty-five percent (25%) of the buildable area of said lot, unless otherwise permitted and/or specified under the provisions of Table 4-1 (Permitted Accessory Uses), of this Chapter.

(4) Outdoor Storage of Recreational Vehicles and Boats. Subject to the provisions of this Ordinance, the outdoor storage of recreational motor vehicles, and/or boats, as defined in Chapter 2 (Definitions), shall be permitted as an accessory use, on zoning lots designated as a residential zoning district (R-1, R-2, or R-3), on the City's Official Zoning Map. Said storage shall be limited to not more than one (1) such recreational vehicle or boat per zoning lot, provided such vehicle or boat is legally registered with the State of Illinois, as being the property of the current owners of record, and/or occupants of such zoning lot.

(a) Registration. The owners of record of said vehicles, and/or boats, shall be in possession of the title, registration, and/or other proof of ownership, and upon the request of any authorized City official, present such proof, for all vehicles and/or boats stored upon said zoning lot. All license plates and vehicle tags, required by law, shall be kept current, and properly displayed, in accordance with all applicable local, state and/or federal laws, codes, and/or regulations.

(b) **Bulk Restrictions.** The outdoor storage of said vehicles and/or boats, including trailers, on a residential zoning lot, shall be limited to those vehicles and/or boats, excluding hardware, and/or accessories, which fully comply with the following maximum restrictions:

(1) Height . . . . . Ten (10) feet.

(2) Length . . . . . Twenty-one (21) feet.

(3) Width . . . . . Eight (8) feet.

(c) **Yard and/or Setback Requirements.** The seasonal outdoor storage of said vehicles and/or boats, on a residential zoning lot, shall be subject to the yard and/or setback requirements specified as follows:

(1) Side Yards - Prohibited.

(2) Rear Yard - Permitted not less than six (6) feet from principal building and/or any lot line.

(3) Front Yard - Permitted only on established drive-ways when zoning lot does not abut an alley.

(d) **Prohibited Activities.** The following activities, shall be prohibited whenever the seasonal outdoor storage of said vehicles and/or boats is being conducted on a residential zoning lot:

(1) **Foundations.** Said vehicles and/or trailers, shall remain mobile at all times. Permanent and/or semi-permanent foundations or supports, excluding wheel blocks, shall be prohibited.

(2) **Repairs and/or Maintenance.** Major motor vehicle repairs, as defined in Chapter 2 (Definitions) of this Ordinance, shall be prohibited on residential zoning lots designated as a residential zoning district (R-1, R-2, or R-3), on the City's Official Zoning Map.

(3) **Unsafe Parking Configuration.** Said vehicles and/or boats shall be parked and/or stored in a manner, so as not to create, initiate, and/or reinforce, dangerous and unsafe conditions on said zoning lot, abutting zoning lots, and/or rights-of-way, which shall include, but not be limited to, parking and/or storage practices whereby said vehicles and/or boats may readily tip and/or roll.

D. **Commercial & Industrial Zoning Districts.** Subject to the provisions of this Ordinance, accessory uses located on a zoning lot designated as a commercial zoning district (C-1, C-2, or C-3), or an industrial zoning district (I-1 or I-2), on the City's Official Zoning Map, shall be subject to the provisions of this Section.

(1) **Height Requirements.** Subject to the provisions of Chapter 8 (Commercial Zoning Districts) and Chapter 9 (Industrial Zoning Districts) of this Ordinance, accessory buildings and/or structures, or portions thereof, excluding antennas and/or satellite dishes, located on a commercial or industrial zoning lot, shall not exceed the maximum building height, permitted for the zoning district in which said zoning lot is located, as measured from the grade/ground level, unless a major variance is granted by the Planning Board, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance, based upon reasonable engineering requirements for the proposed improvement.

(2) **Yard and/or Setback Requirements.** Accessory uses, buildings and/or structures, shall be located within the required rear and or side yards of a commercial or industrial zoning lot, in compliance with the minimum requirements set forth in Table 4-2 (Permitted Commercial and Industrial Accessory Uses), of this Section.

(3) **Maximum Lot Coverage.** The maximum lot coverage permitted for all commercial and/or industrial accessory uses, including all accessory buildings and/or structures, shall be limited to the following percent of the buildable area of such lots:

(a) Commercial . . . . . Thirty-five (35%) percent.

(b) Industrial . . . . . Forty-five (45%) percent.

E. **Outdoor Storage.** For the purposes of this Ordinance, the use of motor vehicles, recreational vehicles, and/or boats as permanent accessory buildings shall be prohibited in all zoning districts. The use of truck trailers as accessory storage facilities on a permanent basis shall be prohibited in all zoning districts.

(1) **Zoning Compliance.** The use of said vehicles, and/or trailers, for a commercial and/or industrial activity, on a residential zoning lot, shall be prohibited. Vehicles and/or trailers, temporarily located on a residential zoning lot, and being utilized in ongoing construction activity, shall be permitted for the duration of the construction period, upon the issuance of a temporary use permit, in accordance with the provisions of this Chapter. Upon the conclusion of said construction, all such vehicles and/or trailers shall be removed from said zoning lot.

(2) **Permit Requirements.** A temporary use permit, allowing for the temporary use of accessory buildings and/or structures, during periods of ongoing construction, on the same zoning lot, or on contiguous zoning lots, shall be obtained from the Kankakee Fire Department - Code Enforcement Division, in full compliance with the provisions of this Chapter.

F. **Temporary Use Permits.** Accessory uses, buildings, and/or structures shall not be established prior to the establishment of the principal use of the zoning lot on which it is located. The Director of the Kankakee Fire Department - Code Enforcement Division, may issue temporary use permits for accessory buildings, and/or structures, or portions thereof, truck trailers, and/or mobile units, subject to the following requirements:

(1) Said permit is required for the temporary commercial use of said buildings, vehicles, and/or trailers to provide office facilities, accessory to the temporary commercial use of a zoning lot.

(2) Said permit is required for the temporary commercial use of said buildings, vehicles, and/or trailers as portable offices, or as a temporary storage facility, during ongoing construction activity; said office and/or storage facility shall be located on the lot being developed, or, on a contiguous zoning lot.

(3) Said permit is required for the temporary commercial or industrial use of truck trailers, used as a temporary storage facility, for material and equipment, determined by the Kankakee Fire Department - Code Enforcement Division to be accessory to the principal use of said zoning lot; the use of said trailers shall be restricted to the same zoning lot on which said principal use is being conducted.

Temporary use permits shall remain valid for a period not to exceed twelve (12) months from the date of issuance. Extensions, in increments of six (6) months, may be granted by the Director of the Kankakee Fire Department - Code Enforcement Division, should circumstances warrant, upon written request by the owners of record for the subject property.

4.02 ANTENNAS AND SATELLITE DISHES

A. **General Provisions.** Subject to the provisions of this Chapter, antennas and/or parabolic electronic transmission and/or receiving devices, commonly referred to as satellite dishes, as defined in Chapter 2 (Definitions) of this Ordinance, shall be permitted as accessory uses on all zoning lots.

(1) **Permit Requirements.** Subject to the provisions of the Kankakee Building Code, as amended, prior to commencing said installation, all antenna and/or satellite dish installations shall require a building permit to be obtained from the Kankakee Fire Department - Code Enforcement Division.

(2) **Aesthetic and Safety Requirements.** Antennas and/or satellite dishes shall not be permitted, until and unless, the following requirements are met:

(a) Said antennas and/or satellite dishes shall be painted a neutral color, to minimize the visual impact of said structures upon the surrounding area.

(b) Said antennas and/or satellite dishes shall not exhibit any advertising, and/or alphanumeric information, except as required by other local, state, and/or federal regulations, statutes and/or standards.

(c) Said antennas and/or satellite dishes shall be designed, located, installed and operated, in a manner which maximizes the public safety.

(3) **Yard and/or Setback Requirements.** Subject to the provisions of this Chapter, antennas and/or satellite dishes shall not be permitted, until and unless, said structures fully complies with the yard and setback requirements specified in this Ordinance, for the zoning district in which the zoning lot and/or principal use, to which said structures is accessory, is located.

B. **Classification.** For the purposes of this Ordinance, antennas and/or satellite dishes shall be classified, based on the location, type, extent, and/or nature of the support mechanism and/or structure, as either Roof-Mounted or Grade/Ground-Mounted.

C. **Roof-Mounted Antennas & Satellite Dishes.** Subject to the other provisions of this Ordinance, roof-mounted antennas and/or satellite dishes, attached to a building and/or structure, or portion thereof, shall fully comply with the following requirements:

(1) **Antennas**. Antennas, excluding satellite dishes of any type, shall be subject to the following additional requirements:

(a) **Zoning Requirements.** Roof-mounted antennas shall be a permitted accessory use in all zoning districts.

(b) **Bulk Requirements.** Roof-mounted antennas shall not exceed one hundred ten percent (110%) of the maximum building height, permitted for the zoning district in which said antennas is to be located. Said antennas shall not exceed six (6) feet in width.

(2) **Satellite Dishes.** Roof-mounted satellite dishes, of any type, shall be subject to the following additional requirements:

(a) **Zoning Requirements.** Roof-mounted satellite dishes shall be a permitted accessory use in R-3 Multi-Family Residential, all Commercial and Industrial Zoning Districts. Roof-mounted satellite dishes, not exceeding three (3) feet in width, shall be permitted in R-1 Single-Family Residential, and R-2 Two-Family Residential Zoning Districts.

(b) **Bulk Requirements.** Roof-mounted satellite dishes shall not exceed:

(1) Height . . . . . Fifteen (15) feet.

(2) Width . . . . . Ten (10) feet.

D. **Grade/Ground-Mounted Antennas & Satellite Dishes.** Subject to the other provisions of this Ordinance, grade/ground-mounted antennas and/or satellite dishes, located in a required yard of a principal building and/or structure, or portion thereof, located on a zoning lot subject to the provisions of this Ordinance, shall fully comply with the following requirements:

(1) **Antennas.** Grade/ground-mounted antennas and their supporting structures shall be a permitted accessory use in the following zoning districts: all Residential Zoning Districts, C-2 Service Commercial, and all Industrial Zoning Districts; and, shall not exceed one hundred ten (110%) percent of the maximum building height permitted for the zoning district in which such antenna is to be located.

(2) **Satellite Dishes.** Subject to other provisions of this Section, grade/ground-mounted satellite dishes shall be subject to the following additional requirements:

(a) **Zoning Requirements.** Grade/ground-mounted satellite dishes shall be a permitted accessory use in the following zoning districts: R-3 Multi-Family Residential, all Commercial Zoning Districts, and all Industrial Zoning Districts. Grade/ground-mounted satellite dishes, in excess of six (6) feet in width, shall be prohibited in the following residential zoning districts: R-1 Single-Family Residential, and R-2 Two-Family Residential.

(b) **Bulk Requirements.** Grade/ground-mounted satellite dishes shall not exceed:

(1) Height . . . . . Fifteen (15) feet.

(2) Width . . . . . Ten (10) feet.

4.03 FENCES

A. **General Provisions.** Subject to the provisions of this Ordinance, fences, as defined in Chapter 2 (Definitions) of this Ordinance, shall be a permitted accessory use in all zoning districts, and shall be required whenever so specified by the provisions of this Section.

(1) **Zoning Compliance.** Subject to the provisions of this Ordinance, a fence shall not be erected, constructed, and/or installed, or, the location of an existing fence altered, without fully complying with the provisions of this Ordinance.

(2) **Permit Requirements**. Subject to the provisions of this Ordinance, and all other applicable laws, codes, and/or regulations, a building permit shall be secured from the Kankakee Fire Department - Code Enforcement Division, prior to the erection, construction, and/or installation of a fence.

(3) **Construction Standards.** Subject to the applicable provisions of this Ordinance, and the Kankakee Building Code, as amended, a fence erected, constructed, and/or installed shall have the finished side of said fence, face the front, rear, and/or side lot lines, and/or public rights-of-way. The entirety of said fence shall be similar in design, construction and appearance.

B. **Residential Zoning Districts.** Subject to the other provisions of this Ordinance, fences which fully comply with the requirements of this Section, may be erected, constructed, and/or installed, on any zoning lot designated as a residential zoning district (R-1, R-2, or R-3) on the City's Official Zoning Map:

(1) A fence, as Defined in Chapter 2 (Definitions) of this Ordinance, may be erected in any side, rear and/or corner side yard provided such fence does not exceed a height of six and one-half (6½) feet above the existing grade/ground level, does not extend beyond the front line of the principal building, as measured from the rear lot and/or property line, and is not located within five (5) feet of the rear lot and/or property line when abutting a public alley.

(2) Subject to the other applicable provisions of this Ordinance, no fence shall be erected in a front yard.

(3) A fence may be erected in any side and/or rear yard abutting a railroad and/or Interstate Highway right-of-way provided such fence does not exceed a height of eight and one-half (8½) feet above the existing grade/ground level.

(4) A fence may be erected in any side and/or rear yard abutting a commercial or industrial zoning lot or any such lot where the principal use is for off-street parking provided such fence does not exceed a height of six and one-half (6½) feet above the existing grade/ground level.

(5) A fence may be erected in any side, rear and/or corner side yard of a residential zoning lot where the principal use is non-residential in nature provided such fence does not exceed a height of eight and one-half (8½) feet above the existing grade/ground level, does not extend beyond the front line of the principal building, and is not located within five (5) feet of the rear lot and/or property line when abutting a public alley.

C. **Commercial & Industrial Zoning Districts.** Subject to the provisions of this Ordinance, fences which fully comply with the requirements of this Section, may be erected, constructed, and/or installed, on any zoning lot designated as a commercial zoning district (C-1, C-2, or C-3), and/or as an industrial zoning district (I-1 or I-2), on the City's Official Zoning Map:

(1) A fence, as Defined in Chapter 2 (Definitions), may be erected in any side and/or rear yard provided such fence does not exceed a height of eight and one-half (8½) feet above the existing grade/ground level, does not extend beyond the front line of the principal building, as measured from the rear lot and/or property line, and is not located within five (5) feet of the rear lot and/or property line when abutting a public alley. Whenever such a fence is erected, that part of such fence which exceeds a height of six (6) feet above the existing grade/ground level may be constructed of barbed wire and/or other such material.

(2) Subject to the other applicable provisions of this Ordinance, a fence may not be erected in a front yard.

(3) Subject to the other applicable provisions of this Ordinance, a fence may be erected in a corner side yard provided such fence does not exceed a height of eight and one-half (8½) feet above the existing grade/ground level, and does not extend beyond the front line of the principal building, as measured from the rear lot and/or property line.

(4) Subject to the provisions of this Ordinance, when a commercial and/or industrial use, as established after the effective date of this Ordinance, abuts a residential zoning lot and/or use, excluding contiguous public rights-of-way, a fence not less than a height of six and one-half (6½) feet above the existing grade/ground level, shall be provided along those lot and/or property lines abutting said residential lot and/or use.

(5) Whenever the outdoor storage of materials, equipment, and/or motor vehicles occurs as a permitted accessory use on a commercial or industrial zoning lot, a fence of not less than a height of eight and one-half (8½) feet above the existing grade/ground level shall be provided along those lot and/or property lines abutting said storage areas, facilities, and/or related activities.

D. **Public Utility, Quasi-Public, and/or Public Recreation Uses.** Subject to the provisions of this Ordinance, fences which fully comply with the provisions of this Section, may be erected, constructed, and/or installed, on all zoning lots, featuring public utility and/or public recreation uses:

(1) Open fences may be erected in any required side yard and/or rear yard, provided said fence shall not exceed a maximum height of eight (8) feet above the existing grade/ground level.

(2) All public utility uses, such as transformer substations, shall be fenced, in a manner and to an extent, so as to discourage and/or restrict entry by the general public.

Where deemed by the Director of the Kankakee Fire Department - Code Enforcement Division, as necessary and/or appropriate to ensure public safety, the top portion of said fences shall include restraints, such as barbed wire and/or razor wire. Should the lot line of said public utility use abut a residential zoning district, or whenever said use has frontage on a public right-of-way, the fencing installed shall provide adequate screening, to minimize the visual impact of said use upon the surrounding area. Said screening shall consist of a solid, open, and/or semi-open fence.

(3) Public recreation uses and/or educational uses may be enclosed along their boundaries, using an open-type fence, provided said fence shall not exceed a maximum height of eight (8) feet above the existing grade/ground level. Accessory uses such as tennis courts, may be fenced in accordance with established national standards for said uses.

E. **Refuse Collection and Recycling Facilities.** Whenever centralized refuse collection and/or recycling facilities are provided and/or required on a zoning lot, a solid fence, not less than a minimum height of six (6) feet above the existing grade/ground level, shall be provided, and installed so as to enclose and/or screen said facilities.

4.04 HOME OCCUPATIONS

A. **General Provisions**. The purpose of this Section is to specify the minimum requirements for the establishment and operation of home occupations, as an accessory use, as defined in Chapter 2 (Definitions) of this Ordinance, assuring compatibility with abutting areas.

(1) **Zoning Compliance.** Home occupations shall be permitted as an accessory use in all residential dwelling units, excluding home occupations that attract customers, clients or students to the premises for sales or services, which shall be prohibited in multi-family dwelling units.

(2) **Spatial Restrictions.** Home occupations and any related activity, whether permitted as an accessory use, or requiring a conditional use permit, shall remain clearly accessory to, and secondary in nature, to the primary use of the zoning lot, buildings, and/or structures, for residential purposes. All activity related to the specified accessory use, shall be conducted entirely within a residential dwelling unit; no activity related to the home occupation shall be conducted in an accessory building and/or structure, or portion thereof. Home occupations involving in-home day care and/or group home day care, may locate outdoor recreational equipment in the required rear yard of said zoning lot. Home occupations shall be limited in terms of the amount of gross floor area (GFA), as defined in Chapter 2 (Definitions) of this Ordinance, in accordance with their level of classification, as follows:

(a) **Minor Home Occupations.** One (1) Room, or Ten Percent (10%) GFA, whichever is less.

(b) **Major Home Occupations.** Two (2) Rooms, or Twenty Percent (20%) GFA, whichever is less.

(3) **Construction Restrictions.** For the purposes of this Section, specialized construction and/or major alterations to said dwelling, as defined in Chapter 2 (Definitions) of this Ordinance, either internal or external, temporary or permanent, shall be prohibited. The installation of special equipment to walls, floors, and/or ceilings, which substantially alters the residential character of said dwelling, shall be prohibited. Materials and/or equipment, utilized to conduct said home occupation, shall be restricted to those items which are commonly used in the course of owning and maintaining said dwelling. Separate entrance or exit ways, exclusively used in relation to the home occupation, shall be prohibited. The appearance of said dwelling shall not be altered, or the occupation within the residence be conducted, in a manner that is incompatible with its principal residential use, and/or character; either through the use of colors, materials, construction, lighting, and/or signs, or, the emission of sounds, odors, and/or vibrations which extend beyond the premises.

(4) **Employment Restrictions.** Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation, except as follows:

(a) **Minor Home Occupations.** The related employment, on-premises, of any individual, not permanently residing in the same dwelling where said home occupation is being conducted, shall be permitted only upon the issuance of a conditional use permit in accordance with the provisions of Chapter 12 (Administration) of this Ordinance.

(b) **Major Home Occupations.** The related employment, on-premises, of any individual, in excess of one (1), not permanently residing in the same dwelling where said home occupation is being conducted, shall be prohibited, unless otherwise authorized under the terms and provisions of the required conditional use permit.

(5) **Traffic and Parking Restrictions.** Permitted home occupations shall not create and/or otherwise cause an increase in traffic generated by such occupation than would be normally expected in a residential neighborhood. Home occupations shall not create parking demand, exceeding the amount of off-street parking spaces required for said dwelling, as specified in Chapter 10 (Parking and Loading). The home occupation shall not prevent vehicles intended to be parked in a private garage, from doing so.

(6) **Deliveries of Merchandise.** The sale of commodities and/or the provision of services related to a home occupation, requiring the receipt and/or delivery of goods, equipment and/or merchandise by other than a passenger motor vehicle, or by parcel and/or letter carrier mail service, using motor vehicles typically employed in residential deliveries, shall be prohibited; shipping and/or delivery, using semi-tractor, and/or trailer trucks, shall be prohibited.

(7) **Sign Restrictions.** All signs, related to a permitted home occupation, shall be subject to the provisions of Chapter 11 (Signs) of this Ordinance, and shall be limited to not more than one (1) identification sign not to exceed two (2) square feet in area.

(8) **Limits of Service.** The outdoor display and/or merchandising of products and/or services related to the home occupation, subject to the provisions of this Ordinance, and other ordinances, codes and/or regulations, shall be prohibited. Retail sales, and the display of commodities, goods, and/or inventory, on-premises, shall be prohibited for a home occupation; excluding the filling of retail orders, previously received either by telephone or direct mail, or through sales parties. Sales parties, conducted on-premises, shall prohibited. Subject to the provisions of this Ordinance, or as provided for by Chapter 21, Section 21-15 of the Kankakee Municipal Code, garage, yard, basement, and/or other similar sales, including those related to a home occupation, shall be limited to two (2) sales, within a

calendar year. Each such sale shall be limited to a period not to exceed seventy-two (72) consecutive hours. Instruction of students and services to clients shall be limited to not more than four (4) persons at any one time.

(9) **Performance Standards.** The use, and/or production of, noxious, toxic, and/or harmful materials, related to a home occupation and/or accessory use, shall be prohibited. The use, and/or storage of, highly explosive, and/or combustible material, related to a home occupation/accessory use, shall be prohibited. Levels of noise, odor, dust, vibration, smoke, glare, heat, and/or glare, or other hazards, emanating from a dwelling, related to a home occupation, exceeding an average level, for a typical single-family dwelling, under normal circumstances, wherein no home occupation exists, shall be prohibited.

B. **Classification.** For the purposes of this Ordinance, home occupations, permitted as an accessory use, shall be classified as either a major home occupation or a minor home occupation, as defined in Chapter 2 (Definitions) of this ordinance, based upon spatial requirements, required equipment, and the nature and extent of normal operations.

C. **Minor Home Occupations.** Subject to the results of the impact assessment, home occupations which fully comply with the provisions of this Chapter, shall be classified as a minor home occupation, and shall be permitted in all residential dwelling units. Minor home occupations permitted under the provisions of this Ordinance shall include, but not be limited to, the following: Architectural service; Art restoration and studios; Consulting services; Contracting, offices only; Child care, in-home day care; Data processing; Direct sale distribution; Dance instruction, individual; Drafting and graphic services; Electronic repair and assembly; Engineering service; Financial planning, investment services; Flower arranging; Gardening, landscape maintenance; Home crafts House cleaning service; Insurance sales or broker; Interior design; Jewelry making; Mail order, not including retail sales from premises; Music instruction, individual; Office, professional, religious, sales; Real estate sales or broker; Tutoring, individual; Typing, word processing service; Writing, computer programming. Home occupations and/or uses, similar to specified home occupations/uses, as determined by the Director of the Planning Department.

D. **Major Home Occupations.** Home occupations not specified as a minor home occupation shall be classified as a major home occupation, and shall be permitted as a conditional use in all residential dwelling units. Major home occupations shall require a conditional use permit, subject to the provisions of Chapter 12 (Administration) of this Ordinance. The operation of said major home occupation shall commence, only after said conditional use permit has been approved and granted by the corporate authorities. Major home occupations permitted under the provisions of this Ordinance shall include, but not be limited to, the following: Appliance repair, minor; Barber and beauty shop, single chair; Boarding house, bed & breakfast; Carpentry and woodworking, excluding cabinet making; Child care, group day care; Dance and music instruction, up to six students at one time, classes/group; Food service, catering; Limousine service, not more than two vehicles; Medical or dental offices; Photo studios; Small engine repairs, excluding automobiles, motorcycles and snowmobiles; Tutoring, classes/groups; Upholstering and furniture repair; Veterinary services; Home occupations and/or uses, similar to specified home occupations/uses, as determined by the Director of the Planning Department.

4.05 SWIMMING POOLS

Swimming pools, including tub-type pools as defined in Chapter 2 (Definitions) of this Ordinance, classified as either public or private, shall be a permitted accessory use in all zoning districts. Swimming pools constructed, installed, altered and/or maintained within the corporate limits shall fully comply with the provisions of this Chapter, the International Property Maintenance and Building Codes, as adopted by the City, and all other applicable laws, codes and/or regulations. The location of a swimming pool in a required front yard and/or a required side yard shall be prohibited. All zoning lots on which a swimming pool is located, shall have erected thereon, an adequate enclosure and/or fence surrounding said lot and/or pool area sufficient to

restrict access to said pool by unauthorized individuals and/or to otherwise make said pool inaccessible from the outside by small children. Said enclosure, including all gates therein, shall be a minimum forty-eight (48) inches in height above the finished grade level. All gates shall be self-closing and self-latching with said latches to be placed on the pool side of the gate when located less than fifty-four (54) inches above the bottom of the gate.

Table 4-1
Permitted Residential Accessory Uses

Permitted Accessory Use	Permitted Yards			Physical Restrictions and Other Requirements
	Front	Side	Rear	
Awnings or Canopies	X	X	X	Not to project more than ten (10') feet from the principal building with seven (7') feet minimum grade/ground clearance.
Arbors or Trellises	X	X	X	Not applicable.
Access Ramps	X	X	X	Subject to the provisions of the Kankakee Building Code, and/or the 1991 Americans with Disabilities Act, whichever is more restrictive.
Air Conditioners (central units and shelters)		X	X	Not applicable.
Air Conditioners (window and wall units)	X	X	X	Not to project more than eighteen (18") inches from principal building.
Antennas and Satellite Dishes (roof and ground mounted)				Subject to the provisions specified in Section 4.02 of this Chapter.
Architectural and Decorative Features and Structures	X	X	X	Not to project more than six (6") inches from principal building where less than ten (10') feet above garage/ground level; or, not more than one (1') foot where ten (10) feet or more above grade/ground level.
Balconies	X	X	X	Not to project more than three (3') feet from principal building when located ten (10') feet or more above grade/ground level; or, not more than four (4') feet when located less than ten (10') feet above grade/ground level.
Bay Windows	X	X	X	Not to project more than two and one-half (2½') feet from principal building with lowest portion at least ten (10') feet above grade/ground level; or, three (3') feet when located less than ten (10') feet above grade/ground level.
Chimneys (attached)		X	X	Not to project more than two and one-half (2½') feet from principal building.
Decks or Patios (open and semi-enclosed)			X	Not to exceed three hundred (300) square feet or twenty (20%) percent of the required yard, whichever is less.
Eaves and Gutters	X	X	X	Not to project more than three (3') feet from principal building when located at least twelve (12') feet above grade/ground level.
Fences	X	X	X	Subject to the provisions specified in Section 4.03 of this Chapter.

Table 4-1
Permitted Residential Accessory Uses

Permitted Accessory Use	Permitted Yards			Physical Restrictions and Other Requirements
	Front	Side	Rear	
Fire Escapes		X	X	Not to project more than three and one-half (3½') feet from principal building, and subject to the provisions specified by the Kankakee Building Code.
Fireplaces and/or Barbecues (outdoor)			X	Not applicable.
Flag Poles	X		X	Not to exceed forty (40') feet, or the maximum permitted building height of zoning district for which such structure is located, whichever is less.
Growing garden crops in open			X	Not to exceed three hundred and fifty (350) square feet or twenty-five (25%) percent of the required yard - whichever is less; and, restricted to edible crops, primarily intended for consumption by the owners of record and/or occupants of such zoning lot.
Garages and Carports (private/detached/attached)			X	Not to exceed eight hundred and sixteen (816) square feet, as measured from the outside edge of the exterior wall (excluding overhangs which project not more than one (1) foot), or thirty (30) percent of the buildable area - whichever is less; one (1) story and/or eighteen (18) feet in height; and, not to be located within five (5) feet of any lot line.
Greenhouses (accessory to residential uses)			X	Not to exceed two hundred (200) square feet or fifteen (15%) of the required yard - whichever is less; and not to exceed ten (10') feet in height from grade/ground level.
Laundry-Drying Equipment			X	Not to exceed a maximum of two (2) supports per dwelling unit.
Motor Vehicle Loading Space				Subject to the provisions of Chapter 10 (Parking and Loading), of this Ordinance.
Motor Vehicle Parking Space (open/outdoor)				Subject to the provisions of Chapter 10 (Parking and Loading), of this Ordinance.
Ornamental Lights and/or Light Standards	X	X	X	Not applicable.
Residential Parking Lots			X	Subject to the provisions specified in Chapter 10 of this Ordinance
Playground and Recreational Equipment			X	Not to exceed one hundred and fifty (150) square feet or twenty (20%) percent of the required yard - whichever is less; and, not located within six (6') feet of any lot line.

Table 4-1
Permitted Residential Accessory Uses

Permitted Accessory Use	Permitted Yards			Physical Restrictions and Other Requirements
	Front	Side	Rear	
Playhouses and Gazebos			X	Not to exceed one hundred and fifty (150) square feet or ten (10%) percent of the required yard - whichever is less; and, not located within five (5') feet of any lot line.
Porches and Entryways (open/attached)	X	X	X	Not to exceed two hundred (200) square feet or ten (10%) percent of the required yard - whichever is less; and, not to project more than ten (10') feet from the principal building.
Porches and Entryways (enclosed/attached)	X		X	Not to exceed two hundred (200) square feet or twenty (20%) percent of the required yard - whichever is less; and, not to project more than ten (10) feet from the principal building.
Recreational Vehicle and Boat Storage (seasonal/outdoor/residential)			X	Subject to the provisions of Section 4.01, C., (4), of this Chapter.
Sheds and storage buildings for garden equipment and household items			X	Not to exceed one hundred and fifty (150) square feet or fifteen (15%) percent of the required yard - whichever is less; and prohibited within five (5) feet of any lot line.
Solar Collectors (roof or wall mounted)				Not to exceed fifty (50%) percent of the roof or wall surface area; and, not to project more than one (1) foot from such surface.
Steps (open)	X	X	X	When necessary for access to dwelling or accessory building, not to exceed eight (8) steps.
Stairways (open and enclosed)	X	X	X	When necessary for access to dwelling or accessory building.
Storage - Outdoor (miscellaneous items)				Subject to the Provisions of Section PM - 303 and 306 of the BOCA Property Maintenance Code.
Swimming Pools (private/ residential)			X	Subject to the applicable provisions of the Kankakee Building Code, and Section 4.05 of this Chapter.
Tennis Courts (private/residential)				Prohibited within ten (10) feet of any lot line, and limited to one (1) court per zoning lot.
Trees, Shrubs, Flowers and/or Landscaping	X	X	X	Not applicable.
Accessory uses similar to specified permitted accessory uses	X	X	X	As determined by the Director of the Planning Department.

Table 4-2 Permitted Commercial and Industrial Accessory Uses				
Permitted Accessory Use	**Permitted Yards**			**Physical Restrictions and Other Requirements**
	Front	**Side**	**Rear**	
All Residential Accessory Uses Specified in Table 4-1				As Determined by the Director of the Planning Department.
Storage Tanks (above/below ground)			X	Subject to the applicable provisions of National Fire Protection Association Life Safety Code.
Fuel Pumps			X	Subject to the applicable provisions of National Fire Protection Association Life Safety Code.
Accessory Uses Integral to the Operation of the Principal Business or Industry			X	As Determined by the Director of the Planning Department.

CHAPTER 5
NON-CONFORMING USES, BUILDINGS AND/OR STRUCTURES

5.01 GENERAL PROVISIONS

The provisions of this Chapter are intended to provide for the identification and/or regulation of non-conforming uses, buildings, and/or structures, or portions thereof, as defined in Chapter 2 (Definitions) of this Ordinance. Non-conforming uses, buildings, and/or structures, or portions thereof, shall be eliminated, removed, and/or upgraded to conforming status under the provisions of this Ordinance, should:

A. Major structural alterations be required to ensure the health, safety and/or welfare of the general public, and/or, the owners, occupants, and/or users of said use, building, and/or structure;

B. Addition's and/or enlargements become necessary to continue the operation and/or maintenance of a non-conforming use;

C. The owner's and/or operators of a non-conforming use, building, and/or structure, wish to move and/or relocate said use, building, and/or structure to another portion of said lot, or to another zoning lot;

D. Restoration costs for a legally-existing non-conforming use, building, and/or structure destroyed by fire or other casualty, exceed the limitations specified herein; and/or,

E. A demonstrated change of use occur.

5.02 NON-CONFORMING USE OF A CONFORMING ZONING LOT, BUILDING AND/OR STRUCTURE

A legally existing non-conforming use, being operated and/or maintained, on and/or in an otherwise conforming zoning lot, building and/or structure, or portion thereof, may be continued, subject to the following provisions:

A. The nature of said non-conforming use shall not be changed to a different non-conforming use.

B. The expansion and/or extension of said non-conforming use, into any other portion of said zoning lot, building and/or structure, shall be prohibited.

C. If said non-conforming use be discontinued for a period of twelve consecutive (12) months, any subsequent use of said zoning lot, building, and/or structure, or portion thereof, shall fully comply with the applicable provisions of this Ordinance, for the zoning district in which said lot, building and/or structure is located.

D. The establishment and/or reestablishment of a legally existing non-conforming use, shall be permitted in accordance with the provisions specified in Section 5.03 of this Chapter.

E. Where said use of a zoning lot is accessory to the non-conforming use of a building and/or structure, it shall be discontinued when the non-conforming use of the building and/or structure is discontinued.

5.03 CONTINUANCE OF USE

As of the effective date of this Ordinance, legally existing uses, buildings, and/or structures which remain and/or become non-conforming under the provisions of this Ordinance, as amended, shall be permitted to continue, predicated on full compliance with the provisions of this Section.

A. Maintenance, Repairs, and/or Minor Alterations. Routine maintenance, repairs, and/or minor alterations, as defined in Chapter 2 (Definitions) of this Ordinance, may be performed on non-conforming buildings and/or structures, or portions thereof, to the extent specified by this Section. Major alterations, as defined in Chapter 2 (Definitions) of this Ordinance, shall be prohibited, unless required by law to ensure public safety, and/or are necessary to bring about full compliance with the

provisions of this Ordinance, thereby eliminating the non-conforming status of said use, building, and/or structure. For the purposes of this Ordinance, routine maintenance, repairs and/or minor alterations, as defined in Chapter 2 (Definitions) of this Ordinance, shall include, but not be limited to, the following: Accessory Buildings, Doors & Windows, Driveways and/or Parking Areas, Interior Alteration, Roofs, Sidewalks & Stairways and/or Storage Tank Replacement.

B. **Additions and/or Enlargements.** Additions and/or enlargements to non-conforming buildings and/or structures, shall be prohibited, until and unless, said addition and/or enlargement, is in full compliance with the provisions of this Ordinance.

C. **Moving and/or Relocation.** Non-conforming uses, buildings and/or structures, shall not be moved to a different location on their current zoning lot, and/or relocated to another zoning lot, until and unless, existing principal and accessory uses, and all buildings and/or structures, or portions thereof, fully comply with the provisions of this Ordinance.

D. **Restoration.** Legally existing non-conforming uses, buildings and/or structures, or portions thereof, which are destroyed by fire or other casualty, and/or sufficiently damaged to the degree that the estimated restoration cost exceeds sixty percent (60%) of the estimated replacement cost for the entire building and/or structure, as documented by the owner's of record of said zoning lot and subject to verification by the Director of the Planning Department, shall not be restored to its previous non-conforming status. In such cases, said buildings, and/or structures, shall be restored in a manner which fully complies with the provisions of this Ordinance. Should said casualty or loss result in an estimated restoration cost totaling less than sixty percent (60%) of the estimated replacement cost, said restoration shall be prohibited, until and unless, said restoration commences within twelve (12) months of the date of said casualty or loss, and, said restoration is diligently prosecuted to completion.

E. **Change of Use.** Legally existing non-conforming uses, buildings, and/or structures, or portions thereof, may be changed to a permitted use, in accordance with the applicable provisions of this Ordinance, for the zoning district in which it is located.

F. **Establishing Legal Non-Conforming Use Status.** Owner's of record seeking to establish the validity of a legal non-conforming use, shall provide documentation, in a form acceptable to the corporate authorities, of the following:

(1) The construction date for all buildings and/or structures. Such documentation shall include, but not be limited to, a certified copy of the following documents: Building Permit, Certificate of Occupancy and/or Certificate of Zoning Compliance.

(2) The date when the non-conforming use was initially established. For commercial and/or industrial uses, such documentation, shall include, but not be limited to, the following: Business License and/or Federal Employer Identification Number.

(3) Evidence of continuous on-site operation, indicating said use, or a use determined by the Director of the Planning Department to be similar in nature to a previous use, was in continuous operation, on said zoning lot, in the previous twelve (12) months.

(4) Additional documentation determined to be necessary by the Director of the Planning Department, the Planning Board, and/or the corporate authorities. Such documentation shall include, but not be limited to the following: signed affidavits from persons having personal knowledge of said use, operating on said zoning lot, since the use was initially established; and/or, utility records indicating maintenance of said use for the preceding twelve (12) month period, and/or the period of operation claimed by the owner's of record.

G. **Reestablishing Legal Non-Conforming Use Status.** Utilizing the procedures established by Chapter 12, Section 12.03, D. (Major Variance), owner's of record of property seeking relief from the provisions of Section 5.02 of this Chapter, which may be perceived as a source of undue financial hardship to said owner's, may petition the Planning Board for the purposes of reestablishing the legal non-conforming use status of such property. In rendering its decision, the Planning Board may grant or deny any petition for reestablishment of a legal non-conforming use, based upon, but not limited

to, the following criteria, including the stipulation of additional conditions and/or guarantees when deemed necessary for the protection of the public interest:

(1) The original intent of the building, structure and/or use of the property;

(2) The length of time for which the building, structure and/or use of the property has been abandoned or discontinued;

(3) The extent of non-conformity with respect to the existing requirements of the zoning district in which the property is located;

(4) The trend of development, if any, in the general area of the property;

(5) The prior zoning classification of the property at the time the building, structure or use of the property was established; and,

(6) Proof of previous use and/or prior non-conforming use status.

The Planning Board, in rendering its decision, shall also make findings that the reestablishment of the non-conforming use status can be granted without substantial detriment to the public good; that the benefits of such reestablishment would substantially outweigh and detriment; and, that such reestablishment would not substantially impair the intent and purposes of the zoning ordinance and comprehensive plan.

5.04 DISCONTINUANCE OF USE

A. Continuous Occupancy and/or Use. Use of zoning lots, buildings and/or structures, or portions thereof, lawfully existing as of the effective date of this Ordinance, or thereafter, which are not continuously occupied and/or used for said legally existing non-conforming use for any period of twelve (12) consecutive months, shall forfeit the rights of a non-conforming use under the provisions of this Ordinance. Said lots, buildings, and/or structures, shall be occupied and/or used thereafter, only in a manner which fully complies with the provisions of this Ordinance.

B. Condemnation of Non-Conforming Buildings and/or Structures. The corporate authorities, utilizing powers vested in home rule municipalities under the State of Illinois Municipal Code, as amended, may, by ordinance, acquire through purchase, condemnation, and/or other means, any zoning lots, buildings, and/or structures, which do not fully conform to the provisions of this Ordinance, and, all land, necessary and appropriate to the rehabilitation and/or redevelopment of a designated area blighted by said substandard buildings and/or structures. Through the use of these vested powers, the corporate authorities may: Remove or demolish said buildings and structures so acquired; Retain any remaining property for public purposes; and/or, Transfer property not required for public purposes, subject to the provisions of this Ordinance, or any amendments, thereto.

[Reserved]

CHAPTER 6
ZONING DISTRICTS AND OFFICIAL MAP

6.01 GENERAL PROVISIONS

Zoning districts are hereby established in accordance with, and subject to, the provisions of this Ordinance, and all boundaries of said districts, as designated on the City's Official Zoning Map, are intended to define and preserve areas of the City, characterized by existing uses, buildings, and/or structures which fully comply with the applicable provisions of this Ordinance for the zoning district in which they are located. The establishment of zoning districts are intended to work towards securing a balanced distribution of land usage, comprising the City's physical structure. Areas for specific land uses, shall be designated in the proper location and proportion, so as to encourage and accommodate economic growth, and increases in population , while enhancing and preserving the character of the community.

6.02 OFFICIAL ZONING MAP

A. **Provision for Official Zoning Map.** Subject to the provisions of this Ordinance, the City shall be divided into zoning districts, which shall be designated on the City's Official Zoning Map. The Planning Department shall prepare and publish said Official Zoning Map, in a format, which together with all supporting documentation, shall hereby be adopted by reference, and declared a part of this Ordinance. Said map shall be considered the final authority in determining the current zoning for land, water areas, buildings, and/or structures located within the corporate limits. The City's Official Zoning Map shall be located in the offices of the City Clerk; with reference copies to be located in the offices of the Planning Department. The City's Official Zoning Map shall be identified by the signature of the Mayor, attested by the Clerk, of the City of Kankakee, and shall bear the effective date of this Ordinance. Subject to the provisions of Chapter 12 (Administration) of this Ordinance, all changes in the zoning status of lots shall be made to the Official Zoning Map.

B. **Changes to Official Zoning Map.** Subject to the provisions of this Ordinance, and any applicable provisions of the State of Illinois Municipal Code, changes made in zoning district categories, and/or boundaries, or related matter, illustrated on the City's Official Zoning Map, through annexation, dis-annexation, and/or amendment, shall be indicated on said Official Zoning Map by the Planning Department within thirty (30) days of the effective date of the amending ordinance authorizing said changes. The amending ordinance shall stipulate and said zoning changes shall become effective, only after having been duly entered on said Official Zoning Map. No substantive changes shall be made on said Official Zoning Map, or related documentation as shown thereon, until and unless, said changes fully comply with the provisions of Chapter 12 (Administration) of this Ordinance.

C. **Replacement of Official Zoning Map.** As authorized by the Illinois Revised Statutes, Chapter 24, Section 11-13-19, should the City's Official Zoning Map become damaged, destroyed, lost, and/or difficult to interpret, because of the nature and/or number of changes, the corporate authorities may, by ordinance, adopt a new, replacement Official Zoning Map which shall supersede all prior zoning maps. Such new, replacement Official Zoning Map shall correct drafting, and/or other errors or omissions on the prior map; such corrections, shall not have the effect of amending this Ordinance, prior maps, or subsequent amendments, thereto. Such new, replacement Official Zoning Map shall be identified as such, shall have the signature of the Mayor, attested by the City Clerk, of the City of Kankakee, and shall bear the effective date of the prior Official Zoning Map and the effective date of the new, replacement Official Zoning Map.

D. **Interpretation of Zoning District Boundaries.** Wherever any uncertainty exists as to the boundaries of zoning districts shown on the City's Official Zoning Map, incorporated herein, the following rules shall apply:

(1) Where district boundary lines appear to follow streets, alleys, and/or similar public rights-of-way, and/or railroad rights-of-way, the center lines of said rights-of-way shall be construed to be said boundaries.

(2) Where district boundary lines appear to follow recorded lot lines, said lot lines shall be construed to be said boundaries.

(3) Where district boundary lines appear to follow the corporate limits, said corporate limits shall be construed to be said boundaries.

(4) Where district boundary lines appear to follow the center line of a water course, said center line shall be construed to be said boundary, regardless of any physical change in the nature and/or location of said center line.

(5) Where district boundary lines are indicated as being parallel to, and/or extensions of features indicated in this Section, said lines shall be construed to be said boundaries.

(6) Any distance or linear measurement, not specifically indicated on the City's Official Zoning Map, shall be determined by the approximate scale of said map.

(7) Where a lot of record, as of the effective date of this Ordinance, is held in single ownership, and is divided by a district boundary line, the entire lot of record, shall be construed to be within the more restrictive zoning district.

(8) Where existing physical and/or geographical features, conflict with those shown on the City's Official Zoning Map, and/or in other circumstances not covered by this Section, the Director of the Planning Department shall interpret and/or determine said boundaries.

Decisions regarding the provisions of this Chapter, may be appealed, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance.

E. **Annexations.** The Planning Board shall recommend zoning district designation(s), along with recommendations for the annexation of said lot(s) of record, to the corporate authorities, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. The Planning Department shall file a petition with the Planning Board, seeking to establish zoning district classification for said lot(s) of record. Said classification shall fully comply with the provisions of the City's Official Comprehensive Plan for said lot. The erection of buildings and/or structures, or portions thereof, on any lot(s) of record, hereafter annexed to the City, shall be prohibited, until and unless, an ordinance establishing the zoning district classification for said lot(s) is duly adopted by the corporate authorities in accordance with the provisions of Chapter 12 (Administration) of this Ordinance.

F. **Exemptions.** The following buildings and/or structures, or portions thereof, distribution equipment, and/or uses, shall be exempted under the provisions of this Ordinance, and shall be permitted in any zoning district: Cables, Conduits, Laterals, Mains, Pipes, Poles, Utility Vaults, Valves and Wires. The installation and construction of said buildings, structures, equipment, and/or uses, thereof, shall conform to all applicable laws, codes, and/or regulations.

6.03 ZONING DISTRICT CLASSIFICATIONS

Subject to the provisions of this Ordinance, and to accomplish the purposes and intent thereof, the City shall hereby classify each lot of record located within the corporate limits, into one of the following zoning districts:

A. **Residential Zoning Districts.**

(1) R-1 Single-Family Residential

(2) R-2 Two-Family Residential

(3) R-3 Multi-Family Residential

B. Commercial Zoning Districts.

(1) C-1 Neighborhood Commercial

(2) C-2 Service Commercial

(3) C-3 Central Commercial

C. Industrial Zoning Districts.

(1) I-1 Light Industrial

(2) I-2 Heavy Industrial

6.04 ZONING DISTRICT REGULATIONS

The regulation of zoning districts, authorized and established by the provisions of this Ordinance, is intended to control and define overall land use; establish design standards for development, including standards for lot area, coverage, frontage, yard and/or setback requirements; limit the density of development; regulate the location and amount of signage, including the type, number, and placement of signs; and, assure the availability of adequate on-site, parking and/or loading space.

A. Permitted Uses. Subject to the provisions of this Ordinance, specified principal uses, and incidental accessory uses of zoning lots, buildings, and/or structures, or portions thereof, shall be permitted in each zoning district. Principal and/or accessory uses, other than those specified by the provisions of this Ordinance, as being permitted in the zoning district in which said lot, buildings and/or structures are located, shall be prohibited except for the following:

(1) Principal and/or accessory uses, lawfully established as of the effective date of this Ordinance, rendered a legal non-conforming use by the provisions of this Ordinance. Said use shall be subject to the provisions of this Ordinance, where applicable.

(2) Conditional uses and/or variances, permitted in accordance with procedures specified in Chapter 12 (Administration) of this Ordinance.

B. Conditional Uses. Specific principal and/or accessory uses of zoning lots, buildings, and/or structures, or portions thereof, may be allowed as a conditional use, in accordance with the provisions of this Ordinance, where specified herein. Said uses shall be limited to those uses, specified herein, for each zoning district, and may be allowed only in the zoning district indicated, subject to the issuance of a conditional use permit, in accordance with the provisions of specified in Chapter 12 (Administration) of this Ordinance.

C. Parking and/or Loading Requirements. Parking spaces and/or loading spaces or berths, located on-site or off-site, shall be required as accessory uses to all permitted and conditional uses set forth in each zoning district. The number of said parking and/or loading space shall be provided in accordance with the provisions of Chapter 10 (Parking and Loading) of this Ordinance.

[Reserved]

CHAPTER 7
RESIDENTIAL ZONING DISTRICTS

7.01 GENERAL PROVISIONS

A. **Intent.** These regulations are designed to promote the development of new, quality housing, at levels of density consistent with the growth of the City's residential population, at locations convenient to commercial and/or industrial establishments, as well as social, cultural and/or educational institutions. These regulations are also intended to provide for the protection of existing residential areas which comprise various neighborhoods within the City, by prohibiting new, incompatible development from being located in established residential areas, thereby protecting the established character of such areas and preserving such land for use in a manner which compliments the City's residential development as prescribed by the Official Comprehensive Plan.

B. **Permitted and Conditional Uses.** Subject to the provisions of Chapter 12 (Administration) of this Ordinance, the Director of the City's Planning Department shall determine the similarity of proposed uses, and shall permit those uses, it has determined to be similar to permitted and/or conditional uses specified by this Chapter.

C. **Number of Buildings Permitted.** A maximum of one (1) detached principal building shall be permitted on a single zoning lot, designated as a residential zoning district (R-1, R-2 or R-3) on the City's Official Zoning Map, excluding planned unit developments.

D. **Parking Requirements.** Required off-street parking and/or loading space, located on the same zoning lot as the use being served, commonly referred to as on-site parking and/or loading shall be permitted for all principal and accessory uses specified by the provisions of this Chapter, as being allowed in residential zoning districts. Said parking and/or loading space shall be provided in a manner which fully complies with the provisions of this Chapter, and of Chapter 10 (Parking and Loading) of this Ordinance. Required off-street parking and/or loading space, located on a zoning lot other than the lot where the use being served is located, commonly referred to as off-site parking and/or loading shall be provided in a manner which fully complies with the provisions of Chapter 10 (Parking and Loading), and all other applicable provisions of this Ordinance. Subject to the other provisions of this Chapter, the outdoor storage of motor vehicles shall be subject to the provisions of Chapter 4 (Accessory Uses) of this Ordinance.

E. **Sign Requirements.** All signs located on zoning lots designated as a residential zoning district on the City's Official Zoning Map, shall fully comply with the provisions of Chapter 11 (Signs) of this Ordinance.

F. **Interpretation.** Subject to the provisions of Chapter 12 (Administration) of this Ordinance, the Director of the Planning Department shall interpret and enforce the provisions of this Chapter related to residential use.

7.02 R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT

A. **General Provisions.** The R-1 Single-Family Residential Zoning District is hereby established, in order to provide and protect, an environment of predominantly single-family dwellings, along with specified, compatible principal and/or accessory uses, oriented towards providing services for the residents of said district.

B. **Permitted Uses.** The following residential and non-residential uses shall be permitted principal and/or accessory uses on zoning lots designated as R-1 Single-Family Residential, on the City's Official Zoning Map:

(1) Single-Family Dwelling.

(2) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(3) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(4) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

(5) Family Community Residence, provided:

(a) Prior to occupancy, an administrative occupancy permit is applied for and obtained. No administrative occupancy permit shall be issued for a family community residence unless:

(1) The proposed community residence is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and,

(2) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed community residence.

C. Conditional Uses. Certain residential and non-residential uses shall be allowed as principal and/or accessory uses, on zoning lots designated as R-1 Single-Family Residential, on the City's Official Zoning Map, provided the owner(s) of record obtain a conditional use permit, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. For zoning lots designated R-1 Single-Family Residential, said conditional uses shall include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses, as specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Conditional Uses As Determined by the Director of the Planning Department.

(4) Family Community Residences, that fail to meet all requirements for an administrative occupancy permit, excluding community residences or operators denied a required local or state license, provided:

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

(b) Prior to admitting residents, the operator of such community residence shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

(5) Group Community Residences, Halfway Houses, Shelter Care Facilities and Hospices, subject to the following conditions:

(a) The proposed community residence, halfway house, shelter care facility or hospice is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and,

(b) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed facility.

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

(d) Prior to admitting residents, the operator of such facility shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

D. **Lot Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as R-1 Single Family Residential, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand, five hundred (7,500) square feet, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed fifty percent (50%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures shall be regulated by Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to the other provisions of this Ordinance, the height of any building and/or structure, or portion thereof, as measured from grade/ground level, located on a zoning lot designated as R-1 Single-Family Residential, on the City's Official Zoning Map, shall not exceed thirty (30) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as R-1 Single-Family Residential, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** All such lots shall provide a front yard, with a minimum depth of thirty (30) feet, or to a depth equal to the established building line, whichever is greater.

(2) **Side Yards - Interior Lots.** All such lots shall provide two (2) side yards, with a minimum depth determined by the principal use:

(a) Single-Family . . . . . Five (5) feet.

.

(b) Non-Residential Uses . . . . . Fifteen (15) feet.

(3) **Side Yards - Corner Lots.** All such lots shall provide two (2) side yards, with a minimum depth determined by the principal use:

(a) Single-Family - Five (5) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seven and one-half (7½) feet.

(b) Non-Residential Uses - Fifteen (15) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seventeen and one-half (17½) feet.

(4) **Rear Yard.** All such lots shall provide a rear yard, with a minimum depth as determined by the principal use:

(a) Single-Family - Thirty (30) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

(b) Non-Residential Use - Forty (40) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

G. **Minimum Floor Area Per Dwelling Unit.** The minimum floor area per dwelling unit shall not be less than:

(1) Single-Family . . . . . One thousand two hundred (1,200) square feet.

H. **Minimum Lot Area Per Dwelling Unit**

(1) All such zoning lots shall provide a minimum lot area per dwelling unit of not less than:

(a) Single-Family . . . . . Seven thousand five hundred (7,500) square feet.

(2) For all such zoning lots of record which have been subdivided prior to the effective date of this Ordinance, a minimum lot area per dwelling unit shall be provided of not less than:

(a) Single-Family . . . . . Six thousand (6,000) square feet.

7.03 R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT

A. **General Provisions.** The R-2 Two-Family Residential Zoning District is hereby established in order to provide and protect an environment of predominantly two-family dwellings, along with specified, compatible principal and/or accessory uses, oriented towards providing services for the residents of said district.

B. **Permitted Uses.** The following residential and non-residential uses shall be permitted principal and/or accessory uses on zoning lots designated as R-2 Two-Family Residential, on the City's Official Zoning Map:

(1) Two-Family Dwelling.

(2) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(3) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(4) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

(5) Family Community Residence, provided:

(a) Prior to occupancy, an administrative occupancy permit is applied for and obtained. No administrative occupancy permit shall be issued for a family community residence unless:

(1) The proposed community residence is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and,

(2) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed community residence.

C. Conditional Uses. Certain residential and non-residential uses shall be allowed as principal and/or accessory uses on zoning lots designated as R-2 Two-Family Residential, on the City's Official Zoning Map, provided the owner(s) of record obtain a conditional use permit in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. For zoning lots designated as R-2 Two-Family Residential, said conditional uses shall include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Conditional Uses As Determined by the Director of the Planning Department.

(4) Family Community Residences, that fail to meet all requirements for an administrative occupancy permit, excluding community residences or operators denied a required local or state license, provided:

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

(b) Prior to admitting residents, the operator of such community residence shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

(5) Group Community Residences, Halfway Houses, Shelter Care Facility and Hospices, subject to the following conditions:

(a) The proposed community residence, halfway house, shelter care facility or hospice is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and,

(b) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed facility.

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

(d) Prior to admitting residents, the operator of such facility shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

D. Lot Requirements. Subject to the other provisions of this Ordinance, all zoning lots designated as R-2 Two Family Residential, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand five hundred (7,500) square feet, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed sixty-five percent (65%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures shall be regulated by Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to other provisions of this Ordinance, the height of any building and/or structure, or portion thereof, as measured from grade/ground level, located on a zoning lot designated as R-2 Two-Family Residential, on the City's Official Zoning Map, shall not exceed thirty-five (35) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as R-2 Two-Family Residential, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** All such lots shall provide a front yard, with a minimum depth of thirty (30) feet, or to a depth equal to the established building line, whichever is greater.

(2) **Side Yards - Interior Lots.** All such lots shall provide two (2) side yards, with a minimum depth determined by the principal use:

(a) Single-Family . . . . . Five (5) feet.

(b) Two-Family . . . . . Seven and one-half (7½) feet.
(c) Non-Residential Uses . . . . . Fifteen (15) feet.

(3) **Side Yards - Corner Lots.** All such lots shall provide two (2) side yards, with a minimum depth determined by the principal use:

(a) Single-Family - Five (5) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seven and one-half (7½) feet.

(b) Two-Family - Seven and one-half (7½) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be ten (10) feet.

(c) Non-Residential Uses - Fifteen (15) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seventeen and one-half (17½) feet.

(4) Rear Yard. All such lots shall provide a rear yard, with a minimum depth determined by the principal use:

(a) Single-Family - Thirty (30) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

(b) Two-Family - Thirty-five (35) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

(c) Non-Residential Use - Forty (40) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

G. Minimum Floor Area Per Dwelling Unit. The minimum floor area per dwelling unit shall not be less than:

(1) Single-Family . . . . . One thousand two hundred (1,200) square feet.

(2) Two-Family . . . . . One thousand (1,000) square feet.

H. Minimum Lot Area Per Dwelling Unit.

(1) All such zoning lots shall provide a minimum lot area per dwelling unit of not less than:

(a) Single-Family . . . . . Ten thousand five hundred (7,500) square feet.

(b) Two-Family . . . . . Three thousand seven hundred fifty (3,750) square feet.

(2) For all such zoning lots of record which have been subdivided prior to the effective date of this Ordinance, a minimum lot area per dwelling unit shall be provided of not less than:

(a) Single-Family . . . . . Six thousand (6,000) square feet.

(b) Two-Family . . . . . Three thousand (3,000) square feet.

7.04 R-3 MULTI-FAMILY RESIDENTIAL ZONING DISTRICT

A. General Provisions. The R-3 Multi-Family Residential Zoning District is hereby established in order to provide and protect an environment of predominantly multi-family dwellings, along with specified, compatible principal and/or accessory uses, oriented towards providing services for the residents of said district.

B. Permitted Uses. The following residential and non-residential uses shall be permitted principal and/or accessory uses on zoning lots designated as R-3 Multi-Family Residential, on the City's Official Zoning Map:

(1) Multi-Family Dwelling.

(2) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(3) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(4) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

(5) Family and Group Community Residences, provided:

(a) Prior to occupancy, an administrative occupancy permit is applied for and obtained. No administrative occupancy permit shall be issued unless:

(1) The community residence is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and

(2) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed community residence.

C. **Conditional Uses.** Certain residential and non-residential uses shall be allowed as principal and/or accessory uses on zoning lots designated as R-3 Multi-Family Residential, on the City's Official Zoning Map, provided the owner(s) of record obtain a conditional use permit in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. To qualify as a conditional use, said use shall fully comply with all applicable laws, codes, and/or regulations, and any additional requirements which may be adopted by the corporate authorities. For zoning lots designated as R-3 Multi-Family Residential, said conditional uses shall include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Conditional Uses As Determined by the Director of the Planning Department.

(4) Family and Group Community Residences, that fail to meet all requirements for an administrative occupancy permit, excluding community residences or operators denied a required local or state license, provided:

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

(b) Prior to admitting residents, the operator of such residences shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

(5) Halfway Houses, Shelter Care Facilities and Hospices, subject to the following conditions:

(a) The proposed halfway house, shelter care facility or hospice is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and

(b) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed facility; and

(c) The Mayor and City Council finds that the effect of such uses would not alter the residential character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties; and

(d) Prior to admitting residents, the operator of such facility shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

D. **Lot Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as R-3 Multi-Family Residential, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand five hundred (7,500) square feet, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed eighty percent (80%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures shall be regulated by Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to other provisions of this Ordinance, the height of any building and/or structure, or portion thereof, as measured from grade/ground level, located on a zoning lot designated as R-3 Multi-Family Residential, on the City's Official Zoning Map, shall not exceed forty (40) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as R-3 Multi-Family Residential, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** All such lots shall provide a front yard, with a minimum depth of thirty (30) feet, or to a depth equal to the established building line, whichever is greater.

(2) **Side Yards - Interior Lots.** All such lots shall provide two (2) side yards, with a minimum depth determined by the principal use:

(a) Single-Family . . . . . Five (5) feet.

(b) Two-Family . . . . . Seven and one half (7½) feet.

(c) Multi-Family . . . . . Ten (10) feet.

(d) Non-Residential Use . . . . . Fifteen (15) feet.

(3) **Side Yards - Corner Lots.** All such lots shall provide two (2) side yards, with a minimum depth determined by the principal use:

(a) Single-Family - Five (5) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seven and one-half (7½) feet.

(b) Two-Family - Seven and one half (7½) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be ten (10) feet.

(c) Multi-Family - Ten (10) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be twelve and one-half (12½) feet.

(d) Non-Residential Use - Fifteen (15) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seventeen and one-half (17½) feet.

(4) **Rear Yard.** All such lots shall provide a rear yard, with a minimum depth as determined by the principal use:

(a) Single-Family - Thirty (30) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

(b) Two-Family - Thirty-five (35) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

(c) Multi-Family - Forty (40) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

(d) Non-Residential Use - Forty (40) feet, or, twenty percent (20%) of the total lot depth, whichever is greater.

G. Minimum Floor Area Per Dwelling Unit. The minimum floor area per dwelling unit shall not be less than:

(1) Single-Family . . . . . One thousand two hundred (1,200) square feet.

(2) Two-Family . . . . . One thousand (1000) square feet.

(3) Multi-Family . . . . . Eight hundred (800) square feet.

H. Minimum Lot Area Per Dwelling Unit.

(1) All such zoning lots shall provide a minimum lot area per dwelling unit of not less than:

(a) Single-Family . . . . . Seven thousand five hundred (7,500) square feet.

(b) Two-Family . . . . . Three thousand seven hundred fifty (3,750) square feet.

(c) Multi-Family . . . . . Two thousand five hundred (2,500) square feet.

(2) For all such zoning lots of record which have been subdivided prior to the effective date of this Ordinance, a minimum lot area per dwelling unit shall be provided of not less than:

(a) Single-Family . . . . . Six thousand (6,000) square feet.

(b) Two-Family . . . . . Three thousand (3,000) square feet.

(c) Multi-Family . . . . . Two thousand (2,000) square feet.

CHAPTER 8
COMMERCIAL ZONING DISTRICTS

8.01 GENERAL PROVISIONS

A. **Intent.** These commercial zoning district regulations are designed to promote the development of the following separate, yet related, types of commercial activity:

(1) Neighborhood based commercial activities or services oriented towards adjacent residential areas.

(2) Commercial activities or services primarily intended to serve the larger population base within the corporate limits.

(3) Higher density commercial activities offering a variety of retail, office and governmental services serving the needs of the greater metropolitan area.

These provisions are intended to provide for the protection of the city's existing commercial base by prohibiting new, incompatible development from being located in existing commercial areas, thereby protecting the established character of such areas and preserving such lands for use in a manner which compliments the City's overall commercial development as prescribed in the Official Comprehensive Plan.

B. **Permitted and Conditional Uses.** Subject to the provisions of Chapter 12 (Administration) of this Ordinance, the Director of the City's Planning Department shall determine the similarity of proposed uses, and shall permit those uses, determined to be similar to permitted and/or conditional uses specified by this Chapter.

C. **Commercial Activity.** For the purposes of this Ordinance, commercial activities allowed as a permitted principal and/or accessory use, or as a conditional use, in any commercial zoning district, shall meet the following criteria:

(1) Said commercial activity shall provide goods and/or services directly to the general public and/or consumer, on-premises, at retail. All goods produced on-premises, for sale to the general public shall be sold on-premises.

(2) Subject to other provisions of this Ordinance, said commercial activity shall be conducted entirely within completely enclosed buildings, unless such activity requires an outdoor component, for which a conditional use permit shall be required in accordance with the provisions of Chapter 12 (Administration) of this Ordinance.

(3) Said commercial activity, involving a permitted use specified in Sections 8.02(B), 8.03(B), and/or 8.04(B) of this Chapter, shall require the issuance of a conditional use permit and/or a temporary use permit when any of the following accessory uses are involved with such a principal commercial activity:

(a) Continuous Operation;

(b) Outdoor Storage;

(c) Outdoor Display - Merchandising;

(d) Recreational Facilities; and/or,

(e) Said commercial activity shall fully comply with the performance standards specified by the provisions of Section 9.02 of this Ordinance, unless otherwise specified herein. Said performance standards shall be applicable to all zoning lots designated as a commercial zoning district (C-1, C-2 or C-3) on the City's Official Zoning Map.

D. **Yard and/or Setback Requirements.** Subject to the other provisions of this Chapter, improvements such as buildings and/or structures, or portions thereof, and parking and/or loading areas shall not be constructed and/or located within ten (10) feet of any frontage.

E. **Parking and/or Loading Requirements.** Required off-street parking and/or loading space, located on the same zoning lot as the use being served, commonly referred to as on-site parking and/or loading, shall be a permitted accessory use for all principal and/or accessory uses specified by the provisions of this Chapter, as being allowed in all commercial zoning districts. Said parking and/or loading space shall be provided in a manner which fully complies with the provisions of this Chapter, and of Chapter 10 (Parking and Loading) of this Ordinance. Required off-street parking and/or loading space located on a zoning lot other than the lot where the use being served is located, commonly referred to as off-site parking and/or loading shall be provided in a manner which fully complies with the provisions of Chapter 10 (Parking and Loading), and all other applicable provisions of this Ordinance.

F. **Signage Requirements.** All signs located on zoning lots designated as a commercial zoning district on the City's Official Zoning Map shall fully comply with the provisions of Chapter 11 (Signs) of this Ordinance.

G. **Interpretation.** Subject to the provisions of Chapter 12 (Administration) of this Ordinance, the Director of the Planning Department shall interpret and enforce the provisions of this Chapter related to commercial use.

8.02 C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

A. **General Provisions.** The C-1 Neighborhood Commercial Zoning District is hereby established in order to promote compatible, neighborhood-based retail activity and services oriented towards abutting residential areas.

B. **Permitted Uses.** The following commercial and non-commercial uses shall be permitted principal and/or accessory uses on zoning lots designated as C-1 Neighborhood Commercial on the City's Official Zoning Map:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

C. **Conditional Uses.** Certain commercial and non-commercial uses shall be allowed as principal and/or accessory uses on zoning lots designated as C-1 Neighborhood Commercial on the City's Official Zoning Map, provided the owners of record obtain a conditional use permit, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. For zoning lots designated C-1 Neighborhood Commercial, said conditional uses include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses, as specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Conditional Uses As Determined by the Director of the Planning Department.

(4) Family and Group Community Residences, Halfway Houses, Shelter Care Facilities and Hospices, subject to the following conditions:

(a) The proposed community residence, halfway house, shelter care facility or hospice is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and

(b) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed facility; and

(c) The Mayor and City Council finds that the cumulative effect of such uses would not alter the existing character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties; and

(d) Prior to admitting residents, the operator of such facility shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

D. **Lot Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as C-1 Neighborhood Commercial on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand, five hundred (7,500) square feet, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed sixty percent (60%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures shall be regulated by Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to the other provisions of this Ordinance, the height of any building and/or structure, or portion thereof, as measured from grade/ground level, located on a zoning lot designated as C-1 Neighborhood Commercial, on the City's Official Zoning Map, shall not exceed thirty-five (35) feet in height. When such zoning lot abuts a residential zoning district, said height shall not exceed thirty (30) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as C-1 Neighborhood Commercial on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** All such lots shall provide a front yard, with a minimum depth of twenty (20) feet, or to a depth equal to the established building line, whichever is greater.

(2) **Side Yard - Interior Lots.** All such lots shall provide two (2) side yards with a minimum depth of seven and one half (7½) feet.

(3) **Side Yard - Corner Lots.** All such lots shall provide two (2) side yards with a minimum depth of seven and one half (7½) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be ten (10) feet.

(4) **Rear Yard.** All such zoning lots shall provide a rear yard, with a minimum depth of twenty (20) feet, or ten percent (10%) of the total lot depth, whichever is greater.

(5) **Transitional Yards.** Transitional yards, as defined in Chapter 2 (Definitions) of this Ordinance, when required on zoning lots designated as C-1 Neighborhood Commercial, shall fully comply with the following requirements:

(a) **Transitional Side Yard - Interior Lots.** All such lots shall provide a transitional side yard with a minimum depth of ten (10) feet.

(b) **Transitional Side Yard - Corner Lots.** All such lots shall provide a transitional side yard with a minimum depth of ten (10) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be twelve and one-half (12½) feet.

(c) **Transitional Rear Yard.** All such lots shall provide a transitional rear yard with a minimum depth of twenty-five (25) feet.

8.03 C-2 SERVICE COMMERCIAL ZONING DISTRICT

A. **General Provisions.** The C-2 Service Commercial Zoning District is hereby established in order to address the commercial needs of a larger consumer population than that provided for in the C-1 Neighborhood Commercial Zoning District. This zoning district is intended to provide an appropriate category for commercial uses, primarily, but not entirely, retail in nature, and is intended for those areas, which do not directly abut zoning lots designated as a residential zoning district (R-1 or R-2) on the City's Official Zoning Map.

B. **Permitted Uses.** The following commercial and non-commercial uses shall be permitted principal and/or accessory uses on zoning lots designated as C-2 Service Commercial on the City's Official Zoning Map:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

C. **Conditional Uses.** Certain commercial and non-commercial uses shall be allowed as principal and/or accessory uses, on zoning lots designated as C-2 Service Commercial on the City's Official Zoning Map, provided the owners of record obtain a conditional use permit in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. For zoning lots designated as C-2 Service Commercial, said conditional uses include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Conditional Uses As Determined by the Director of the Planning Department.

(4) Family and Group Community Residences, Halfway Houses, Shelter Care Facilities and Hospices, subject to the following conditions:

(a) The proposed community residence, halfway house, shelter care facility or hospice is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and

(b) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed facility; and

(c) The Mayor and City Council finds that the cumulative effect of such uses would not alter the existing character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties; and

(d) Prior to admitting residents, the operator of such facility shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

D. **Lot Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as C-2 Service Commercial on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand, five hundred (7,500) square feet, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet, at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed eighty percent (80%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures shall be regulated by Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to the other provisions of this Ordinance, the height of any building and/or structure, or portion thereof, as measured from grade/ground level, located on a zoning lot designated as C-2 Service Commercial, on the City's Official Zoning Map, shall not exceed forty-five (45) feet in height. When such zoning lot abuts a residential zoning district, said height shall not exceed forty (40) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as C-2 Service Commercial on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** All such lots shall provide a front yard, with a minimum depth of twenty (20) feet, or to a depth equal to the established building line, whichever is greater.

(2) **Side Yards - Interior Lots.** All such lots shall provide two (2) side yards with a minimum depth of five (5) feet.

(3) **Side Yards - Corner Lots.** All such lots shall provide two (2) side yards with a minimum depth of five (5) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seven and one-half (7½) feet.

(4) **Rear Yard.** All such zoning lots shall provide a rear yard, with a minimum depth of ten (10) feet, or five percent (5%) of the total lot depth, whichever is greater.

(5) **Transitional Yards.** Transitional yards, as defined in Chapter 2 (Definitions) of this Ordinance, when required on zoning lots designated as C-2 Service Commercial, shall fully comply with the following requirements:

(a) **Transitional Side Yard - Interior Lots.** All such lots shall provide a transitional side yard with a minimum depth of ten (10) feet.

(b) **Transitional Side Yard - Corner Lots.** All such lots shall provide a transitional side yard with a minimum depth of ten (10) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be twelve and one-half (12½) feet.

(c) **Transitional Rear Yard.** All such lots shall provide a transitional rear yard with a minimum depth of fifteen (15) feet.

8.04 C-3 CENTRAL COMMERCIAL ZONING DISTRICT

A. **General Provisions.** The C-3 Central Commercial Zoning District is hereby established in order to accommodate higher density commercial uses, offering a diversity of retail, service, office, governmental, and/or complementary uses. This zoning district is intended to address the retail and service needs of Kankakee residents, and the residents of the larger, regional market area, radiating from the City's traditional central business district. For the purposes of this Ordinance, residential uses shall be permitted as an accessory use for zoning lots designated as C-3 Central Commercial, on the City's Official Zoning Map, subject to granting of a conditional use permit in accordance with the provisions of Chapter 12 (Administration) of this Ordinance, and adherence to the following provisions:

(1) Each dwelling unit, shall provide a minimum of eight hundred (800) square feet of habitable living area.

(2) Residential uses shall be prohibited on the ground floor.

(3) Access to residential uses shall be provided through a separate entrance, or through a common area, such as a lobby or plaza, shared with a non-residential use.

(4) Parking space, for the exclusive use of said residential use, shall be provided, in full compliance with the provisions of Chapter 10 (Parking and Loading) of this Ordinance.

B. **Permitted Uses.** The following commercial and non-commercial uses shall be permitted principal and/or accessory uses on zoning lots designated as C-3 Central Commercial on the City's Official Zoning Map:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

C. **Conditional Uses.** Certain commercial and non-commercial uses, shall be allowed as principal and/or accessory uses, on zoning lots designated as C-3 Central Commercial on the City's Official Zoning Map, provided the owners of record obtain a conditional use permit, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. For zoning lots designated C-3 Central Commercial, said conditional uses include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Conditional Uses As Determined by the Director of the Planning Department.

(4) Family and Group Community Residences, Halfway Houses, Shelter Care Facilities and Hospices, subject to the following conditions:

(a) The proposed community residence, halfway house shelter care facility or hospice is located not less than one thousand (1,000) feet from an existing or permitted community residence, halfway house, shelter care facility or hospice, as measured from lot line to lot line; and

(b) The applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed facility; and

(c) The Mayor and City Council finds that the cumulative effect of such uses would not alter the existing character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties; and

(d) Prior to admitting residents, the operator of such facility shall demonstrate that the dwelling will comply with all applicable laws, codes, regulations and standards.

D. **Lot Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as C-3 Central Commercial on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand, five hundred (7,500) square feet, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet, at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed one hundred percent (100%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures shall be regulated by Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to the other provisions of this Ordinance, the height of any building and/or structure, or a portion thereof, as measured from grade/ground level, located on a zoning lot designated as C-3 Central Commercial, on the City's Official Zoning Map, shall not exceed ninety (90) feet in height; and, when such zoning lot abuts a residential zoning district, said height shall not exceed fifty (50) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as C-3 Central Commercial on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** Such zoning lots shall not be required to provide a front yard.

(2) **Side Yards - Interior Lots.** Such zoning lots shall not be required to provide a side yard.

(3) **Side Yards - Corner Lots.** Such zoning lots shall not be required to provide a side yard.

(4) **Rear Yard.** All such zoning lots shall provide a rear yard, with a minimum depth of five (5) feet.

(5) **Transitional Yards.** Transitional yards, as defined in Chapter 2 (Definitions) of this Ordinance, when required on zoning lots designated as C-3 Central Commercial, shall fully comply with the following requirements:

(a) **Transitional Side Yard - Interior Lots.** All such lots shall provide a transitional side yard with a minimum depth of ten (10) feet.

(b) **Transitional Side Yard - Corner Lots.** All such lots shall provide a transitional side yard with a minimum depth of ten (10) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be twelve and one-half (12½) feet.

(c) **Transitional Rear Yard.** All such lots shall provide a transitional rear yard with a minimum depth of ten (10) feet.

CHAPTER 9
INDUSTRIAL ZONING DISTRICTS

9.01 GENERAL PROVISIONS

A. **Intent.** These industrial zoning district regulations are intended to protect the overall health, safety, comfort, and the welfare of the general public, while fostering the development of new industrial activity through the regulation and/or siting of industrial development in appropriate locations. These general objectives may be attained through the following specific objectives:

(1) The development of individual industrial ventures, or concentrated industrial activity in locations which maximize the protection of established residential neighborhoods and the public health, restricting industrial activity to specified areas where it is easily regulated and where negative impacts may be minimized and regulated.

(2) The establishment of objective performance standards, providing guidelines used to restrict detrimental industrial activity, while encouraging responsible industrial activity.

(3) The protection of the City's existing industrial base, by prohibiting new incompatible development from being located in industrial areas, thereby protecting the established character of such areas and preserving the land for use, in a manner which complements the City's overall development as prescribed by the Official Comprehensive Plan.

B. **Permitted and Conditional Uses.** Subject to the provisions of Chapter 12 (Administration) of this Ordinance, the Director of the Planning Department shall determine the similarity of proposed uses and shall permit those uses determined to be similar to permitted and/or conditional uses specified by this Chapter.

C. **Industrial Activity.** For the purposes of this Ordinance, industrial activity and/or uses, subject to the provisions of this Chapter, shall fully comply with the following requirements:

(1) **Prohibited Industrial Uses.** The operation and/or maintenance of an industrial use and/or activity not specified by this Section, shall be prohibited for all zoning lots, lots of record, parcels, tracts, and/or portion thereof, subject to the provisions of this Ordinance. The construction, erection, alteration, relocation, and/or rehabilitation of any building and/or structure, or portion thereof, supporting the operation and/or maintenance of a industrial use or activity not specified by this Section, shall be prohibited. For the purposes of this Ordinance, industrial uses and processes directly related to raw materials, products, and/or activities not specified in this Section shall be prohibited. Such materials, products and/or activities shall include, but are not limited to the following: Abattoirs, Arsenals, Caoutchouc/Gutta Percha, Crematories, Creosote, Explosives, Fat Rendering, Fireworks, Fertilizer Manufacture, Petroleum, Ore Reduction, Pyroxylin, Rubber - Natural, Salt Works, Rubber - Synthetic, Smelters, Stock Yard, Slaughterhouse, Tallow/Grease/Lard, Tar, Tanning and/or Curing of Animal Skins, and/or Refuse Disposal.....including the dumping, reduction, and/or other processing of garbage, dead animals, offal or refuse, except as customarily incidental to a permitted principal use.

(2) **Restricted Industrial Uses.** Industrial activity involving the storage, utilization or manufacture of materials and/or products which decompose by detonation shall be prohibited in all zoning districts, except when properly licensed by the appropriate jurisdictions, and, when said use is customarily incidental to the operation of a permitted, principal industrial use. Said activity shall be limited to such quantities, and in a manner conforming with all applicable performance standards specified in this Chapter. Such materials shall include, but not be limited to, the following:

(a) Primary Explosives.....including, but not limited to, lead azide, lead styphnate, fulminates and/or tetracene;

(b) High Explosives.....including, but not limited to, TNT, RDX, HMX, PETN, and/or picric acid;

(c) Propellants.....including, but not limited to, all components thereof, including cellulose nitrate of a nitrogen content of twelve and a half percent (12.5%) or greater, black powder, boron hydrides, hydrazine and its derivatives;

(d) Pyrotechnics and Fireworks.....including, but not limited to, magnesium powder, potassium chlorate, and/or potassium nitrate;

(e) Explosives.....including, but not limited to, dynamite and/or nitroglycerine;

(f) Unstable Organic Compounds.....including, but not limited to, acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, and/or hydrogen peroxide, in concentrations greater than thirty-five percent (35%); and,

(g) Nuclear Fuels and Fissionable Material.....including, but not limited to, reactor elements such as Uranium 235 and Plutonium 239, and/or by-products.

Restricted industrial activity involving the manufacture, fabrication, assembly, disassembly, repair, cleaning, service and/or testing, of materials, products and/or goods, specified by this Section, shall be conducted in its entirety within completely enclosed buildings. For the purposes of this Ordinance, said restrictions shall exclude outdoor storage as an accessory use to a permitted, principal industrial use, when said storage is in full compliance with the provisions of this Chapter, and, the provisions of Chapter 4 (Accessory Uses) of this Ordinance.

(3) **Industrial Uses Abutting Residential Zoning Districts.** Industrial activities being conducted on a zoning lot, designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, shall be prohibited within two hundred (200) feet of a zoning lot designated as a residential zoning district (R-1, R-2, or R-3) on said Map. Industrial activity and/or maintenance, located on a zoning lot located within five hundred (500) feet of a residential zoning district shall be conducted exclusively within completely enclosed buildings. This provision shall specifically exclude the following circumstances and/or uses:

(a) **Off-Street Parking and/or Loading.** Off-street parking and/or loading space, accessory to a permitted and/or conditional industrial use may be located in required yards, subject to the provisions of Chapter 10 (Parking and Loading) of this Ordinance. This provision shall specifically exclude open, off-street parking space for motor vehicles in inoperable condition and outdoor storage, subject to the provisions of this Chapter. Outdoor storage shall be subject to the provisions of Chapter 4 (Accessory Uses) of this Ordinance, regarding landscaping and enclosure.

(b) **Railroad Rights-of-Way.** Where a railroad right-of-way is the boundary between an industrial zoning district and a residential zoning district, all industrial activity shall be required to provide a minimum setback of fifty (50) feet as measured from the center line of said railroad right-of-way.

D. **Yard and/or Setback Requirements.** Subject to the other provisions of this Chapter, improvements such as buildings and/or structures, or portions thereof, and parking and/or loading areas shall not be constructed and/or located within a required front or rear yard.

E. **Parking and/or Loading Requirements.** Required off-street parking and/or loading space located on the same zoning lot as the use being served, commonly referred to as on-site parking and/or loading, shall be a permitted accessory use for all permitted and/or conditional uses specified by the provisions of this Chapter. Said parking and/or loading space shall be provided in a manner which fully complies with the provisions of this Chapter, and of Chapter 10 (Parking and Loading) of this Ordinance. Required off-street parking and/or loading space, located on a zoning lot other than the lot where the use being served is located, commonly referred to as off-site parking and/or loading, shall

be provided in a manner which fully complies with the provisions of Chapter 10 (Parking and Loading), and all other applicable provisions of this Ordinance. Subject to the other provisions of this Chapter, the outdoor storage of motor vehicles shall be subject to the provisions of Chapter 4 (Accessory Uses) of this Ordinance.

F. **Signage.** All signs located on zoning lots designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, shall fully comply with the provisions of Chapter 11 (Signs) of this Ordinance.

G. **Interpretation.** Subject to the provisions of Chapter 12 (Administration) of this Ordinance, the Director of the Planning Department shall interpret and enforce the provisions of this Chapter relating to industrial use.

9.02 PERFORMANCE STANDARDS

A. **General Provisions.** As of the effective date of this Ordinance, all industrial activity, whether newly established or previously existing in all industrial zoning districts, shall conduct all operations in a manner which fully complies with the provisions of this Section. The alteration, enlargement, and/or modification of any existing industrial use and/or activity in a manner which conflicts with and/or increases the degree of conflict and/or non-compliance with any of the performance standards specified by this Section, applicable to the industrial zoning district in which said industrial use and/or activity is located, shall be prohibited. Should the operation and/or maintenance of an industrial use or activity be questioned by the corporate authorities, relative to the degree of compliance with the provisions of this Section, the creation of a public nuisance, and/or the creation of circumstances which may be harmful to the health, safety and welfare of the general public, the corporate authorities shall reserve the right to require the owners of record and/or the operators of said industrial use or activity, to produce certification of compliance, along with related technical documentation. The corporate authorities shall reserve the right to require that such certificate of compliance be prepared and/or submitted by an independent agency.

B. **Sound Levels.** For the purposes of this Ordinance, the sound pressure level produced by, or associated with, an industrial use and/or activity, being operated and/or maintained on a zoning lot designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, and abutting a residential and/or commercial zoning district shall not exceed the decibel limits specified for the octave bands designated in Table 9-1(Sound Pressure Levels), of this Chapter.

This provision shall specifically exclude all background noise not directly controlled by the owners and/or operators of said industrial use or activity. Sound pressure levels shall be measured with a sound level meter and associated octave band filter, utilizing the flat network and the slow meter response, and which fully complies with the technical standards and specifications prescribed by the American National Standards Institute (ANSI). Sounds of short duration produced by forge hammers, punch presses, and/or similar industrial equipment, which cannot be measured accurately with the sound level meter, shall be measured using an impact noise analyzer (as manufactured by the General Radio Company or its equivalent), in order to determine the peak value of the impact sound. As measured, peak values shall fall within six (6) decibels, of the values established in Table 9-1 (Sound Pressure Levels), of this Chapter.

C. **Vibration and/or Displacement Levels.** Ground transmitted vibration and/or displacement, produced by or associated with, an industrial use and/or activity, being operated and/or maintained on a zoning lot designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, and abutting a residential and/or commercial zoning district, shall not exceed the vibration and/or displacement levels specified, for the frequencies designated, in Table 9-2 (Vibration and Displacement Levels), of this Chapter. Ground transmitted vibration shall be measured at multiple points, along the lot lines of said industrial zoning lot, using a three-component measuring instrument which fully complies ANSI technical standards, and shall be expressed as displacement in inches.

Table 9-1 Sound Pressure Levels		
Octave Band Frequency (cycles per second)	**Abutting Residential Zoning Districts**	**Abutting Commercial Zoning Districts**
0 to 75	72	79
75 to 150	67	74
150 to 300	69	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
over 4800	32	39

Table 9-2 Vibration and Displacement Levels	
Frequency (cycles per second)	**Maximum Displacement Abutting Residential Zoning Districts** (in inches)
0 to 10	.0008
10 to 20	0005
20 to 30	.0002
30 to 40	.0002
over 40	.0001

D. **Smoke and Particulate Matter Emissions.** For the purposes of this Ordinance, the level of smoke and/or particulate matter emissions, produced by, or associated with, an industrial use and/or activity, being operated and/or maintained on a zoning lot designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, shall fully comply with the provisions of this Section. The provisions of this Section shall also apply to any improvements and/or expansion of a legally existing industrial use and/or activity, as of the effective date of this Ordinance, should the alteration, modification, renovation, and/or replacement of equipment associated with said improvement or expansion, create new sources of smoke and/or particulate matter emissions. The total emission weight of particulate matter, from all sources, within the boundaries of a zoning lot, shall not exceed the net amounts specified herein, after said improvement and/or expansion.

The Ringelmann Chart, as published and/or used by the United States Bureau of Mines, shall be used to grade and measure the density of smoke. Subject to the other provisions of this Chapter, smoke and/or particulate matter emissions, of a density greater than Number 2 on the Ringelmann Chart, shall be prohibited in all zoning districts. Particulate matter emissions from all sources within a zoning lot, containing more than five percent (5%), by weight, of particles with a diameter exceeding forty-four (44) microns, shall be prohibited. The origin of dust and other types of particulate matter emissions, commonly referred to as airborne pollutants, originating within a zoning lot shall be minimized using

appropriate landscaping, paving, oiling, and/or other means acceptable to the corporate authorities. Emission of particulate matter, in excess of the weight limitations specified herein shall be prohibited in industrial areas, including, but not limited to storage areas, yards, and roads.

(1) **Smoke Unit Emissions.** Subject to the other provisions of this Ordinance, industrial use and/or activity shall fully comply with the following requirements:

(a) **I-1 Light Industrial District.** Emissions exceeding twelve (12) smoke units, per stack, within a thirty (30) minute period shall be prohibited; including smoke in excess of Ringelmann Number 2. During any three (3) hour period, each stack shall be permitted a single discharge not to exceed twenty (20) smoke units, and, not to exceed Ringelmann Number 3, within a thirty (30) minute period for soot blowing and/or fire cleaning.

(b) **I-2 Heavy Industrial District.** Emissions exceeding sixteen (16) smoke units, per stack, within a thirty (30) minute period shall be prohibited; including smoke in excess of Ringelmann Number 2. During any two (2) hour period, each stack shall be permitted a single discharge not to exceed twenty-four (24) smoke units, and, not to exceed Ringelmann Number 3, within a thirty (30) minute period for soot blowing and/or fire cleaning.

(2) **Particulate Matter Emissions.** In addition to the other provisions of this Ordinance, industrial use and/or activity shall fully comply with the following requirements:

(a) **Calculation.** The total net hourly rate of particulate matter emissions, within a zoning lot shall be determined as follows:

(1) For each source, determine the maximum emission in pounds per hour; then divide this figure by the number of acres in said zoning lot, obtaining the gross hourly rate of particulate matter emission in pounds per acre.

(2) Using the gross hourly rate, deduct the correction factor (interpolating as required) for the height of emission set forth in Table 9-3 (Correction Factors for Height of Emission); thus obtaining the net hourly rate of particulate matter emission, in pounds per acre, from each source of emission on said lot.

(3) Combine the net hourly rate for each emission source on said zoning lot, thus obtaining the total net hourly rate of particulate matter emission, which shall not exceed the performance standards specified for industrial zoning districts by this Section.

(b) **I-1 Light Industrial District.** The total net hourly rate of particulate matter emission, originating within a zoning lot designated as I-1 Light Industrial on the City's Official Zoning Map, shall not exceed one (1) pound per acre, per hour.

(c) **I-2 Heavy Industrial District**. The total net hourly rate of particulate matter emission, originating within a zoning lots designated I-2 Heavy Industry on the City's Official Zoning Map, shall not exceed four (4) pounds per acre, per hour.

E. **Toxic Matter and Emissions.** For the purposes of this Ordinance, toxic matter emissions, produced by, or associated with, an industrial use and/or activity, being operated and/or maintained on a zoning lot designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, shall not originate, and consequently, be disseminated and/or discharged across lot lines, in concentrations determined to be detrimental to, and/or endanger the health, safety, comfort, and/or welfare of the general public. The concentration of toxic materials, released across lot lines, shall not exceed ten percent (10%) of the value permitted an industrial worker as established by the Threshold Limit Values, published in 1965, by the American Conference of Governmental Industrial Hygienists.

F. **Odorous Matter and Emissions.** For the purposes of this Ordinance, emissions of odorous matter, produced by, or associated with, an industrial use and/or activity, being operated and/or maintained on a zoning lot designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, shall not originate, and consequently, be disseminated and/or discharged across lot lines, in concentrations determined to be detrimental to, and/or endanger the health, safety, comfort, and/or welfare of the general public. Such odorous matter and/or emissions shall be measured in terms of an odor threshold value, and shall be controlled in accordance with the following performance standards:

(1) **I-1 Light Industrial District.** For all such zoning lots, emissions of odorous matter shall not exceed the odor threshold value, measured at, or beyond, the lot line of said zoning lot.

(2) **I-2 Heavy Industrial District.** For all such zoning lots, emissions of odorous matter shall not exceed four times (4x) the odor threshold value, measured at, or beyond, a district boundary line.

Table 9-3
Correction Factor for Height of Emission

Height of Emission Above Grade (in inches)	**Correction Factor** (in pounds per hour/per acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50
(interpolate for intermediate values)	

G. **Flammable and Explosive Materials.** For the purposes of this Ordinance, flammable and explosive materials, produced by, or associated with, an industrial use and/or activity, being operated and/or maintained, on a zoning lot designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, shall be subject to the provisions of this Section. The use of flammable and/or explosive materials in an industrial use and/or activity, shall be permitted only when said use and/or activity is properly licensed by the appropriate jurisdiction, and is customarily incidental to the operation of a permitted, principal industrial use. Said use and/or activity shall be limited to such quantities, and in a manner conforming with, all applicable performance standards specified in this Section. Such materials shall include, but not be limited to materials and/or products specified as a restricted industrial use, in Section 9.01 (General Provisions) of this Chapter. The manufacture, use, distribution, and/or storage of pyrophoric and explosive dusts, shall be in accordance with the safety codes of the National Fire Protection Association (NFPA). Such dusts shall include, but not be limited to aluminum powder, powdered coal, bronze powder, powdered plastics, spices, starches & sugar, corn, flour, sulphur, grain storage, wood flour, and/or magnesium powder.

(1) **I-1 Light Industrial District.** Industrial activity involving the manufacture, processing and/or storage, of materials and/or products, which decompose by detonation, shall be prohibited in on all zoning lots designated as I-1 Light Industrial on the City's Official Zoning Map, subject to the following provisions:

(a) The storage, utilization, and/or manufacture of solid materials and/or products, ranging from incombustible to moderate burning, shall be permitted.

(b) The storage, utilization, and/or manufacture of solid materials and/or products, ranging from free or active burning to intense burning, shall be permitted, provided said materials and/or products, shall be stored, utilized, and/or manufactured within a completely enclosed building, featuring incombustible exterior walls, and/or protected throughout by an automatic fire extinguishing system. The outdoor storage of said materials and/or products may be permitted; said zoning lots shall provide a minimum setback and/or clearance, of fifty (50) feet from all property lines.

(c) The storage and/or utilization of flammable liquids or materials, producing flammable or explosive vapors or gases, shall be permitted in accordance with the provisions specified in Table 9-4 (Flammable Materials - Permitted Storage Capacity in Gallons) of this Chapter.

Table 9-4
Flammable Materials - Storage Capacity Permitted

Uses Involving the Storage and Distribution of Flammable Materials **Materials with a *Closed Cup Flash Point...***	**I-1 Light Industrial District**		**I-2 Heavy Industrial District**	
	Above Ground	**Under Ground**	**Above Ground**	**Under Ground**
Exceeding 187° Fahrenheit	Prohibited	100,000	400,000	No Limit
From 105° to 187° Fahrenheit	Prohibited	40,000	200,000	No Limit
Less Than 105° Fahrenheit	Prohibited	20,000	100,000	No Limit
Uses Involving Flammable Materials In A Manufacturing Process **Materials with a *Closed Cup Flash Point...***	**I-1 Light Industrial District**		**I-2 Heavy Industrial District**	
	Above Ground	**Under Ground**	**Above Ground**	**Under Ground**
Exceeding 187° Fahrenheit	50,000	100,000	200,000	No Limit
From 105° to 187° Fahrenheit	20,000	40,000	100,000	No Limit
Less Than 105° Fahrenheit	5,000	10,000	50,000	No Limit

Note: Capacity in gallons; When flammable gases are stored, utilized and/or measured in cubic feet, the quantity permitted (at S.T.P.), shall not exceed thirty times (30x) the quantities listed in this table.

(2) **I-2 Heavy Industrial District.** Industrial activity involving the manufacture, processing and/or storage, of materials and/or products, which decompose by detonation, shall be permitted on all zoning lots designated as I-2 Heavy Industrial on the City's Official Zoning Map, subject to the issuance of a conditional use permit, as specified in Chapter 12 (Administration) of this Ordinance, and the provisions specified in Table 9-4 (Flammable Materials - Permitted Storage Capacity in Gallons) of this Chapter.

(a) Subject to approval by all applicable jurisdictions.

(b) The storage, utilization, or manufacture of solid materials, ranging from incombustible to intense burning, shall be permitted, subject to the issuance of a conditional use permit.

(c) When said industrial activity is being conducted under a conditional use permit, no limit and/or restrictions may be placed upon the permitted storage capacity of flammable materials, for industrial uses engaged in storage and/or distribution, and/or utilization of said materials, provided, that within three hundred (300) feet of a lot line, no more than fifty thousand (50,000) gallons of flammable material, having a closed cup flash point of less than one hundred five degrees (105º) Fahrenheit, are stored and/or utilized, for each one hundred (100) feet of said lot line.

(d) The storage and utilization of flammable liquid and/or materials, which produce flammable or explosive vapors and/or gases, shall be permitted in accordance with the provisions specified in Table 9-4 (Flammable Materials - Permitted Storage Capacity in Gallons) of this Chapter.

H. Glare and Heat. For the purposes of this Ordinance, the levels of glare and/or heat emissions, produced by, or associated with, an industrial use and/or activity, being operated and/or maintained on a zoning lot designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, shall be controlled and/or shielded, in a manner so as to prevent the creation of a public nuisance and/or hazard, to abutting property and/or improvements. Such industrial activity, producing intense glare and/or heat, shall be conducted exclusively within a completely enclosed building. All exposed sources of light shall be shielded.

9.03 I-1 LIGHT INDUSTRIAL ZONING DISTRICT

A. General Provisions. The I-1 Light Industrial Zoning District is hereby established in order to provide an environment conducive to the development and/or operation of light assembly, manufacturing, and/or warehousing activity, with a minimal degree of negative impact upon abutting residential and/or commercial zoning districts. This zoning district is intended to provide for industrial activity, whose principal uses shall include, but not be limited to, component assembly, engineering and testing activity, research and development, light manufacturing, and/or warehousing.

B. Permitted Uses. The following industrial and non-industrial uses shall be permitted principal and/or accessory uses on zoning lots designated as I-1 Light Industrial on the City's Official Zoning Map:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

C. Conditional Uses. Certain industrial and non-industrial uses shall be allowed as principal and/or accessory uses, on zoning lots designated as I-1 Light Industrial, on the City's Official Zoning Map, provided the owner(s) of record obtain a conditional use permit in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. For zoning lots designated I-1 Light Industrial, said conditional uses shall include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Conditional Uses As Determined by the Director of the Planning Department.

D. **Lot Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as I-1 Light Industrial, on the City's Official Zoning Map shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand five hundred (7,500) square feet, excluding all such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed eighty percent (80%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures, shall be regulated by the provisions of Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to the other provisions of this Ordinance, the height of any building and/or structure, or portion thereof, as measured from grade/ground level, located on a zoning lot designated as I-1 Light Industrial, on the City's Official Zoning Map, shall not exceed fifty (50) feet in height. When such zoning lot abuts a residential zoning district, said height shall not exceed forty (40) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as I-1 Light Industrial, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** All such zoning lots shall provide a front yard, with a minimum depth of ten (10) feet, or to a depth equal to the established building line.

(2) **Side Yards - Interior Lots.** All such zoning lots shall provide two (2) side yards, with a minimum depth of seven and one-half (7½) feet.

(3) **Side Yards - Corner Lots.** All such zoning lots defined as corner lots shall provide two (2) side yards with a minimum depth of seven and one-half (7½) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be ten (10) feet.

(4) **Rear Yard.** All such zoning lots shall provide a rear yard, with a minimum depth of ten (10) feet.

(5) **Transitional Yards.** Transitional yards, as defined in Chapter 2 (Definitions) of this Ordinance, when required on zoning lots designated as I-1 Light Industrial, shall fully comply with the following requirements:

(a) **Transitional Side Yard - Interior Lots.** All such lots shall provide a transitional side yard with a minimum depth of twelve and one-half (12½) feet.

(b) **Transitional Side Yard - Corner Lots.** All such lots shall provide a transitional side yard with a minimum depth of twelve and one-half (12½) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be fifteen (15) feet.

(c) **Transitional Rear Yard.** All such lots shall provide a transitional rear yard with a minimum depth of fifteen (15) feet.

9.04 I-2 HEAVY INDUSTRIAL ZONING DISTRICT

A. **General Provisions.** The I-2 Heavy Industrial Zoning District is hereby established in order to provide an environment conducive to industrial development which utilize a wide range of manufacturing, production, processing, wholesaling, and/or warehousing activities. This zoning district is intended to provide for industrial activity, whose principal uses shall include, but not be limited to, construction, heavy manufacturing and processing, machinery - sales and/or service, and warehousing and distribution.

B. **Permitted Uses.** The following industrial and non-industrial uses shall be permitted principal uses on zoning lots designated as I-2 Heavy Industrial on the City's Official Zoning Map:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

C. **Conditional Uses.** Certain industrial and non-industrial uses, shall be allowed as principal and/or accessory uses, on zoning lots designated as I-2 Heavy Industrial, on the City's Official Zoning Map, provided the owner(s) of record obtain a conditional use permit, in accordance with the provisions of Chapter 12 (Administration) of this Ordinance. For zoning lots designated as I-2 Heavy Industrial, said conditional uses shall include the following:

(1) Uses Specified in Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance.

(2) Accessory Uses Specified in Chapter 4 (Accessory Uses) of this Ordinance.

(3) Uses Similar to Specified Permitted Uses As Determined by the Director of the Planning Department.

D. **Lot Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as I-2 Heavy Industrial on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Minimum Lot Area.** All such zoning lots shall provide a minimum lot area of seven thousand five hundred (7,500) square feet, excluding all such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot area of six thousand (6,000) square feet.

(2) **Minimum Lot Width.** All such zoning lots shall provide a minimum lot width of fifty (50) feet at the established building line, excluding such lots of record which have been subdivided prior to the effective date of this Ordinance, which shall provide a minimum lot width of forty-five (45) feet.

(3) **Maximum Buildable Area Coverage.** For all such zoning lots, the principal building and/or structure, or portion thereof, shall not be located in any portion of a required yard, and shall not exceed one hundred percent (100%) of the buildable area. The location and maximum buildable area for accessory buildings and/or structures, shall be regulated by the provisions of Chapter 4 (Accessory Uses) of this Ordinance.

E. **Height Requirements.** Subject to the other provisions of this Ordinance, the height of any building and/or structure, or portion thereof, as measured from grade/ground level, located on a zoning lot designated as I-2 Heavy Industrial, on the City's Official Zoning Map, shall not exceed sixty (60) feet in height, excluding those accessory uses specified in Chapter 4 (Accessory Uses) of this Ordinance. When such zoning lot abuts a residential zoning district, said height shall not exceed fifty (50) feet.

F. **Yard and/or Setback Requirements.** Subject to the other provisions of this Ordinance, all zoning lots designated as I-2 Heavy Industrial, on the City's Official Zoning Map, shall fully comply with the following requirements:

(1) **Front Yard.** All such zoning lots shall provide a front yard, with a minimum depth of ten (10) feet, or to a depth equal to the established building line.

(2) **Side Yards - Interior Lots.** All such zoning lots shall provide two (2) side yards, with a minimum depth of five (5) feet.

(3) **Side Yards - Corner Lots.** All such zoning lots defined as corner lots shall provide two (2) side yards with a minimum depth of five (5) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be seven and one-half (7½) feet.

(4) **Rear Yard.** All such zoning lots shall provide a rear yard, with a minimum depth of five (5) feet.

(5) **Transitional Yards.** Transitional yards, as defined in Chapter 2 (Definitions) of this Ordinance, when required on zoning lots designated as I-2 Heavy Industrial, shall fully comply with the following requirements:

(a) **Transitional Side Yard - Interior Lots.** All such lots shall provide a transitional side yard with a minimum depth of twelve and one-half (12½) feet.

(b) **Transitional Side Yard - Corner Lots.** All such lots shall provide a transitional side yard with a minimum depth of twelve and one-half (12½) feet. When abutting a public right-of-way, the minimum depth of such required side yard shall be fifteen (15) feet.

(c) **Transitional Rear Yard.** All such lots shall provide a transitional rear yard with a minimum depth of ten (10) feet.

[Reserved]

CHAPTER 10
PARKING AND LOADING

10.01 GENERAL PROVISIONS

A. **Intent.** These off-street parking and loading regulations are designed and/or intended to regulate the size, number, design and location of off-street parking and loading spaces, as defined in Chapter 2 (Definitions) of this Ordinance, in a manner which promotes traffic safety and reduced vehicular congestion through the establishment of reasonable standards in order to maintain and encourage residential, commercial and industrial activity and development.

B. **Scope of Regulations.** Buildings and/or structures, or portions thereof, and/or principal and accessory uses of land, established after the effective date of this Ordinance, shall provide parking and loading facilities, in accordance with the provisions of this Chapter. When the use of any zoning lot, building and/or structure, or portion thereof, is intensified through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement used by the Director of the Planning Department to assess required parking and/or loading facilities, such additional facilities shall be required. The Director of the Kankakee Fire Department - Code Enforcement Division shall not issue a building permit and/or a Certificate of Occupancy, until and unless, full compliance with the provisions of this Chapter has been documented.

Where a building permit has been issued, prior to the effective date of this Ordinance, and construction has begun within six (6) months of said effective date and diligently prosecuted to completion, additional parking and/or loading space, shall be provided only to the extent required by previous ordinances. No provision of this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking and/or loading space, to serve the existing use of a zoning lot, provided that the provisions of this Chapter, governing the location, design, and operation of such facilities, are fully adhered to.

C. **Existing On-Site, Off-Street Parking and Loading Space.** Parking and/or loading space located on the same zoning lot as the building and/or structure, and/or principal use being served, and lawfully existing on the effective date of this Ordinance, or provided voluntarily after said effective date, shall not hereafter be reduced below established levels.

D. **Destruction and/or Damage.** As of the effective date of this Ordinance, for any conforming, or legally existing non-conforming building, structure, and/or use subsequently destroyed and/or damaged through a fire, explosion, natural disaster, building or structural collapse, and/or other casualty, should the owners of record and/or occupants of said lot, building, and/or structure reconstruct, reestablish, and/or repair destroyed and/or damaged facilities, on-site, off-street parking and/or loading space shall be restored, using the following guidelines:

(1) Should repair and/or replacement costs exceed sixty percent (60%) of the replacement value of the principal building and/or structure, additional on-site, off-street parking and/or loading space shall be required in an amount which fully complies with the provisions of this Chapter.

(2) Should said casualty affect multiple uses of the same lot, principal building and/or structure, the requirements of this Chapter shall be fully applicable, only to those uses destroyed and/or damaged in excess of sixty percent (60%) of the replacement value.

(3) The Director of the Planning Department shall review the replacement value of all uses, lots, buildings, and/or structures affected by a casualty, as submitted by the owners of record, using industry cost standards, per square foot, available in publications of general circulation, including but not limited to, Means' Construction Cost Index.

E. **Off-Site Parking and/or Loading.** Buildings, structures and/or uses, erected and/or established after the effective date of this Ordinance, shall be required to provide off-street parking and/or loading space on-site, in a manner which fully complies with the provisions of this Chapter. As of the effective

date of this Ordinance, legally existing uses, buildings, and/or structures which are subsequently altered or enlarged, so as to require the provision of additional parking in order to comply with the provisions of this Chapter, may utilize parking and/or loading space located on a zoning lot other than the lot on which the building and/or use being served is located, subject to the following:

(1) **Residential Zoning Districts.** Off-site, off-street parking and/or loading space, accessory to permitted residential and non-residential uses, may be permitted as a conditional use on zoning lots designated as a residential zoning district (R-1, R-2, or R-3), on the City's Official Zoning Map, provided said parking is located on a lot within one hundred (100) feet of any lot line of the lot being served.

(2) **Commercial Zoning Districts.** Off-site, off-street parking and/or loading space, accessory to permitted residential or commercial uses, shall be permitted on zoning lots designated as a commercial zoning district (C-1, C-2, or C-3), on the City's Official Zoning Map, subject to the following:

(a) **C-1 Neighborhood Commercial and C-2 Service Commercial.** Off-site, off-street parking and/or loading space shall be permitted in either zoning district, within three hundred (300) feet of any lot line of the zoning lot being served.

(b) **C-3 Central Commercial.** Off-site, off-street parking and/or loading space may be provided anywhere within said zoning district, provided the zoning lot being served is located within said C-3 Central Commercial zoning district, and/or when such zoning lot abuts and/or is located within three hundred (300) feet of said zoning district.

(3) **Industrial Zoning Districts.** Off-site, off-street parking and/or loading space, accessory to permitted industrial and non-industrial uses, shall be permitted on zoning lots designated as an industrial zoning district (I-1 or I-2) on the City's Official Zoning Map, when said parking is located on a zoning lot abutting the industrial use and/or zoning lot being served, or within six hundred (600) feet, of any lot line, including public rights-of-way.

(4) **Restrictive Covenant Required.** Prior to the establishment of off-site, off-street parking and/or loading space, a restrictive covenant, running with the land, must be recorded with the Recorder of Deeds, of Kankakee County, Illinois, for the zoning lot, upon which said off-site, off-street parking and/or loading space shall be provided. Such covenant shall prohibit any other use for the lot where said parking and/or loading space is provided. A certified copy of the recorded covenant, shall be provided to the corporate authorities prior to the issuance of any permits, approvals, and/or certificates. Said covenant shall remain in effect, until and unless, either of the following conditions occur:

(a) The principal use requiring the provision of said off-site, off-street parking and/or loading space, ceases to exist, is removed, and/or, terminated; and/or,

(b) Another zoning lot, with adequate physical characteristics and proper zoning, is properly developed and designated as the location being used to provide off-site, off-street parking and/or loading space, for the specified principal use, in a manner which fully complies with the provisions of this Chapter. The substitute zoning lot, shall be subject to the same conditions and/or covenants, required for the initial zoning lot used to provide said space.

F. **Use of Off-Street Parking.** Required off-street accessory parking, whether provided on-site or off-site, shall be used solely for the parking of motor vehicles, utilized by owners of record, patrons, occupants, guests, or employees of such uses permitted, or allowed as a conditional use, for the zoning district in which said zoning lot is located. Commercial vehicles, including truck tractors, having a Gross Vehicle Weight Rating (GVWR) in excess of eight thousand (8,000) pounds and/or bearing a class designation other than “B” as provided under Section 5/3-815 of the Illinois Vehicle Code (Chapter 625 ILCS et seq) shall not be parked and/or stored on any zoning lot where the established use is residential in nature, except when making a delivery or rendering a service at said premises. The

parking and/or storage outside of a substantially enclosed building and/or structure of any motor vehicle which is neither licensed or fully operational, shall be prohibited on all zoning lots designated as residential zoning districts (R-1, R-2 and R-3), on the City's Official Zoning Map. Where the established principal use is single-family residential in nature, the parking and/or storage outside of a substantially enclosed building and/or structure, of more than four (4) motor vehicles, shall be prohibited on all zoning lots designated as R-1 Single-Family Residential on the City's Official Zoning Map.

G. **Motor Vehicle Repair and/or Service.** The commercial repair and/or servicing of motor vehicles, and the retail sale and/or dispensing of motor vehicle fuels, oil, and/or accessories, shall not be permitted in areas designated as off-street parking and/or loading space, located on zoning lots designated as a residential zoning district (R-1, R-2 or R-3), or a commercial zoning district (C-1, C-2 or C-3) on the City's Official Zoning Map.

10.02 DESIGN AND CONSTRUCTION REQUIREMENTS FOR OFF-STREET PARKING

The provisions of this Section shall provide for the review of proposed off-street accessory parking facilities, as a means of assuring the provision of safe and adequate parking, which fully complies with the provisions of this Chapter.

A. **Parking Plans.** All proposed development required to provide off-street parking and/or loading space, under the provisions of this Chapter, when deemed necessary and appropriate by the Director of the Planning Department, shall provide a separate parking plan which fully complies with the provisions of this Section. Said parking plan shall illustrate the location and extent of all parking and/or loading spaces provided, which fully comply with the minimum requirements of this Chapter. Said parking plan, shall provide information and documentation, sufficient to accurately address design issues, including, but not limited to, the following:

(1) A project map showing all public rights-of-way abutting said zoning lot, and located within five hundred (500) feet of proposed parking and/or loading spaces;

(2) Existing buildings, structures and/or uses;

(3) Proposed site pan;

(4) Maximum number of employees on duty;

(5) Traffic counts for all public rights-of-way and intersections within five hundred (500) feet;

(6) Parking and/or loading schedules indicating the number, type of parking and/or loading spaces provided;

(7) Proposed ingress and egress, including access aisles, driveways and/or curb cuts;

(8) Landscaping, including tree protection plan, layout of buffer strips

(9) Traffic safety, signage and enforcement; the provision of said parking and/or loading space, shall constitute consent by the owners of record and/or occupants, to traffic control and enforcement by the City, of all applicable laws, codes, and/or regulations.

The Director of the Planning Department shall retain the right to request additional information, relevant to the proposed development, building, structure and/or use, deemed necessary, in order to fully assess the adequacy of the proposed parking plan. The Director of the Planning Department shall supervise the review of all plans for accessory parking and/or loading space, to ensure compliance with the provisions of this Chapter. Said review shall include, but not be limited to, public safety and convenience, relationship to uses being served, public rights-of-way, circulation and/or traffic patterns, construction standards, topography, drainage, retention, and/or landscaping.

B. **Construction Standards.** All off-street parking and/or loading spaces, used to comply with the minimum requirements of this Chapter, and all private rights-of-way used to provide ingress and egress to said parking and/or loading space, shall be constructed and/or maintained to the minimum standards specified in this Section. These standards shall include, but not be limited to, the following:

(1) **Parking Spaces.** All open, off-street parking space, except as otherwise provided herein, shall be designed and constructed using materials specified in Table 10-1(A) (Parking Spaces) of this Section. All open, off-street parking space accessory to residential uses shall minimally consist of an improved surface of crushed stone not less than eight (8) inches in depth and bituminous surface not less than two (2) inches in depth, or as otherwise authorized by the City Engineer.

Table 10-1(A)
Parking Spaces

Surface	**Minimum Depth**
Class 1 Bituminous Concrete	One (1") Inch
Binder	One and One-Half (1 ½") Inch
Base Course	**Minimum Depth**
Crushed Stone	Eight (8") Inches
Grade 9 Gravel	Eight (8") Inches
BAM (minimum marchall stability of 1,900 inches)	Four (4") Inches
Pozzolannic	Five (5") Inches
Equivalents to the Above	Subject to Approval of the City Engineer

Note: The binder and surface shall be laid in two (2) lifts. Five (5") inches of non-reinforced concrete pavement is an acceptable alternative in lieu of the asphalt and base combinations.

(2) **Driveways and Aisles.** The Director of the Planning Department shall determine which aisles within a parking area shall be designated as thruways, allowing motor vehicles to access individual buildings, structures, and/or uses, along with required parking spaces. Driveways and/or aisles that are designated thruways shall be constructed to the minimum standards specified in Table 10-1(B) (Driveways and Aisles), of this Section.

C. **Parking and Aisle Configuration.** All off-street parking spaces and/or aisles shall fully comply with the minimum requirements specified in Table 10-2 (Parking and Aisle Configuration), of this Section. Completely enclosed parking facilities, shall provide a minimum vertical clearance of seven and one-half (7½) feet to any obstruction, except where fully accessible parking spaces are provided for the use of the disabled public, then a minimum vertical clearance of eight (8) feet, shall be provided.

D. **Access.** Except for zoning lots located in R-1 Single-Family Residential and R-2 Two-Family Residential Zoning Districts, each off-street parking space, shall open directly upon an aisle and/or driveway, which fully complies with the minimum requirements specified in Table 10-2 (Parking and Aisle Configuration), of this Section. A ten (10) foot wide aisle, for one (1) way travel may be permitted, provided there are no points of vehicular and/or pedestrian access to any building and/or structure, or portion thereof, from the driving aisle. The minimum width of any access drive which intersects a public right-of-way, shall be twenty-our (24') feet for two-way travel, and twelve (12') feet

for one-way travel. The return radius, from an access drive to a public right-of-way, shall be a minimum of thirty (30) feet, as measured from the back of the curb, where possible. All widths referred to in this Section, are actual pavement widths.

Table 10-1(B) Driveways and Aisles	
Surface	**Minimum Depth**
Class 1 Bituminous Concrete	One (1") Inch
Binder	One and One-Half (1 ½") Inch
Base Course	**Minimum Depth**
Crushed Stone	Ten (10") Inches
Grade 9 Gravel	Ten (10") Inches
BAM (minimum marchall stability of 1,900 inches)	Five (5") Inches
Pozzolannic	Six (6") Inches
Equivalents to the Above	Subject to Approval of the City Engineer
Note: The binder and surface shall be laid in two (2) lifts. Five (5") inches of non-reinforced concrete pavement is an acceptable alternative in lieu of the asphalt and base combinations.	

E. **Off-Street Parking In Required Yards.** Subject to the other provisions of this Ordinance, open, off-street parking may be located in a required yard, subject to the provisions of Chapter 4 (Accessory Uses) of this Ordinance. Enclosed buildings and/or structures, including carports, providing off-street parking space, shall be subject to applicable yard requirements in all zoning districts.

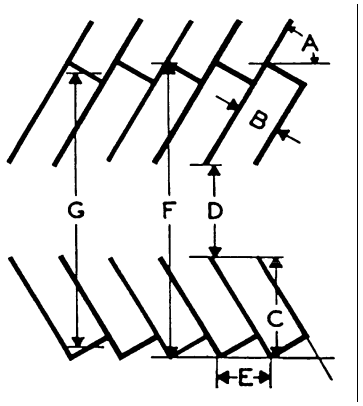
F. **Landscaping Requirements.** Subject to the other provisions of this Ordinance, open, off-street accessory parking serving a non-residential use, shall be effectively landscaped on each lot line abutting a residential use, utilizing a solid and/or semi-opaque wall, fence, or densely planted compact hedge, not less than six (6) feet in height.

G. **Illumination Requirements.** Any lighting fixtures used to illuminate off-street accessory parking, shall be located in a manner which directs said lighting, away from abutting, or nearby, residential uses. The Planning Board may, upon receipt of a petition signed by the owners of record, and/or occupants of neighboring residential property, and after conducting a public hearing, require that said lighting be reduced in intensity, changed in duration, and/or, turned off after certain hours. When making its decision, the Planning Board shall take into consideration the reasonable needs and requirements of the users of the parking facilities involved.

Table 10-2
Parking & Aisle Configuration
(All Zoning Districts)

A	B	C	D	E	F	G	A	B	C	D	E	F	G
0°	8'0"	8.0	12.0	23.0	28.0		**60°**	8'0"	20.4	19.0	9.2	59.8	55.8
	8'6"	8.5	12.0	23.0	29.0			8'6"	20.7	18.5	9.8	59.9	55.6
	9'0"	9.0	12.0	23.0	30.0			9'0"	21.0	21.0	18.0	10.4	60.0
	9'6"	9.5	12.0	23.0	32.0			9'6"	21.2	18.0	11.0	60.4	55.6
	10'0	10.0	12.0	23.0	32.0			10'0	21.5	18.0	11.5	61.0	56.0
20°	8'0"	14.0	11.0	23.4	39.0	31.5	**70°**	8'0"	20.6	20.0	8.5	61.2	58.5
	8'6"	14.5	11.0	24.9	40.0	32.0		8'6"	20.8	19.5	9.0	61.1	58.2
	9'0"	15.0	11.0	26.3	41.0	32.5		9'0"	21.0	19.0	9.6	61.0	57.9
	9'6"	15.5	11.0	27.8	42.0	33.1		9'6"	21.2	18.5	10.1	60.9	57.7
	10'0	15.9	11.0	29.2	42.8	33.4		10'0	21.2	18.0	10.6	60.4	57.0
30°	8'0"	16.5	11.0	16.0	44.0	37.1	**80°**	8'0"	20.1	25.0	8.1	65.2	63.8
	8'6"	16.9	11.0	17.0	44.8	37.4		8'6"	20.2	24.0	8.6	64.4	62.9
	9'0"	17.3	11.0	18.0	45.6	37.8		9'0"	20.3	24.0	9.1	64.3	62.7
	9'0"	17.8	11.0	19.0	46.6	38.4		9'6"	20.4	24.0	9.6	64.4	62.7
	10'0	18.2	11.0	20.0	47.4	38.7		10'0	20.5	24.0	10.2	65.0	63.3
45°	8.0	19.1	14.0	11.3	52.2	46.5	**90°**	8.0	19.0	26.0	8.0	64.0	
	8'6"	19.4	13.5	12.0	52.3	46.5		8'6"	19.0	25.0	8.5	63.0	
	9'0"	19.8	13.0	12.7	52.5	46.5		9'0"	19.0	24.0	9.0	62.0	
	9'6"	20.1	13.0	13.4	53.3	46.5		9'6"	19.0	24.0	9.5	62.0	
	10'0"	20.5	13.0	14.1	54.0	46.9		10'0	19.0	24.0	10.0	62.0	

A. Parking Angle
B. Stall Width
C. 19' Stall to Curb
D. Aisle Width
E. Curb Length per Car
F. Center to center Width
G. of Double Row with Aisle Between
F. Curb to Curb
G. Stall Center



10.03 SCHEDULE OF PARKING REQUIREMENTS

The number of off-street parking spaces, required to fully comply with the provisions of this Chapter, shall be determined by the Director of the Planning Department, based on the provisions of this Section. When such determination results in the requirement of a fractional parking space, any fraction of one-half (½) or less, may be disregarded, while a fraction in excess of one-half (½), shall be counted as one (1) parking space.

A. **Collective Provisions.** Off-street accessory parking requirements, for separate buildings, structures, and/or uses, may be provided collectively, if the resulting number of spaces provided, equals and/or exceeds the sum of the separate requirements for each use, and, provided the provisions of this Chapter, governing the location of off-street accessory parking, in relation to the principal use served, are fully complied with. Shared parking, or the use of a required parking and/or loading space, to satisfy the requirements of this Ordinance, for more than one principal use and/or zoning lot, excluding planned unit developments and/or shopping centers, shall be permitted subject to the issuance of a conditional use permit as provided in Chapter 12 (Administration) of this Ordinance.

B. **Uses Not Specified.** For any proposed use not specified in this Section, the amount of off-street parking required for such use, shall be determined by the Director of the Planning Department, based upon the specified use, determined to be most similar to the proposed use. Subject to the provisions of Chapter 12 (Administration) of this Ordinance, the Director of the Planning Department shall determine the similarity between a proposed use, which is not specified herein, and those uses which are specified, for the purposes of determining the amount of off-street accessory parking required, for said unspecified use.

C. **Employee Parking Requirements.** A minimum of one (1) parking space shall be provided for each such employee, based upon the maximum number of employees on duty, residing, or both, on-premises, at any given time, for all uses specified under the provisions of this Section.

D. **Parking Requirements - Handicapped Accessible Spaces.** A minimum of one (1), clearly marked, fully accessible parking space, located in close proximity to the principal building and/or use, and in compliance with all applicable local, state and federal laws and/or regulations, shall be provided for the use of environmentally limited persons, when the off-street parking requirements of this Chapter, mandate a minimum of twenty (20) standard parking spaces, designed and intended for the use of the general public.
Additional, fully accessible spaces shall be provided to the extent specified in Table 10-3 (Accessible Parking Spaces), of this Section. Fully accessible parking spaces, designed and intended for the exclusive use of environmentally limited persons, shall be a minimum of sixteen feet (16) wide (including an eight foot (8) wide diagonally striped access aisle), by eighteen feet, six inches (18'6") long, for parking plans utilizing a ninety degree (90º) parking configuration. The dimensions of said accessible parking spaces, shall increase proportionately, as specified in Table 10-2 (Parking and Aisle Configuration), of this Chapter, whenever other angular parking configurations are used.

All required accessible parking spaces shall be designated as such by utilizing an upright sign as approved by the U.S. Department of Transportation and/or in accordance with the applicable provisions of the Illinois Vehicle Code, as amended. The designation of fully accessible parking spaces, for the exclusive use of the disabled public, shall constitute consent by the owners of record and/or occupants of said zoning lot, property and/or improvements, to the enforcement of the restriction of said spaces, to disabled motorists and/or their passengers, by the City.

E. **Residential Uses.** Subject to the other provisions of this Ordinance, off-street parking space shall be provided for all principal residential uses, in which persons live, or in which sleeping accommodations are provided (with or without dining facilities), to the extent specified as follows:

(1) Single-Family Dwelling . . . . . Two (2)

(2) Two-Family Dwelling
- with one (1) bedroom . . . . . One (1)
- with two (2) or more bedrooms . . . . . Two (2)

(3) Multi-Family Dwelling
- with one (1) bedroom . . . . . One and one-half (1½)
- with two (2) or more bedrooms . . . . . Two (2)
- guest parking shall be provided on the basis of one (1) space for each four (4) required spaces.

(4) Rooming and Boarding House
- per bedroom . . . . . One (1)
or...
- per each room to be rented . . . . . One (1)

(5) Hotel and/or Motel
- per each room to be rented . . . . . One (1)
plus...
- required space for restaurant or other accessory uses

(6) Group Home and/or Half-way House
- per five (5) beds . . . . . Three (3)

(7) Home Occupations
- per dwelling unit . . . . . Three (3)

Table 10-3
Accessible Parking Spaces

Spaces Required	Accessible Spaces
1 to 20	One (1)
21 to 50	Two (2)
51 to 75	Three (3)
76 to 100	Four (4)
101 to 150	Five (5)
151 to 200	Six (6)
201 to 300	Seven (7)
301 to 400	Eight (8)
401 to 500	Nine (9)
501 to 1,000	Two percent (2%) of total number
over 1,000	Twenty (20) plus one (1) for each one hundred (100) over one thousand (1,000)

F. **Retail Sales Uses - Primarily Related to Goods, Merchandise or Equipment.** Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal retail sales uses, primarily intended for display and sale purposes involving stocks of goods, wares or merchandise incidental to such purposes and open to the public, to the extent specified as follows:

(1) No storage or display of goods outside fully enclosed building and/or structure.

(a) Convenience Stores
- per 150 sq./ft. of GFA . . . . . One (1)

(b) High-volume traffic generation
- per 200 sq./ft. of GFA . . . . . One (1)

(c) Low-volume traffic generation
- per 400 sq./ft. of GFA . . . . . One (1)

(d) Wholesale sales
- per 400 sq./ft. of GFA . . . . . One (1)

(e) Miscellaneous
- per 200 sq./ft. of GFA . . . . . One (1)

(2) Storage and display of goods outside fully enclosed building and/or structure allowed.

(a) High-volume traffic generation
- per 200 sq./ft. of GFA . . . . . One (1)

(b) Low-volume traffic generation
- per 400 sq./ft. of GFA . . . . . One (1)

(c) Wholesale sales
- per 400 sq./ft. of GFA . . . . . One (1)

(e) Miscellaneous
- per 200 sq./ft. of GFA . . . . . One (1)

G. Commercial, Office and Service Uses - Not Primarily Related to Goods, Merchandise or Equipment. Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal business and commercial uses which are intended for the transaction of business, for the rendering of professional services, or for other services that do not primarily involve stocks of goods, wares or merchandise, to the extent specified as follows:

(1) Uses designed to attract and serve customers or clients on premises
- per 200 sq./ft. of GFA . . . . . One (1)

(2) Uses designed to attract little or no customer or client traffic other than employees of the entity operating the principal use
- per 200 sq./ft. of GFA . . . . . One (1)

(3) Medical offices or clinics
- per 150 sq./ft. of GFA . . . . . One (1)

(4) Financial Institutions or similar uses with drive-in facilities
- per 200 sq./ft. of GFA . . . . . One (1)
plus...
- stacking space equal to five (5) spaces per window

(5) Funeral Homes
- per 100 sq./ft. of GFA . . . . . One (1)

(6) Laundromat and/or Dry Cleaning
- per 200 sq./ft. of GFA . . . . . One (1)

H. Motor Vehicle Related Sales and Service Operations and Uses. Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal motor vehicle related uses which are intended for the sale and service of motor vehicles, parts and accessories, to the extent specified as follows:

(1) Motor vehicle sales or rental, installation of parts and accessories
- per 200 sq./ft. of GFA . . . . . One (1)

(2) Motor vehicle repairs and maintenance, including painting and body work
- per 200 sq./ft. of GFA . . . . . One (1)

(3) Motor Vehicle Laundry - Mechanized
- stacking spaces equal to five times (5x) the capacity of the washing operation

(4) Motor Vehicle Laundry - Self-Serve
- per drying and cleaning purposes per stall . . . . . Two (2)
- stacking spaces in front of each stall . . . . . Two (2)

(5) Gasoline sales
- per 200 sq./ft. of GFA devoted to gas sales operation . . . . . One (1)
plus...
- sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces

I. Educational, Cultural, Religious, Philanthropic, Social and Fraternal Uses. Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal uses, primarily intended for the gathering together of persons for purposes of civic, social or religious functions, to the extent specified as follows:

(1) Churches, synagogues, temples and mosques, excluding school facilities
- per every four (4) seats to be used for services . . . . . One (1)
- per every 200 sq./ft. of GFA designed to be used for neither services nor residential purposes . . . . . One (1)

(2) Libraries, museums, art galleries and similar uses
- per 300 sq./ft. of GFA . . . . . One (1)

(3) Social, fraternal clubs, lodges, union halls and similar uses
- per 300 sq./ft. of GFA . . . . . One (1)

(4) Elementary Schools, including associated grounds and athletic and other facilities
- per classroom . . . . . One and one-half (1½)

(5) Junior and Senior High Schools including associated grounds and athletic and other facilities
- per classroom . . . . . Five (5)

(6) Trade or Vocational Schools
- per 100 sq./ft. GFA . . . . . One (1)

(7) Colleges, universities, community colleges, including associated facilities such as dormitories, office buildings, athletic fields, etc.
- per 150 sq./ft. of GFA . . . . . One (1)

J. Recreational, Amusement and Entertainment Uses. Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal uses, primarily intended for the gathering together of persons for recreation, amusement and/or entertainment purposes, to the extent specified as follows:

(1) Movie Theater - Indoor
- per every four (4) seats . . . . . One (1)

(2) Movie Theater - Drive-In
- per speaker outlet . . . . . One (1)

(3) Bowling alleys, billiard and pool halls, indoor skating rinks, athletic and exercise facilities
- per every three (3) persons such facility is designed to accommodate when they are fully utilized . . . . . One (1)
plus...
- per two hundred (200) square feet of GFA used in a manner not susceptible to such calculation . . . . . One (1)

(4) Stadiums and other similar uses designed to simultaneously seat or accommodate more than 1,000 people

- per every four (4) seats . . . . . One (1)

(5) Outdoor recreational facilities, including athletic fields, golf and country clubs, swimming pools and tennis courts, parks, etc.

- per 200 sq./ft. of area within enclosed buildings . . . . . One (1)
  plus...
- per every three (3) persons such facility is designed to accommodate when occupied to the maximum capacity . . . . . One (1)

(6) Outdoor recreational facilities, including miniature golf courses, skateboard parks, water slides and similar uses

- per 300 sq./ft. of area . . . . . One (1)
  plus...
- per 200 sq./ft. of building GFA . . . . . One (1)

(7) Other similar recreational, amusement and entertainment uses

- per every two (2) persons such facilities are designed to accommodate when occupied to the maximum capacity . . . . . One (1)

K. Institutional Residence or Care or Confinement Facilities and Uses. Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal institutional uses, primarily intended for the harboring, medical or other treatment, of persons suffering from physical limitations because of health or age; or, in which persons are detained for penal or correctional purposes, to the extent specified as follows:

(1) Hospitals, clinics and other medical treatment facilities and uses

- per bed . . . . . Two (2)
  or...
- per 150 sq./ft. of GFA . . . . . One (1)
  (whichever is greater)

(2) Nursing and intermediate care institutions, child care and disabled institutions and uses

- per every 5 beds . . . . . Three (3)
  or...
- per dwelling unit . . . . . One (1)

(3) Penal and Correctional Institutions

- per every two (2) employees on maximum shift . . . . . One (1)

L. Restaurants, Bars and Nightclubs. Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal uses primarily intended for the gathering together of persons for purposes of food or drink consumption, to the extent specified as follows:

(1) No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure

- per 100 sq./ft. of GFA . . . . . One (1)

(2) Carry-out and delivery service, consumption outside fully enclosed structure allowed

- per 100 sq./ft. of GFA . . . . . One (1)
- per every four (4) outside seats . . . . . One (1)

(3) Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed

- per 100 sq./ft. of GFA . . . . . One (1)
- per every four (4) outside seats . . . . . One (1)
- stacking space equal to five (5) spaces per drive-in window.

M. **Industrial and Manufacturing Uses.** Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal industrial and manufacturing uses, primarily intended for the fabricating, assembling or processing of products or materials, to the extent specified as follows:

(1) Uses conducted entirely within fully enclosed building and/or structure.

(a) Majority of business done with walk-in customers
- per 400 sq./ft. of GFA . . . . . One (1)

(b) Majority of business not done with walk-in customers
- per 200 sq./ft. of GFA . . . . . One (1)

(2) Uses conducted within or outside fully enclosed building and/or structure
- per 200 sq./ft. of GFA . . . . . One (1)

N. **Public and Quasi-Public Facilities and Uses.** Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal public and quasi-public uses, to the extent specified as follows:

(1) Bus and/or Train Station
- per 200 sq./ft. of GFA . . . . . One (1)

(2) Post Office
- per 200 sq./ft. of GFA . . . . . One (1)

(3) Airports
- per 200 sq./ft. of GFA . . . . . One (1)

(4) Military Reserve Centers
- per 100 sq./ft. of GFA . . . . . One (1)

O. **Miscellaneous Facilities and Uses.** Subject to the other provisions of this Ordinance, off-street parking space shall be provided for principal uses not classified in any other specific use group of this Section, to the extent specified as follows:

(1) Open air markets and horticultural sales
- per 1,000 sq./ft. of lot area used for storage, display or sales . . . . . One (1)

(2) Cemetery
- per 200 sq./ft. of GFA . . . . . One (1)

(3) Nursery School and/or Day Care Centers
- per 200 sq./ft. of GFA . . . . . One (1)

10.04 OFF-STREET LOADING SPACE

A. **Locational Requirements.** Off-street loading space, shall be located on the same zoning lot as the principal use being served by said loading space. Off-street loading space shall not be used to satisfy the parking requirements specified by the provisions of this Chapter. When abutting a residential zoning district, unless separated from such district by a public right-of-way, off-street loading spaces shall be completely enclosed, as part of the principal building and/or structure, or, shielded from view by a uniformly painted solid, semi-solid or opaque fence, door, and/or wall, or any combination thereof, not less than eight (8) feet, nor more than ten (10) feet in height. Off-street loading space shall not be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. Off-street loading space, shall be designed with an appropriate means of vehicular access to a public right-of-way, designed in a manner which will least interfere with traffic movement. Off-street loading space, located in a required front or side yard, shall be prohibited.

B. **Minimum Dimensions.** For the purposes of this Ordinance, off-street loading space, required by the provisions of this Chapter, shall based on the following physical characteristics and/or minimum dimensions:

(1) Width . . . . . Twelve (12) feet.

(2) Length . . . . . Fifty-five (55) feet.
(3) Overhead Clearance from Street Grade . . . . . Fourteen (14) feet.

C. **Construction Standards.** Open, off-street loading space shall be improved with a compacted macadam base, not less than seven (7) inches thick, and, surfaced with not less than two (2) inches of asphaltic concrete, or an equivalent, all-weather dustless material, as approved by the City Engineer.

D. **Motor Vehicle Repair and/or Service.** Motor vehicle repair and/or service, other than emergency repairs to an inoperable motor vehicle, performed while occupying, or in conjunction with an off-street loading space, shall be prohibited, when said loading space is abutting, or located in, a residential and/or commercial zoning district.

E. **Minimum Facilities.** Principal and/or accessory uses, which require off-street loading space under the provisions of this Chapter, located in buildings and/or structures, with less than the minimum floor area prescribed for said uses, shall be provided with adequate receiving facilities, accessible by motor vehicles, from a public and/or private right-of-way, or open space, located on the same zoning lot.

10.05 SCHEDULE OF LOADING REQUIREMENTS

In all zoning districts, where non-residential property uses require the loading and/or unloading of materials, products and/or goods from motor vehicles, on a routine basis, off-street loading space shall be provided in accordance with the provisions specified in Table 10-4 (Loading Space) of this Section.

Table 10-4
Loading Space

Gross Floor Area of Building	Spaces Required
1,000 to 19,999	One (1)
20,000 to 79,999	Two (2)
80,000 to 129,999	Three (3)
130,000 to 189,999	Four (4)
190,000 to 249,999	Five (5)
250,000 to 319,999	Six (6)
320,000 to 399,999	Seven (7)
Plus one (1) space for each additional seventy-five thousand (75,000') square feet or fraction thereof.	

[Reserved]

CHAPTER 11
SIGNS

11.01 GENERAL PROVISIONS

A. **Intent.** These sign regulations are designed and/or intended, to permit and/or regulate the size, number, type, and/or spacing of signs, as defined in Chapter 2 (Definitions) of this Ordinance, in a manner which promotes traffic safety and reduced visual clutter, while protecting and enhancing the City's physical appearance, through the establishment of reasonable standards for the erection, maintenance and removal of signs, in order to maintain and encourage commercial activity and development.

B. **Permit Requirements.** Subject to the provisions of this Chapter, signs shall be constructed, erected, installed, reconstructed, relocated, enlarged, illuminated, and/or substantially altered, only upon the issuance of a valid permit by the Kankakee Fire Department, Code Enforcement Division. The following activities, shall not be considered a substantial alteration, in and of itself, and, shall not require a permit:

(1) The changing of advertising, facial panels, and/or messages, on an existing sign and/or outdoor advertising sign.

(2) The changing of painted and/or printed signs, and/or changeable letter panels, specifically designed for the use of replaceable copy.

(3) The painting, repainting, cleaning, and/or normal maintenance and/or repair of a sign, sign structure, and/or outdoor advertising sign.

As of the effective date of this Ordinance, all lawfully existing signs and/or outdoor advertising signs shall be maintained in all respects, but shall not for any reason be enlarged and/or substantially altered.

C. **Encroachment Onto Public Rights-of-Way.** Signs, awnings, canopies, and/or incidental supporting structures, shall not be located in, or over, the traveled portion of any part of a public right-of-way, until and unless, such signs, awnings, canopies, and/or supporting structures, are attached to the structural elements of a building, and upon written approval from the City Engineer.

D. **Exclusions.** The following signs shall be exempt from regulation under the provisions of this Chapter, subject to the foregoing conditions and limitations:

(1) Signs customarily associated with residential uses, including, but not limited to the name of the resident, street address, mailbox signs, private parking signs, no trespassing signs and/or warning signs. The maximum sign surface area of such signs, shall not exceed four (4) square feet, and shall not contain any advertising copy and/or messages.

(2) Flags, pennants or insignia of any public, charitable, educational, and/or religious institution, when not displayed in connection with a commercial promotion, or as an advertising device.

(3) Official signs of a public, non-commercial nature, erected by, or on behalf of, or pursuant to, the authorization of a governmental body, including, but not limited to legal notices, identification signs, informational signs, traffic signs, directional signs and/or regulatory signs.

(4) Decorative and/or architectural features, structurally integrated with a building and/or structure, or portion thereof, including, but not limited to the name of the building, date of construction and/or cornerstones.

(5) Signs directing traffic and/or movement, onto, and/or within, private property, provided said signs are located on-site, contain no advertising, do not exceed five (5) square feet of sign surface area; and, do not exceed five (5) feet in height, as measured from grade/ground level, if a free-standing sign.

(6) Signs proclaiming religious, political, and/or other non-commercial messages, provided said signs are located on-site, are limited to one (1) sign per street frontage, do not exceed eight (8) square feet in sign surface area if located on a zoning lot designated as a residential zoning district (R-1, R-2 or R-3), shall ; and, do not exceed sixteen (16) square feet in sign surface area if located on a zoning lot designated as either a commercial zoning district (C-1, C-2 or C-3), or an industrial zoning district (I-1 or I-2).

(7) Signs located at any entrance to a residential subdivision and/or multi-family development, provided said signs are located on-site, are limited to two (2) signs per development; and, do not exceed sixteen (16) square feet of sign surface area, per facing, located at a single entrance.

(8) Signs, and/or bulletin boards, which set forth the name of, and/or a simple announcement for, any public, charitable, educational, and/or religious institution, provided said signs are located on-site, are limited to one (1) sign per street frontage, do not exceed sixteen (16) square feet of sign surface area; and, do not exceed ten (10) feet in height, measured from grade/ground level, if a free-standing sign.

(9) Signs erected by a public utility, marking the routes of underground pipes, conduits and/or cables.

(10) Signs customarily associated with home occupations, specified as a permitted or conditional use in Chapter 4 (Accessory Uses) of this Ordinance, provided said signs are limited to one (1) sign per zoning lot, do not exceed one (1) square foot in sign surface area; and, are either a wall-mounted sign or a window sign. All other types of signs, including illuminated signs, shall be prohibited.

E. **Temporary Signs.** Subject to the provisions of this Chapter, and all other applicable provisions of this Ordinance, the following temporary signs, as defined in Chapter 2 (Definitions) of this Ordinance, shall be permitted without a sign permit.

(1) Signs associated with the sale, leasing and/or rental of real estate, property and/or improvements, provided said signs are located on-site; are limited to information concerning the subject property; identify the owners of record and/or their agents; are limited to one (1) sign per street frontage; and, if located on a zoning lot designated as a residential zoning district (R-1, R-2 or R-3), shall not exceed eight (8) square feet in sign surface area; and, if located on a zoning lot designated as a commercial zoning district (C-1, C-2 or C-3), shall not exceed sixteen (16) square feet in sign surface area; and, if located on a zoning lot designated as an industrial zoning district (I-1 or I-2), shall not exceed thirty-two (32) square feet in sign surface area. For all zoning lots consisting of five (5) acres or more, with a street frontage exceeding four hundred (400) feet, a second sign, not exceeding the size requirements specified per zoning district, shall be permitted on said frontage.

(2) Architect, contractor, and/or developer signs, or other individuals or firms involved with a development or project, including related sale and/or leasing information, provided said signs are located on-site; are limited to one (1) sign per street frontage; and, do not exceed thirty-two (32) square feet in maximum sign surface area.

(3) Signs erected in connection with elections or political campaigns, provided said signs are removed within fifteen (15) days following the election, and/or conclusion of the campaign; and, do not exceed sixteen (16) square feet in maximum sign surface area.

(4) Signs associated with a special event, such as a grand opening, fair, carnival, circus, festival, and/or similar institutional or sales event, provided said signs are located on-site, where the event is to occur; are erected no earlier than thirty (30) days before such an event; are removed not later than seven (7) days after the conclusion of said event; do not exceed sixteen (16) square feet in maximum sign surface area, if said sign is a free-standing sign or a wall-mounted sign; and, does not exceed one hundred (100) square feet in maximum sign surface area, if said sign is a banner.

(5) Signs attached temporarily to the interior of a building window or glass door, provided said signs are removed within thirty (30) days of their initial placement; and, do not cover, individually or collectively, more than fifty percent (50%) of the surface area of the transparent portion of the window or door to which they are attached.

(6) Signs, displays, and/or decorative lighting, erected in connection with the observance of holidays, provided said signs, displays and/or lighting are removed within fifteen (15) days following such holidays.

(7) Temporary signs not specified by this Section, provided said signs are located on-site; are limited to one (1) sign per zoning lot; do not exceed four (4) square feet in maximum sign surface area; are limited in use, to seven (7) consecutive days; and, are limited in use, to a total of fifteen (15) days, within any ninety (90) day period. Signs, which are determined by the Director of the Planning Department, as failing to meet the requirements of this Section, shall be regarded and treated in all respects as permanent signs. Except as provided for in Section 11.02 (Sign Surface Area), the sign surface area of temporary signs, shall not be included in calculating the total amount of permitted, permanent signs per zoning lot.

11.02 SIGN SURFACE AREA

A. Computation. This section shall regulate the amount of sign surface area, permitted per zoning lot, utilizing a formula based on the amount of frontage, and by the type of zoning district. Where advertising and/or informational matter is displayed in a random manner, without organized relationship of elements, each element shall be considered a single sign. For the purposes of this ordinance, a sign with two (2) or more sides, shall be regarded as a single sign if the two sides are erected at no greater than a forty-five degree (45º) angle, for a V-type sign; and/or, the distance between the backs of each facing, shall not exceed three (3) feet, for double-facing signs.

(1) Single-Facing Signs. The display area of a sign, defined, for the purposes of this Ordinance as the sign surface area, shall be computed by including the entire area within a single, continuous, rectilinear perimeter, of not more than eight (8) straight lines, and/or, a circle or an ellipse, enclosing the extreme limits of the writing, image, representation, emblem, and/or other display, together with any material and/or color forming an integral part of the background of the display, or used to differentiate the sign from the backdrop or structure against which it is placed. The sign surface area shall not include supporting framework, and/or bracing, clearly incidental to the display itself, unless said framework contains and/or displays advertising material.

(2) Multiple-Facings, Sections and/or Modules. Should a sign consist of multiple facings, sections, and/or modules, the entire area, including surfaces between said facings, sections, and/or modules, shall be included, when computing the sign surface area. If a sign consists of two (2) or more facings, or is a three-dimensional sign, the sign surface area shall be computed, including the total of all facings, as designed to attract attention, and/or communicate information, which are visible from a single vantage point, at any given time, without otherwise limiting the generality of the foregoing:

(a) The sign surface area of a double-facing sign, shall be calculated, using the surface area of only one side of said sign, provided the distance between the back of each facing shall not exceed three (3) feet.

(b) The sign surface area of a double-facing sign, constructed in the form of a "V", shall be calculated, using the surface area of only one side of said sign, provided the interior angle of said "V", does not exceed forty-five degrees (45°), and the distance between the back of each facing, shall not exceed three (3) feet at the base of the interior angle, nor twenty-six (26) feet at the opposite end of said "V".

(c) For signs where the surface area of one facing, exceeds that of the other, the larger side shall be used in determining the sign surface area. Unless otherwise specified by the provisions of this Chapter, the total sign surface area of all on-premises signs on a zoning lot, shall not exceed the limitations set forth in this Section. All on-premises signs shall be included in the calculation of such sign surface area, excluding those signs specified in Section 11.01 and 11.07 of this Chapter.

B. **Residential Zoning Districts.** Subject to the provisions of this Chapter, the maximum amount of sign surface area, permitted on any zoning lot designated as a residential zoning district (R-1, R-2 or R-3), on the City's Official Zoning Map, shall be limited to four (4) square feet for residential uses; and sixteen (16) square feet for non-residential uses.

C. **C-1 Neighborhood Commercial and C-3 Central Commercial Zoning Districts.** Subject to the provisions of this Chapter, the maximum amount of sign surface area, permitted on any zoning lot designated as C-1 Neighborhood Commercial and C-3 Central Commercial, on the City's Official Zoning Map, shall be determined as follows:

(a) For the first fifty (50) feet of frontage, each lot shall be permitted, per linear foot of lot frontage, one and one-half (1½ or 1.5) square foot of sign surface area.

(b) For each foot of frontage in excess of fifty (50) feet, each lot shall be permitted an additional one-half (½ or 0.5) square foot of sign surface area.

(c) The maximum sign surface area, per zoning lot, shall not exceed one hundred seventy-five (175) square feet.

D. **C-2 Service Commercial, I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts.** Subject to the other provisions of this Chapter, the maximum amount of sign surface area, permitted on any zoning lot, designated as C-2 Service Commercial, I-1 Light Industrial, and/or I-2 Heavy Industrial, on the City's Official Zoning Map, shall be determined as follows:

(1) For the first fifty (50) feet of frontage, each lot shall be permitted, per linear foot of lot frontage, two (2) square foot of sign surface area.

(2) For each foot of frontage in excess of fifty (50) feet, each lot shall be permitted an additional one-half (½ or 0.5) square foot of sign surface area.

(3) The maximum amount of sign surface area, per zoning lot, shall not exceed three hundred (300) square feet.

E. **Lots Without Frontage.** A zoning lot having no frontage, shall be permitted signs in accordance with the provisions of this Chapter, provided said signs is oriented towards the public right-of-way closest to said zoning lot's boundary. Signs shall be restricted to a single public right-of-way, and/or, the closest lot line to said public right-of-way, for determining the total signs permitted. The total signs permitted, shall be equal to the square footage allowed, if the lot boundary closest to the public right-of-way, toward which said sign is to be oriented, fronted on said public right-of-way.

F. **Window and/or Door Mounted Signs.** The total sign surface area of any signs attached to, or painted on, the interior and/or exterior of a window or door, shall not exceed fifty percent (50%) of the total surface area of the window or door on which said signs is located.

G. **Wall Mounted Signs.** The total sign surface area of any signs attached to, or painted on the exterior of a wall, shall not exceed the total amount of sign surface area permitted per zoning lot, as specified under the provisions of Section 11.02, B., C., and D., of this Chapter, and shall be included in the total amount of permitted signage per zoning lot.

H. **Free-Standing Signs.** For the purposes of this Chapter, a side of a freestanding sign, shall be any plane and/or flat surface, included in the calculation of the sign surface area, as defined in this Section. Subject to the provisions of this Chapter, zoning lots shall be limited to one (1) free-standing sign per zoning lot. Corner lots, with a minimum frontage of one hundred (100) feet, on each public right-of-way, shall be limited to one (1) free-standing sign, oriented towards such right-of-way, per frontage. Double frontage lots, with frontage on two (2) public right-of-ways, which do not intersect at the lot lines, shall be limited to one (1) free-standing sign, oriented towards such right-of-way, per frontage.

11.03 LOCATION AND HEIGHT REQUIREMENTS.

Unless otherwise specified by the provisions of this Chapter, all sign related to an active principal and/or accessory use, being operated, conducted, and/or maintained on a zoning lot, shall be located on said zoning lot.

A. **Free-Standing Signs.** Free-standing signs, located on any zoning lot, shall comply with the yard and/or setback requirements, established by this Ordinance, for the zoning district in which said zoning lot is located. Subject to the provisions of this Chapter, free-standing signs, or portions thereof, shall not exceed the following height requirements, as measured from grade/ground level:

(1) **Commercial Zoning Districts.**

(a) C-1 Neighborhood Commercial . . . . . Twenty (20) feet.

(b) C-2 Service Commercial . . . . . Thirty-five (35) feet.

(c) C-3 Central Commercial . . . . . Thirty (30) feet.

(2) **Industrial Zoning Districts.**

(a) I-1 Light Industrial . . . . . Thirty-five (35) feet.

(b) I-2 Heavy Industrial . . . . . Thirty-five (35) feet.

B. **Roof-Mounted Signs.** Signs shall not extend above any parapet, or be placed upon any roof surface. For the purposes of this Section, roof surfaces constructed at an angle greater than, or equal to, seventy-five degrees (75º), from horizontal, shall be regarded as wall space. The provisions of this Section shall not apply to temporary displays, including lighting, erected in connection with the observance of holidays, on the roofs of buildings and/or structures, or portions thereof, as provided for by Section 11.04 of this Ordinance.

C. **Wall-Mounted Signs.** Subject to the provisions of this Chapter, wall mounted signs attached to a building, shall not project more than six (6) inches from the building wall. nor extend beyond the top or ends of the wall surface on which such sign is placed.

11.04 SIGN ILLUMINATION

Subject to the other provisions of this Chapter, signs may be illuminated, only in accordance with the provisions of this Section.

A. **Internal Illumination.** Where permitted, internally illuminated freestanding signs shall be illuminated, only during periods in which the business and/or industry advertised by such sign, is either open for business, or in operation. The provisions of this Section, shall not apply to the following types of signs:

(1) Signs which constitute an integral part of a vending machine, telephone booth, or informational device, providing the time, date, or weather conditions, and/or similar devices, whose principal function is not to convey an advertising message; and,

(2) Signs, less than two (2) square feet in area, which convey a message that a business or industry is open for business, or closed, or that a place of lodging does, or does not have, a vacancy. Subject to the provisions of this Chapter, illuminated tubing, and/or strings of lights, used to outline or delineate property lines, sales areas, roof lines, doors, windows, and/or similar areas, shall be prohibited.

B. **Flashing and/or Intermittent Lights.** Subject to the provisions of this Chapter, signs shall not contain, or be illuminated by, flashing and/or intermittent lights, or lights of changing degrees of intensity. Signs, or any portion thereof, on which only electronic characters, letters, and/or copy is displayed, including, but not limited to, signs indicating the time, date or weather conditions, shall be excluded from the provisions of this Section.

C. **Temporary Signs.** Subject to the provisions of this Chapter, the provisions of this Section, shall not apply to temporary signs erected in connection with the observance of holidays.

11.05 MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS

A. **Building Code Compliance.** Subject to the provisions of this Chapter, signs erected and/or displayed within the corporate limits, shall comply with all applicable provisions of the Building Officials and Contractors Association (BOCA), National Building Code, as adopted by the corporate authorities, in regards to the construction, erection, reconstruction, relocation, enlargement, illumination, repair, and/or substantial alteration of all signs.

B. **Signs Located Off-Premises.** Off-premises signs, excluding those exempted from regulation, and/or from permit requirements under Section 11.03 and/or Section 11.04 of this Chapter, shall be subject to the provisions of Section 11.07 (Outdoor Advertising Signs).

C. **Visibility Requirements.** Signs shall be located in a manner which does not obstruct, or substantially interfere with, the sight-lines used by pedestrians and/or motorists, to cross streets, proceed safely through intersections, or to enter or exit from public or private rights-of-way.

D. **Misrepresentation.** All signs displayed within the corporate limits, shall be designed, constructed, and/or erected, so that its location, color, size, shape, and/or message, shall not obstruct, or substantially interfere with the view of official traffic signs, or other official signs.

E. **Moving Signs.** Signs utilizing movement, or apparent movement, to attract public attention shall be prohibited. The provisions of this Section, shall not apply to signs specified in Section 11.03, or to signs providing the time, date and/or weather conditions, as provided for in Section 11.04 of this Ordinance.

11.06 PORTABLE SIGNS

Portable signs, as defined in Chapter 2 (Definitions) of this Ordinance, designed to be transported using wheels or other devices, shall be permitted on a temporary basis and only upon the issuance of a permit by the Kankakee Fire department, Code Enforcement Division, and provided said signs are limited in use, to thirty (30) consecutive days; and, are limited in use, to a total of ninety (90) days within any one (1) year period. All such

portable signs, which do not conform to the provisions of this Section and Section 11.01, E., (7) herein, shall be completely removed from the zoning lot on which they are erected, within not less than one (1) year from the effective date of this Ordinance.

11.07 OUTDOOR ADVERTISING SIGNS

A. **General Provisions.** Subject to the provisions of this Chapter, an outdoor advertising sign, as defined in Chapter 2 (Definitions) of this Ordinance, and erected after the effective date of this Ordinance, shall be permitted only upon the issuance of a building permit and/or a conditional use permit, whichever is applicable, subject to the provisions of Chapter 12 (Administration) of this Ordinance. Such outdoor advertising signs shall be permitted on zoning lots designated on the Official Zoning Map as I-1 Light Industrial and I-2 Heavy Industrial. Outdoor advertising signs shall require a conditional use permit when located on zoning lots designated on the Official Zoning Map as C-1 Neighborhood Commercial, C-2 Service Commercial and/or C-3 Central Commercial. In instances where such signs are located on zoning lots containing principal buildings and/or structures, such signs shall be considered as permitted accessory uses, subject to the above provisions.

B. **Sign Surface Area.** Subject to the provisions of Section 11.02, the maximum sign surface area of an outdoor advertising sign shall not exceed three hundred (300) square feet per face, nor more than six hundred (600) square feet per sign, excluding such signs oriented towards an interstate highway, which shall be subject to the provisions of Section 11.07, C., of this Chapter.

C. **Interstate Highway Orientation.** Outdoor advertising signs, oriented towards an interstate highway and located within six hundred and sixty (660) feet of the right-of-way line of said interstate highway, and located a minimum of five hundred (500) feet from a lot located in a residential zoning district containing a dwelling, school, public park or hospital, shall not exceed a maximum sign surface area of six hundred and seventy-two (672) feet per face, nor more than one thousand, three hundred and forty-four (1,344) square feet per sign, with a maximum height of seventy-five (75) feet.

D. **Number of Signs Permitted.** Subject to the applicable provisions of this Chapter, not more than one (1) outdoor advertising sign shall not be located on, or relocated to, a zoning lot where such signs are permitted under the provisions of this Chapter.

E. **Location and Height Requirements.** Outdoor advertising signs constructed and/or erected under the provisions of this Chapter, shall not be located within five hundred (500) feet from another such outdoor advertising sign located on the same side of the street and which are located on a zoning lot designated on the Official Zoning Map as I-1 Light Industrial and/or I-2 Heavy Industrial. Height requirements for all outdoor advertising signs shall be subject to the provisions of Section 11.03, A., and/or Section 11.07, C., of this Chapter, whichever is applicable.

11.08 MAINTENANCE OF SIGNS

A. **General Provisions.** All signs, and/or components thereof, shall be maintained and/or repaired, in a manner which fully complies with the provisions of this Chapter, and other applicable ordinances and/or codes, as adopted by the corporate authorities. Said signs and/or components shall include, but not be limited to anchors, braces, electrical components, fasteners, foundations and/or supports.

B. **Removal of Abandoned Signs.** Signs, advertising an activity, accommodation, attraction, commodity, business, industry, institution, and/or service, no longer conducted, operating, and/or being offered to the general public, shall be considered abandoned. Said signs shall, within ninety (90) days of said abandonment, be removed by the sign owner, and/or the owners of record of the zoning lot where the sign is located, or any other contracting party, exercising control over said sign. If the message portion of a sign is removed, leaving the supporting shell, or supporting braces, anchors, or similar components, the sign owner, or the owners of record of said zoning lot, or other contracting party exercising control over said sign, shall, within one hundred eighty (180) days of the removal of the message portion of the sign, either replace the entire message portion, or remove the entire sign. The provisions of this Section, shall not be construed as preventing the changing of a sign's message;

or, taking precedence over the provisions of Section 11.09, B., prohibiting the replacement of said non-conforming sign.

11.09 NON-CONFORMING SIGNS

A. **General Provisions.** For the purposes of this Chapter, non-conforming signs shall be defined as those signs which by reason of size, height, location, design, and/or construction, do not fully comply with the minimum requirements of this Chapter. The provisions of this Section shall apply to those signs permitted under the provisions of this Chapter, requiring a permit, in existence on the effective date of this Ordinance; and/or, signs existing on property annexed to the City at a later date, and which was constructed, in full compliance with all applicable laws, codes, and/or regulations in effect at the time of construction.

B. **Repair and/or Replacement.** Subject to the provisions of Section 11.08, A., signs determined to be non-conforming, shall be removed, or made to fully comply with the provisions of this Chapter, when any proposed change, repair, or maintenance would constitute an expense greater than fifty percent (50%) of the sign's original cost, or the replacement cost of the sign, whichever is less. Without limiting the generality of the foregoing, non-conforming signs shall not be enlarged, or substantially altered, in such a manner as to increase the extent of the existing non-conforming condition. Non-conforming signs shall not be moved, relocated, and/or replaced, except in a manner resulting in full compliance with the provisions of this Chapter. Non-conforming signs destroyed by casualty, shall not be repaired, reconstructed, or replaced except in a manner resulting in full compliance with the provisions of this Chapter. Remnants of non-conforming signs, and/or their supporting structures, shall be removed in their entirety. For the purposes of this Chapter, non-conforming signs shall be deemed destroyed, when damaged to an extent, that the cost of restoring and/or repairing the sign, equals or exceeds the replacement cost of the sign.

C. **Changing Copy and/or Messages.** The changing of advertising copy, facial panels, changeable letter panels or bulletin boards, or other such messages on an existing non-conforming sign or outdoor advertising sign, shall be permitted provided such activity and/or change does not create new non-conformities in accordance with the provisions of this chapter.

CHAPTER 12
ADMINISTRATION

** CHAPTER 12 ADMINISTRATION of this Zoning Ordinance has been amended. Adopted Date: June 3rd, 2019. Effective Date: June 3rd, 2019. **

12.01. JURISDICTION

The administration of this ordinance is hereby vested in the corporate authorities; the Planning Board; and/or specified City Departments, including, but not limited to the Planning Department and the Kankakee Fire Department - Code Enforcement Division.

A. **Corporate Authorities.** In those cases where a decision is rendered by the corporate authorities, regarding the implementation of the provisions of this Ordinance, said decision shall be final, subject appeal as prescribed by the Administrative Review Act, of the Illinois Revised Statutes, as amended.

B. **Planning Board.** Subject to, and in accordance with the laws of the State of Illinois, the Planning Board of the City of Kankakee is hereby established to serve as an advisory and review authority for all planning, zoning, and/or classification changes, conditional use permits and/or variances pertaining to lots of record within the corporate limits and/or extraterritorial jurisdiction of the City of Kankakee.

(1) **Powers and Responsibilities.** The members of the Planning Board shall possess the following powers and/or duties:

(a) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

(b) To hear and decide on all text amendments to the text of this Ordinance, and on all amendments to the Official Zoning Map.

(c) To hear and decide on all applications for conditional use permits.

(d) To hear and decide appeals from a final administrative decision made by the Planning Director, concerning the provisions of this Ordinance.

(e) In accordance with the Illinois Revised Statutes, Chapter 24, 11-13-3 (E), stating, "...In all municipalities it shall also hear and decide all matters referred to it or upon which it is required to pass under such an ordinance...," the Planning Board shall also possess the following powers and/or duties:

(f) To prepare and recommend to the Mayor and City Council:

(1) An Official Comprehensive Plan, covering past, present and future development, including the preparation of amendments and/or revisions thereto;

(2) Assist municipal staff charged with the direction of policy, programs, projects and/or improvements embraced within the Official Comprehensive Plan, to further their implementation, and, generally, to promote the realization of the City's Official Comprehensive Plan;

(3) Subdivision Regulations with reference to streets, alleys and public grounds in un-subdivided land, within the City's corporate and extraterritorial planning jurisdiction;

(4) Zoning Regulations, including Performance Standards, Vacation of Public Rights-of-Way, Bulk Regulations, Density and Open Space Controls, Separation of Land Uses, Establish District Classifications, Construction Standards and Codes, and Incompatible Uses; and,

(5) Dedication/Vacation of Public Right-of-Ways.

(2) **Qualifications.** The Planning Board shall consist of nine (9) voting members, appointed by the Mayor, with the advice and consent of the City Council. The following elected and/or appointed officials shall serve as ex officio non-voting members of the Board: the Mayor, Planning Director, Director of the Kankakee Fire Department - Code Enforcement Division, City Attorney, City Engineer, and/or Departmental staff, as required. All voting members of the Planning Board shall be residents of the City of Kankakee, and shall be appointed based on professional expertise or demonstrated experience and/or interest in related fields. Said fields shall include, but not be limited to architecture, building construction, conservation, education, engineering, historic preservation, landscape architecture, finance, law, urban planning, real estate and/or neighborhood organizations.

(3) **Avoidance of Conflicts.** Any member having a pecuniary or personal interest in any application and/or appeal scheduled to be heard by the Planning Board shall disclose such interest, with said disclosure being made a matter of public record. Without exception, any member having said interest shall not be a party to any of the following actions or activities regarding said application and/or appeal:

(a) Present, and/or speak in his/her capacity as a member of the Planning Board;

(b) Exert personal influence on fellow members or elected and/or appointed officials; or,

(c) Vote on the Board's final decision relating to said application or appeal.

(4) **Term of Office.** The initial members of the Planning Board shall serve staggered terms, as determined by lot, at the first regular meeting of the Planning Board, in accordance with the following schedule:

(a) Three (3) Members . . . . . One (1) Year Terms.

(b) Three (3) Members . . . . . Two (2) Year Terms.

(c) Three (3) Members . . . . . Three (3) Year Terms.

(d) As each initial term expires, appointments to the Planning Board shall be made for terms of three (3) years. Members shall serve until a successor is appointed, and shall serve without compensation, unless otherwise authorized by the Mayor and City Council.

(e) Subject to confirmation by the City Council, the Mayor may remove any member for incompetence, neglect of duty, or malfeasance in office, or upon failing to attend at least two-thirds (b) of all regularly scheduled meetings held in a single calendar year. The Mayor shall, within ten (10) days of said removal, report the cause of said removal, in writing, to the City Council.

(5) **Organization.** The Mayor shall appoint a Chairman and Vice-Chairman from among the members of the Planning Board for terms of one (1) year. The Secretary of the Planning Board shall be the Planning Director. Said Department shall serve as the repository for all documents and records related to the activities of the Planning Board. The Secretary shall have no vote on any matter under consideration by the Planning Board, and shall not count towards an eligible quorum. The Secretary shall be responsible for:

(a) Meeting minutes, including the notation and/or preparation of the permanent written record of Board activities, including the vote of each member, upon each question, or, if failing to vote, or absent, indicating such fact;

(b) Technical assistance to residents and members of the Board;

(c) Public notification, as specified by the provisions of this Chapter;

(d) Advising the corporate authorities regarding vacancies and expiring terms;

(e) Report preparation, including findings and recommendations, ordinances and/or resolutions; and,

(f) Administrative duties including the maintenance of a permanent, written, public inventory of all Board actions, decisions, documents and/or records, available for public inspection during regular office hours.

(6) **Meetings and Hearings.** Meetings of the Planning Board shall be scheduled on a monthly basis, shall be open to the public, and shall be held in accordance with the provisions of the State of Illinois' Open Meetings Act. The Planning Board shall hold a minimum of four (4) public meetings per calendar year. To convene a legal meeting, a quorum, consisting of a majority of its duly appointed and serving members, must be present. All decisions and/or recommendations made by the Planning Board shall require a majority vote of those members present and eligible to vote on any such issue. The Chairman, the Vice-Chairman, and/or the Secretary shall have the power to cancel or postpone a scheduled meeting, or call additional meetings as necessary, for cause, without further public notice. The Chairman shall preside over meetings, following commonly accepted parliamentary procedure, ensuring public discussion of issues before the Planning Board. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. In the absence of both the Chairman and Vice-Chairman, the members shall elect a temporary chairman through a simple majority vote of the quorum present. The Chairman shall have the power to administer oaths, and shall retain the right to call for a vote on all matters where a vote is taken. The Chairman and/or members of the Board, by majority vote of those members present and eligible to vote, shall have the to require the submittal of any and all documents deemed necessary and appropriate to the rendering of an informed decision on matters pending before them. ”

C. **City Departments and Officials.** To the extent specified by the provisions of this Ordinance, other applicable laws, codes and/or regulations, and within any and all additional limitations established by the duly elected and authorized corporate authorities, the following elected and/or appointed officials, departments, and/or their designated representative, shall act on behalf of the corporate authorities to implement the appropriate provisions of this Ordinance.

(1) **Planning Department Director.** The Planning Director, also referred to as the City Planner, or a designated representative thereof, shall:

(a) Assume the responsibility of enforcing the provisions of this Ordinance and shall serve as the chief enforcement officer of this Ordinance;

(b) Be responsible for all administrative functions relating to the review, certification, issuance and/or denial of applications, permits and certificates specified by the provisions of this Ordinance. All administrative records shall be made available for inspection by the general public, upon written request. Said records shall include, but not be limited to, text amendments to the Zoning Ordinance, appeals, applications, the Official Zoning Map, amendments to the Official Zoning Map, conditional use permits and variances;

(c) Periodically review this Ordinance, evaluating its effectiveness in dealing with current trends in area development, and advise the Planning Board regarding the

nature and extent of revisions this Ordinance may require, and other related matters affecting the actions of the Planning Board and/or the corporate authorities under this Ordinance;

(d) Review all applications seeking to establish, alter, construct, demolish, relocate and/or remove, any and all uses, buildings, and/or structures, or portions thereof, for compliance with the provisions of this Ordinance, and all applicable permits, regulations, and/or other requirements specified by City ordinances or the statutes of the State of Illinois;

(e) Be responsible for the official receipt of all applications and/or related documentation, as prescribed by the provisions of this Ordinance;

(f) Document the filing of said applications, and maintain copies of all agreements, codes, ordinances, and/or resolutions which are specified herein, or which may become a part of and/or adjunct to any proceeding conducted under the provisions of this Chapter;

(g) Forward all applications and/or related documentation to the Planning Board, as specified herein, not less than seven (7) days prior to the scheduled hearing date; and,

(h) Subject to the other provisions of this Ordinance, shall review the applicability of the provisions of this Ordinance, and shall render a final administrative decision, interpreting and/or enforcing said provisions, in a manner consistent with the purpose and intent specified herein.

(2) **City Attorney.** The City Attorney shall provide legal opinions and expertise to the Planning Department, on those aspects of planning and zoning issues, as they relate to the interpretation and enforcement of the provisions of this Ordinance, the Kankakee Municipal Code, the Municipal Code of the State of Illinois, and/or all other applicable laws, codes, and/or regulations, as amended.

(3) **City Engineer.** The City Engineer shall perform technical analysis and review of all plans and/or development proposals submitted for consideration under the provisions of this Ordinance, the Kankakee Municipal Code, the Municipal Code of the State of Illinois, and/or all other applicable laws, codes, and/or regulations, as amended.

(4) **City Fire Chief.** The City Fire Chief, also referred to as the Chief Code Official, shall review all plans and/or development proposals submitted for consideration under the provisions of this Ordinance, the Kankakee Building Code, the Kankakee Municipal Code, the Municipal Code of the State of Illinois, and/or all other applicable laws, codes, and/or regulations, as amended; and, issue building, demolition and/or occupancy permits; and, conduct inspections of buildings and structures to determine compliance with the aforesaid laws, codes and regulations; and, to make and maintain records thereof.

12.02. RESERVED

12.03. VARIANCES

A. **General Provisions.** Utilizing the procedures established by this Section, the owners of record of a zoning lot may file an application for a variance, as defined in Chapter 2 (Definitions) of this Ordinance, seeking relief from specific provisions herein, which may be perceived as a source of undue physical and/or financial hardship to said owners.

B. **Classification.** To assure prompt, orderly and efficient consideration of all applications for variances under the provisions of this Ordinance, said applications shall be separated and classified as either a Minor or a Major Variance, as defined in Chapter 2 (Definitions) of this

Ordinance, and/or based upon the degree of non-compliance said variance will produce in relation to the amount required for full compliance with the applicable provisions of this Ordinance.

C. **Standards used to evaluate variances.** Variances shall be granted based upon the judgement of the Planning Board and/or Planning Director that evidence submitted in supports each of the standards listed below when applicable:

(1) The variance relates to a specific parcel of land and is due to some unique circumstance;

(2) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;

(3) The variance can be granted without substantial detriment to the public good, and will not alter the essential character of the area;

(4) The benefits of the variance would substantially outweigh any detriment; and,

(5) The variance would not substantially impair the intent and purposes of the zoning ordinance and/or comprehensive plan, as adopted by the corporate authorities.

D. **Minor Variance.** Applications seeking relief from specific provisions of this Ordinance, which will produce an increase or decrease in the degree of compliance of existing buildings and/or structures, by not more than ten percent (10%) of the amount required for full compliance, shall be classified as a Minor Variance, as defined in Chapter 2 (Definitions) of this Ordinance.

(1) **Procedure.** Subject to the provisions of this Chapter, the Planning Director shall review all applications seeking a minor variance, and shall conduct said review in accordance with the following: review all information and evidence; conduct an administrative review; prepare findings; and, render a final administrative decision. Should Planning Director deem it necessary and appropriate to deny said application, the applicant shall have the right to appeal said decision to the Planning Board, utilizing the provisions specified by this Chapter.

(2) **Forms and Assistance.** The applicant shall obtain the appropriate forms from the Planning Department, which shall provide the applicant with all possible assistance and information, necessary to assure a thorough and impartial review. The applicant shall be responsible for providing all information specified on the application forms. Said information shall include, but not be limited to, the following:

(a) **Ownership and/or Operating Interest.** Said application shall provide the name, address and telephone number of the applicant, owners of record, and/or developer.

(b) **Identification of the Subject Property.** Said application shall provide the following means of accurately identifying the subject property: a common street address; tax parcel identification number; and a base map showing the location of the subject property, with reference to abutting zoning lots, public rights-of-way, designated historic landmarks and/or districts, and the corporate limits of applicable jurisdictions.

(c) **List of Existing Uses and Improvements.** Said application shall provide a list of all principal and/or accessory uses, currently existing on the subject property.

(d) **Descriptive Narrative.** Said application shall provide a brief narrative describing the changes in the operation of existing uses and/or the nature of improvements proposed for said zoning lot. A fully completed application with required documentation and/or attachments and the required fee, shall be filed with the Planning Department in accordance with the provisions of this Chapter. Said application and materials shall be a matter of public record, and be made

available for public inspection upon written request. Upon receipt of a completed application, the Planning Director shall review said application within ten (10) days of the filing date.

(3) **Decisions.** The Planning Director shall render a final administrative decision within ten (10) days of the conclusion of said administrative review, and shall notify the Planning Board of all minor variances on file, including the status thereof. Subject to appeal, the Planning Director shall forward a written report to the applicant summarizing the final administrative decision. A final administrative decision granting a minor variance, shall be valid for one (1) year from the effective date of said decision, until and unless, a building permit, or any other permit required for the action or use for which said minor variance was requested, has been obtained and the actual construction, or alteration of a building and/or structure, or the land improvement, contemplated in connection with said application, has been actively commenced within said time. The Director of the Kankakee Fire Department - Code Enforcement Division shall not issue any permits in conjunction with said decision, for a period of seven (7) days following the effective date of said decision, in order to provide an adequate amount of time for a notice of appeal to be filed by a party aggrieved by said decision. No application for a minor variance which has been denied by the Planning Director, shall be reconsidered within a period of one (1) year from the effective date of said decision.

E. **Major Variance.** All applications seeking relief from specific provisions of this Ordinance, which are not classified as a Minor Variance, shall be classified as a Major Variance, as defined in Chapter 2 (Definitions) of this Ordinance.

(1) **Procedure.** Subject to the provisions of this Chapter, the Planning Board shall review all applications seeking a major variance. The Planning Board shall review said applications in accordance with the following: review all information and evidence; verify public notification; conduct public hearings; prepare findings and recommendations; and, render a final administrative decision. Should the Planning Board deem it necessary and appropriate to deny said application, the applicant shall have the right to appeal said decision to the Corporate Authorities, utilizing the provisions specified by this Chapter.

(2) **Forms and Assistance.** The applicant shall obtain the appropriate forms from the Planning Department, which shall provide the applicant with all possible assistance and information, necessary to assure a thorough and impartial review. The applicant shall be responsible for providing all information specified on the application forms. Said information shall include, but not be limited to, the following:

(a) **Ownership and/or Operating Interest.** Said application shall provide the name, address and telephone number of the applicant, owners of record, and/or developer.

(b) **Affected Parties.** Said application shall provide the parcel identification (PIN) number, for all abutting zoning lots, along with the names and addresses of the owners of record for said abutting zoning lots.

(c) **Identification of the Subject Property.** Said application shall provide the following means of accurately identifying the subject property: a common street address; tax parcel identification number; and a base map showing the location of the subject property, with reference to abutting zoning lots, public rights-of-way, designated historic landmarks and/or districts, and the corporate limits of applicable jurisdictions.

(d) **List of Existing Uses and Improvements.** Said application shall provide a list of all principal and/or accessory uses, currently existing on the subject property.

(e) **Descriptive Narrative.** Said application shall provide a brief narrative describing the changes in the operation of existing uses and/or the nature of

improvements proposed for said zoning lot. A fully completed application with required documentation and/or attachments and the required fee, shall be filed with the Planning Department in accordance with the provisions of this Chapter. Said application and materials shall be a matter of public record, and be made available for public inspection upon written request. Upon receipt of a completed application, the Planning Director shall assign a case number and forward copies of the application and all related materials to the Planning Board not less than seven (7) days prior to the scheduled hearing date. Applications shall be assigned for a public hearing in the order in which they are received.

(3) **Public Hearings.** Subject to the provisions of this Ordinance, the Planning Board shall convene a public hearing on applications for a major variance at the next regularly scheduled hearing date. All public hearings convened under the provisions of this Ordinance shall be open to the public, and conducted in an impartial and orderly manner, consistent with the applicable provisions of the State of Illinois' Open Meetings Act, as amended. The Planning Board shall regulate the conduct of said hearings, ruling on the validity and accuracy of applications, procedural matters, modifications, and/or objections presented during said hearings. Persons wishing to testify during a public hearing shall do so as witnesses, under oath, with said oath being administered by the Chairman of the Planning Board. The Planning Board may continue a public hearing, without the additional placement of published and/or posted public notice, should said continuance be deemed necessary and appropriate. The time and place of said continuance shall be determined by the Planning Board, after consultation with the petitioner and all affected parties, and shall be announced for the public record, prior to the adjournment of said public hearing.

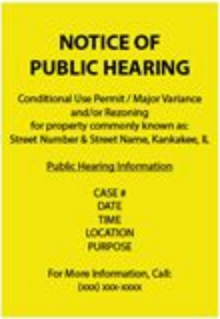
(4) **Public Notification.** The purpose of public notification is to assure the owners of record of affected properties, and/or affected citizens, of having an opportunity to present their perspectives on specific land use issues relating to the granting of a major variance, before a final administrative decision is reached by the Planning Board. The provisions for public notification specified in this Section shall be fully completed not less than ten (10) days, and not more than twenty (20) days prior to the scheduled public hearing. Said provisions shall apply for all applications for a major variance under the provisions of this Chapter.

(a) **Published Legal Notice.** The applicant shall furnish and publish a legal notice in a newspaper of general circulation within the City. Said legal notice shall adhere to a format specified by the Planning Director, and shall include, but not be limited to the date, time & place of the public hearing; the purpose of the public hearing; and, a legal description & common street address of the subject zoning lot.

(b) **Posted Public Notice.** Upon scheduling a public hearing, the applicant shall post and/or prominently display a public notice (sign) on the subject zoning lot, and/or on public rights-of-way abutting said lot, excluding alleys. Said public notice shall provide the following: the date, time & place of the public hearing; the purpose of the public hearing; and, the common street address of the subject zoning lot. Said public notice should be a readable sign, with either a red background and white lettering or a yellow background and black lettering. The sign should be constructed of weatherproof material, and shall be no smaller than two (2) feet by three (3) feet in size for subject zoning lots greater than 12,000 square feet in size, and no smaller than eleven (11) inches by seven (7) inches in size for subject zoning lots less than 12,000 square feet.

2′ x 3′

11″ x 17″



(c) **Written Notification of Property Owners.** For each zoning lot abutting the subject zoning lot, including public rights-of-way, the applicant shall notify the owners of record, in writing, regarding the date, time, place and purpose of the public hearing. Written notice shall be effected by certified mail and shall include the complete text of the published legal notice. Failure to send a written notice where no address appears on the tax assessor's rolls, shall not invalidate subsequent proceedings relevant to said application. For the purposes of this Ordinance, should it be deemed necessary and appropriate by the Planning Board, the applicant shall notify additional owners of record of properties which are likely to be affected by the changes and/or improvements proposed for the subject zoning lot.

(d) **Proof of Compliance.** The applicant shall submit evidence documenting full compliance with all public notification requirements specified by this Chapter, to the Planning Director, not less than twenty-four (24) hours prior to the scheduled public hearing. Said evidence shall include, but not be limited to, a site photo of the posted sign, newspaper publisher's certificate and certified mail receipts.

(5) **Rules of Evidence and Testimony.** The public hearing shall be open to the public and shall be convened in the Council Chambers at City Hall or at any other such location so specified by the Planning Board. The Planning Board shall conduct the public hearing, and shall require that evidence be presented, in the following order:

(a) Restatement of Case by the Chairman; only if initial presentation needs clarification, or if certain elements of the case, and/or applicable regulations require explanation;

(b) Presentation of Supporting Testimony and/or Evidence;

(c) Cross-Examination - Supporting Witnesses;

(d) Presentation of Objecting Testimony and/or Evidence;

(e) Cross-Examination - Objecting Witnesses;

(f) Applicant's Rebuttal;

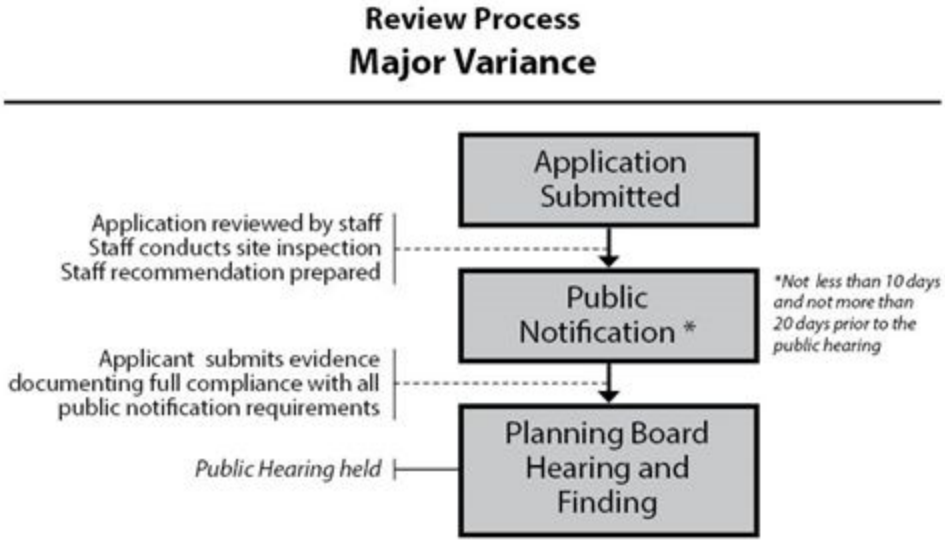
(g) Objectors' Rebuttal; and,

(h) Determination of Findings and Recommendations.

In carrying out its duties, as prescribed herein, the Planning Board shall not be bound by the strict rules of evidence, and may exclude irrelevant, immaterial, incompetent, and/or unduly repetitious testimony and/or evidence. The Planning Board shall rule on all questions relating to the admissibility of evidence. The applicant may represent himself and/or choose to be represented by counsel and/or a designated agent at the public hearing. The applicant and/or owners of record shall be entitled to no less than one (1) opportunity to speak at the time said public hearing is conducted. Reasonable opportunity shall also be provided for all interested parties to present their views. Should it be deemed necessary and appropriate said public hearing, the Planning Board shall retain the right to request additional information from the applicant, owners of record, and/or their designated agents, concerning an application for a variance, and to continue said public hearing until such information is presented for review.

F. **Findings and Recommendations.** At the close of the public hearing, the Planning Board shall determine findings, which detail the way the decision to be rendered by the Planning Board implements the goals and objectives of this Ordinance, or clarifies the administrative interpretation produced by this review process. Said findings shall be based upon the evidence presented in each specific case, with respect to the criteria to be used in the evaluation of a variance application specified in Section 12.03, C. of this Chapter.

G. **Decisions.** Subject to the appeals process specified in Section 12.05 herein, the decision rendered by the Planning Board shall be the final administrative decision. The Planning Board shall render a final administrative decision regarding applications for major variances, within forty-five (45) days of the conclusion of said public hearing. The Planning Board shall recommend or when herein authorized, require and attach such conditions and/or restrictions as may be deemed necessary and appropriate to reduce and/or minimize the negative effects of said variance upon other zoning lots, and to better carry out the purpose and intent of this Ordinance. Decisions made by the Planning Board, granting a major variance, shall be valid for a period of one (1) year from the effective date of said decision, until and unless, a building permit, or any other permit required for the action or use for which said major variance was requested, has been obtained and the actual construction, or alteration of a building and/or structure, or the land improvement, contemplated in connection with said application, has been actively commenced within said time. The Director of the Kankakee Fire Department - Code Enforcement Division shall not issue any permits in conjunction with said decision, for a period of seven (7) days following the effective date of said decision, in order to provide an adequate amount of time for a notice of appeal to be filed by a party aggrieved by said decision. No application for a major variance which has been denied by the Planning Board, shall be reconsidered within a period of one (1) year from the effective date of said decision.



12.04. CONDITIONAL USES

A. **General Provisions.** The development and implementation of this Ordinance is based upon the division of the City of Kankakee into zoning districts. Within said districts, the usage, bulk and location of land and/or buildings are substantially uniform. However, certain uses possess unique characteristics, which prevents their being properly classified in any district, without considering the impact of a particular use upon nearby zoning lots, and the public's need for said use, at said location, on a case-by-case basis. For the purposes of this Ordinance, specified uses shall be classified as a conditional use, as defined in Chapter 2 (Definitions) of this Ordinance, and shall be subject to the provisions of this Section, and all other applicable provisions of this Ordinance.

B. **Conditional Use Permit.** Utilizing the provisions established by this Section, an applicant may file an application for a conditional use permit, allowing for the establishment, operation, and/or maintenance of a particular use, which traditionally affects the public interest, but whose unusual nature may give rise to unique problems for neighboring property and/or public facilities. Said conditional use permit shall be granted to the applicant by the City Council, upon recommendation of the Planning Board, and upon demonstrating full compliance with the provisions of this Chapter, and any conditions and/or restrictions imposed on said conditional use, with the approval of the corporate authorities.

C. **Application.** Any person may file an application to establish, operate, and/or maintain any of the conditional uses specified by the provisions of this Ordinance, as being allowed in the zoning district in which the subject zoning lot is located, provided said person has a documented legal interests in said use and/or zoning lot. Said legal interests shall include, but not be limited to a freehold interest in said lot; a possessory interest in said lot, entitled to exclusive possession; a contractual interest in said lot, which may become a freehold interest; and/or, an exclusive possessory interest in said lot, which is specifically enforceable.

(1) **Procedure.** Subject to the provisions of this Chapter, the Planning Board shall review all applications seeking a conditional use permit. The Planning Board shall review said applications in accordance with the following processes: review all information and evidence; verify public notification; conduct public hearings; prepare findings and recommendations; and, submit findings and recommendations to the corporate authorities.

(2) **Forms and Assistance.** The applicant shall obtain the appropriate forms from the Planning Department, which shall provide the applicant with all possible assistance and information, necessary to assure a thorough and impartial review. The applicant shall be

responsible for providing all information specified on the application forms. Said information shall include, but not be limited to, the following:

(a) **Ownership and/or Operating Interest.** Said application shall provide the name, address and telephone number of the applicant; owners of record and/or developer.

(b) **Affected Parties.** Said application shall provide the parcel identification (PIN) number for all zoning lots located within two hundred (200) feet of the subject zoning lot, along with the names and addresses of the owners of record for said zoning lots.

(c) **Identification of the Subject Property.** Said application shall provide the following means of accurately identifying the subject property: a common street address, a tax parcel identification number, and a base map showing the location of the subject property, with reference to abutting zoning lots, public rights-of-way, designated historic landmarks and/or districts, and the corporate limits of applicable jurisdictions.

(d) **List of Existing Uses and Improvements.** Said application shall provide a list of all principal and/or accessory uses, currently existing on the subject property.

(e) **Descriptive Narrative.** Said application shall provide a brief narrative, describing the changes in the operation of existing uses and/or the nature of improvements proposed for said zoning lot, which supports the applicant's contention that a hardship would result from the City's enforcement of the provisions of this Ordinance. A fully completed application with required documentation and/or attachments and the required fee, shall be filed with the Planning Department in accordance with the provisions of this Chapter. Said application and materials shall be a matter of public record, and be made available for public inspection upon written request. Upon receipt of the application, the Planning Director shall assign a case number and forward copies of the application and all related materials to the Planning Board within seven (7) days prior to the scheduled hearing date. Applications shall be assigned for a public hearing in the order in which they are received.

(3) **Public Hearing.** Subject to the provisions of this Ordinance, the Planning Board shall convene a public hearing on applications for a conditional use, at the next regularly scheduled hearing. All public hearings convened under the provisions of this Ordinance shall be open to the public, and conducted in an impartial and orderly manner, consistent with the applicable provisions of the State of Illinois' Open Meetings Act, as amended. The Planning Board shall regulate the conduct of said hearings, ruling on the validity and accuracy of applications, procedural matters, modifications, and/or objections presented during said hearings. Persons wishing to testify during a public hearing, shall do so as witnesses, under oath, with said oath being administered by the Chairman of the Planning Board. The Planning Board may continue a public hearing, without the additional placement of published and/or posted public notice, should said continuance be deemed necessary and appropriate. The time and place of said continuance shall be determined by the Planning Board, after consultation with the applicant and all affected parties, and shall be announced for the public record, prior to the adjournment of said public hearing.

(4) **Public Notification.** The purpose of public notification is to assure the owners of record of affected properties, and/or affected citizens, of having an opportunity to present their perspectives on specific land use issues relating to the granting of a conditional use permit, before the Planning Board determines its findings and recommendations. The provisions for public notification specified in this Section shall be fully completed not less than ten (10) days, and not more than twenty (20) days prior to the scheduled public

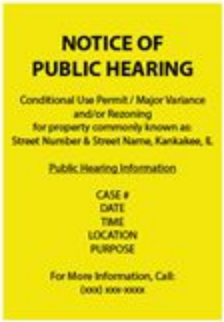
hearing. Said provisions shall apply for all applications for a conditional use permit under the provisions of this Chapter.

(a) **Published Legal Notice.** The applicant shall furnish and publish a legal notice in a newspaper of general circulation within the City. Said legal notice shall adhere to a format specified by the Planning Director, and shall include, but not be limited to the date, time & place of the public hearing; the purpose of the public hearing; and, a legal description and common street address of the subject zoning lot.

(b) **Posted Public Notice.** Upon scheduling a public hearing, the applicant shall post and/or prominently display a public notice (sign) on the subject zoning lot, and/or on public rights-of-way abutting said lot, excluding alleys. Said public notice shall provide the following: the date, time & place of the public hearing; the purpose of the public hearing; and, the common street address of the subject zoning lot. Said public notice should be a readable sign, with either a red background and white lettering or a yellow background and black lettering. The sign should be constructed of weatherproof material and shall be no smaller than two (2) feet by three (3) feet in size for subject zoning lots greater than 12,000 square feet in size, and no smaller than eleven (11) inches by seventeen (17) inches in size for subject zoning lots less than 12,000 square feet."

2′ x 3′

11″ x 17″



(c) **Written Notification of Property Owners.** For each zoning lot located within two hundred (200) feet of the subject zoning lot, the applicant shall notify the owners of record, in writing, regarding the date, time, place and purpose of the public hearing. Written notice shall be effected by certified mail, , and shall include the complete text of the published legal notice. Failure to send a written notice where no address appears on the tax assessor's rolls, shall not invalidate subsequent proceedings relevant to said application. For the purposes of this Ordinance, should it be deemed necessary and appropriate by the Planning Board, the applicant shall notify additional owners of record of properties which are likely to be affected by the changes and/or improvements proposed for the subject zoning lot.

(d) **Proof of Compliance.** The applicant shall submit evidence documenting full compliance with all public notification requirements specified by this Chapter, to the Planning Director, at least twenty-four (24) hours prior to the scheduled public hearing. Said evidence shall include, but not be limited to, a site photo of the posted sign, newspaper publisher's certificate and certified mail receipts.

(5) **Rules of Evidence and Testimony.** The public hearing shall be open to the public and shall be convened in the Council Chambers at City Hall, or at any other such location so specified by the Planning Board. The Chairman of the Planning Board shall conduct the public hearing, and shall require that evidence be presented, in the following order:

(a) Restatement of case by the Chairman; only if initial presentation needs clarification, or if certain elements of the case, and/or applicable regulations require explanation;

(b) Presentation of Supporting Testimony and/or Evidence;

(c) Cross-Examination - Supporting Witnesses;

(d) Presentation of Objecting Testimony and/or Evidence;

(e) Cross-Examination - Objecting Witnesses;

(f) Applicant's Rebuttal

(g) Objectors' Rebuttal;

(h) Determination of Findings of Fact;

(i) Conclusions; and,

(j) Submit Findings and Recommendations to the Corporate Authorities.

In carrying out its duties, as prescribed herein, the Planning Board shall not be bound by the strict rules of evidence, and may exclude irrelevant, immaterial, incompetent, and/or unduly repetitious testimony and/or evidence. The Planning Board shall rule on all questions relating to the admissibility of evidence. The applicant may represent himself or choose to be represented by counsel and/or a designated agent at the public hearing. The applicant and/or owners of record shall be entitled to no less than one (1) opportunity to speak at the time said public hearing is conducted. Reasonable opportunity shall also be provided for all interested parties to present their views. Should it be deemed necessary and appropriate during public hearing, the Planning Board shall retain the right to request additional information from the applicant, owners of record, and/or their designated agents, concerning an application for a conditional use, and to continue said public hearing until such information is presented for review.

(6) **Findings and Recommendations.** At the close of the public hearing, the Planning Board shall determine findings, which detail the way the proposed conditional use is consistent with the goals and objectives of this Ordinance or clarifies the administrative interpretation and/or conditions or restrictions recommended as a result of this review process. Said findings shall be based upon the evidence presented in each specific case, with respect to, but not limited to, the following factors:

(a) Existing and/or proposed uses and zoning classification relating to the subject property, abutting zoning lots, the surrounding neighborhood, and the City as a whole;

(b) Suitability for proposed uses and/or improvements;

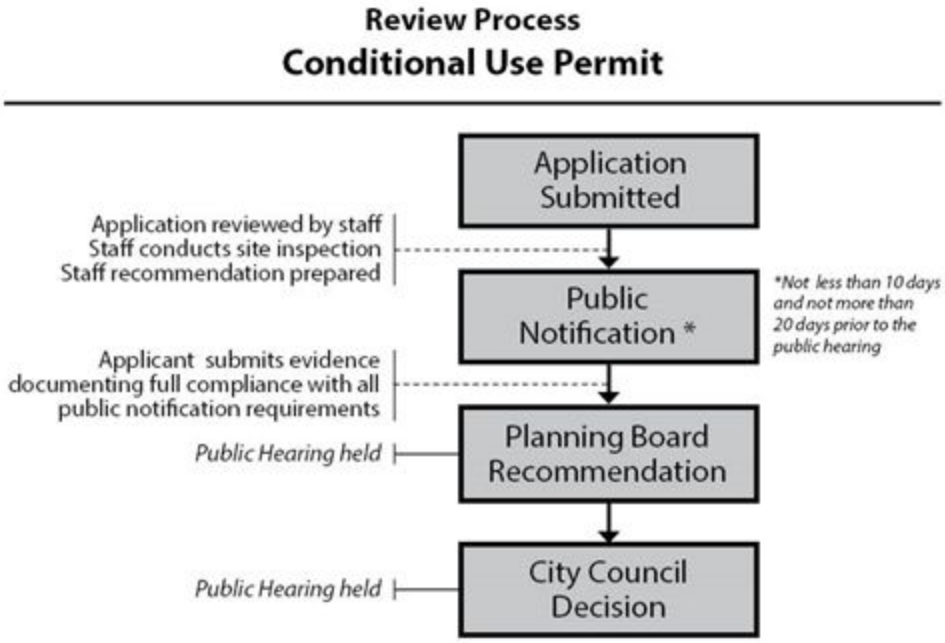
(c) Development trends in the general area including changes to land use or prior amendments to the Zoning Ordinance, thereby altering conditions for use and development;

(d) Official Comprehensive Plan including compliance with the stated objectives, and the impact on said objectives, of granting said conditional use;

(e) Maintenance of the public's health, safety and general welfare; and,

(f) Enjoyment of property by neighbors for its intended use.

(7) **Decisions.** The Planning Board shall forward their findings and recommendations regarding applications for conditional use permits, to the City Council within thirty (30) days of the conclusion of said public hearing. The Planning Board shall recommend, and the corporate authorities may require and attach, such conditions and/or restrictions to a conditional use permit, as may be deemed necessary and appropriate to reduce and/or minimize the negative effects of said conditional use, and to better carry out the purpose and intent of this Ordinance. The City Council may grant or deny an application for a conditional use permit, after reviewing the findings and the recommendations of the Planning Board, including stipulations of additional conditions and guarantees deemed necessary for the protection of the public interest as recommended by the Planning Board. Ordinances and/or resolutions granting a conditional use, shall be valid for one (1) year from the effective date of said ordinance, until and unless, a building permit, or any other permit required for the action or use for which said conditional use was requested, has been obtained and the actual construction, or alteration of a building and/or structure, or the land improvement, contemplated in connection with said application, has been actively commenced within said time. The Director of the Kankakee Fire Department - Code Enforcement Division shall not issue any permits in conjunction with said decision, for a period of seven (7) days following the effective date of said decision, in order to provide an adequate amount of time for a notice of appeal to be filed by a party aggrieved by said decision. No application for a conditional use permit which has been denied by the corporate authorities, shall be resubmitted for a period of one (1) year from the effective date of said decision.



12.05. AMENDMENTS

In order to assure that the provisions of this Ordinance remain consistent with the promotion and/or protection of the health, safety and welfare of the general public, the regulations imposed, and the zoning districts created by the provisions of this Ordinance may be amended from time to time in a manner specified in this Section.

A. **Classification.** For the purposes of this Ordinance, and to assure the prompt, orderly and efficient consideration of proposed amendments to the provisions specified herein, said amendments shall be separated and classified as either a text amendment or an amendment to the Official Zoning Map.

(1) **Text Amendment.** All proposals for additions, alterations, deletions, and/or other changes to the specific text, requirements, and/or procedures of this Ordinance, imposed upon the use of a zoning lot, shall be defined as text amendments.

(2) **Map Amendment.** All proposals for additions, alterations, deletions, and/or other changes to the delineation of zoning districts on the City's Official Zoning Map, shall be defined as map amendments.

B. **Application.** For the purposes of this Ordinance, text amendments to this Ordinance and/or amendments to the City's Official Zoning Map, may be proposed by any individual, agency, board, bureau, commission, institution, firm and/or corporation, public or private, having a legal interest in any property located within the corporate limits.

(1) **Procedure.** Subject to the provisions of this Chapter, the Planning Board shall review all proposed amendments to the provisions of this Ordinance, and to the boundaries of zoning districts designated under said provisions, and represented on the City's Official Zoning Map. The Planning Board shall review said amendments in accordance with the followings processes: review all information and evidence; verify public notification; conduct public hearing; prepare findings; and, submit recommendations to the corporate authorities. The Planning Board shall submit its findings and recommendations to the corporate authorities for review and approval, in accordance with the applicable provisions of the Kankakee Municipal Code and the Illinois Municipal Code, as amended.

(2) **Forms and Assistance.** All amendments shall be submitted on the appropriate forms which may be obtained from the Planning Department, which shall provide the applicant all possible assistance and information necessary to assure a thorough and impartial review. The applicant shall be responsible for providing all information specified on the application forms. Said information shall include, but not be limited to, the following:

(a) **Filing Information.** Said application shall provide the name, address and telephone number of the applicant.

(b) **Descriptive Narrative.** Said application shall provide a brief narrative describing the changes proposed by said amendment, and offering an explanation as to why said changes should be incorporated into this Ordinance. A fully completed application with required documentation and/or attachments and the required fee, shall be filed with the Planning Department in accordance with the provisions of this Chapter. Upon receipt of the application, the Planning Director shall assign a case number and forward copies of the application and all related materials to the Planning Board within seven (7) days prior to the scheduled hearing date. Applications shall be assigned for a public hearing in the order in which they are received. Said application and materials shall be a matter of public record and be made available for public inspection upon written request.

(3) **Public Hearing.** Subject to the provisions of this Ordinance, the Planning Board shall convene a public hearing on all proposed amendments to this Ordinance or the City's Official Zoning Map. All public hearings convened under the provisions of this Ordinance shall be open to the public, and conducted in an impartial and orderly manner, consistent with the applicable provisions of the State of Illinois' Open Meetings Act, as amended. The Planning Board shall regulate the conduct of said hearings, ruling on the validity and accuracy of applications, procedural matters, modifications, and/or objections presented during said hearings. Persons wishing to testify during a public

hearing, shall do so as witnesses, under oath, with said oath being administered by the Chairman of the Planning Board. The Planning Board may continue a public hearing, without the additional placement of published and/or posted public notice, should said continuance be deemed necessary and appropriate. The time and place of said continuance shall be determined by the Planning Board, after consultation with the applicant and all affected parties, and shall be announced for the public record, prior to the adjournment of said public hearing.

(4) **Public Notification.** The purpose of public notification is to assure the general public and/or affected citizens, of having an opportunity to present their perspectives on specific land use issues relating to a proposed amendment, before the Planning Board submits its final findings and recommendations to the corporate authorities.

(a) **Text Amendment.** The applicant shall furnish and publish a legal notice in a newspaper of general circulation within the City. Said legal notice shall adhere to a format specified by the Planning Department, and shall include, but not be limited to the date, time & place of the public hearing; the purpose of the public hearing; and, the complete text of the proposed amendment.

(b) **Map Amendment.** For all map amendments involving a change in the zoning district classification of specific zoning lots, the public notification requirements shall be identical to those required for a conditional use permit, as specified in Section 12.04 herein. All public notification requirements specified in this Section shall be fully completed not less than ten (10) days, and not more than twenty (20) days prior to the scheduled public hearing. No public hearing on said amendments shall be convened without provisions for adequate public notification. Additional public notification may be required by the Planning Board when deemed necessary and appropriate, and/or when required by state statute.

(5) **Rules of Evidence and Testimony.** The public hearing shall be open to the public and shall be convened in the Council Chambers at City Hall or at any other location so specified by the Planning Board. The Chairman of the Planning Board shall conduct the public hearing, and shall require that evidence be presented, in the following order:

(a) Restatement of amendment, by the Chairman; only if initial presentation needs clarification, or if certain portions of the proposed amendment, and/or any applicable rules or regulations require explanation;

(b) Presentation of supporting testimony and/or evidence;

(c) Presentation of objecting testimony and/or evidence;

(d) Rebuttal;

(e) Determination of findings;

(f) Conclusions; and,

(g) Submit final findings and recommendations to the corporate authorities.

In carrying out its duties, the Planning Board shall not be bound by the strict rules of evidence, and may exclude irrelevant, immaterial, incompetent, and/or unduly repetitious testimony and/or evidence. The Planning Board shall rule on all questions relating to the admissibility of evidence. The applicant may represent himself or choose to be represented by counsel and/or a designated agent at the public hearing. The applicant shall be entitled to no less than one (1) opportunity to speak at the time said public hearing is conducted. Reasonable opportunity shall also be provided for all interested parties to present their views. Should it be deemed necessary and appropriate during said

public hearing, the Planning Board shall retain the right to request additional information from the applicant and/or city staff concerning said amendment, and to continue said public hearing until such information is presented for review. Said request shall be made of the affected party, in writing, within twenty-four (24) hours of the continuance of said public hearing. The additional information shall be made available to the Planning Director within ten (10) days of said written request, or a written request for an extension, not to exceed thirty (30) days shall be submitted. Upon receipt, the Director shall immediately forward said information to the Planning Board for review. For the purposes of this Ordinance, failure by the applicant to produce said information, or request an extension under the provisions of this Section, shall be construed as a withdrawal of the application.

(6) **Findings and Recommendations.** At the close of the public hearing, the Planning Board shall determine findings, which detail the way the proposed amendment is consistent with the goals and objectives of the this Ordinance.

(a) **Text Amendment.** No text amendment shall be recommended for approval by the Planning Board, until and unless, the Board has made findings, based upon the evidence presented at the public hearing, to support or refute each of the following criteria, as applicable:

(1) The proposed text amendment will not result in any construction, land use, and/or development related activity which would be detrimental to, or endanger the public health, safety, and/or general welfare of the City as a whole, or any portion thereof.

(2) The proposed text amendment is consistent with the spirit, purpose and intent of this Ordinance and the City's Comprehensive Plan.

(b) **Map Amendment.** No map amendment shall be recommended for approval by the Planning Board, until and unless, the Board has made findings of fact, based upon the evidence presented at the public hearing, to support or refute each of the following:

(1) The proposed map amendment is consistent with the spirit, purpose and intent of this Ordinance.

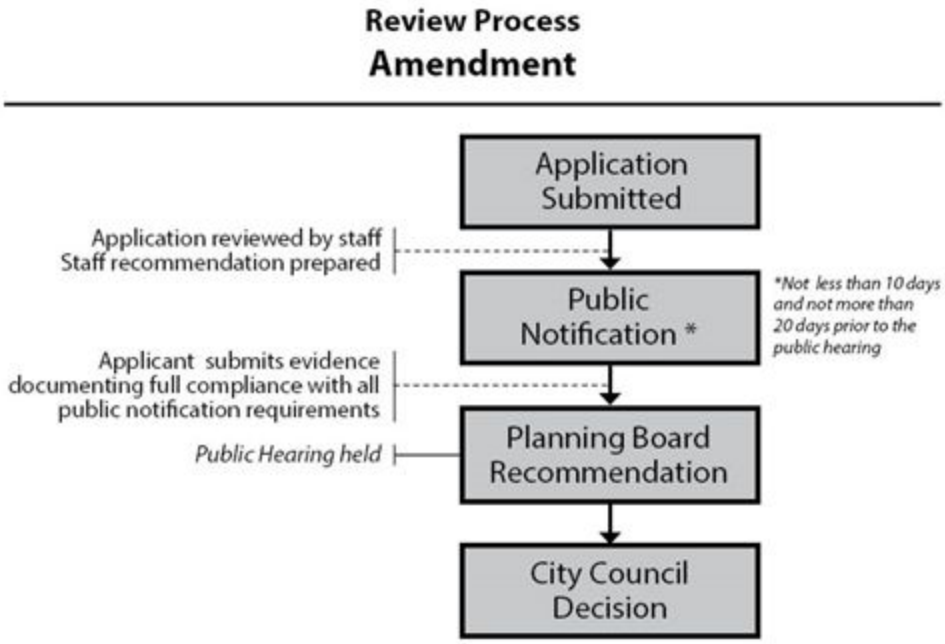
(2) The proposed map amendment is consistent with the goals, objectives and policies of the City's Official Comprehensive Plan, and in general conformity with the land use recommendations specified by said Plan.

(3) Compatibility with existing uses and the zoning classification of property within the general area of the subject property.

(4) The suitability of the subject property for the uses permitted under the proposed zoning classification, addressing the need for said map amendment.

(5) The trend of development, if any, in the general area of the subject property, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification, and the effect said map amendment would have on said trend.

(7) **Decisions.** The Planning Board shall forward their findings and recommendations regarding a proposed amendment, to the City Council within thirty (30) days of the conclusion of said public hearing. No application for a text amendment and/or a map amendment, which has been denied by the City Council, shall be reconsidered within a period of one (1) year from the date of said denial.



12.06. APPEALS

Any decision regarding the interpretation and/or enforcement of the provisions of this ordinance may be appealed, in accordance with the provisions of this Section.

A. **Appellate Authority.** Appeals filed under the provisions of this Chapter shall be directed to the designated appellate body by the Planning Director, in accordance with the nature of the decision and/or interpretation being appealed.

(1) **Administrative Review and Interpretation.** Final administrative decisions made by the Planning Director, regarding the interpretation of the provisions of this Ordinance shall be appealed to the Planning Board, who shall convene a hearing on said appeal on the next regularly scheduled hearing date.

(2) **Minor Variance.** Final administrative decisions made by the Planning Director, regarding the provisions of this Ordinance in the granting of a minor variance shall be appealed to the Planning Board, who shall convene a hearing on said appeal on the next regularly scheduled hearing date. In deciding the appeal, the Planning Board shall determine if the decision of the Planning Director is contrary to the manifest weight of the evidence taken by the Director.

(3) **Major Variance.** Final administrative decisions made by the Planning Board, regarding the provisions of this Ordinance in the granting of a major variance shall be appealed to the Mayor and City Council. In deciding the appeal, the City Council shall determine if the decision of the Planning Board is contrary to the manifest weight of the evidence taken by the Board. Any decision by the city Council to override a final administrative decision made by the Planning Board shall require a majority vote of the city Council.

(4) **Conditional Use Permit.** The decision of the corporate authorities, acting on the recommendations of the Planning Board, regarding the provisions of this Ordinance in the granting of a conditional use permit, shall be made directly to a court of competent jurisdiction in the manner prescribed by the Administrative Review Act, of the Illinois Revised Statutes, as amended.

(5) **Amendments**. The decision of the corporate authorities, acting on the recommendations of the Planning Board, regarding the provisions of this Ordinance in the approval of an

amendment to the provisions of this Ordinance, or to the City's Official Zoning Map, shall be made directly to a court of competent jurisdiction in the manner prescribed by the Administrative Review Act, of the Illinois Revised Statutes, as amended.

B. **Application.** Any individual, agency, board, bureau, commission, institution, firm and/or corporation, public or private, aggrieved by any decision made by the Planning Board and/or the Planning Director, may appeal to the appropriate appellate authority specified herein, in accordance with the provisions of this Chapter, and the applicable statutes of the State of Illinois, as amended.

(1) **Procedure.** A notice of appeal shall be filed with the Planning Department within seven (7) days of the effective date of any decision being appealed. The Planning Director shall immediately notify the Chairman of the Planning Board, upon receipt of a notice of appeal.

(2) **Stay of Proceedings.** The filing of a notice of appeal shall immediately stay all proceedings in furtherance of the action being appealed, pending a declaration of imminent peril. Should the Planning Director certify, in writing, that by reasons of fact, a stay would, in his/her opinion, cause imminent peril to life or property, the City Council, or a court of competent jurisdiction regarding said decision, on due cause shown, shall stay the proceedings through a declaration of imminent peril and/or a restraining order.

(3) **Forms and Assistance.** The appellant shall obtain the appropriate forms from the Planning Department, which shall provide the appellant with all possible assistance and information necessary to assure a prompt, thorough and impartial review. The appellant shall be responsible for providing all information specified on the notice of appeal. Said information shall include, but not be limited to, the following:

(a) Ownership and/or Operating Interest. Said application shall provide the name, address and telephone number of the applicant, owners of record and/or developer.

(b) Identification of the Decision Being Appealed. Said application shall provide the following means of accurately identifying the decision being appealed: case number and filing date of original application.

(c) Grounds for Appeal. Said notice of appeal shall provide a narrative and/or list of all facts and/or conditions which serve as the basis for said appeal. The Planning Director shall forward copies of the notice of appeal, and all materials submitted in support of said notice, to the Planning Board not less than seven (7) days prior to the next regularly scheduled hearing date. Said notice of appeal and materials shall be a matter of public record, and be made available for public inspection upon written request.

12.07. APPLICATION FEES AND PENALTIES

For the purposes of this Ordinance, the City's Department of Collections shall be empowered to collect fees for which the corporate authorities have deemed necessary and appropriate to implement the provisions of this ordinance. Subject to the provision of this Section, under no condition shall fees collected, or any portions thereof, be refunded upon denial of said application and/or appeal.

A. **Fees**. The City Council shall establish by Ordinance a schedule of fees, charges, escrows and expenses required for development review, building permits, zoning certificates, certificates of occupancy, variations, conditional use permits, temporary use permits, amendments planned development approvals and other matters pertaining to this Ordinance. In addition, the applicant may be required to reimburse the City for outside engineering, planning, legal, court reporter or other professional consultants as detailed in the schedule of fees.

B. **Penalties**. Any individual, institution, agency, firm, and/or corporation, who violates, disobeys, omits, neglects, refuses to comply with, or otherwise resists or obstructs the enforcement of the provisions of this Ordinance, shall, upon conviction, be fined not less than fifty dollars ($50), or more than two thousand dollars ($2,000), for each offense. For the purposes of this Ordinance, each day a violation is permitted to exist, shall constitute a separate offense.

CHAPTER 13
PLANNED UNIT DEVELOPMENT

13.01 GENERAL PROVISIONS

A. Purpose. The purpose of these Planned Unit Development regulations is to encourage and allow more creative and imaginative design for land developments than is possible under the more conventional zoning regulations of this Ordinance. The Planned Unit Development also provides for a more efficient use of land and thus results in more economical land development. The following objectives may be obtained through the use of the Planned Unit Development procedure:

(1) To permit a maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other chapters of this Ordinance.

(2) To promote a creative approach to the use of land and related physical facilities that results in better design and development.

(3) To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative design.

(4) To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features.

(5) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development.

(6) To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities.

(7) To promote the more efficient use of the land resulting in more economic networks of utilities, streets, and other such facilities.

(8) To encourage a land use which promotes the public health, safety, comfort, morals, and general welfare.

B. Intent. The Planned Unit Development is intended to provide for projects incorporating a single type or a variety of related uses which are planned and developed as a unit. The Planned Unit Development should provide amenities not otherwise required by law and often establishes facilities and open space greater than the minimum's required by law. Such development may consist of conventionally subdivided lots to be sold, unsubdivided single ownership, separate condominium ownership of structures, or other ownership methods, and shall provide for development by means of a Planned Unit Development Plat which establishes the location and extent of the features of the Planned Unit Development in keeping with the purpose of the plan. The unique and substantially different character of Planned Unit Developments requires their administrative processing as a "conditional use," as provided for under the provisions of Chapter 12, Section 12.04 of this Ordinance. Planned Unit Developments are more complex and of a different character than other conditional uses thus requiring the establishment herein of specific and additional procedures, standards, fees, and exceptions to govern the recommendations of the Planning Board and the action of the City Council.

13.02 PROCEDURE

A Planned Unit Development shall be granted as a conditional use in accordance with the procedures and standards of this Section and may depart from the normal procedures, standards, fees, and other requirements of the other sections of this Ordinance. Applications shall be made on forms provided by the City and shall be accompanied by the required plats and documents. Detailed plans, drawings, and other information as specified by this Section shall be required at the time of the various meetings and hearings. Each step shall be reviewed and certified by the City Planner as being in accordance with these Planned Unit Development requirements.

A. STEP I - Pre-Application Procedure (Optional).

(1) Pre-Application Conference. Prior to the filing of an application for approval of a Planned Unit Development, the developer may request of the Planning Board an informal meeting to discuss the development of their land in conjunction with City planning and zoning objectives and the City's Comprehensive Plan. The request for a Pre-Application Conference shall be made to the City Planner. Detailed data in accordance with Section 13.13, A., of this Chapter will be required at the public hearing or may be submitted with the application. Said meeting shall be a part of a regularly scheduled Planning Board meeting, shall be open to the public, and included on their agenda in advance of the meeting. The Pre-Application Conference is not mandatory and does not require formal application, fee, or filing of Planned Unit Development Plat.

B. STEP 2 - Conceptual Plan Procedure (Optional).

(1) Purpose. The purpose of the Conceptual Plan Submission is to obtain approval of the City for the development of a parcel of land in accordance with the plans, programs, and schedule submitted as a part of the Planned Unit Development application. It is intended that the proposal submitted will be in preliminary conceptual form and that, following the anticipated approval, the developer will proceed with preparing detailed plans for all or a portion of the site for submission as a Preliminary Plat (see STEP 3). This procedure allows for approval of an over-all concept without the necessity of preparing precise plans and allows the developer to complete long-range commitments knowing he/she has a viable and acceptable project. The "conceptual plan" procedure is not mandatory and the developer may select to proceed directly to the "preliminary plat" procedure.

(2) Procedure. A request for the approval of a Conceptual Plan, as a step in the Planned Unit Development procedure, shall be submitted to the City Planner who shall refer same to the Planning Board for public hearing, report, and recommendation as to whether or not the City Council should approve the Conceptual Plan. The required procedure for review of the Plan shall be:

(a) Submission of the following:

(1) Written application for review of a Planned Unit Development shall be made on forms and in the manner prescribed by the Planning Board.

(2) The application shall be accompanied by a fee as established by the provisions of Chapter 12, Section 12.07, A., (6), of this Ordinance.

(3) Sufficient supporting data, plans, or information to indicate the extent and nature of the proposal and that the project is ready for public hearing. Detailed data in accordance with Section 13.13, B., of this Chapter will be required at the public hearing or may be submitted with the application. Four (4) copies of all required information shall be submitted.

(b) The Planning Board shall hold a public hearing on the application for a Planned Unit Development, in accordance with the procedures of Chapter 12, Section 12.04 of this Ordinance.

(c) Copies of the Conceptual Plan and Supporting data shall be submitted to the City Planner for certification as to conformity with these regulations, recommendations, and suggestions regarding the over-all design, if any.

(d) Copies of the Conceptual Plan and supporting data shall be submitted to the City Engineer for his/her review and recommendations.

(e) Following the public hearing and review of the Conceptual Plan and supporting data for conformity to these regulations, the Planning Board shall, within thirty (30) days, unless an extension is requested by the applicant, recommend approval, modification, or disapproval, and the reasons therefor, or indicate why a report cannot be rendered to the City Council. The Planning Board shall set forth in a separate communication to the City Council findings and recommendations, in accordance with Section 13.06 of this Chapter on which they base their recommendation and describing how the proposal meets the standards of Section 13.05 herein.

(f) The City Council, after receipt of the Conceptual Plan from the Planning Board, shall approve, modify, or disapprove the Plan within a period of sixty (60) days, unless an extension is requested by the applicant. In the case of approval, or approval with modification, the City Council shall pass an ordinance approving the Plan granting the conditional use, and shall arrange zoning map modifications as necessary. The City Council may require such special conditions as they may deem necessary to insure conformance with the intent of the planning objective of the City and the stated purposes of the Planned Unit Development.

(g) The granting of the Conceptual Plan portion of the Planned Unit Development by the City Council shall constitute a zoning acceptance of the specific content of the Conceptual Plan and shall indicate the general acceptance of the City Council to approve a "preliminary plat" that carries out, refines, and implements the concepts expressed in the Conceptual Plan. The "preliminary plat" and "final plats" shall be submitted in accordance with requirements of Section 13.13 of this Chapter. Submission of a "preliminary plat" for a part or all of the Planned Unit Development shall be made within a period of not to exceed two (2) years from the date of approval of the Conceptual Plan. The preliminary plat shall be approved as a "planned unit development plat" if it conforms substantially with the principles and concepts presented in the Conceptual Plan. No building permit shall be issued for any structure until the final plat has been filed, approved, and recorded.

C. STEP 3 - Preliminary Plat Procedure.

(1) Purpose. The purpose of the Preliminary Plat submission is to obtain approval and/or commitments from the City that the detailed architectural, engineering and surveying plans, design and program that the developer intends to build and follow are acceptable and that the developer can proceed into construction of proposed public improvements, utilities and facilities. This is a highly detailed submission that assures the developer that his/her plan is acceptable and that the final plat and plans will be approved if they substantially conform to the Preliminary Plat and detailed construction plans. It is at this stage that final modifications, adjustments and interpretations are made to the Conceptual Plan.

(2) Procedure. A request for preliminary approval of the Planned Unit Development shall be submitted to the City Planner who shall refer same to the Planning Board for public hearing, report, and recommendation as to whether or not the City Council should issue the conditional use permit applied for. The required procedure for review of the preliminary plat shall be:

(a) Submission of the following:

(1) Written application for review of a Planned Unit Development shall be made on forms and in the manner prescribed by the Planning Board.

(2) The application shall be accompanied by a fee as established by the provisions of Chapter 12, Section 12.07, A., (6), of this Ordinance.

(3) Sufficient supporting data, plans, or information to indicate the extent and nature of the proposal and that the project is ready for public hearing. Detailed data in accordance with Section 13.13, C., of this Chapter will be required at the public hearing or may be submitted with the application. Four (4) copies of all required information shall be submitted.

(b) The Planning Board shall hold a public hearing on the application for a Planned Unit Development, in accordance with the procedures of Chapter 12, Section 12.04 of this Ordinance.

(c) Copies of the preliminary Planned Unit Development Plat and supporting data shall be submitted to the City Planner for certification as to conformity with these regulations, recommendations, and suggestions regarding the over all design, if any.

(d) Copies of the preliminary Planned Unit Development Plat and supporting data shall be submitted by the applicant to the City Engineer for his/her review and recommendations., and all costs related to such review shall be borne by the applicant.

(e) Following the public hearing and review of the preliminary Planned Unit Development Plat and supporting data for conformity to these regulations, the Planning Board shall, within thirty (30) days, unless an extension is requested by the applicant, recommend approval, modification, or disapproval, and the reasons therefor, or indicate why a report cannot be rendered to the City Council. The Planning Board shall set forth in a separate communication to the City Council findings and recommendations, in accordance with Section 13.06 of this Chapter, on which they base their recommendation and describing how the proposal meets the standards of Section 13.05 herein.

(f) The City Council, after receipt of the preliminary Planned Unit Development Plat from the Planning Board, shall approve, modify, or disapprove the preliminary plat within a period of sixty (60) days, unless an extension is requested by the applicant. In the case of approval, or approval with modification, the City Council shall pass an ordinance granting the conditional use and indicate their approval upon the plat and arrange zoning map modifications as necessary. The City Council may require such special conditions as they may deem necessary to insure conformance with the intent of the planning objectives of the City and the stated purposes of the Planned Unit Development.

(g) Approval of a preliminary Planned Unit Development Plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the City and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. The final plat shall be approved if it conforms with the preliminary plat. The preliminary and final plats may be filed and approved simultaneously or the final plat may be filed and approved without a preliminary plat if all of the land is to be developed at one time, and if all requirements herein are met. No building permit shall be issued for any structure until the final plat has been filed, approved, and recorded.

D. STEP 4 - Final Plat Procedure.

(1) Purpose. The purpose of the Final Plat is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open space and building sites. The Final Plat is intended as a document to be recorded. The Final Plat shows the exact "as-built" location of all public improvements, utilities and facilities constructed in accordance with approved construction plans of the planned unit

development, while the Preliminary Plat is intended to show the general or proposed location of the same improvements.

(2) **Procedure.** The Final Plat shall be submitted as a Planned Unit Development Plat and shall conform substantially to the preliminary plat as approved and, if desired by the developer, may be submitted in stages with each stage reflecting the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plat shall be:

(a) A final Planned Unit Development Plat and other supporting data required for approval shall be submitted to the City Planner in accordance with the provisions of Section 13.13, C., of this Chapter. Final plats and supporting data shall show in detail the design, location and use of all buildings, facilities, and site improvements as well as such additional information as the Planning Board may require.

(b) The final plat and supporting data shall be submitted to the City Planner for certification that the final plat is in conformity with these regulations and in agreement with the approved preliminary plat.

(c) The final plat and supporting data shall be submitted by the applicant to the City Engineer for his/her review and recommendations, and all costs related to such review shall be borne by the applicant.

(d) After review of the final plat, the Planning Board shall, within thirty (30) days, unless an extension is requested by the applicant, recommend approval or disapproval, and the reasons therefor, to the City Council.

(e) The City Council, after receipt of the final plat from the Planning Board, shall approve, or disapprove the final plat within a period of sixty (60) days, unless an extension is requested by the applicant, and shall pass an ordinance authorizing the Planned Unit Development and allowing the issuance of all necessary permits. Permits are to be issued only after the final Planned Unit Development Plat and supporting data have been recorded with the Kankakee County Recorder of Deeds, and shall be issued in full conformance with this Ordinance. Proof of the recording of the final plat shall be provided to the City Planner.

E. **Recording the Final Plat.** The Ordinance authorizing construction of the Planned Unit Development shall be effective only upon recording of the final Planned Unit Development Plat and supporting data with the Kankakee County Recorder of Deeds. The recording of the final plat shall inform all who deal with the Planned Unit Development of the restrictions placed upon the land and act as a zoning control device.

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

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

(2) **Minor Changes.** The City Planner or other person authorized by the City Council may approve minor changes in the Planned Unit Development which do not change the concept or intent of the development. Minor changes shall be any change not defined as a major change.

G. **Submission Requirements.** The final plats must be submitted for approval in accordance with agreed to scheduling. The first final plat must be submitted not later than two (2) years from the approval of the preliminary plat and construction as authorized by the issuance of a building permit must begin within one (1) year of the date of the filing of the final plat dealing with such construction; in the event that same is not done, the Planned Unit Development Conditional Use shall be null and void and the Planning Board shall initiate such zoning changes as it deems necessary to service the public interest. If construction falls more than two (2) years behind, the building schedule filed with the final plat, the Zoning Board shall either extend the schedule period or initiate action to revoke the Planned Unit Development Conditional Use. Extensions in the building schedule for not more than one (1) year periods may be recommended by the Planning Board and granted by the City Council.

H. **Occupancy.** Upon the completion of the Planned Unit Development, a portion thereof, or an individual building or element of the Planned Unit Development in full compliance with the Final Planned Unit Development Plat and supporting data, then and only then can a "certificate of occupancy" be issued by the City Building Code Official to allow the use of a building or facility.

13.03 LOCATION

The Planned Unit Development is authorized as a Conditional Use in each of the Zoning Districts of this Ordinance, in accordance with the provisions of Chapter 6 and Appendix A (Permitted and Conditional Uses by Zoning District) of this Ordinance; and, provided such Planned Unit Development is not located on a site which is less than two (2) acres in size.

13.04 SPECIFIC CONTENT

The Planned Unit Development Plats and supporting data shall include at least the following information, unless waived by the Planning Board:

A. **Pre-Application Stage.**

(1) **General Site Information.** Data regarding site conditions, land characteristics, available community facilities and utilities, existing covenants, and other related information.

(2) **Sketch Plan.** A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots, and other such features.

(3) **Legal Description.** A complete property survey and legal description of the site proposed for development.

B. **Conceptual Plan Stage.**

(1) **Concept Plan.** A drawing of the Planned Unit Development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The Plan shall indicate the concept of the development with refinements to indicate the over-all land use pattern, general circulation system, open space or park system, and major features of the development. This Section does not require a detailed site plan of buildings, roads, walks, etc. The Plan should include:

(a) Boundary Lines - Approximate distances.

(b) Easements - General location and purposes.

(c) Streets On and Adjacent to the Tract - Circulation system.

(d) Land Use Patterns - Proposed.

(e) Map Data - Name of development, name of site planner, north point, scale, date of preparation, and acreage of site.

(2) **Site Data**. A written explanation of the graphic elements of the Plan, including:

(a) Description and Quantity of Land Uses.

(b) Description of Residential Units by Type.

(c) Number of Dwelling Units.

(d) Description of the Development Standards and Deign Criteria.

(3) **Objectives.** A statement of planning objectives to be achieved by the Planned Unit Development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer.

(4) **Ownership.** A statement of present and proposed ownership of all land within the project.

(5) **Names.** The names and addresses of all the persons to whom the notice of the hearing to be held by the Planning Board should be sent (owners of the land located within two hundred (200") feet of the site).

(6) **Environment.** A preliminary statement identifying existing natural and environmental resources and the method to protect the physical amenities of the site, including information on:

(a) Topography.

(b) Flood Plains and Surface Hydrology.

(c) Vegetation and Natural Coverage.

(d) Soils and Subsurface Conditions.

(e) Geology.

(f) Scenic Views and Vistas.

(7) **Utilities.** A preliminary engineering study providing information on existing and proposed sanitary, storm, water, and other utilities necessary to adequately service the development.

(8) **Traffic.** A preliminary traffic analysis providing information on the existing road network and future improvements deemed necessary to service the development.

(9) **Structures.** Preliminary architectural concepts for the development indicating the proposed character of the buildings in the development.

(10) **Financial Impact.** A property tax impact study shall be prepared indicating the impact of the development on the local taxing bodies.

(11) **Schedule.** A preliminary development schedule indicating the approximate dates when construction of various stages of the development can be expected to begin and be completed.

C. Preliminary Plat Stage.

(1) Detailed Plan. A drawing of the Planned Unit Development shall be prepared at a scale of not less than one (1) inch equals one hundred (100) feet and shall show such designations as proposed streets (public and private),all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and include:

(a) Boundary Lines - Bearings and distances.

(b) Easements - Location, width, and purpose.

(c) Streets On and Adjacent to the Tract - Street name, right-of-way width, existing or proposed center line elevations, pavement type, walks, curbs, gutters, culverts, etc.

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

(e) Ground Elevations On the Tract - For land that slopes less than one-half (½) percent, show one (1) foot contours; for land that slopes more than one-half (½) percent, show two (2) foot contours; also show spot elevations at all breaks in grades, along all drainage channels or swales, and at points of special significance.

(f) Subsurface Conditions On the Tract (if required by the Planning Board) - Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

(g) Other Conditions On the Tract - Water courses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, accessory buildings, and other significant features.

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

(i) Zoning - Show zoning districts on and adjacent to the tract.

(j) Proposed Public Improvements - Highways or other major improvements planned by public authorities for future construction on or near the tract.

(k) Open Space - All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.

(l) Structures - General location, purpose, and height, in feet or stories, of each building other than single family residences on individually platted lots.

(m) Map Data - Name of development, name of site planner, north point, scale, date of preparation, and acreage of site.

(n) Miscellaneous - Such additional information as may be required by the Planning Board and/or City Engineer.

(2) **Objectives.** A statement of planning objectives to be achieved by the Planned Unit Development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer.

(3) **Character.** Explanation of the character of the planned development and the manner in which it has been planned to take advantage of the flexibility of these regulations.

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

(5) **Names.** The names and addresses of the persons to whom the notice of the hearing to be held by the Planning Board should be sent (owners of the land located within two hundred (200) feet of the site).

(6) **Schedule.** Development schedule indicating:

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

(b) Approximate dates for beginning and completion of each stage.

(c) If different land use types are to be included within the Planned Unit Development, the schedule must include the mix of uses to be built in each stage.

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

(8) **Density.** Provide information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type, and the number of bedrooms in each building and dwelling unit type.

(9) **Non-Residential Use.** Provide information on the type and amount of ancillary and non-residential uses, including the amount of common open space.

(10) **Service Facilities.** Provide information on all service facilities and off-street parking facilities.

(11) **Architectural Plans.** Preliminary architectural plans for all primary buildings shall be submitted in sufficient details to permit an understanding of the style of the development, the design of the building, and the number, size, and type of dwelling units. Also, provide floor area of building types and total ground coverage of buildings.

(12) **Landscape Plans.** Preliminary plans for plant materials, earth sculpturing, berming, and aesthetic features shall be provided.

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

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

(b) Sanitary sewers.

(c) Storm drainage.

(d) Water supply system.

(e) Lighting program.

(f) Sidewalks, paths, and cycle trails.

(14) **Tax Impact Study.** Provide information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary services to the project.

(15) **Traffic Analysis.** Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by the Planned Unit Development. Also, an analysis should be made of the adequacy of the internal vehicular circulation pattern.

D. Final Plat Stage.

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

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

(b) A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.

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

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

(e) Certificates, seals, and signatures required for the dedication of lands, and recording the document.

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

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

(3) **Public Facilities (if required by the City Council).** All public improvements, utilities and facilities, made necessary as a result of the Planned Unit Development, shall be constructed in advance of the submission and approval of the final "as-built" plat. The City Council, at its discretion, may grant approval of a final plat prior to construction of all proposed improvements, provided a bond or letter of credit, in a form approved by the City Attorney, is posted to guarantee the construction of said improvements that remain to be built. The bond or letter of credit, made payable to the City of Kankakee, shall be of a sufficient amount to cover the full cost of the improvements, as estimated by the City Engineer, plus ten percent.

(4) **Covenants.** Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development shall be recorded at the same time as the final Planned Unit Development Plat.

13.05 STANDARDS

The Planned Unit Development must meet the following standards:

A. **Comprehensive Plan.** A Planned Unit Development must conform with the intent and spirit of the Planning Objectives of the City.

B. **Size and Ownership.** The site of the Planned Unit Development must be under single ownership and/or unified control and be not less than two (2) acres in area.

C. **Compatibility.** The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.

D. **Space Between Buildings.** The minimum horizontal distance between buildings shall be:

(1) Fifteen (15) feet between one story, two story, two and one-half story buildings or combinations thereof.

(2) Equal to the height of the taller buildings in the case of freestanding, unattached buildings other than one, two, or two and one-half story buildings.

E. **Yards and Setbacks.** The required yards along the periphery of the Planned Unit Development shall be at least equal in width or depth to that of the adjacent zoning district.

(1) Buildings of more than twenty-four (24) feet in height shall provide a setback from any property line of not less than equal to the height of such buildings.

F. **Parking Requirements.** Adequate parking shall be provided and in no event shall the parking be less than that provided for in Chapter 10 of this Ordinance. Parking for residential use shall be not less than required in the following table:

Number of Bedrooms	Number of Spaces
Efficiency Dwelling Unit	One (1) Space
One Bedroom Unit	One and One-half (1½) Spaces
Two or More Bedroom Unit	Two (2) Spaces

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

H. **Design Standards.** The provisions of the City of Kankakee Subdivisions Regulations, as amended, shall be adhered to, unless a variance is granted by the Planning Board in accordance with the provisions therein.

I. **Other Standards.** The Planned Unit Development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the standard zoning districts and other provisions of this Ordinance to the extent specified in the preliminary plat and documents authorizmg the Planned Unit Development so long as it is determined that the Planned Unit Development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

13.06 FINDINGS AND RECOMMENDATIONS

The Planning Board shall, after the public hearing, set forth to the City Council the reasons for the recommendation, and said recommendation shall set forth with particularity in what respects the proposal would be in the public interest, including but not limited to findings and recommendations on the following:

A. In what respects the proposed plan is consistent with the stated purpose of the Planned Unit Development regulations.

B. The extent to which the proposed plan meets the requirements and standards of the Planned Unit Development regulations.

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

D. The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation and visual enjoyment.

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

F. The desirability of the proposed plan as regards physical development, tax base and economic well being of the City.

G. The conformity with the intent and spirit of the Planning Objectives of the City.

13.07 CONDITIONS AND GUARANTEES

Prior to the granting of any Planned Unit Development, the Planning Board may recommend, and the City Council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the Planned Unit Development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area, and to secure compliance with the standards specified in Section 13.05 of this Chapter. In all cases in which Planned Unit Developments are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

No.	***P = Permitted Use C = Conditional Use***	Residential			Commercial			Industrial	
	USE DESCRIPTION	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
1	Agricultural & farming equipment sales & service					*P*	*P*	*P*	*P*
2	Agricultural & farming facilities & uses - other	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
3	Agricultural & farming operations - including livestock	*C*			*C*	*C*	*C*	*C*	*C*
4	Aircraft related facilities & uses							*C*	*P*
5	Airports and heliports & aircraft related facilities & uses							*C*	*P*
6	Alcohol & drug abuse treatment centers - in-patient				*C*	*C*	*P*	*P*	*P*
7	Alcohol & drug abuse treatment clinics - out-patient				*P*	*P*	*P*	*P*	*P*
8	Amusement and theme parks & related facilities & uses - indoor				*C*	*P*	*P*	*P*	*P*
9	Amusement and theme parks & related facilities & uses - outdoor				*C*	*C*	*C*	*C*	*P*
10	Animal & pet grooming services - domestic				*P*	*P*	*P*	*P*	*P*
11	Animal & pet related services & uses - other				*C*	*C*	*C*	*P*	*P*
12	Animal & pet shops & pet supply sales - domestic					*C*	*C*	*P*	*P*
13	Antique sales & reconditioning services				*P*	*P*	*P*	*P*	*P*
14	Appliances - household - parts & supplies sales & repair services				*C*	*P*	*P*	*P*	*P*
15	Appliances - household - rental & leasing services				*C*	*P*	*P*	*P*	*P*
16	Appliances - household - sales & service				*C*	*P*	*P*	*P*	*P*
17	Appliances - household - wholesale & distribution						*C*	*P*	*P*
18	Archery equipment & supplies sales				*C*	*P*	*P*	*P*	*P*
19	Art sales - including galleries & consulting services				*C*	*P*	*P*	*P*	*P*
20	Artists' studios				*C*	*P*	*P*	*P*	*P*
21	Arts & crafts supply sales				*P*	*P*	*P*	*P*	*P*
22	Arts & crafts supply sales & instruction services				*C*	*P*	*P*	*P*	*P*
23	Asphalt & asphalt products - wholesale & distribution						*C*	*P*	*P*
24	Auction houses				*C*	*C*	*P*	*P*	*P*
25	Auction houses - including open-air sales					*C*	*C*	*P*	*P*
26	Bakeries - retail sales				*P*	*P*	*P*	*P*	*P*
27	Bakeries - wholesale & commercial					*C*	*C*	*P*	*P*
28	Banks, credit unions & savings & loan associations				*P*	*P*	*P*	*P*	*P*
29	Banks, credit unions & savings & loan associations - including drive-thru				*C*	*P*	*P*	*P*	*P*
30	Banquet facilities, halls & related services				*C*	*P*	*P*	*P*	*P*
31	Barber shop & beauty salon supplies sales				*C*	*P*	*P*	*P*	*P*
32	Barber shops & beauty salons				*P*	*P*	*P*	*P*	*P*
33	Bars, taverns & nightclubs				*C*	*C*	*C*	*P*	*P*
34	Baseball cards & sports memorabilia sales				*P*	*P*	*P*	*P*	*P*
35	Batteries - retail sales					*P*	*P*	*P*	*P*
36	Batteries - wholesale & distribution							*P*	*P*
37	Beauty supplies, cosmetics & perfumes sales				*C*	*P*	*P*	*P*	*P*
38	Beds, mattresses & bedding sales				*C*	*P*	*P*	*P*	*P*
39	Beverages - alcoholic - wholesale & distribution					*C*	*C*	*P*	*P*
40	Beverages - non-alcoholic - wholesale & distribution					*C*	*C*	*C*	*P*
41	Bicycle sales & repair services				*P*	*P*	*P*	*P*	*P*
42	Billiard equipment & supplies sales				*C*	*P*	*P*	*P*	*P*
43	Billiard or pool halls				*C*	*C*	*C*	*P*	*P*
44	Blueprinting services				*C*	*P*	*P*	*P*	*P*
45	Boat equipment & supplies sales & service				*C*	*P*	*P*	*P*	*P*
46	Boat repair services					*C*	*C*	*P*	*P*
47	Boat sales, rental & leasing services				*C*	*P*	*P*	*P*	*P*
48	Book sales - new, used & rare				*P*	*P*	*P*	*P*	*P*
49	Books - wholesale & printing facilities						*C*	*P*	*P*
50	Bottle, can & container - wholesale & distribution							*P*	*P*
51	Bottling plants & services					*C*	*C*	*P*	*P*
52	Bowling alleys				*C*	*P*	*P*	*P*	*P*
53	Bus sales, repair, charter & rental services					*C*	*C*	*P*	*P*
54	Bus terminals, stations & related facilities & uses					*C*	*C*	*C*	*P*
55	Butcher shops & meat processing services - retail				*P*	*P*	*P*	*P*	*P*
56	Butchering & meat processing services & products - wholesale & distribution					*C*	*C*	*P*	*P*

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

No.	***P = Permitted Use C = Conditional Use***	Residential			Commercial			Industrial	
	USE DESCRIPTION	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
57	Campgrounds & recreational vehicle parks	*C*			*C*	*C*	*C*	*C*	*C*
58	Camping equipment & supplies sales				*C*	*P*	*P*	*P*	*P*
59	Candy, ice cream & confectionary products - retail sales					*C*	*C*	*P*	*P*
60	Candy, ice cream & confectionery products - wholesale & distribution				*P*	*P*	*P*	*P*	*P*
61	Caretakers residences - excluding residences for managers of multi-family dwellings	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
62	Carpet & rug cleaning services				*C*	*P*	*P*	*P*	*P*
63	Carpet & rug sales & service				*C*	*P*	*P*	*P*	*P*
64	Casinos, gambling & legal gaming facilities & related uses				*C*	*C*	*C*	*C*	*C*
65	Catering establishments & services - excluding banquet halls				*C*	*P*	*P*	*P*	*P*
66	Cemeteries & mausoleums	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
67	Cemeteries & mausoleums - animal - including accessory crematories & mortuaries	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
68	Cemeteries & mausoleums - including accessory crematories & mortuaries	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
69	Ceramic tile - wholesale & distribution						*C*	*P*	*P*
70	Cheese & dairy products - wholesale & distribution						*C*	*P*	*P*
71	Cheese & dairy products sales				*P*	*P*	*P*	*P*	*P*
72	Child care facilities - family (see chapter 4 -home occupations)	*P*	*P*	*P*					
73	Child care facilities - group (see chapter 4 -home occupations)	*C*	*C*	*C*					
74	Child care facility - commercial				*P*	*P*	*P*	*P*	*P*
75	Chinaware & glassware sales				*C*	*P*	*P*	*P*	*P*
76	Cigar, cigarette & tobacco - wholesale & distribution						*S*	*P*	*P*
77	Cigar, cigarette & tobacco sales				*P*	*P*	*P*	*P*	*P*
78	Clinics - other				*C*	*C*	*C*	*C*	*C*
79	Clinics or offices - medical or dental - 10,000 square feet of gross floor area or less				*P*	*P*	*P*	*P*	*P*
80	Clinics or offices - medical or dental - more than 10,000 square feet of gross floor area				*C*	*C*	*P*	*P*	*P*
81	Clinics or offices - veterinary - boarding of animals permitted					*C*	*C*	*P*	*P*
82	Clinics or offices - veterinary - no boarding of animals				*C*	*P*	*P*	*P*	*P*
83	Clock sales & repair services				*P*	*P*	*P*	*P*	*P*
84	Clubs - gun							*C*	*C*
85	Clubs, lodges & meeting halls - educational, cultural & religious				*C*	*P*	*P*	*P*	*P*
86	Clubs, lodges & meeting halls - philanthropic, social & fraternal				*C*	*P*	*P*	*P*	*P*
87	Clubs, lodges & meeting halls - including liquor sales				*C*	*C*	*C*	*C*	*C*
88	Coin, stamp, precious metals & collectibles sales & services				*P*	*P*	*P*	*P*	*P*
89	Community residences - family	*P*	*P*	*P*	*C*	*C*	*C*	*C*	*C*
90	Community residences - group	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
91	Computer equipment, parts, supples & systems sales & repair service				*C*	*P*	*P*	*P*	*P*
92	Computers - wholesale & distribution						*C*	*P*	*P*
93	Concrete-ready mixed - retail sales							*P*	*P*
94	Concrete-ready mixed - wholesale & distribution							*C*	*P*
95	Contractors shops & services				*C*	*P*	*P*	*P*	*P*
96	Contractors shops & services - including outdoor storage yards				*C*	*C*	*C*	*P*	*P*
97	Convenience stores - major				*C*	*P*	*P*	*P*	*P*
98	Convenience stores - minor				*C*	*P*	*P*	*P*	*P*
99	Convenience stores - major & minor - including 24 hour operation				*C*	*C*	*C*	*P*	*P*
100	Cookies, cakes & crackers - retail sales				*P*	*P*	*P*	*P*	*P*
101	Cookies, cakes & crackers - wholesale & distribution					*C*	*C*	*P*	*P*
102	Copy & duplicating services				*P*	*P*	*P*	*P*	*P*
103	Costume rental services - masquerade & theatrical				*C*	*P*	*P*	*P*	*P*
104	Currency exchanges				*C*	*P*	*P*	*P*	*P*
105	Dairy products - retail sales				*P*	*P*	*P*	*P*	*P*
106	Dairy products - wholesale & distribution					*C*	*C*	*P*	*P*
107	Department stores					*P*	*P*	*P*	*P*
108	Diaper services				*C*	*P*	*P*	*P*	*P*
109	Divers' equipment & supplies sales				*C*	*P*	*P*	*P*	*P*
110	Dog & cat food - retail sales				*P*	*P*	*P*	*P*	*P*
111	Dog & cat food - wholesale & distribution					*C*	*C*	*P*	*P*
112	Drapery & curtain sales & services				*P*	*P*	*P*	*P*	*P*

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

No.	***P = Permitted Use C = Conditional Use***	Residential			Commercial			Industrial	
	USE DESCRIPTION	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
113	Drive-in & drive-thru facilities - when accessory to permitted or conditional use				*C*	*P*	*P*	*P*	*P*
114	Dwelling - multi-family			*P*					
115	Dwelling - single-family	*P*	*P*	*P*					
116	Dwelling - two-family		*P*	*P*					
117	Electrical equipment & motors - wholesale & distribution					*C*	*C*	*P*	*P*
118	Electrical equipment & motors sales & repair services					*C*	*C*	*P*	*P*
119	Electrical supplies sales				*C*	*P*	*P*	*P*	*P*
120	Electronic & video equipment & supplies sales & repair services				*C*	*P*	*P*	*P*	*P*
121	Electronic & video equipment rental & leasing services				*C*	*P*	*P*	*P*	*P*
122	Electronic & video equipment repair services				*C*	*P*	*P*	*P*	*P*
123	Electronic components - wholesale & distribution					*C*	*C*	*P*	*P*
124	Equipment renting & leasing services				*C*	*P*	*P*	*P*	*P*
125	Equipment renting & leasing services & storage yards - commercial					*C*	*C*	*P*	*P*
126	Equipment renting & leasing services & storage yards - personal				*C*	*C*	*C*	*P*	*P*
127	Fabrics & sewing equipment & supplies sales				*C*	*P*	*P*	*P*	*P*
128	Feed & grain sales & storage facilities					*C*	*C*	*P*	*P*
129	Fiber glass products distribution							*P*	*P*
130	Fire & police equipment & supplies sales & services				*C*	*P*	*P*	*P*	*P*
131	Firewood sales - including outdoor storage yards					*C*	*C*	*P*	*P*
132	Fishing tackle & bait sales				*P*	*P*	*P*	*P*	*P*
133	Flea markets					*C*	*C*	*C*	*C*
134	Flea markets - including open-air sales					*C*	*C*	*C*	*C*
135	Florist services - retail sales - no greenhouse operations				*P*	*P*	*P*	*P*	*P*
136	Food products - wholesale & distribution					*C*	*C*	*C*	*P*
137	Fruits & vegetables - retail sales - including open-air sales				*C*	*P*	*P*	*P*	*P*
138	Fruits & vegetables - wholesale & processing					*C*	*C*	*C*	*P*
139	Fuels & heating oils - retail sales & distribution services					*C*	*C*	*P*	*P*
140	Fuels & heating oils - wholesale & distribution							*C*	*P*
141	Funeral homes & parlors				*P*	*P*	*P*	*P*	*P*
142	Funeral homes & parlors - including crematoriums & related uses				*C*	*C*	*C*	*P*	*P*
143	Furniture & wood products - wholesale & distribution					*C*	*C*	*P*	*P*
144	Furniture rental & leasing services				*C*	*P*	*P*	*P*	*P*
145	Furniture repair & refinishing services				*C*	*C*	*C*	*P*	*P*
146	Furniture sales & services - new				*C*	*P*	*P*	*P*	*P*
147	Furniture sales & services - used				*C*	*P*	*P*	*P*	*P*
148	Garages & parking structures - public				*C*	*P*	*P*	*P*	*P*
149	Gas - propane - retail sales & distribution services					*C*	*C*	*P*	*P*
150	Gift & greeting card sales				*P*	*P*	*P*	*P*	*P*
151	Glass & glass products - wholesale & distribution					*C*	*C*	*P*	*P*
152	Glass sales & services - automotive, plate & window				*C*	*P*	*P*	*P*	*P*
153	Golf courses - miniature				*C*	*P*	*P*	*P*	*P*
154	Golf courses and country clubs & related facilities & uses	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*
155	Golf equipment & supplies sales & services				*C*	*P*	*P*	*P*	*P*
156	Golf practice & driving ranges				*C*	*P*	*P*	*P*	*P*
157	Government facilities & uses - community & regional	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*P*
158	Government facilities & uses - neighborhood	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*
159	Grocery stores - including related sales & service uses				*P*	*P*	*P*	*P*	*P*
160	Guns & ammunition sales & service				*C*	*P*	*P*	*P*	*P*
161	Gunsmith services				*C*	*P*	*P*	*P*	*P*
162	Halfway houses - drug & alcohol abuse treatment	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
163	Hardware sales				*C*	*P*	*P*	*P*	*P*
164	Health, exercise & physical fitness clubs & spas				*C*	*P*	*P*	*P*	*P*
165	Health, exercise & physical fitness equipment sales & services				*C*	*P*	*P*	*P*	*P*
166	Heating & air conditioning equipment & systems sales & service				*C*	*P*	*P*	*P*	*P*
167	Heating & air conditioning parts & supplies sales				*C*	*P*	*P*	*P*	*P*
168	Heating & air conditioning repair services				*C*	*P*	*P*	*P*	*P*

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

No.	***P = Permitted Use C = Conditional Use***	Residential			Commercial			Industrial	
	USE DESCRIPTION	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
169	Hobby & model construction supplies sales				*P*	*P*	*P*	*P*	*P*
170	Home improvement centers - including outdoor storage & display yards				*C*	*P*	*P*	*P*	*P*
171	Home occupations - major (see chapter 4 - home occupations)	*C*	*C*	*C*					
172	Home occupations - minor (see chapter 4 - home occupations)	*P*	*P*	*P*					
173	Hospices	*C*	*C*	*C*	*C*	*P*	*P*	*P*	*P*
174	Hospitals - animal				*C*	*P*	*P*	*P*	*P*
175	Hospitals and medical centers & related facilities & uses				*C*	*P*	*P*	*P*	*P*
176	Hotels and motels & related facilities & uses				*C*	*P*	*P*	*P*	*P*
177	Housewares - retail sales				*P*	*P*	*P*	*P*	*P*
178	Hydraulic equipment & supplies sales & service					*C*	*C*	*P*	*P*
179	Ice - wholesale & distribution					*C*	*C*	*P*	*P*
180	Industrial equipment & supplies sales - general					*C*	*C*	*P*	*P*
181	Inks - writing & marking - wholesale & distribution					*C*	*C*	*P*	*P*
182	Interior decorating & design shops & services				*P*	*P*	*P*	*P*	*P*
183	Janitorial equipment & supplies sales				*C*	*P*	*P*	*P*	*P*
184	Jewelry & diamond sales & service				*P*	*P*	*P*	*P*	*P*
185	Kennels & boarding services - animal & pet				*C*	*P*	*P*	*P*	*P*
186	Kennels & boarding services - animal & pet - including outdoor runs				*C*	*C*	*C*	*P*	*P*
187	Laboratories - medical, dental & x-ray					*P*	*P*	*P*	*P*
188	Laboratories - research, development & testing					*P*	*P*	*P*	*P*
189	Landfills - sanitary - private							*C*	*C*
190	Laundries & dry cleaning services - commercial & industrial					*C*	*C*	*P*	*P*
191	Laundries & dry cleaning services - personal				*P*	*P*	*P*	*P*	*P*
192	Laundries - self service				*P*	*P*	*P*	*P*	*P*
193	Lawn & garden equipment & supplies sales - including outdoor storage & display				*C*	*P*	*P*	*P*	*P*
194	Lawn & garden equipment repair services				*P*	*P*	*P*	*P*	*P*
195	Lighting fixtures & lamps sales				*C*	*P*	*P*	*P*	*P*
196	Linen cleaning & supply services - commercial				*C*	*P*	*P*	*P*	*P*
197	Liquor - retail sales				*C*	*C*	*C*	*P*	*P*
198	Liquor - wholesale & distribution				*C*	*P*	*P*	*P*	*P*
199	Locks & security equipment & systems sales & services				*P*	*P*	*P*	*P*	*P*
200	Lubricants, oils & petroleum products - wholesale & distribution					*C*	*C*	*P*	*P*
201	Lumber & building materials sales - including outdoor storage yards					*P*	*P*	*P*	*P*
202	Machine shop services - commercial & industrial					*C*	*C*	*P*	*P*
203	Manufacturing & industrial facilities & related uses - light						*C*	*P*	*P*
204	Manufacturing & industrial facilities & related uses- heavy							*C*	*P*
205	Marinas and boat related facilities & uses				*C*	*P*	*P*	*P*	*P*
206	Martial arts instruction				*P*	*P*	*P*	*P*	*P*
207	Medical & surgical equipment & supplies sales				*P*	*P*	*P*	*P*	*P*
208	Military surplus goods sales				*C*	*P*	*P*	*P*	*P*
209	Mobile & cellular telephone & paging services				*P*	*P*	*P*	*P*	*P*
210	Mobile & cellular telephone equipment & supplies sales & service				*P*	*P*	*P*	*P*	*P*
211	Manufactured home parks - not less than 5 acres in size	*C*	*C*	*C*					
212	Manufactured home pud's - not less than 5 acres in size	*C*	*C*	*C*					
213	Mobile home equipment & parts sales				*C*	*P*	*P*	*P*	*P*
214	Mobile homes sales & service - including outdoor storage & display yards					*C*	*C*	*P*	*P*
215	Mobile office & commercial unit sales - including outdoor storage & display yards					*C*	*C*	*P*	*P*
216	Monument sales - including outdoor storage & display yards				*C*	*P*	*P*	*P*	*P*
217	Motor home sales, rental & leasing services				*C*	*P*	*P*	*P*	*P*
218	Motor vehicle - storage facilities - recreational					*C*	*C*	*P*	*P*
219	Motor vehicle - storage facilities - recreational - including outdoor storage yards							*P*	*P*
220	Motor vehicle alarms & stereo systems sales & service				*P*	*P*	*P*	*P*	*P*
221	Motor vehicle alternator & starter sales, repair & rebuilding services				*C*	*P*	*P*	*P*	*P*
222	Motor vehicle body repair & painting services					*C*	*C*	*P*	*P*
223	Motor vehicle brakes, mufflers & shocks sales & repair services				*C*	*P*	*P*	*P*	*P*
224	Motor vehicle engine rebuilding & exchange services					*C*	*C*	*P*	*P*

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

No.	***P = Permitted Use C = Conditional Use***	Residential			Commercial			Industrial	
	USE DESCRIPTION	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
225	Motor vehicle laundry - detailing & hand wash				*C*	*C*	*C*	*P*	*P*
226	Motor vehicle laundry - mechanized				*C*	*C*	*C*	*P*	*P*
227	Motor vehicle laundry - self-service				*C*	*C*	*C*	*P*	*P*
228	Motor vehicle leasing & rental services				*C*	*P*	*P*	*P*	*P*
229	Motor vehicle machine shop services					*C*	*C*	*P*	*P*
230	Motor vehicle moving equipment & truck rental services					*C*	*C*	*P*	*P*
231	Motor vehicle oil & lubricating services				*C*	*P*	*P*	*P*	*P*
232	Motor vehicle parts & supplies sales - new				*C*	*P*	*P*	*P*	*P*
233	Motor vehicle parts & supplies sales, repair & rebuilding services - used					*C*	*C*	*P*	*P*
234	Motor vehicle parts - wholesale & distribution					*C*	*C*	*P*	*P*
235	Motor vehicle performance, race & sports car equipment sales & service					*P*	*P*	*P*	*P*
236	Motor vehicle race tracks and related facilities & uses					*C*	*C*	*C*	*C*
237	Motor vehicle radiator sales, rebuilding & repairing services					*C*	*C*	*P*	*P*
238	Motor vehicle rental & leasing services				*C*	*P*	*P*	*P*	*P*
239	Motor vehicle rustproofing & undercoating services					*P*	*P*	*P*	*P*
240	Motor vehicle sales & service - new & used				*C*	*P*	*P*	*P*	*P*
241	Motor vehicle sales & service - used				*C*	*C*	*C*	*P*	*P*
242	Motor vehicle seat covers, tops & upholstery services				*C*	*P*	*P*	*P*	*P*
243	Motor vehicle service station - major					*C*	*P*	*P*	*P*
244	Motor vehicle service station - minor				*C*	*P*	*P*	*P*	*P*
245	Motor vehicle tire & wheel sales & service				*C*	*P*	*P*	*P*	*P*
246	Motor vehicle towing services - including temporary outdoor storage yards					*C*	*C*	*P*	*P*
247	Motor vehicle transmission services				*C*	*P*	*P*	*P*	*P*
248	Motor vehicle wheel alignment, frame & axle services				*C*	*P*	*P*	*P*	*P*
249	Motor vehicle wrecking & salvage yards							*C*	*C*
250	Motorcycle, snowmobile & atv sales & service				*C*	*P*	*P*	*P*	*P*
251	Movers & moving related facilities & services					*C*	*C*	*P*	*P*
252	Musical instruments sales, repair & instruction services				*P*	*P*	*P*	*P*	*P*
253	Newspaper plants & distribution centers					*C*	*C*	*P*	*P*
254	Nursery & greenhouse operations - retail sales				*C*	*P*	*P*	*P*	*P*
255	Nursery & greenhouse operations - wholesale					*C*	*C*	*P*	*P*
256	Nursing & convalescent homes	*C*	*C*	*P*	*C*	*C*	*C*	*C*	*C*
257	Office furniture & equipment sales				*P*	*P*	*P*	*P*	*P*
258	Office supplies sales				*P*	*P*	*P*	*P*	*P*
259	Offices - business & commercial - primarily related to goods or merchandise	*C*			*P*	*P*	*P*	*P*	*P*
260	Offices - clerical & research - not primarily related to goods or merchandise	*C*			*P*	*P*	*P*	*P*	*P*
261	Offices - government - local, state & federal				*P*	*P*	*P*	*P*	*P*
262	Outdoor advertising sign structures & billboards				*C*	*C*	*C*	*P*	*P*
263	Paint - wholesale & distribution					*C*	*C*	*P*	*P*
264	Paint, tile & wallpaper - retail sales				*C*	*P*	*P*	*P*	*P*
265	Parking lots & structures - public				*C*	*C*	*C*	*P*	*P*
266	Pawnbroker shops & services				*C*	*P*	*P*	*P*	*P*
267	Pest control services				*C*	*P*	*P*	*P*	*P*
268	Petroleum products - wholesale & distribution					*C*	*C*	*P*	*P*
269	Pharmaceutical products - wholesale & distribution					*C*	*C*	*P*	*P*
270	Pharmacies & drug stores				*P*	*P*	*P*	*P*	*P*
271	Photo finishing services				*P*	*P*	*P*	*P*	*P*
272	Photographers portrait studios				*P*	*P*	*P*	*P*	*P*
273	Photographic equipment & supplies sales				*P*	*P*	*P*	*P*	*P*
274	Picture framing services				*P*	*P*	*P*	*P*	*P*
275	Planned unit developments - commercial & industrial - not less than 5 acres in size				*C*	*C*	*C*	*C*	*C*
276	Planned unit developments - residential - not less than 5 acres in size	*C*	*C*	*C*					
277	Plastic powders, liquids, resins, etc. - wholesale & distribution					*C*	*C*	*P*	*P*
278	Plastic products - wholesale & distribution					*C*	*C*	*P*	*P*
279	Plumbing & heating equipment & systems sales & service				*C*	*P*	*P*	*P*	*P*
280	Plumbing & heating parts & supplies sales & repair services				*C*	*P*	*P*	*P*	*P*

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

No.	***P = Permitted Use C = Conditional Use***	Residential			Commercial			Industrial	
	USE DESCRIPTION	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
281	Pools - commercial & private	*C*	*C*	*C*	*C*	*C*	*C*	*P*	*P*
282	Pools - public	*C*	*C*	*C*	*C*	*P*	*P*	*P*	*P*
283	Pools, hot tubs & spa sales & service				*C*	*P*	*P*	*P*	*P*
284	Printing & lithography services & facilities - commercial					*C*	*C*	*P*	*P*
285	Printing & lithography services & facilities - personal					*P*	*P*	*P*	*P*
286	Public utility facilities & related uses - community or regional	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
287	Public utility facilities & related uses - neighborhood	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*
288	Radio communications equipment & systems sales & service				*P*	*P*	*P*	*P*	*P*
289	Records, tapes & compact disc - wholesale & distribution					*C*	*C*	*P*	*P*
290	Records, tapes & compact discs - retail sales				*P*	*P*	*P*	*P*	*P*
291	Recycling & collection centers					*C*	*C*	*P*	*P*
292	Religious institutions - churches, temples & synagogues	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*
293	Religious institutions - convents & monasteries	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*
294	Religious institutions and related facilities & uses - other	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
295	Resale & second hand shops				*C*	*P*	*P*	*P*	*P*
296	Restaurants - carry-out & delivery				*C*	*P*	*P*	*P*	*P*
297	Restaurants - drive-in				*C*	*P*	*P*	*P*	*P*
298	Restaurants - fast food				*C*	*P*	*P*	*P*	*P*
299	Restaurants - full service				*C*	*P*	*P*	*P*	*P*
300	Restaurants - including live entertainment				*C*	*P*	*P*	*P*	*P*
301	Restaurants - including outdoor seating				*C*	*P*	*P*	*P*	*P*
302	Rooming, boarding & lodging houses	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
303	Sandblasting services					*C*	*C*	*P*	*P*
304	Satellite equipment & systems sales & service				*C*	*P*	*P*	*P*	*P*
305	Scaffolding & aerial lift services - including outdoor storage yards					*C*	*C*	*P*	*P*
306	School supply sales				*P*	*P*	*P*	*P*	*P*
307	Schools - colleges, universities & related facilities & uses	*C*	*C*	*C*	*C*	*C*	*C*	*P*	*P*
308	Schools - elementary, secondary & related facilities & uses	*C*	*C*	*C*	*C*	*C*	*C*	*P*	*P*
309	Schools - pre, kindergarten & related facilities	*C*	*C*	*C*	*C*	*C*	*C*	*P*	*P*
310	Schools - trade & vocational					*C*	*C*	*P*	*P*
311	Schools and related facilities & uses - other				*C*	*C*	*C*	*C*	*C*
312	Scrap metals & materials salvage yards							*C*	*C*
313	Self-service storage facility - personal & commercial					*C*	*C*	*P*	*P*
314	Semi-tractor & truck caps & shells sales & service					*P*	*P*	*P*	*P*
315	Semi-tractor & truck equipment & parts sales					*P*	*P*	*P*	*P*
316	Semi-tractor & truck rental & leasing services					*P*	*P*	*P*	*P*
317	Semi-tractor & truck repair services					*C*	*C*	*P*	*P*
318	Semi-tractor & truck sales & service					*P*	*P*	*P*	*P*
319	Semi-tractor & truck washing & cleaning services					*C*	*C*	*P*	*P*
320	Sheet metal work & services					*C*	*C*	*P*	*P*
321	Shelter care centers & facilities - domestic violence, homeless, etc.				*C*	*C*	*C*	*P*	*P*
322	Shelter care homes - domestic violence, homeless, etc.	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*
323	Shoe & boot repair services				*P*	*P*	*P*	*P*	*P*
324	Shoe & boot sales & service				*C*	*C*	*P*	*P*	*P*
325	Shoes & boots - wholesale & distribution					*C*	*C*	*P*	*P*
326	Shopping centers & malls - major - more than 25,000 square feet				*C*	*C*	*P*	*P*	*P*
327	Shopping centers & malls - minor - 25,000 square feet or less					*P*	*P*	*P*	*P*
328	Signs (see chapter 11 - signs)								
329	Skateboards & equipment sales & service				*P*	*P*	*P*	*P*	*P*
330	Skating rinks - indoor				*C*	*P*	*P*	*P*	*P*
331	Skating rinks - outdoor				*C*	*C*	*C*	*P*	*P*
332	Social service facilities - other				*C*	*C*	*C*	*P*	*P*
333	Sporting & athletic goods sales				*C*	*P*	*P*	*P*	*P*
334	Sports & recreation clubs - indoor				*C*	*P*	*P*	*P*	*P*
335	Sports & recreation clubs - outdoor				*C*	*C*	*C*	*P*	*P*
336	Steel, iron & metal products - wholesale & distribution					*C*	*C*	*P*	*P*

PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT

No.	***P = Permitted Use C = Conditional Use***	Residential			Commercial			Industrial	
	USE DESCRIPTION	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2
337	Surplus & salvage merchandise sales					*P*	*P*	*P*	*P*
338	Surplus & salvage merchandise sales - including open-air sales & display yards					*C*	*C*	*P*	*P*
339	Swimming pools, equipment & supplies sales & service					*P*	*P*	*P*	*P*
340	T-shirt sales & services				*P*	*P*	*P*	*P*	*P*
341	Tailor or seamstress services				*P*	*P*	*P*	*P*	*P*
342	Tanning salons				*C*	*P*	*P*	*P*	*P*
343	Tattooing parlors & services				*C*	*P*	*P*	*P*	*P*
344	Taxicab, limousine and airport transportation services & facilities				*C*	*C*	*P*	*P*	*P*
345	Taxidermist services				*P*	*P*	*P*	*P*	*P*
346	Telephone equipment & systems sales & service				*P*	*P*	*P*	*P*	*P*
347	Television & radio stations & broadcast studios - excluding towers & antennas				*C*	*P*	*P*	*P*	*P*
348	Tents & canvas goods sales, rental & leasing services				*C*	*P*	*P*	*P*	*P*
349	Theaters - motion picture & live entertainment - indoor				*C*	*P*	*P*	*P*	*P*
350	Theaters - motion picture & live entertainment - outdoor				*C*	*C*	*C*	*P*	*P*
351	Tool & die services							*P*	*P*
352	Towers, antennas & related structures - commercial & public utility - 50 feet in height				*C*	*C*	*C*	*P*	*P*
353	Towers, antennas & related structures - commercial & public utility - over 50 feet in					*C*	*C*	*C*	*P*
354	Toys - retail sales				*P*	*P*	*P*	*P*	*P*
355	Toys - wholesale & distribution					*C*	*C*	*P*	*P*
356	Trailer sales & service - camping & travel					*P*	*P*	*P*	*P*
357	Trophy sales & services				*P*	*P*	*P*	*P*	*P*
358	Tuxedo & formal wear sales & rental services				*P*	*P*	*P*	*P*	*P*
359	Uniform sales & rental services				*P*	*P*	*P*	*P*	*P*
360	Upholstering services				*C*	*P*	*P*	*P*	*P*
361	Video & coin-operated game arcades				*C*	*C*	*C*	*P*	*P*
362	Video tapes & discs rental & leasing services				*P*	*P*	*P*	*P*	*P*
363	Video tapes & discs sales				*P*	*P*	*P*	*P*	*P*
364	Vitamins, food & health supplements sales				*P*	*P*	*P*	*P*	*P*
365	Warehousing and distribution facilities & related uses							*P*	*P*
366	Warehousing and distribution facilities & related uses - including outdoor storage							*P*	*P*
367	Wearing apparel & accessories sales				*P*	*P*	*P*	*P*	*P*
368	Wedding & bridal supplies sales & services				*P*	*P*	*P*	*P*	*P*
369	Welding equipment & supplies sales					*C*	*P*	*P*	*P*
370	Welding services					*C*	*C*	*P*	*P*
371	Wood working shops & services - cabinets, furniture, etc.				*C*	*P*	*P*	*P*	*P*