

# City of Berwyn

## TITLE 4: ZONING

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## **CHAPTER 1240: TITLE AND APPLICABILITY**

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§ 1240.03	Applicability
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### **§ 1240.01 Title**

This Title Four of Part Twelve of the Codified Ordinances of the City of Berwyn as amended shall be known, referred to, and cited as the “Zoning Code of the City of Berwyn,” “Zoning Code,” or “Code.”

### **§ 1240.02 Authority and Purpose**

The provisions of this Zoning Code are adopted pursuant to the City’s home rule authority under Article VII of the Constitution of the State of Illinois (1970), and the authority granted to the City by the Illinois Municipal Code, for the following purposes:

- A. Protect and promote the health, safety, comfort, convenience, and general welfare of the public.
- B. Ensure adequate light, air, open space, privacy, and access to property.
- C. Implement the goals and objectives of the City’s Comprehensive Plan and the other land use policies of the City.
- D. Maintain and promote orderly land use patterns and development.
- E. Facilitate the provision of adequate public services and infrastructure.
- F. Protect the City’s quality of life and the character of its neighborhoods by ensuring that development is compatible and cohesive.
- G. Protect and enhance the taxable value of land, buildings, and structures.
- H. Promote development that sustainably manages environmentally sensitive issues.
- I. Define the responsibilities of the City’s administrative bodies and establish procedures for the effective use of the provisions of this Code.

### **§ 1240.03 Applicability**

- A. Jurisdiction. This Code shall apply to all land, uses, and structures within the corporate boundaries of the City, including those owned by other municipal corporations and governmental bodies.
- B. General Applicability. The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion and protection of the public health, safety, convenience, comfort, and general welfare to achieve the purposes for which this Code was adopted.
- C. General Prohibition. No structure, use of any structure or land, lot of record, or zoning lot shall be established, enlarged, extended, altered, moved, divided, or maintained in any manner contrary to the provisions of this Code.
- D. Private Agreements. This Code is not intended to nullify any easement, covenant, or other private agreement. In cases where this Code is more restrictive than a private agreement, this Code shall control. The City shall not enforce any private agreements.
- E. Other Laws and Regulations. Unless specifically stated, this Code shall control over less restrictive ordinances, regulations, and statutes, while more restrictive ordinances, regulations, and statutes shall control over the provisions of this Code. The more restrictive provision is the provision that imposes more stringent controls.

### **§ 1240.04 Transition Rules**

The following transition rules shall apply in determining the applicability of this Code with respect to the previously applicable zoning regulations.

- A. Existing Illegal Uses, Structures, and Lots. Any use, structure, or lot that was established illegally as of the effective date of this Zoning Code, or its subsequent amendments, shall remain illegal if it does not conform with the requirements of this Zoning Code.
- B. Permitted Uses Rendered Special Uses. If a use was classified as a permitted use prior to the effective date of this Code, and is classified as a special use as of the effective date of this Code, or its subsequent amendments, that use shall be deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use shall conform to this Code's requirements for special uses.
- C. Special Uses Rendered Permitted Uses. If a use was classified as a special use prior to the effective date of this Code, and is classified as a permitted use as of the effective date of this Code, or its subsequent amendments, that use shall be deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use shall conform to this Code's requirements for such permitted use and is no longer subject to the special use ordinance under which it was originally approved.
- D. Uses Rendered Nonconforming. If a use was classified as a permitted or special use prior to the effective date of this Code, and this Code no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use and shall be controlled by the provisions of § 1252.05 (Nonconformities).

- E. Structures and Lots Rendered Nonconforming. If a structure or lot existing on the effective date of this Code was conforming prior to the effective date of this Code, and such structure or lot does not meet all standards set forth in this Code, that structure or lot shall be deemed legally nonconforming and shall be controlled by the provisions of § 1252.05 (Nonconformities).
- F. Previously Issued Building Permits. If a building permit for a building or structure was lawfully issued prior to the effective date of this Code, and if construction has begun within three months of the issuance of that permit and diligently pursued to completion, the structure may be completed based on the previously issued building permit, and may be occupied under an occupancy permit for the use originally intended upon completion.
- G. Previously Granted Special Uses and Variations. All special uses and variations granted prior to the effective date of this Code shall remain in effect. The recipient of the special use or variation may proceed to develop the property in accordance with the plans and any applicable conditions approved by the City Council (refer to § 1252.01.B (City Council) or Zoning, Planning, and Development Commission (refer to § 1252.01.C (Zoning, Planning, and Development Commission))). If the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Code shall govern.
- H. Pending Applications. If an application has been submitted to the City, but has not been scheduled for a public hearing or other required review prior to the effective date of this Code, then the provisions of this Code shall govern the application.

#### **§ 1240.05 Interpretation**

- A. Graphics, Tables, and Text. The graphics, tables, and text in this Code are regulatory. In case of a conflict, text shall control over tables and graphics, and tables shall control over graphics.
- B. Tense and Form. Words used in the present tense include the past and future tenses.
- C. Number. The singular number includes the plural number, and vice versa.
- D. Lists. Lists of examples prefaced with “including the following,” “such as,” or other similar phrases shall not be construed to be exclusive or preclude the Zoning Administrator from interpreting the list to include similar, unspecified examples.
- E. Shall and May. The word “shall” is mandatory, while the word “may” is permissive. “Shall not” and “may not” are both prohibitive.
- F. Undefined Terms. Any words not defined in this Chapter shall be interpreted as defined in normal dictionary usage.

#### **§ 1240.06 Enforcement**

- A. Enforcement. This Code shall be enforced by the Zoning Administrator (refer to § 1252.01.D (Zoning Administrator)). The Zoning Administrator may seek the assistance of the City Attorney to enjoin, abate, or stop any violation of this Zoning Code. The Zoning Administrator may seek the assistance of the Police Department to enforce this Zoning Code. The property owner charged with a violation of this Zoning Code may be held responsible for any legal expenses incurred by the City as may be permitted by law.
  
- B. Penalties and Fines. Any person, firm, or corporation who does not comply with any of the provisions of this Zoning Code, or who resists the enforcement thereof, shall be fined for each offense in accordance with the Municipal Code. Each day that a violation continues shall constitute a separate offense. The accumulation of penalties for violations shall cease upon correction of the violation, but the obligation to pay for violations already committed shall not.

#### **§ 1240.07 Severability**

If any chapter, section, provision, clause, or portion of this Zoning Code is adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, invalidate, or nullify the validity of the remainder of this Code. The effect of the judgment shall be confined to the chapter, section, provision, clause, or portion of the Code immediately involved in the judgment rendered.

#### **§ 1240.08 Effective Date**

The effective date of this Code is September 22, 2017.

## CHAPTER 1242: ESTABLISHMENT OF ZONING DISTRICTS

§ 1242.01	Purpose
§ 1242.02	Establishment of Zoning Districts
§ 1242.03	Zoning Map
§ 1242.04	Annexed Land
§ 1242.05	Use of Land and Buildings

### § 1242.01 Purpose

The purpose of this Chapter is to establish the various zoning districts applicable to the City and to introduce the Zoning Map.

### § 1242.02 Establishment of Zoning Districts

In order to carry out the purpose and intent of this Zoning Code, the City is hereby divided into the following zoning districts.

#### A. Commercial Districts.

1. C-1: Neighborhood Mixed-Use District. The C-1 Neighborhood Mixed-Use District is established to apply to small-scale mixed-use areas of the City that primarily serve the surrounding neighborhoods. The C-1 District allows commercial, mixed-use, and office uses, as well as a variety of residential uses.
2. C-2: Traditional Mixed-Use District. The C-2 Traditional Mixed-Use District is established to accommodate moderate-intensity mixed-use and pedestrian-oriented development primarily along Cermak and Roosevelt Roads. The C-2 District allows a range of retail, service, office, and institutional uses.
3. C-3: Depot Mixed-Use District. The C-3 Depot Mixed-Use District is established to accommodate higher-intensity mixed-use and pedestrian-oriented development in the City's Depot District area. The C-3 District allows a range of retail, service, office, and institutional uses.
4. C-4: Corridor Commercial District. The C-4 Corridor Commercial District is established to accommodate moderate-scale, auto-oriented commercial development primarily along Harlem and Ogden Avenues that serves Berwyn and surrounding communities. The C-4 District allows commercial, office, and institutional uses, as well as multi-family uses.

B. Industrial District. The I Industrial District is established to provide for low-intensity industrial development in limited areas of the City. The I District allows industrial uses, such as assembly, warehousing, distribution of goods, and light manufacturing, as well as institutional and limited commercial uses.

C. Public Areas District. The P Public Areas District is established to accommodate public-serving uses, such as governmental, educational, cultural, recreational, and community facilities uses, throughout the City.

#### D. Residential Districts.

1. R-1: Single-Family Residence District. The R-1 Single-Family Residence District is established to accommodate residential development in a manner consistent with the character of existing



single-family neighborhoods in the City. Single-family dwellings, along with limited civic and institutional uses, are allowed.

2. R-2: Bungalow District. The R-2 Bungalow District is established to accommodate residential development and improvements in a manner congruent with the character of existing bungalow housing stock in the City. Single-family dwellings and limited civic and institutional uses are allowed.
3. R-3: Two-Family Residence District. The R-3 Two-Family Residence District is established to accommodate the character of existing neighborhoods that consist predominantly of two-family and single-family dwellings in the City. Single-family and two-family dwellings, along with limited civic and institutional uses, are allowed.
4. R-4: Multi-Family Residence District. The R-4 Multi-Family Residence District is established to accommodate a variety of housing types, including single-family, two-family, and multi-family residences. Limited civic and institutional uses are allowed.

### **§ 1242.03 Zoning Map**

- A. Establishment of Zoning Map. The location and boundaries of the districts established in § 1242.02 (Establishment of Zoning Districts) are hereby established on the map designated as the Zoning Map of the City of Berwyn and referred to herein as “Zoning Map.” The Zoning Map is adopted by reference and declared to be part of this Code.
  1. Location of Map. The Zoning Map shall be kept for reference on the City’s public website and in the offices of both the City Clerk and Zoning Administrator.
  2. Zoning Map Amendments. All amendments to this Code (refer to § 1252.03.E (Zoning Text and Map Amendment) which involve a change to the district designation of a lot shall be recorded on the City’s official Zoning Map.
- B. Interpretation of Boundary Lines. The boundaries of all zoning districts shown on the Zoning Map shall be determined in accordance with the following rules:
  1. Right-of-Way Lines. Where zoning district boundary lines coincide with streets, alleys, railroads, easements, or similar rights-of-way, the centerline of the right-of-way shall be considered the boundary line of the district.
  2. Lot Lines. Where zoning district boundary lines coincide with a lot line, the lot line shall be considered the boundary line of the district.

### **§ 1242.04 Annexed Land**

Any property annexed to the City shall be classified as R-1 Single-Family Residence District upon annexation and shall be subject to the requirements of the R-1 Single-Family Residence District, unless otherwise provided for in the annexation agreement or until the territory is rezoned.

### **§ 1242.05 Use of Land and Buildings**

- A. Number of Buildings on a Lot. In the R-1, R-2, R-3, and R-4 Districts, no more than one principal building may be located on a single lot. In all other districts, more than one principal building may be

located on a lot provided that each building complies with the applicable requirements of Chapter 1246 (Zoning District Regulations) as though it were a principal building on an individual lot.

B. Applicability of District Regulations.

1. Applicability of Use Regulations. No building, structure, or land shall be utilized for any use other than a use allowed as either a permitted or special use in the zoning district in which such building, structure, or land is located. Buildings, structures, or land may also be used for a temporary use or an accessory use in accordance with the requirements of § 1244.04 (Accessory Structures and Uses) and § 1244.05 (Temporary Structures and Uses).
2. Applicability of Lot and Setback Regulations. No lot or setback shall be reduced in dimension or area below the minimum requirements of this Code. Lots or setbacks created after the effective date hereof shall meet the minimum requirements established by this Code. All setbacks allocated to a building shall be located on the same zoning lot as such building.
3. Applicability of Bulk and Height Regulations. All buildings and structures erected after the effective date of this Code shall meet the bulk and height requirements for the zoning district in which the structure is located. No existing structure shall be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure shall be located.

C. Visibility Obstruction. Nothing in any residential district shall be erected, placed, or allowed to grow in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians.

1. Visibility Obstructions at Intersecting Streets. No building, structure, or landscape element shall exceed three feet in height within the sight triangle area formed by 25 feet of the intersecting streets measured along the curb line, or edge of pavement where no curbs are present (see Figure 1242.05-A. Visibility Obstruction at Intersecting Streets).
2. Visibility Obstructions at Driveways. No building, structure, sign, or landscape element shall obstruct the area within the sight triangle, between three feet and seven feet in height, on either side of any driveway. Beginning at the intersection of the lot line with the driveway, the sight triangle shall be formed by measuring 10 feet along the lot line in the opposite direction of the driveway and 10 feet along the driveway in the opposite direction of the lot line, then connecting the endpoints of the lines across the subject property (see Figure 1242.05-B. Visibility at Driveways).

Figure 1242.05-A. Visibility Obstruction at Intersecting Streets

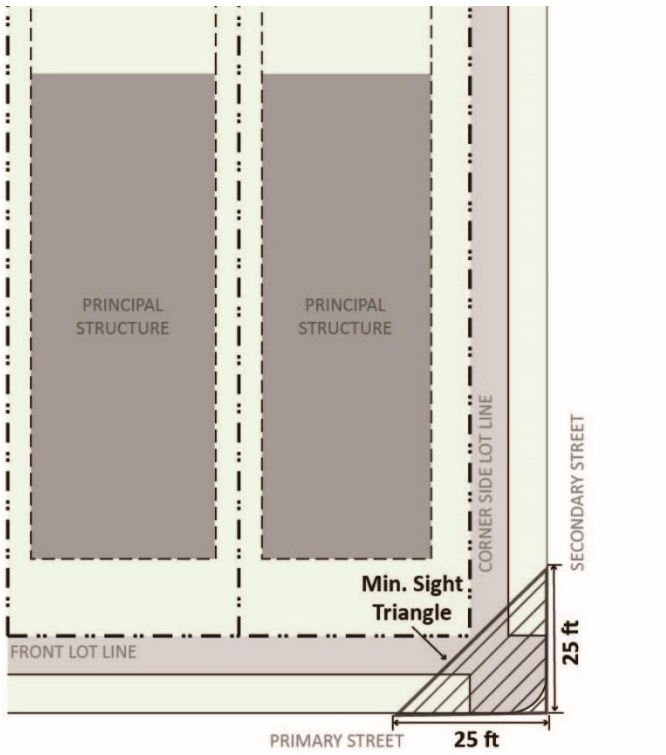
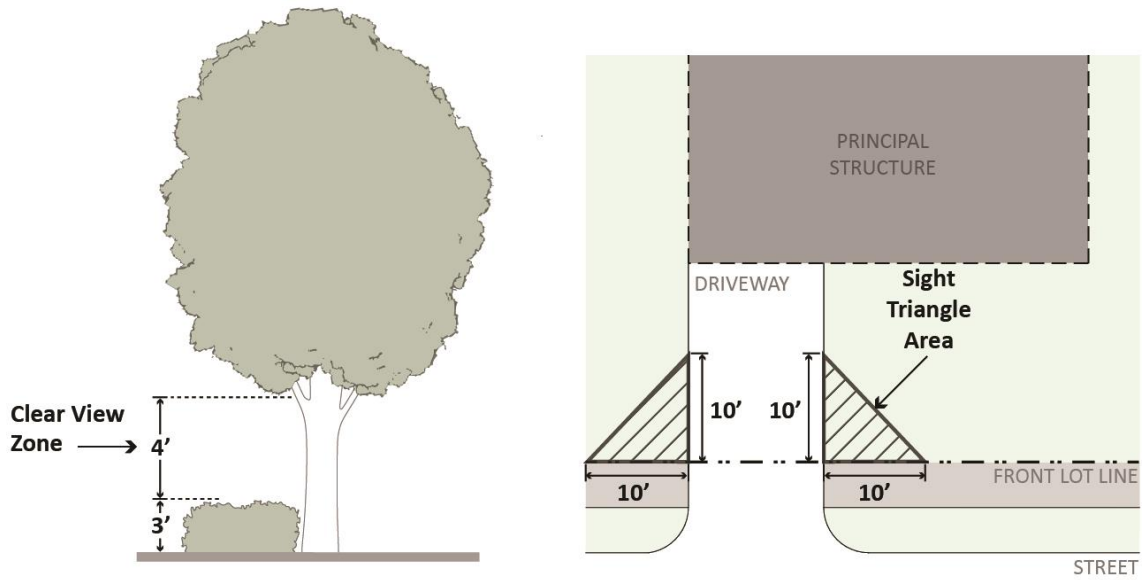


Figure 1242.05-B. Visibility Obstruction at Driveways



## CHAPTER 1244: USES

§ 1244.01	General Provisions
§ 1244.02	Use Table
§ 1244.03	Use Standards
§ 1244.04	Accessory Structures and Uses
§ 1244.05	Temporary Structures and Uses
§ 1244.06	Environmental Performance Standards

### § 1244.01 General Provisions

- A. Purpose. The purpose of this Chapter is to establish the uses of land allowed by this Code.
- B. General Standards. The following standards apply generally to the uses allowed by this Code.
1. Federal, State, and Local Requirements. All uses shall comply with relevant federal, state, and local standards including licensing, health, and safety requirements.
  2. Number of Uses. A lot may contain more than one principal use.
  3. Principal, Accessory, and Temporary Uses. Each use may function as a principal, accessory, or temporary use on a lot, unless otherwise specified.
  4. Uses within Enclosed Buildings or Structures. Each use shall be located within an enclosed building or structure, unless otherwise specified in this Code. All buildings and structures shall comply with the applicable requirements of this Chapter and Chapter 1246 (Zoning District Regulations).
  5. Exempt Public Uses. The following public uses are allowed to be erected, constructed, altered, or maintained in any zoning district:
    - a. Traffic signals, fire hydrants, and other similar public safety devices.
    - b. Street signs.
    - c. Utility poles, wires, mains, drains, pipes, conduits, and cables necessary for public services.
- C. Interpretation. Some of the uses included in this Chapter are defined as broad, generic categories that contain clusters of similar uses. See Chapter 1254 (Definitions) for definitions of the uses included in this Chapter.
1. Unlisted Similar Use. If a use is not listed in this Chapter, but is similar in nature and impact to a permitted or special use allowed within a zoning district, the Zoning Administrator may interpret the unlisted use as an allowed use.
    - a. The unlisted use shall be subject to any use standards that apply to the similar allowed use.
    - b. The Zoning Administrator may interpret the unlisted use as requiring the approval of a special use permit if the similar allowed use requires the approval of a special use permit.
  2. Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a permitted or special use, the use is not allowed and may only be approved through an amendment of this Code (refer to § 1252.03.E (Zoning Text and Map Amendment)).

**§ 1244.02 Use Table**

A. Use Table. Table 1244.02-A. Use Table establishes the uses allowed in each zoning district. Each use is given one of the following designations for each zoning district.

1. Permitted Use (“P”). A “P” indicates that a use is allowed by right within the designated district provided that it meets all applicable use standards set forth in § 1244.03 (Use Standards).
2. Special Use (“S”). An “S” indicates that the use requires the approval of a special use permit (refer to § 1252.03.C (Special Use Permit)) and must meet the use standards set forth in § 1244.03 (Use Standards) in order to be allowed within the designated district.
3. No Designation. The absence of a letter (a blank space) or the absence of the use from the table indicates that the use is not allowed within the designated district.

B. Use Standards. Uses that are designated as “Permitted Use” or “Special Use” may have use standards that must be met, as established in § 1244.03 (Use Standards).

**Table 1244.02-A. Use Table**

Uses	Districts										Use Standards
	C-1	C-2	C-3	C-4	I	P	R-1	R-2	R-3	R-4	
<b>Residential</b>											
Community Residence	P						P	P	P	P	See § 1244.03.E
Dwelling Above the Ground Floor	P	P	P	P							None
Multi-Family Dwelling	S	S	S	P						P	See § 1244.03.Q
Residential Care Facility	P	P	P	P						P	None
Single-Family Dwelling	P						P	P	P	P	None
Townhouse Dwelling	P	S	S							P	None
Two-Family Dwelling	P								P	P	None
<b>Civic and Institutional</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I</b>	<b>P</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	
Community Garden	P	P	P	P		P	P	P	P	P	See § 1244.03.D
Cultural Facility	S	S	S	S		S					None
Government Facility	P	P	P	P	P	P	P	P	P	P	See § 1244.03.J
Hospital	S	S	S	S		S					None
Park	P	P	P	P	P	P	P	P	P	P	None
Place of Worship	S	S	S	S	P	P	P	P	P	P	None
Preschool or Elementary School	S	S	S	S		S	S	S	S	S	See § 1244.03.W
Secondary School	S	S	S	S		S					See § 1244.03.W
<b>Commercial</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I</b>	<b>P</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	
Adult Use					S						None
Animal Boarding				S	P						See § 1244.03.A
Animal Hospital	P	P	P	P	P						None
Banquet Hall		S	S	S							See § 1244.03.B
Bar/Tavern	S	P	P	P							None
Car Wash				S	P						See § 1244.03.C
Credit Union, Loan Company, or Mortgage Broker		S	S	P							See § 1244.03.F
Currency Exchange or Payday Loan		S		P	P						See § 1244.03.G
Day Care Center	S	S	S	S							None
Day Care Home							P	P	P	P	See § 1244.03.H
Financial Institution	P	P	P	P	P						None
Funeral Home	S	P	S	P							None
Gas Station	S	S		P	P						See § 1244.03.I
Hotel or Motel		S	S	S							None

<b>Commercial</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I</b>	<b>P</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>Use Standards</b>
Indoor Entertainment or Recreation	S	S	S	S	P						See § 1244.03.K
Medical/Dental Office With Dispensary				S	S						None
Medical/Dental Office Without Dispensary	P	P	P	P	P						None
Medical Marijuana Dispensary				S	S						See § 1244.03.L
Microbrewery / Micro-Distillery	S	S	S	S	S						See § 1244.03.M
Motor Vehicle Rental		S	S	P	P						See § 1244.03.N
Motor Vehicle Repair and/or Service	S	S	S	P	P						See § 1244.03.O
Motor Vehicle Sales				P	P						See § 1244.03.P
Nursery				P	P						None
Outdoor Entertainment or Recreation	S	S	S	S	S						See § 1244.03.S
Pawn Shop		S		P	S						See § 1244.03.U
Personal Services Establishment	P	P	P	P	P						None
Professional Office	P	P	P	P	P						None
Research / Development Facility		P	P	P	P						None
Restaurant	P	P	P	P	P						None
Retail Goods Establishment	P	P	P	P	P						None
Self-Service Storage		P		P	P						See § 1244.03.X
Tattoo Parlor		S	S	P	P						None
Tobacco Shop	P	S	S	P	P						See § 1244.03.Z
Transitional Treatment Facility With Dispensary				S	S						See § 1244.03.AA
Transitional Treatment Facility Without Dispensary	S	S	S	S	P						See § 1244.03.AA
<b>Manufacturing</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I</b>	<b>P</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	
General Manufacturing					P						None
Small Food Manufacturing		P	P	P	P						See § 1244.03.Y
Warehousing, Storage, or Distribution Facility				S	P						None
Wholesale Establishment				S	P						None
<b>Other Uses</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I</b>	<b>P</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	
Club, Lodge, or Hall	S	S	S	S	S	S				S	None
Off-Street Parking Lot	S	S	S	P	P	P				S	See § 1244.03.R
Parking Garage		S	S	P	P	P					See § 1244.03.T
Planned Development	S	S	S	S	S	S	S	S	S	S	See § 1244.03.V
Utility	S	S	S	S	S	S				S	See § 1244.03.BB
Wireless Telecommunication Facility or Tower	S	S	S	S	S	S	S	S	S	S	See § 1244.03.CC

**Table Key**

P: Allowed by right and shall meet requirements of § 1244.03 (Use Standards) when applicable.

S: Allowed with special use permit and shall meet requirements of § 1244.03 (Use Standards) when applicable.

### § 1244.03 Use Standards

The following standards apply to the uses designated in the “Use Standards” column of Table 1244.02-A. Use Table.

- A. Animal Boarding. The following standards apply to the C-4 District only.
  - 1. Location. Animal boarding is not allowed directly adjacent to any residential use.
  - 2. Outdoor Boarding. One outdoor dog run per establishment is allowed. All outdoor animal boarding facilities shall be located in the interior side and/or rear yard and shall be enclosed with an opaque fence with a minimum height of six feet.
  - 3. Noise. Noise shall be managed so as not to create a public nuisance for surrounding properties in compliance with § 1244.06.A (Noise) and all other local noise regulations.
  
- B. Banquet Hall: Location. In the C-1 District, banquet halls are allowed along 26<sup>th</sup> Street only.
  
- C. Car Wash.
  - 1. Frontage Requirement Exemption. Outdoor car washes not located within an enclosed structure are allowed and shall be exempt from the minimum street frontage requirements established in Chapter 1246 (Zoning District Regulations).
  - 2. Stacking Spaces. Stacking spaces associated with a car wash must comply with the requirements of § 1248.07 (Vehicular Stacking Requirements).
  - 3. Screening. The street frontage adjacent to any outdoor car wash area shall be screened per the requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard).
  - 4. Drainage. A car wash shall not drain onto adjacent properties or into the right-of-way.
  
- D. Community Garden.
  - 1. Site Design. A community garden shall be designed and maintained to minimize the amount of water and/or fertilizer that drains or runs off onto adjacent property.
  - 2. Sales. There shall be no retail sales of produce on-site unless a temporary use permit for a seasonal sale is obtained in accordance with § 1252.03.H (Temporary Use Permit).
  
- E. Community Residence.
  - 1. Residential Character. The location and operation of the facility shall not alter the residential character of the neighborhood, and the facility shall incorporate a residential design that is compatible with the surrounding neighborhood.
  - 2. Number of Residents. In the R-1, R-2, and R-3 Districts, a maximum of eight residents per facility is allowed, including live-in staff.
  
- F. Credit Union, Loan Company, or Mortgage Broker: Minimum Spacing. In the C-2 and C-3 Districts, a credit union, loan company, or mortgage broker may not be located within 500 feet of another credit union, loan company, or mortgage broker.
  
- G. Currency Exchange or Payday Loan: Minimum Spacing. In the C-2 District, a currency exchange or payday loan may not be located within 500 feet of another currency exchange or payday loan.

H. Day Care Home.

1. Residential Character. The location and operation of a day care home shall not alter the residential character of the neighborhood, and the facility shall incorporate a residential design that is compatible with the surrounding neighborhood.
2. Minimize Adverse Impacts. The design of the facility shall minimize traffic congestion, pedestrian hazards, noise, and other adverse impacts on surrounding properties.

I. Gas Station.

1. Location. The gas station shall be located on a corner lot.
2. Minimum Street Frontage Requirement. Gas stations shall be exempt from the minimum street frontage requirements established in Chapter 1246 (Zoning District Regulations).
3. Light Pollution. Lighting shall be designed with luminaires recessed under the canopy to minimize light pollution. The illuminance of the canopy shall not exceed 10 foot-candles as measured at any location.
4. Screening. Street frontage not occupied by building or driveways shall be treated with landscape screening per the requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard).

J. Government Facility: Driveway Width. Fire stations and public works facilities are exempt from the maximum driveway widths established in § 1248.08 (Site Access).

K. Indoor Entertainment or Recreation.

1. Minimum Area. In the C-1, C-2, C-3, and C-4 Districts, indoor entertainment or recreation uses shall have a minimum area of 40,000 square feet.
2. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
3. Noise. Any noise associated with the facility shall be managed so as not to create a public nuisance for surrounding properties and shall comply with § 1244.06.A (Noise) and all local noise regulations.

L. Medical Marijuana Dispensary.

1. Compliance with State Regulations. Medical marijuana dispensaries must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing and registration requirements and minimum spacing of 1,000 feet from preschools, elementary schools, secondary schools, day care centers, day care homes, and group day care homes.
2. Location. In the C-4 District, medical marijuana dispensaries are only allowed along Harlem Avenue with a special use permit.
3. Minimum Spacing. A medical marijuana dispensary shall not be located within one mile of another medical marijuana dispensary.
4. Security. The site design shall incorporate adequate security measures, such as exterior lighting, surveillance cameras, and/or fencing.

M. Microbrewery / Micro-Distillery.

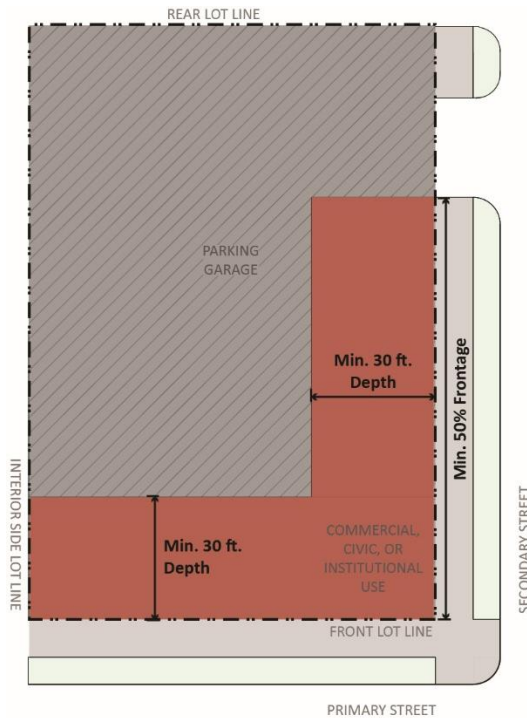
1. Size. The microbrewery and/or micro-distillery shall be no greater than 5,000 square feet in area.
2. Beverage Sales. No more than 25 percent of the gross floor area of the facility may be dedicated to the retail sale of alcoholic and/or non-alcoholic beverages for either on-site or off-site consumption.



- N. Motor Vehicle Rental: Outdoor Storage. In all zoning districts, motor vehicles may not be stored in the public right-of-way. In the C-2 and C-3 Districts, the outdoor storage of vehicles is prohibited.
- O. Motor Vehicle Repair and/or Service.
1. Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if the following conditions are met.
    - a. Location. Outdoor storage of vehicles is prohibited in the front yard. Motor vehicles may not be stored in the public right-of-way.
    - b. Screening. To the extent practicable, storage areas shall be screened from view of the street by building and/or landscape screening per the requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard).
    - c. Storage Duration. Motor vehicle repair and/or service facilities may not store the same vehicles outdoors for more than 20 days.
  2. Service Bays. In the C-2 and C-3 Districts, vehicular service bays, including garages and car wash bays, shall not be located on the front facade.
  3. Outdoor Activities. All repairs must occur inside an enclosed building.
- P. Motor Vehicle Sales.
1. Location. Vehicles may not be stored in the public right-of-way.
  2. Screening. The street frontage adjacent to any outdoor sales and display area shall be improved with landscape screening in accordance with the requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard).
  3. Light Pollution. The illuminance of any outdoor sales and display area shall not exceed 10 foot-candles as measured at any location.
- Q. Multi-Family Dwelling: Location. In the C-4 District, multi-family dwellings are allowed along Harlem Avenue only.
- R. Off-Street Parking Lot.
1. Location. The off-street parking lot shall not be located on a corner lot.
  2. Single Family. An off-street parking lot shall not be associated with a single-family or two-family use.
  3. Screening. The requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard) shall apply.
- S. Outdoor Entertainment or Recreation. In the districts where outdoor entertainment or recreation is allowed as a special use, the following standards apply.
1. Minimum Area. In the C-1, C-2, C-3, and C-4 Districts, outdoor entertainment or recreation uses shall have a minimum area of 40,000 square feet.
  2. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
  3. Noise. Any noise associated with the facility shall be managed so as not to create a public nuisance for surrounding properties and shall comply with § 1244.06.A (Noise) and all other local noise regulations.
- T. Parking Garage: Ground Floor Uses. In the C-2 and C-3 Districts, a use listed in Table 1244.02-A. Use Table as an allowed commercial, civic, or institutional use must occupy the first 30 feet of building

depth on the ground floor along a minimum of fifty percent of the street-facing facade. Refer to Figure 1244.03-A. Parking Garage.

**Figure 1244.03-A. Parking Garage**



- U. Pawn Shop: Minimum Spacing. In the C-2 District, a pawn shop may not be located within one mile of another pawn shop.
- V. Planned Development: Refer to the requirements of § 1252.04 (Planned Developments).
- W. Preschool, Elementary, or Secondary School: Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
- X. Self-Service Storage: Location. In the C-2 District, self-service storage is only allowed on upper stories.
- Y. Small Food Manufacturing: Size. A small food manufacturing establishment shall be no greater than 5,000 square feet in area.
- Z. Tobacco Shop: Minimum Spacing. In the C-2 and C-3 Districts, a tobacco shop may not be located within 500 feet of another tobacco shop.
- AA. Transitional Treatment Facility With or Without Dispensary.
  1. Location. Transitional treatment facilities with or without dispensary are only allowed along Harlem Avenue with a special use permit.
  2. Special Use Permit. The special use permit application shall include the qualifications of the operating agency and the number of anticipated employees and residents.

BB. Utility.

1. Required Yard. Aboveground utilities may not encroach into the required front yard.
2. Screening. The street frontage adjacent to the utility shall be treated with landscape screening per the requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard).

CC. Wireless Telecommunication Facility and/or Tower.

1. General Requirements. All wireless telecommunication facilities and towers shall be subject to the following.
  - a. Lighting. A wireless telecommunication facility or tower shall not include lights unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City.
  - b. Signs. A wireless telecommunication facility or tower shall not display signs except that such facilities or towers may include information required for government regulation, such as Federal Communications Commission registration information.
  - c. Screening. A wireless telecommunication facility or tower shall be treated with landscape screening per the requirements of § 1250.05.C (Buffer Yard Requirements) with the exception that the fence height shall be a minimum of six feet and maximum of eight feet.
2. Wireless Telecommunication Facility.
  - a. Height. The maximum height of a wireless telecommunication facility shall be 12 feet.
  - b. Use. A wireless telecommunication facility may house equipment and supplies for operation of a wireless telecommunication tower. Such facility shall be unstaffed and shall not be used for equipment that is not part of the operation of the facility.
3. Wireless Telecommunication Tower.
  - a. Height. The maximum height of a wireless telecommunication tower shall not exceed the minimum height required to function satisfactorily, but in no circumstances shall exceed 100 feet above ground.
  - b. Design. A wireless telecommunication tower shall be designed to accommodate at least three telecommunication providers and their accompanying wireless telecommunication facilities. A wireless telecommunication tower shall have a galvanized gray or silver finish unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the City.

**§ 1244.04 Accessory Structures and Uses**

- A. General Provisions for Accessory Structures. Accessory structures shall be subject to the following standards, unless otherwise established by this Code.
  1. Construction Phasing. No accessory structure shall be constructed prior to the construction of the principal building to which it is accessory.
  2. Location. Accessory structures are allowed in front, corner side, interior side, and rear yards.
  3. Height. The maximum height of an accessory structure shall be 10 feet.
  4. Setbacks. Accessory structures shall be located a minimum of three feet from any rear lot line and three feet from any interior side lot line.
- B. Accessory Structures Table. Table 1244.04-A. Accessory Structures establishes the accessory structures allowed in each zoning district. Table 1244.04-A. Accessory Structures is not an exhaustive list of accessory structures that may be located within the City. Each structure is given one of the following designations for each zoning district.

1. Permitted (“P”). A “P” indicates that the accessory structure does not require a building permit and is allowed by right within the designated district provided that it meets all applicable standards set forth in this Section.
2. Permitted with Building Permit (“B”). A “B” indicates that the accessory structure requires the approval of a building permit in accordance with Chapter 1443 (Permits and Certificates of Occupancy) and shall meet the use standards set forth in this Section in order to be allowed within the designated district.
3. No Designation. The absence of a letter (a blank space) indicates that the structure is not allowed within the designated district.
4. Use Standards. Accessory structures that are designated as “Permitted” or “Permitted with Building Permit” may have use standards that must be met, as established in § 1244.04.C (Use Standards for Accessory Structures).

**Table 1244.04-A. Accessory Structures**

Accessory Structure	Districts										Use Standards
	C-1	C-2	C-3	C-4	I	P	R-1	R-2	R-3	R-4	
Antenna and/or Satellite Dish	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.1
Arbor, Pergola, or Trellis	B	B	B	B	B	B	B	B	B	B	None
Ball Court	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.2
Chicken Coop							B	B	B		See § 1244.04.C.3
Deck or Patio	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.4
Drive-Through Facility		B		B	B						See § 1244.04.C.5
Fence or Wall	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.6
Flag Pole	B	B	B	B	B	B	B	B	B	B	None
Garage	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.7
Gazebo, Greenhouse, or Shed	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.8
Mechanical Equipment or Electrical Generator	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.9
Outdoor Storage	B	B	B	B	B	B					See § 1244.04.C.10
Rainwater Cistern	P	P	P	P	P	P	P	P	P	P	None
Recreational Equipment	P	P	P	P	P	P	P	P	P	P	None
Small Wind Energy System	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.11
Solar Energy Collection System	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.12
Swimming Pool	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.13
Wireless Telecommunication Antenna	B	B	B	B	B	B	B	B	B	B	See § 1244.04.C.14

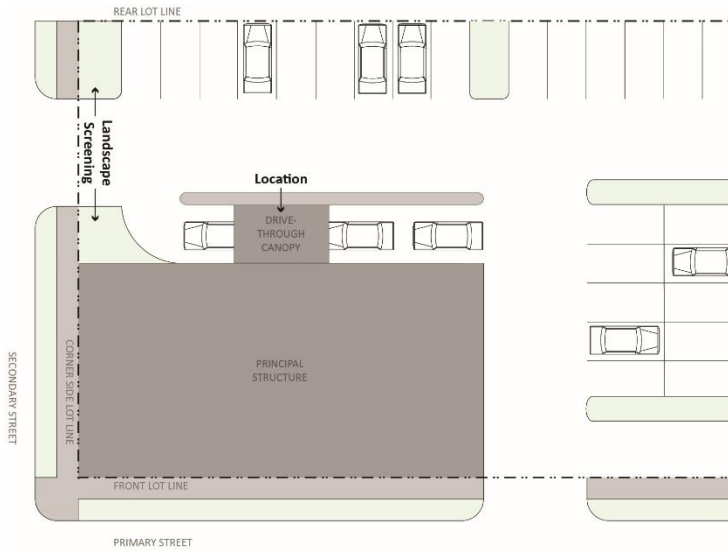
C. Use Standards for Accessory Structures. The following standards apply to accessory structures designated as Permitted (“P”) or Permitted with Building Permit (“B”) in the districts noted in the “Use Standards” column of Table 1244.04-A. Accessory Structures.

1. Antenna and/or Satellite Dish: Location. Allowed on the interior side or rear facade. If a location on the interior side or rear facade would prevent the device from functioning properly, the antenna and/or satellite dish may be located on the front or corner side facade provided that evidence of need is provided to the Zoning Administrator prior to installation.

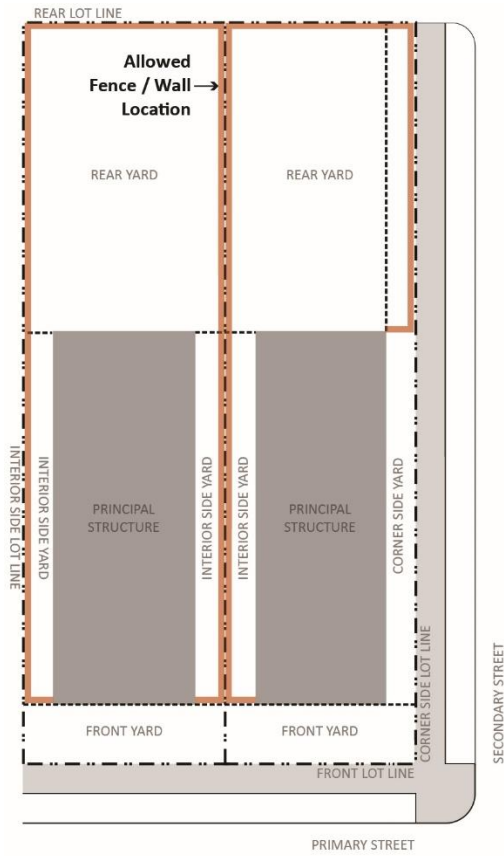
2. Ball Court: Location. Allowed in the rear yard, except that one basketball standard and backboard shall be allowed in any yard in the R-1, R-2, R-3, and R-4 Districts.
3. Chicken Coop. Chickens may be kept in chicken coops, chicken runs, and similar such enclosures in accordance with the following standards.
  - a. Permit. Prior to erecting a chicken coop, an applicant must obtain a chicken coop permit from the Zoning Administrator and provide notice to all adjacent property owners. Such permits must be renewed annually.
  - b. Location. Chicken coops are allowed in the rear yard of any single-family use in the R-1, R-2, or R-3 District.
  - c. Setback. Chicken coops shall be located a minimum of 10 feet from any lot line and a minimum of 10 feet from the principal structure on the lot.
  - d. Number. No more than two hens are permitted per zoning lot. Roosters are not permitted.
  - e. Maintenance. Chicken coops shall be maintained in a manner that provides adequate lighting and ventilation, and protects chickens from cold weather, precipitation, rodents, predators, and trespassers. Chicken coops must be maintained in a sanitary condition and shall be cleaned of droppings, uneaten feed, feathers, and other waste so as not to become a nuisance.
  - f. Slaughter. On-site slaughtering of chickens is prohibited.
4. Deck or Patio.
  - a. Location. Allowed in the interior side and/or rear yard.
  - b. Setback. The deck or patio shall follow the setback requirements for the zoning district in which it is located, except that a deck or patio may encroach up to 10 feet into the required rear yard in the R-1, R-2, R-3, and R-4 Districts.
5. Drive-Through Facility. Refer to Figure 1244.04-A. Drive-Through Facility.
  - a. Location. The drive-through facility shall be located on the interior side or rear facade of the principal structure.
  - b. Screening. The drive-through facility shall be screened from view of the street by building and/or landscape screening per the requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard). Screening shall be designed in such a way as to avoid interference with visibility or access. If site orientation prevents the direct application of the standards of § 1250.05.A (Parking Lot Perimeter Landscape Yard), alternative configurations for screening may be approved by the Zoning Administrator.
6. Fence or Wall. The following requirements apply to fences and walls unless otherwise specifically established in this Code. Refer to Figure 1244.04-B. Fence or Wall.
  - a. Location. Fences and walls, including all posts, bases, and other structural parts, shall be located completely within the boundaries of the lot on which it is located.
    - (1) Front Yard. Fences and walls are prohibited in the front yard.
    - (2) Corner Side Yard, Interior Side Yard, and Rear Yard. Fences and walls are allowed in the interior side and rear yards and setbacks, and in the corner side yard and setback between the principal structure's rear facade and the rear lot line.
    - (3) Second Fence. A second fence may not be attached or installed parallel to an existing fence at the same lot line.
  - b. Height. The maximum height of a fence or wall shall be measured from the ground at the base of the fence or wall and shall be subject to the following limitations.
    - (1) Maximum Height. The maximum height of a fence or wall shall be five feet, with one additional foot of decorative open trellis allowed on top of the fence or wall for a total height not to exceed six feet.
    - (2) Maximum Height Adjacent to Commercial or Industrial Districts. A residential lot located directly adjacent to or across an alley from a Commercial or Industrial District may erect a

- solid fence or wall in the rear yard not to exceed a maximum height of six feet, including any decorative open trellis.
- c. Materials. The following requirements for materials apply to the construction of fences and walls, as well as any associated gates.
    - (1) Allowed Materials. Brick, stone, treated wood, simulated wood, PVC, chain link, and metal mesh are allowed materials.
    - (2) Prohibited Materials. No fence or wall may incorporate sharp or dangerous components. Barbed wire, exposed cinder block, exposed concrete block, corrugated metal, and razor wire are prohibited materials, except that chain link or barbed wire fencing may be allowed in the Commercial, Industrial, and Public Areas Districts with Zoning Administrator approval.
    - (3) Finished Face. The finished side of a fence or wall shall face outward from the lot.
7. Garage. These standards apply to detached garages only. Attached garages are considered part of the principal structure and must comply with the requirements of Chapter 1246 (Zoning District Regulations).
- a. Location. Garages are allowed in the rear yard and setback and in the corner side yard and setback between the principal structure's rear facade and the rear lot line.
  - b. Height. The maximum height of a garage shall be 16 feet for a garage with a pitched roof and 14 feet for a garage with a flat roof.
  - c. Uses. Garage area shall not be used as habitable space and may not contain a kitchen, bathroom, or sleeping area.
8. Gazebo, Greenhouse, or Shed.
- a. Location. Gazebos, greenhouses, and sheds are allowed in the rear yard only.
  - b. Height. The maximum height of a gazebo, greenhouse, or shed shall be 12 feet.
  - c. Gazebo Design. Each side of a gazebo shall be at least 25 percent open.
9. Mechanical Equipment or Electrical Generator.
- a. Deemed Conforming. Notwithstanding § 1244.04-C.9.b (Location), existing ground-based mechanical equipment that is located in a setback where it is not permitted as of the effective date of this Code shall be considered legally conforming and may be replaced and repaired. Such conforming status shall expire if the principal structure is demolished.
  - b. Location. Ground-mounted mechanical equipment and electrical generators shall be located in the rear yard and shall be located at least five feet from the rear and interior side lot lines. Roof-mounted mechanical equipment shall be located a minimum of six feet from any supporting wall to facilitate safe access.
  - c. Screening. Mechanical equipment and electrical generators shall be screened from view of the street with opaque fencing, landscaping, or building.

**Figure 1244.04-A. Drive-Through Facility**



**Figure 1244.04-B. Fence or Wall**



10. Outdoor Storage.
  - a. Height. Outdoor storage materials shall not exceed six feet in height.
  - b. Uses. Allowed outdoor storage uses include those listed below. Additional uses may be approved by the Zoning Administrator.
    - (1) Growing and/or displaying plants associated with a greenhouse and/or nursery.
    - (2) Storage associated with motor vehicle fueling, sales, rental, repair, and/or service in accordance with § 1244.03.I (Gas Station), § 1244.03.N (Motor Vehicle Rental), § 1244.03.O (Motor Vehicle Repair and/or Service), and § 1244.03.P (Motor Vehicle Sales).
    - (3) General manufacturing.
    - (4) Contractor storage yards.
  - c. Screening. The requirements of § 1250.07 (Screening Requirements) shall apply to outdoor storage.
11. Small Wind Energy System. Small wind energy systems are intended primarily to reduce on-site consumption of utility power and consist of a wind turbine, tower or mounting device, and associated control or conversion electronics. Systems may be roof-mounted or ground-mounted in accordance with the following standards.
  - a. General Requirements. All small wind energy systems shall be subject to the following.
    - (1) Building Permit Application. The application for a building permit shall include drawings of the wind turbine structure, including the tower, base, footings, and location on the site, and a line drawing of the electrical components in sufficient detail to determine whether the proposed system conforms to pertinent electrical codes.
    - (2) Capacity. Systems shall have a rated capacity of 100 kilowatts or less.
    - (3) Noise. Systems shall not exceed 60 dBA, as measured at the closest lot line. This level may be exceeded during short-term events such as utility outages and/or severe storms.
  - b. Roof-Mounted System. Roof-mounted systems shall adhere to the following.
    - (1) Districts. Roof-mounted systems are allowed in the C-1, C-2, C-3, C-4, I, P, R-1, R-3, and R-4 zoning districts.
    - (2) Location. Systems are allowed on the interior side or rear roof face of a principal structure, accessory structure such as a garage, gazebo, greenhouse, or shed, or other structure as allowed by the Zoning Administrator.
    - (3) Height. The maximum height of a roof-mounted system shall be 15 feet above the height of the principal or accessory structure to which the turbine is attached.
  - c. Ground-Mounted System. Ground-mounted systems shall adhere to the following.
    - (1) Districts. Ground-mounted systems are allowed in the C-1, C-2, C-3, C-4, I, and P Districts.
    - (2) Location. System is allowed in all yards.
    - (3) Height. The maximum height of a ground-mounted system shall be the height limit of the applicable zoning district.
    - (4) Setback. All components of the ground-mounted system, such as the tower, blade, and guy wire anchors, shall be located a minimum of 10 feet from any lot line.
    - (5) Clearance. A ground-mounted system shall have a minimum of 15 feet of clearance.
12. Solar Energy Collection System. Solar energy collection systems may be roof-mounted or ground-mounted in accordance with the following standards and those of Chapter 1424 (City of Chicago Electrical Code).
  - a. Roof-Mounted System. Roof-mounted systems shall adhere to the following.
    - (1) Districts. Roof-mounted systems are allowed in all zoning districts.
    - (2) Location. A roof-mounted system shall not be located on a roof face that runs parallel to and faces the front lot line.



- (3) Height. The maximum height of a roof-mounted system shall be five feet above the overall height of the principal or accessory structure to which the system is attached.
- (4) Angle. A roof-mounted system must be mounted at the same angle as or flush with the roof of the structure when visible from the street, excluding alleys.
- b. Ground-Mounted System. Ground-mounted systems shall adhere to the following.
  - (1) Districts. Ground-mounted systems are allowed in the C-1, C-2, C-3, C-4, I, and P Districts.
  - (2) Location. Ground-mounted systems are allowed in the interior side and rear yards.
  - (3) Height. The maximum height of a ground-mounted system shall be the height limit of the applicable zoning district.
  - (4) Screening. System shall be screened from view of the street by building or landscape screening per the requirements of 1250.05.A (Parking Lot Perimeter Landscape Yard).
- 13. Swimming Pool. The following standards apply to swimming pools with a maximum depth equal to or greater than 24 inches.
  - a. Building Code. The installation or replacement of a swimming pool shall comply with all requirements of the International Building Code, including those for swimming pool enclosures and safety devices.
  - b. Location. Swimming pools are allowed in the rear yard and setback, but shall be located at least three feet from the rear lot line and shall not extend into the corner side or interior side yards.
  - c. Height. Aboveground pools shall not exceed six feet in height, including attached fences, railings, and/or other structural or decorative additions, and shall not be in close proximity to any telephone or electrical lines and cables, as determined by the Zoning Administrator.
  - d. Distance from Other Structures. A swimming pool shall be a minimum of five feet from any other structure or building on the lot, with the exception of an attached permanent deck or patio.
- 14. Wireless Telecommunication Antenna.
  - a. General Requirements. Wireless telecommunication antennas shall meet the requirements established in § 1244.03.CC.1 (General Requirements).
  - b. Height. The maximum height of a wireless telecommunication antenna shall not exceed 10 percent of the overall height of the building or structure on which it is mounted. A wireless telecommunication antenna attached to a wireless telecommunication tower shall not cause the overall height of the tower to exceed 100 feet.
  - c. Stealth Design. All wireless telecommunication antennas, including those co-located on a wireless telecommunication tower, shall utilize stealth design to blend into the surrounding environment.
    - (1) A wireless telecommunication antenna must be enclosed, camouflaged, screened, or obscured so that it is not readily apparent to a casual observer.
    - (2) A wireless telecommunication antenna shall blend into another part of the structure upon which it is mounted, such as a rooftop, tower, spire, or other similar feature.
- D. Home Occupations. Home occupations are allowed in the C-1, C-2, C-3, C-4, R-1, R-2, R-3, and R-4 Districts, subject to the following standards.
  - 1. Certificate and Fee Required. Home occupations shall meet the requirements of the Municipal Code (§ 802.15 Certificates for Home Occupations; Fee).
  - 2. Location. A home occupation may not be located in an accessory structure.
  - 3. Uses. Examples of allowed home occupations include artist, consultant, counselor, crafts person, designer, tutor, writer, and instructor of music, craft, or fine art.

4. Space Limitation. No more than 25 percent of the total square footage of the dwelling unit may be used for the home occupation. All activities associated with the home occupation shall occur entirely within the dwelling unit.
5. Hours of Operation. Allowed hours of operation are from 7:00 AM to 9:00 PM for home occupations with outside visitors.
6. Residency of Operator. The operator of the home occupation shall reside in the dwelling unit where the home occupation is located.
7. Employees. One additional nonresident employee is allowed.
8. Visitors. A maximum of four visitors, such as clients, customers, or pupils, may be present within the home occupation at any given time.
9. Parking. Any parking needs associated with the home occupation shall be accommodated on-site within an existing driveway or garage.
10. Deliveries. Deliveries and shipments are not allowed from the premises, with the exception of carriers that typically provide service to residential neighborhoods, such as the U.S. Postal Service and/or express shipping services (UPS, FedEx, DHL).
11. Signs. Signs associated with the home occupation must comply with the requirements of the Municipal Code (Chapter 1476 Signs).

#### **§ 1244.05 Temporary Structures and Uses**

Temporary structures and uses shall be subject to the requirements of this section.

- A. Temporary Structures and Uses Table. Table 1244.05-A. Temporary Structures and Uses establishes the allowed temporary structures and uses for each zoning district. Table 1244.05-A. Temporary Structures and Uses is not an exhaustive list of temporary structures and uses that may be located within the City, but rather those that have additional development requirements or require City approval. Each structure or use is given one of the following designations for each zoning district.
  1. Permitted (“P”). A “P” indicates that the temporary structure or use is allowed by right within the designated district provided that it meets all applicable use standards set forth in this Section.
  2. Permitted with Temporary Use Permit (“T”). A “T” indicates that the temporary structure or use requires the approval of a temporary use permit (refer to § 1252.03.H (Temporary Use Permit)) and must meet any applicable use standards set forth in this Section in order to be allowed within the designated district.
  3. No Designation. The absence of a letter (a blank space) indicates that the use is not allowed within the designated district.
  4. Use Standards. Temporary structures or uses that are designated as “Permitted” or “Permitted with Temporary Use Permit” may have use standards that must be met, as established in § 1244.05.B (Use Standards for Temporary Structures and Uses).

**Table 1244.05-A. Temporary Structures and Uses**

Temporary Structures and Uses	Districts										Use Standards
	C-1	C-2	C-3	C-4	I	P	R-1	R-2	R-3	R-4	
Contractor Trailer or Model Unit	P	P	P	P	P	P	P	P	P	P	See § 1244.05.B.1
Farmers Market	T	T	T	T		T					See § 1244.05.B.2
Garage or Yard Sale							P	P	P	P	See § 1244.05.B.3
Seasonal Sale	T	T	T	T	T	T					See § 1244.05.B.4
Sidewalk Sales	T	T	T	T							See § 1244.05.B.5
Temporary Outdoor Entertainment		T	T	T	T	T					See § 1244.05.B.6
Temporary Storage Container	P	P	P	P	P	P	P	P	P	P	See § 1244.05.B.7

- B. Use Standards for Temporary Structures and Uses. The following standards apply to temporary structures and uses designated as Permitted (“P”) or Permitted with Temporary Use Permit (“T”) in the districts noted in the “Use Standards” column of Table 1244.05-A. Temporary Structures and Uses. Temporary uses may be located outdoors or within an enclosed building or structure.
1. Contractor Trailer or Model Unit: Duration. Contractor trailers shall be limited to the period of active construction of the project. Model units, including temporary real estate offices, shall be limited to the period of active selling and/or leasing of space in the development ,or six months after issuance of the final occupancy permit, whichever is less.
  2. Farmers Market: Products for Sale. The following products may be offered for sale if they are grown or produced by the vendor: fresh dairy goods, fruits, vegetables, meats, juices, flowers, plants, herbs, spices, baked goods, and/or arts and crafts.
  3. Garage or Yard Sale: Duration. Garage and yard sales shall be limited to a period of two consecutive days. A maximum of two garage and/or yard sales shall be allowed for the same residence within a 12-month period. Garage or yard sales may be held between the months of March and October only.
  4. Seasonal Sales.
    - a. Temporary Use Permit Application. Approval of a temporary use permit for a seasonal sale shall be based on the adequacy of the lot area, provision of parking and traffic access, and public safety, as well as the absence of undue adverse impacts on other properties.
    - b. Duration. Seasonal sales shall be limited to a period of up to 45 days. The Zoning Administrator may grant additional time or successive permits through the temporary use permit process.
  5. Sidewalk Sales.
    - a. Duration. Sidewalk sales shall be limited to a period of three consecutive days. A maximum of three sidewalk sales shall be allowed for the same retailer within a 12 month period.
    - b. Sidewalk Clearance. A minimum of five feet of sidewalk clearance must remain available for pedestrians.
    - c. Storage. Merchandise must be stored inside the building during non-business hours.
  6. Temporary Outdoor Entertainment.
    - a. Other Local Regulations. Temporary outdoor entertainment shall comply with the requirements of the Municipal Code (Chapter 802 Business Regulation Certificates) and other local regulations.
    - b. Temporary Use Permit Application. Approval of the temporary use permit shall be based on the adequacy of the lot area, provision of parking, traffic access, and public safety, as well as the

absence of undue adverse impacts on adjacent properties. The temporary use permit application shall include the following:

- (1) Site Plan. As part of the temporary use permit application, the operator of the event must submit a site plan to the City prior to the event that illustrates the location of major site components and ingress and egress routes for emergency vehicles.
  - (2) Proof of State Inspection. The operator of the event shall provide proof that all amusement devices have been inspected and approved by the State of Illinois Department of Labor.
  - c. Location. Temporary outdoor entertainment shall not be located directly adjacent to a residential district.
  - d. Bulk and Yard Requirements. Temporary outdoor entertainment is exempt from Chapter 1246 (Zoning District Regulations).
7. Temporary Storage Container.
- a. Duration. Temporary storage containers shall be located on a lot for a period of no more than seven consecutive days, unless used in conjunction with an approved building permit.
  - b. Number. No more than one temporary storage container is permitted per zoning lot.
  - c. Improved Surface. The temporary storage container shall be located on an improved surface. Containers shall not be permanently attached to the ground, have permanent utility service, or be stacked atop one another.

#### **§ 1244.06 Environmental Performance Standards**

All uses shall comply with the performance standards established in this Section unless any federal, state, county, or local regulation establishes a more restrictive standard, in which case, the more restrictive standard shall apply.

- A. Noise. No activity or use shall be conducted in a manner that generates a level of sound, as measured on another property, greater than that allowed by federal, state, county, and local regulations, as amended. These limits shall not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.
- B. Odor. No activity or use shall be conducted in a manner that generates odors of such intensity and character as to be harmful to the health, welfare, or comfort of the public. Any such use shall be stopped or modified so as to remove the odor.
- C. Dust and Air Pollution. Dust and air pollution carried by the wind from sources such as storage areas, yards, roads, equipment, and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.
- D. Glare and Heat. No activity or use shall be conducted in a manner that generates glare or heat that may be detected at any point off the lot on which the use is located. Light sources shall be shielded so as not to cause a nuisance across lot lines.
- E. Vibration. No activity or use shall be conducted in a manner that generates earthborn vibration which can be detected at any point off the lot on which the use is located.

- F. Fire and Explosion Hazards. Materials that present potential fire and explosion hazards shall be transported, stored, and used only in conformance with all applicable federal, state, county, and local regulations.
  
- G. Hazardous, Radioactive, and Toxic Materials. No activity or use shall produce hazardous, radioactive, or toxic material without prior notice to the City. Notice shall be given to the City at least 30 days before the operation is commenced. The transport, handling, storage, discharge, clean up, and disposal of all hazardous, radioactive, or toxic materials, including waste, shall comply with applicable federal, state, county, and local regulations.

## CHAPTER 1246: ZONING DISTRICT REGULATIONS

§ 1246.01	General Provisions
§ 1246.02	Design Requirements for Commercial Zoning Districts
§ 1246.03	Summary Table of Zoning District Requirements
§ 1246.04	C-1 Neighborhood Mixed-Use District Requirements
§ 1246.05	C-2 Traditional Mixed-Use District Requirements
§ 1246.06	C-3 Depot Mixed-Use District Requirements
§ 1246.07	C-4 Corridor Commercial District Requirements
§ 1246.08	I Industrial District Requirements
§ 1246.09	P Public Areas District Requirements
§ 1246.10	R-1 Single-Family Residence District Requirements
§ 1246.11	R-2 Bungalow District Requirements
§ 1246.12	R-3 Two-Family Residence District Requirements
§ 1246.13	R-4 Multi-Family Residence District Requirements
§ 1246.14	Principal Structure Encroachments

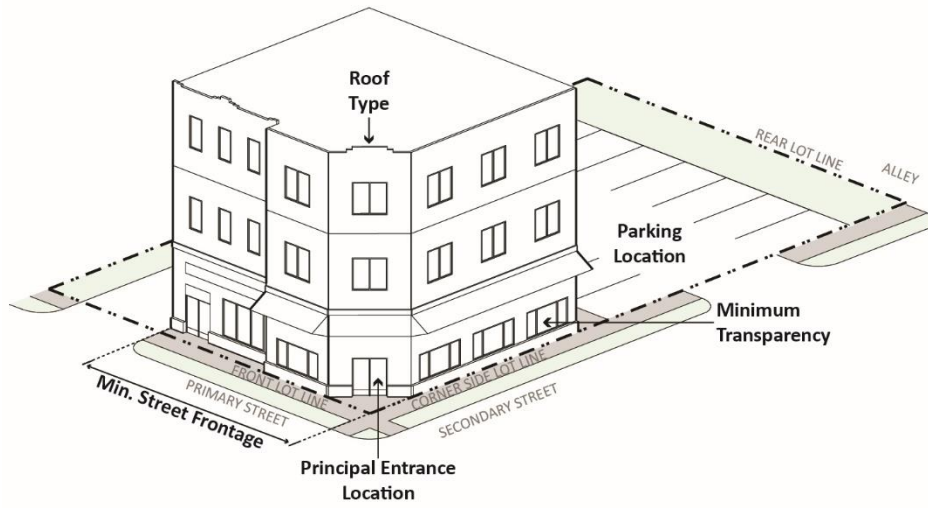
### § 1246.01 General Provisions

- A. Purpose. The purpose of this Chapter is to establish the development standards for a principal structure on a zoning lot by zoning district.
- B. Applicability. The provisions of this Chapter apply to all new construction and significant exterior renovation of existing structures. The provisions of § 1252.05 (Nonconformities) apply to nonconforming structures.
- C. Roosevelt Road Form-Based Zoning. In addition to the requirements of this Code, parcels along Roosevelt Road shall comply with the requirements of the Roosevelt Road Form-Based Zoning overlay, as adopted by the City. The Roosevelt Road Form-Based Zoning overlay may be obtained from the City Clerk. Where a conflict exists between the provisions of this Code and those requirements, the provisions of the Roosevelt Road Form-Based Zoning overlay shall control.
- D. General Requirements. In addition to the requirements of this Chapter, the development requirements in the following code sections must be met.
  1. Site Plan Review. All development, redevelopment, and additions to existing structures that result in an increase in gross floor area, capacity, or number of dwelling units by 15 percent or more, with the exception of single-family and two-family developments, require approval of a site plan review application by the Zoning Administrator in accordance with § 1252.03.B (Site Plan Review).
  2. Uses. See Chapter 1244 (Uses) for principal, accessory, and temporary use requirements as well as standards for accessory structures.
  3. Parking and Loading. See Chapter 1248 (Off-Street Parking and Loading) for off-street parking, loading, and access requirements.
  4. Landscaping and Buffering. See Chapter 1250 (Landscape Standards) for landscaping, buffering, and screening requirements.
  5. Municipal Code. Refer to the Municipal Code (Part 14: Building and Housing Code) for additional requirements for development outside the purview of this Zoning Code.

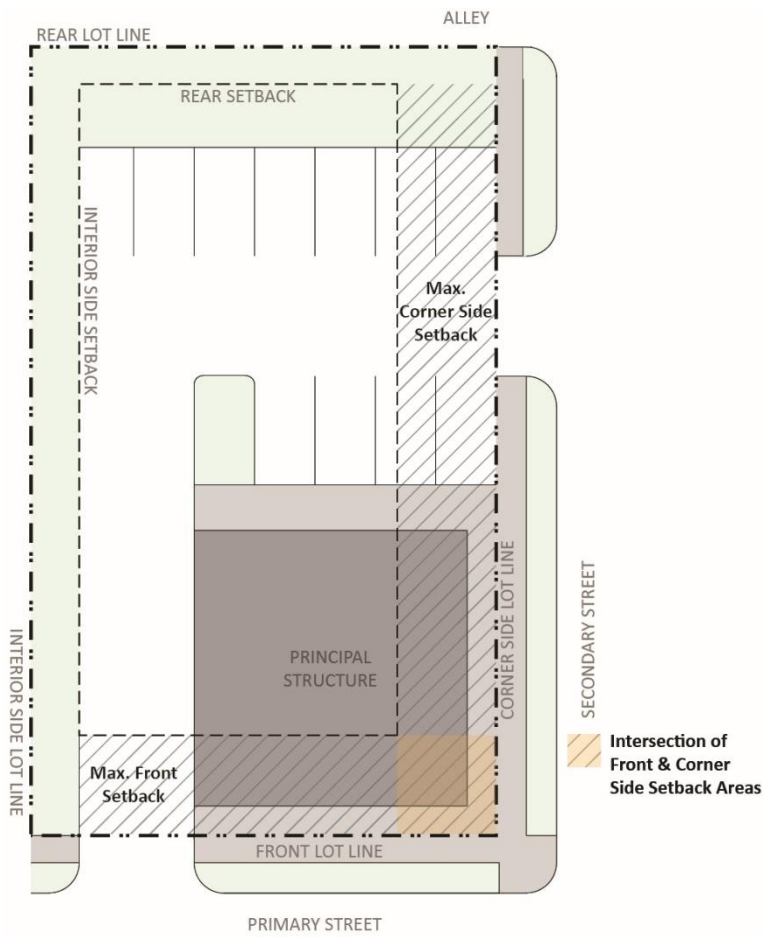
## § 1246.02 Design Requirements for Commercial Zoning Districts

- A. Applicability. The design requirements in this Section apply to all new construction and significant exterior renovation of existing structures for non-residential and multi-family uses within the City's C-1, C-2, C-3, and C-4 Districts. See § 1246.04, § 1246.05, § 1246.06, and § 1246.07 for additional design requirements specific to each commercial zoning district.
- B. Design Requirements. Refer to Figure 1246.02-A. Design Requirements.
1. Facade Design.
    - a. Hold the Corner. A principal structure on a corner parcel shall locate the intersection of the structure's front and corner side facades within the area defined by the intersection of the front and corner side maximum front setbacks. Refer to Figure 1246.02-B. Hold the Corner Requirement.
    - b. Defined Base, Middle, and Top. Multi-story buildings shall be designed with a distinct base, middle, and top. A horizontal expression line shall define the base (ground story) of the building from the upper stories. An expression line is a decorative, three dimensional linear element protruding or indented at least two inches from a building facade.
    - c. Vertical Facade Articulation. Architectural or structural elements shall be incorporated to vertically divide large flat planes along all street-facing facades in excess of 50 feet.
      - (1) Architectural or Structural Elements. Architectural or structural elements may include color change, texture change, material change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches.
      - (2) Spacing. Facade articulation elements shall be incorporated at intervals of no less than 25 feet.
  2. Materials.
    - a. Allowed Materials. The following materials are allowed on the ground story facade: durable and natural materials, such as stone, brick, stucco, metal, concrete, burnished concrete masonry units, and non-reflective glass, unless otherwise prohibited in § 1246.02.B.2.b (Limitation on Materials).
    - b. Limitation on Materials. The following materials may be utilized for trim or architectural details but shall not exceed 20 percent of the total facade area: utility brick, vinyl or metal siding, metal wall panels, exposed aggregate (rough finish) concrete wall panels, exterior insulation and finishing systems (EIFS), fiberglass, plastic, untreated wood, non-burnished concrete masonry units, and mirror glass. EIFS is not allowed on the ground floor.

**Figure 1246.02-A. Design Requirements**



**Figure 1246.02-B. Hold the Corner Requirement**





C. Explanation of Table Requirements. The following provisions explain and define the commercial design requirements established in Tables 1246.04-A, 1246.05-A, 1246.06-A, and 1246.07-A. Refer to Figure 1246.02-A. Design Requirements.

1. Minimum Street Frontage. Proportion of street frontage that must be occupied by the principal building's front facade. The requirement in each table establishes the minimum percentage of the front lot line that must be occupied by the front facade of the principal building.
2. Parking Location. The yard in which an off-street parking lot is allowed.
3. Minimum Transparency. The amount of transparency (highly transparent, non-reflective glass) required as a percentage of the total area of the street-facing ground story facade. Tinting in excess of 20 percent is not allowed.
4. Principal Entrance Location. The facade on which the principal building entrance must be located.
5. Roof Type. Roof types may include pitched roofs, parapet roofs, or flat roofs. If a parapet roof is constructed, it shall have a minimum height of two feet and maximum height of six feet, as measured from the top of the upper story to the top of the parapet.

### **§ 1246.03 Summary Table of Zoning District Requirements**

Table 1246.03-A. Summary Table of Zoning District Requirements provides a summary of the bulk and setback requirements for each zoning district, which are established in § 1246.04 through § 1246.13.

**Table 1246.03-A. Summary Table of Zoning District Requirements**

	C-1	C-2	C-3	C-4	I	P	R-1	R-2	R-3	R-4
<b>Bulk Requirements</b>										
Minimum Lot Area	3,000 sf	3,000 sf	3,000 sf	4,000 sf	6,250 sf	3,750 sf	3,750 sf	3,750 sf	3,750 sf	3,750 sf
Minimum Lot Width	25 ft	25 ft	25 ft	40 ft	50 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Maximum Principal Building Height	45 ft and 3 stories	65 ft and 5 stories	65 ft and 5 stories; 78 ft and 6 stories with structured parking	65 ft and 5 stories	50 ft and 3 stories	45 ft and 3 stories	See Table 1246.10-A	See Table 1246.11-A	See Table 1246.12-A	See Table 1246.13-A
Maximum Impervious Coverage	85% for residential uses; does not apply for non-residential	Does not apply	Does not apply	Does not apply	Does not apply	85%	65%	65%	75%	85%
<b>Setback Requirements</b>										
Minimum Front Setback	10 ft <sup>1</sup>	None	None	0 ft	None	0 ft	15 ft <sup>3</sup>	15 ft <sup>3</sup>	10 ft	10 ft
Maximum Front Setback	15 ft <sup>2</sup>	10 ft	5 ft	None	15 ft	None	None	None	None	None
Minimum Corner Side Setback	None; 5 ft if res. use	None	None	0 ft	None	0 ft	5 ft	5 ft	5 ft	5 ft
Maximum Corner Side Setback	15 ft <sup>2</sup>	10 ft	5 ft	None	15 ft	None	None	None	None	None
Minimum Interior Side Setback	0 ft; 10 ft if res. district adjacent or res. use	0 ft	0 ft	0 ft; 10 ft if res. district adjacent	0 ft; 10 ft if res. district adjacent	0 ft; 10 ft if res. district adjacent	3 ft	3 ft	3 ft	3 ft
Minimum Rear Setback	5 ft	5 ft	0 ft	5 ft; 10 ft if res. district adjacent	20 ft	5 ft	25 ft	25 ft	25 ft	20 ft

<sup>1</sup> In the C-1 District, the minimum front setback only applies to single-family and two-family dwellings.

<sup>2</sup> In the C-1 District, the maximum front and corner side setbacks only apply to non-residential and multi-family uses.

<sup>3</sup> See R-1 and R-2 District standards for front setback and height restrictions for second-story additions.

**§ 1246.04 C-1 Neighborhood Mixed-Use District Requirements**

Table 1246.04-A. C-1 District Requirements, Figure 1246.04-A. C-1 District Requirements: Plan, and Figure 1246.04-B. C-1 District Requirements: 3-D establish bulk, setback, and design requirements for the C-1 District. See § 1246.02 (Design Requirements for Commercial Zoning Districts) for additional design requirements that apply to all commercial districts.

**Table 1246.04-A. C-1 District Requirements**

<b>Bulk Requirements</b>		
	Minimum Lot Area	3,000 sf
<b>A</b>	Minimum Lot Width	25 ft
<b>B</b>	Maximum Principal Building Height	45 ft and 3 stories
	Maximum Impervious Coverage	85% for residential uses; does not apply for non-residential uses
<b>Setback Requirements</b>		
<b>C</b>	Minimum Front Setback (single-family and two-family uses only)	10 ft
<b>D</b>	Maximum Front Setback (non-residential and multi-family uses only)	15 ft
	Minimum Corner Side Setback	None; 5 ft if residential use
<b>E</b>	Maximum Corner Side Setback (non-residential and multi-family uses only)	15 ft
<b>F</b>	Minimum Interior Side Setback	0 ft; 10 ft if residential district is adjacent or if residential use
<b>G</b>	Minimum Rear Setback	5 ft
<b>Design Requirements<sup>1</sup></b>		
<b>H</b>	Minimum Street Frontage	50%
<b>I</b>	Parking Location	Interior side or rear yards
	Minimum Transparency	35% of street-facing facades between 2 ft and 8 ft above grade
	Principal Entrance Location	Front or corner side façade
	Roof Types	Pitched, parapet, flat
<sup>1</sup> These requirements apply to non-residential and multi-family developments only.		

Figure 1246.04-A. C-1 District Requirements: Plan

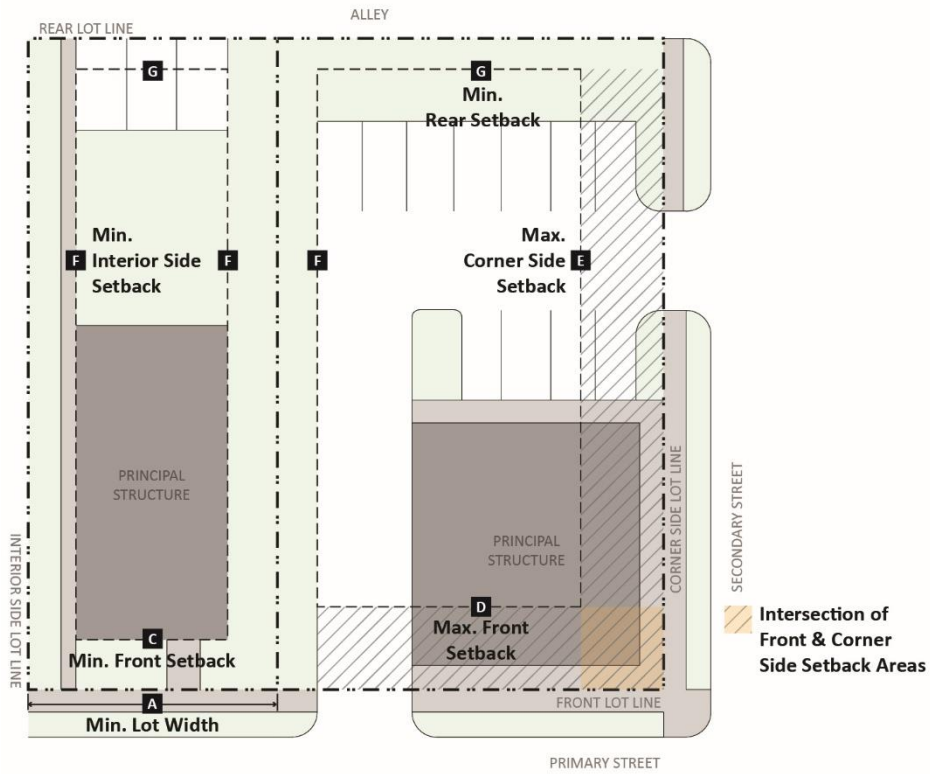
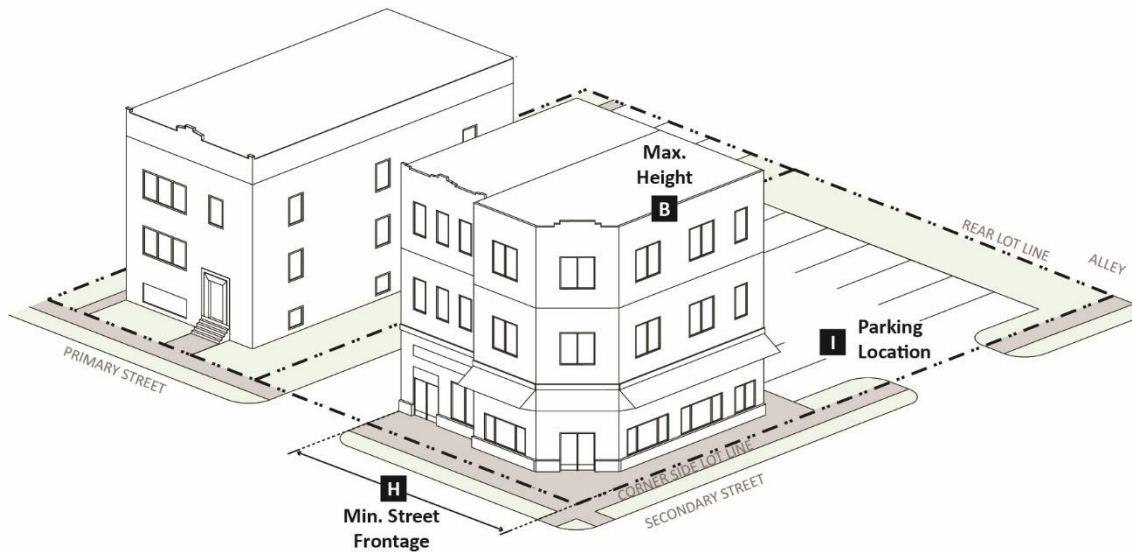


Figure 1246.04-B. C-1 District Requirements: 3-D



**§ 1246.05 C-2 Traditional Mixed-Use District Requirements**

Table 1246.05-A. C-2 District Requirements, Figure 1246.05-A. C-2 District Requirements: Plan, and Figure 1246.05-B. C-2 District Requirements: 3-D establish bulk, setback, and design requirements for the C-2 District. See § 1246.02 (Design Requirements for Commercial Zoning Districts) for additional design requirements that apply to all commercial districts.

**Table 1246.05-A. C-2 District Requirements**

<b>Bulk Requirements</b>		
	Minimum Lot Area	3,000 sf
<b>A</b>	Minimum Lot Width	25 ft
<b>B</b>	Maximum Principal Building Height	65 ft and 5 stories
	Maximum Impervious Coverage	Does not apply
<b>Setback Requirements</b>		
<b>C</b>	Maximum Front Setback	10 ft
<b>D</b>	Maximum Corner Side Setback	10 ft
<b>E</b>	Minimum Interior Side Setback	0 ft
<b>F</b>	Minimum Rear Setback	5 ft
<b>Design Requirements</b>		
<b>G</b>	Minimum Street Frontage	75%
<b>H</b>	Parking Location	Rear yard; 1 double loaded bay permitted in interior side yard
	Minimum Transparency	50% of street-facing facades between 2 ft and 8 ft above grade
	Principal Entrance Location	Front or corner side facade
	Roof Types	Parapet or flat

Figure 1246.05-A. C-2 District Requirements: Plan

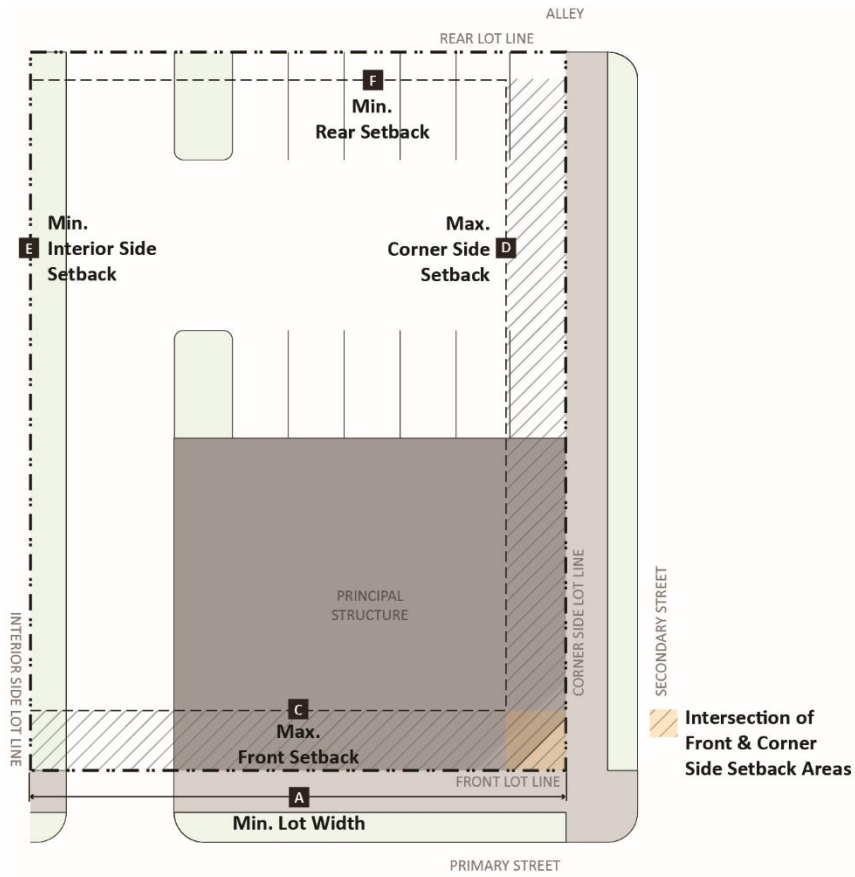
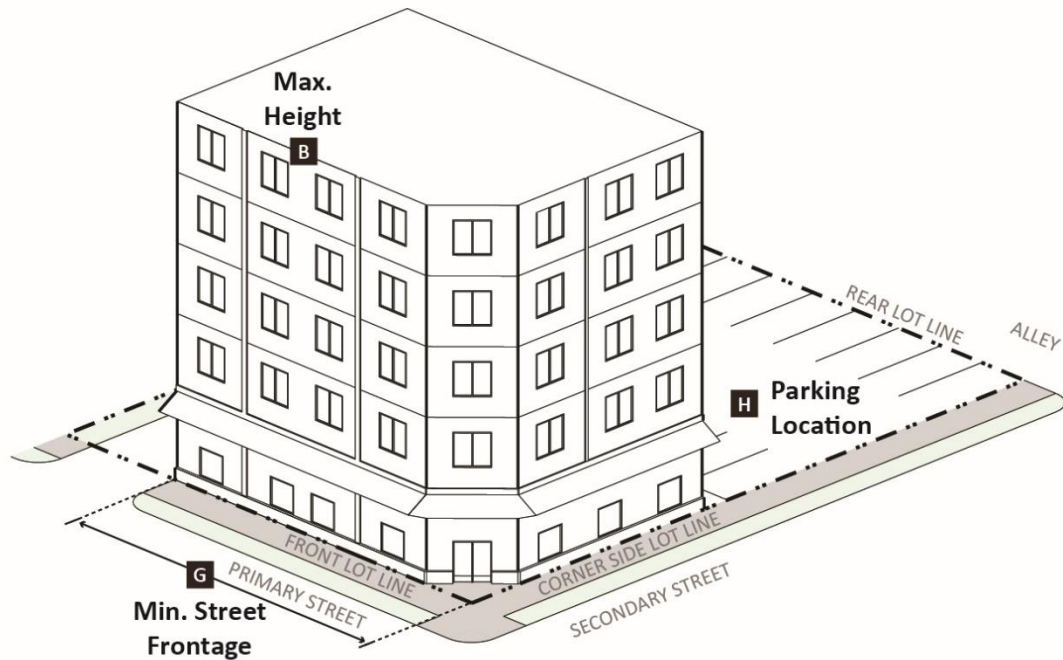


Figure 1246.05-B. C-2 District Requirements: 3-D



**§ 1246.06 C-3 Depot Mixed-Use District Requirements**

Table 1246.06-A. C-3 District Requirements, Figure 1246.06-A. C-3 District Requirements: Plan, and Figure 1246.06-B. C-3 District Requirements: 3-D establish bulk, setback, and design regulations for the C-3 District. See § 1246.02 (Design Requirements for Commercial Zoning Districts) for additional design requirements that apply to all commercial districts.

**Table 1246.06-A. C-3 District Requirements**

<b>Bulk Requirements</b>		
	Minimum Lot Area	3,000 sf
<b>A</b>	Minimum Lot Width	25 ft
<b>B</b>	Maximum Principal Building Height	65 ft and 5 stories; 78 ft and 6 stories if a minimum of 50% of required parking spaces are provided as structured parking
	Maximum Impervious Coverage	Does not apply
<b>Setback Requirements</b>		
<b>C</b>	Maximum Front Setback	5 ft
<b>D</b>	Maximum Corner Side Setback	5 ft
<b>E</b>	Minimum Interior Side Setback	0 ft
<b>F</b>	Minimum Rear Setback	0 ft
<b>Design Requirements</b>		
<b>G</b>	Minimum Street Frontage	95%
<b>H</b>	Parking Location	Rear yard
	Minimum Transparency	60% of street-facing facades between 2 ft and 8 ft above grade
	Principal Entrance Location	Front or corner side facade
	Roof Types	Parapet or flat

Figure 1246.06-A. C-3 District Requirements: Plan

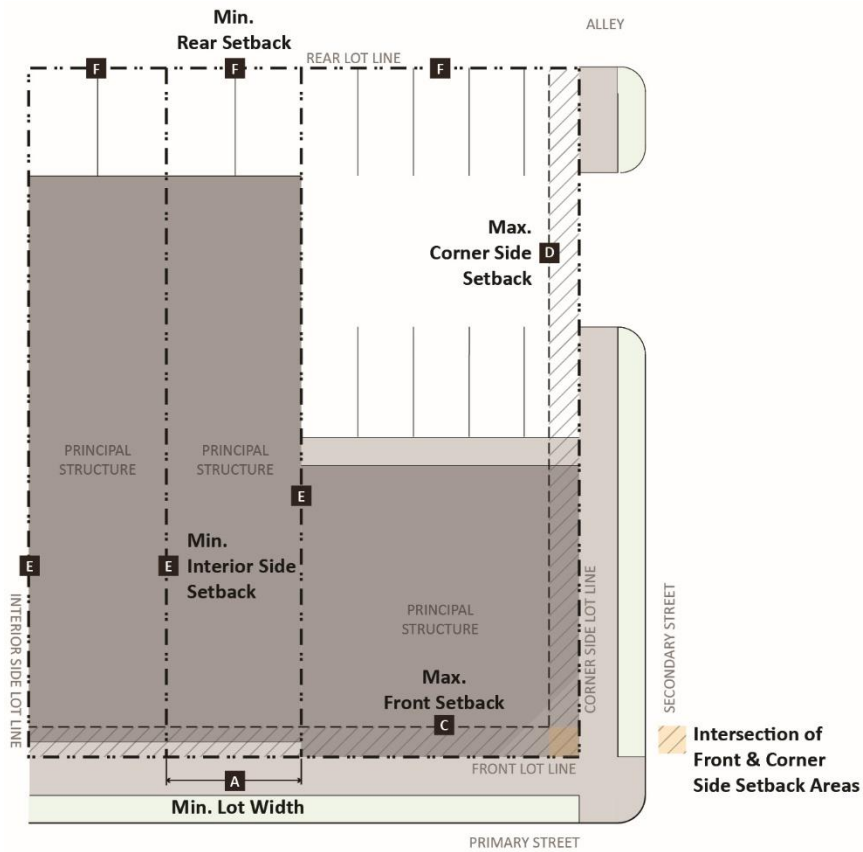
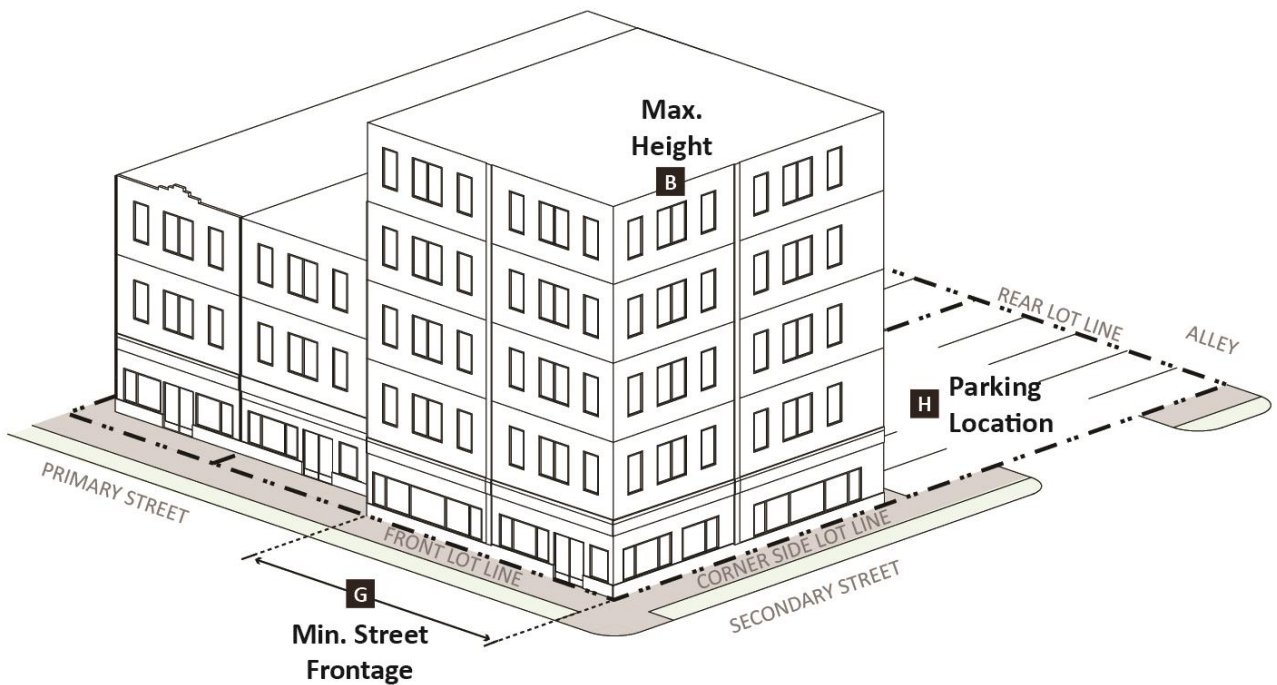


Figure 1246.06-B. C-3 District Requirements: 3-D





**§ 1246.07 C-4 Corridor Commercial District Requirements**

Table 1246.07-A. C-4 District Requirements, Figure 1246.07-A. C-4 District Requirements: Plan, and Figure 1246.07-B. C-4 District Requirements: 3-D establish bulk, setback, and design regulations for the C-4 District. See § 1246.02 (Design Requirements for Commercial Zoning Districts) for additional design requirements that apply to all commercial districts.

**Table 1246.07-A. C-4 District Requirements**

<b>Bulk Requirements</b>		
	Minimum Lot Area	4,000 sf
<b>A</b>	Minimum Lot Width	40 ft
<b>B</b>	Maximum Principal Building Height	65 ft and 5 stories
	Maximum Impervious Coverage	Does not apply
<b>Setback Requirements</b>		
<b>C</b>	Minimum Front Setback	0 ft
<b>D</b>	Minimum Corner Side Setback	0 ft
<b>E</b>	Minimum Interior Side Setback	0 ft; 10 ft if residential district is adjacent
<b>F</b>	Minimum Rear Setback	5 ft; 10 ft if residential district is adjacent
<b>Design Requirements</b>		
	Minimum Street Frontage	None
<b>G</b>	Parking Location	All yards
	Minimum Transparency	35% of street-facing facades between 2 ft and 8 ft above grade
	Principal Entrance Location	Front or corner side façade
	Roof Types	Pitched, parapet, flat

Figure 1246.07-A. C-4 District Requirements: Plan

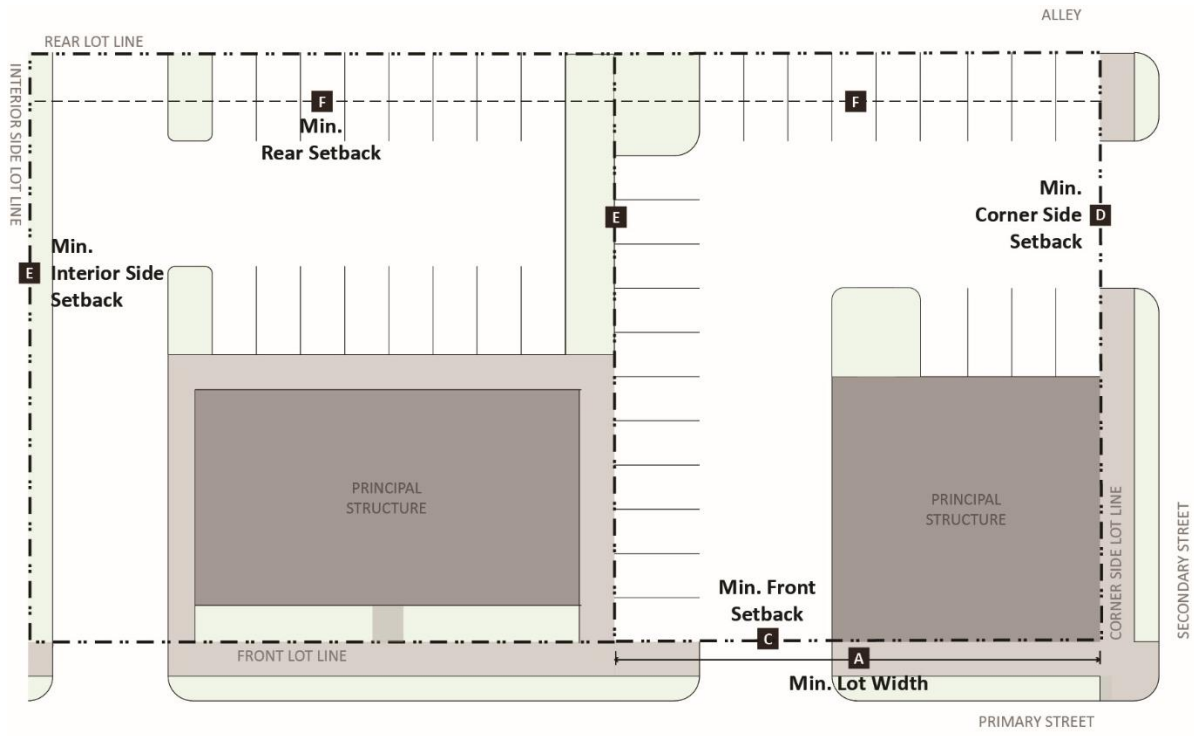
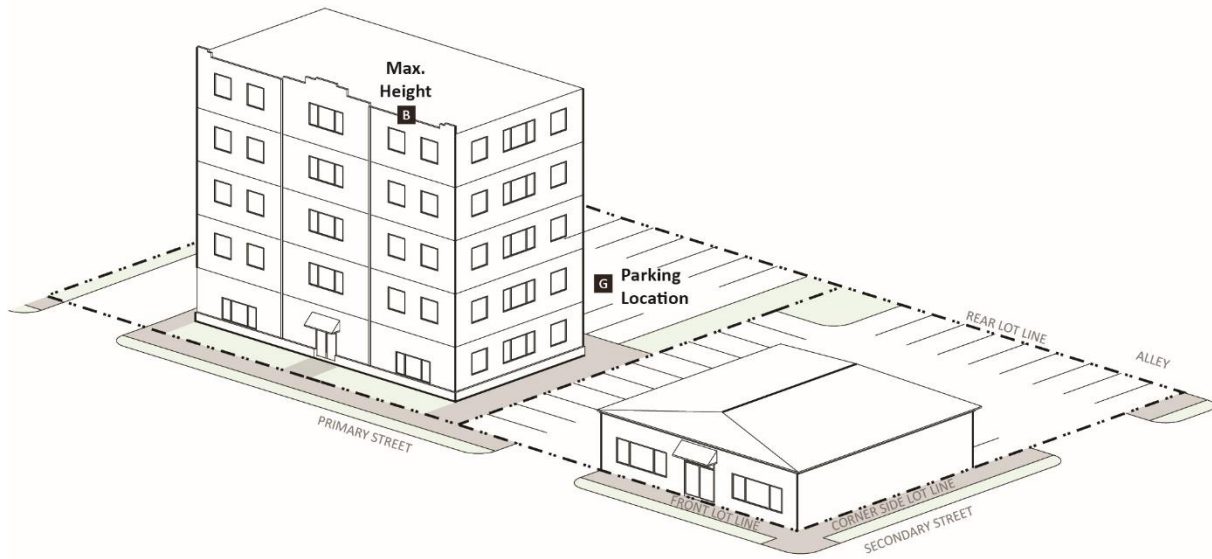


Figure 1246.07-B. C-4 District Requirements: 3-D



**§ 1246.08 I Industrial District Requirements**

Table 1246.08-A. I District Requirements, Figure 1246.08-A. I District Requirements: Plan, and Figure 1246.08-B. I District Requirements: 3-D establish bulk and setback regulations for the I District.

**Table 1246.08-A. I District Bulk and Setback Requirements**

<b>Bulk Requirements</b>		
	Minimum Lot Area	6,250 sf
<b>A</b>	Minimum Lot Width	50 ft
<b>B</b>	Maximum Principal Building Height	50 ft and 3 stories
	Maximum Impervious Coverage	Does not apply
<b>Setback Requirements</b>		
<b>C</b>	Maximum Front Setback	15 ft
<b>D</b>	Maximum Corner Side Setback	15 ft
<b>E</b>	Minimum Interior Side Setback	0 ft; 10 ft if residential district is adjacent
<b>F</b>	Minimum Rear Setback	20 ft

Figure 1246.08-A. I District Requirements: Plan

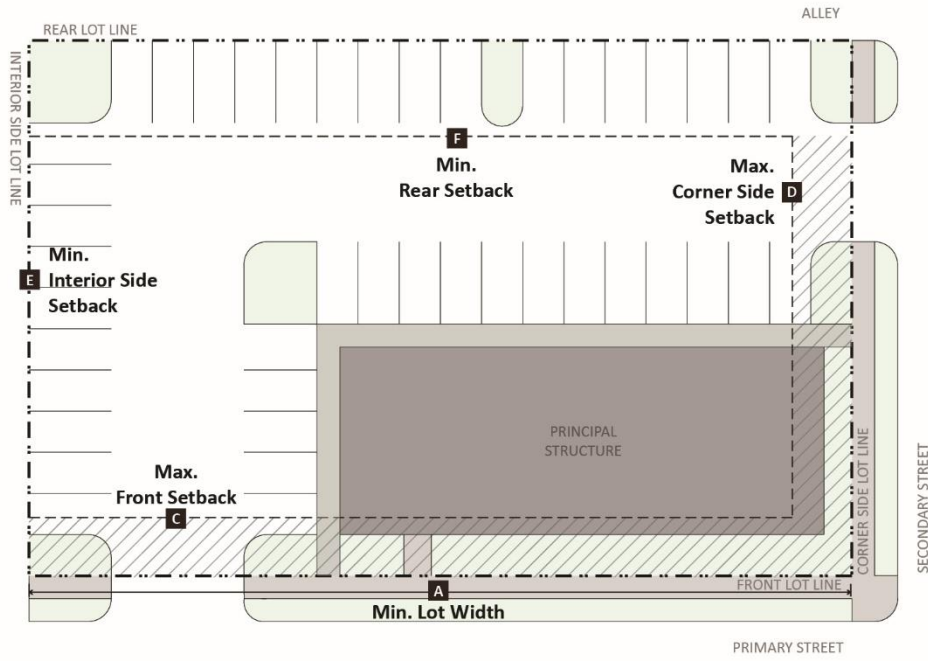
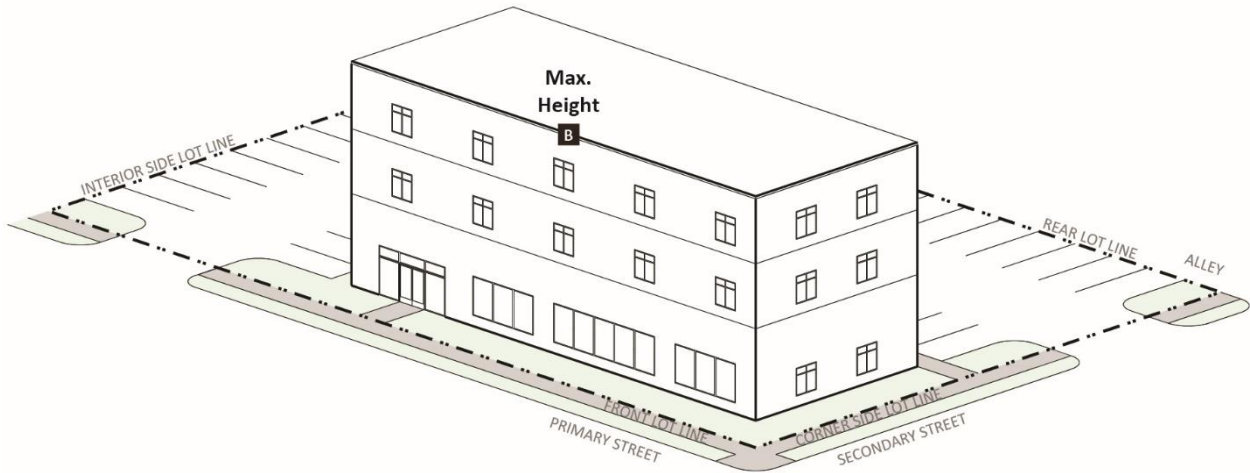


Figure 1246.08-B. I District Requirements: 3-D



**§ 1246.09 P Public Areas District Requirements**

Table 1246.09-A. P District Requirements, Figure 1246.09-A. P District Requirements: Plan, and Figure 1246.09-B. P District Requirements: 3-D establish bulk and setback regulations for the P District.

**Table 1246.09-A. P District Bulk and Setback Requirements**

<b>Bulk Requirements</b>		
	Minimum Lot Area	3,750 sf
<b>A</b>	Minimum Lot Width	30 ft
<b>B</b>	Maximum Principal Building Height	45 ft and 3 stories
	Maximum Impervious Coverage	85%
<b>Setback Requirements</b>		
<b>C</b>	Minimum Front Setback	0 ft
<b>D</b>	Minimum Corner Side Setback	0 ft
<b>E</b>	Minimum Interior Side Setback	0 ft; 10 ft if residential district is adjacent
<b>F</b>	Minimum Rear Setback	5 ft

Figure 1246.09-A. P District Requirements: Plan

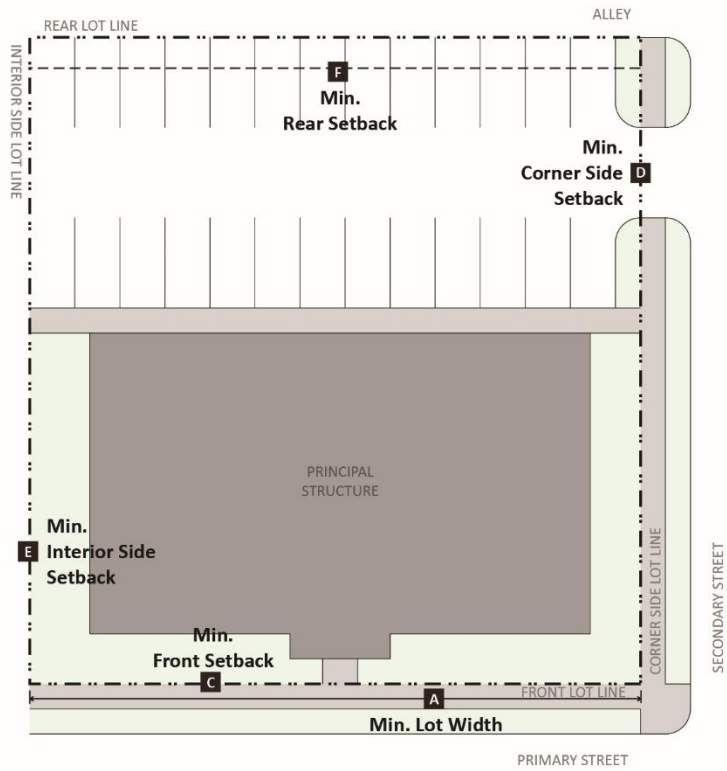
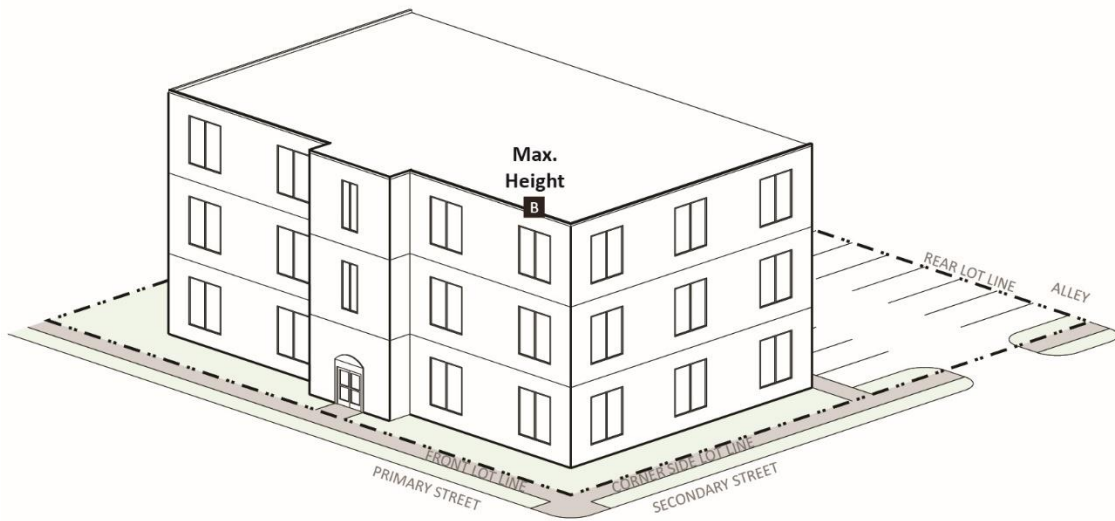


Figure 1246.09-B. P District Requirements: 3-D



**§ 1246.10 R-1 Single-Family Residence District Requirements**

A. Bulk and Setback Regulations. Table 1246.10-A. R-1 District Requirements, Figure 1246.10-A. R-1 District Requirements: Plan, and Figure 1246.10-B. R-1 District Requirements: 3-D establish bulk and setback regulations for the R-1 District.

B. Standards for Additions to Existing Bungalows. The following requirements pertain to second story additions to existing bungalows in the R-1 District.

1. Minimum Addition Setback. The bungalow addition shall be set back a minimum of six feet from the front façade and shall maintain the existing front dormer, when applicable.
2. Maximum Height. After the six-foot setback, the maximum height of the bungalow shall be 30 feet.
3. Roof Pitch. The roof pitch of the addition shall be similar to the roof pitch of the bungalow.
4. Materials. The exterior walls of the addition shall be clad with material that has an analogous color to the original bungalow. Shingles and vinyl siding are not permitted cladding materials for the exterior walls of any bungalow addition.

**Table 1246.10-A. R-1 District Requirements**

Bulk Requirements		
	Minimum Lot Area	3,750 sf
<b>A</b>	Minimum Lot Width	30 ft
<b>B</b>	Maximum Principal Building Height at Front Facade	30 ft for buildings other than bungalows; 20 ft, 15 ft to the gutter for bungalows
<b>C</b>	Maximum Height for Second Story Addition to a Bungalow	30 ft
<b>D</b>	Minimum Setback for a Second Story Addition to a Bungalow	6 ft
	Maximum Impervious Coverage	65%
Setback Requirements		
<b>E</b>	Minimum Front Setback	15 ft
<b>F</b>	Minimum Corner Side Setback	5 ft
<b>G</b>	Minimum Interior Side Setback	3 ft
<b>H</b>	Minimum Rear Setback	25 ft

**Figure 1246.10-A. R-1 District Requirements: Plan**

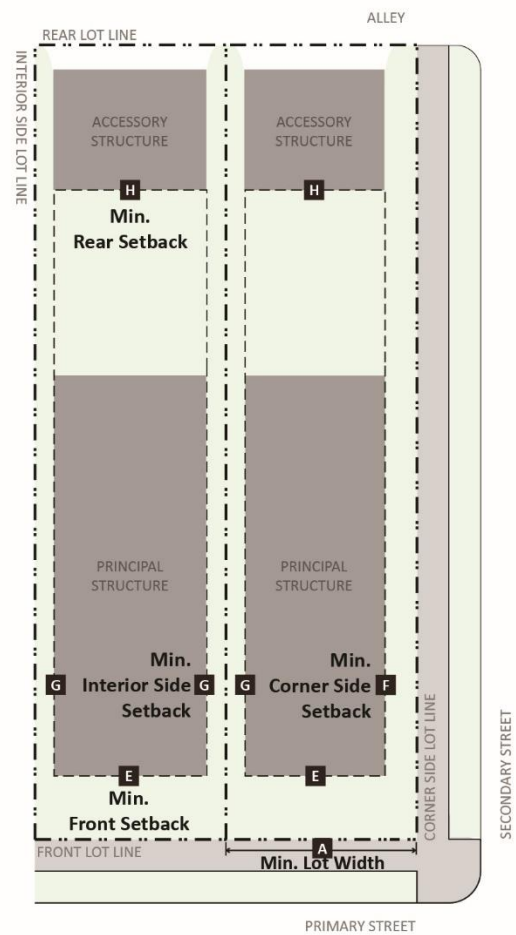
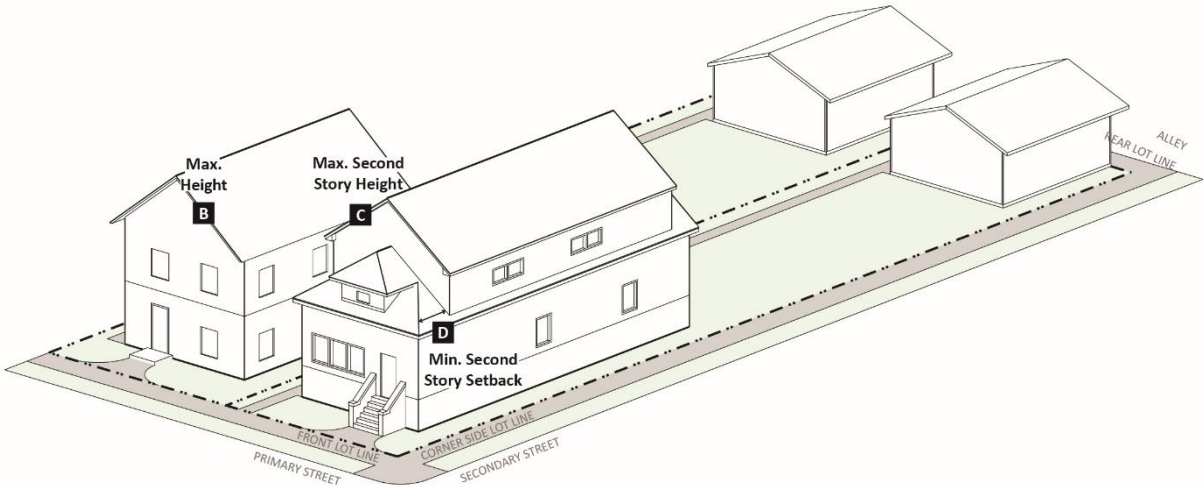


Figure 1246.10-B. R-1 District Requirements: 3-D





**§ 1246.11 R-2 Bungalow District Requirements**

- A. Bulk and Setback Regulations. Table 1246.11-A. R-2 District Requirements, Figure 1246.11-A. R-2 District Requirements: Plan, and Figure 1246.11-B. R-2 District Requirements: 3-D establish bulk and setback regulations for the R-2 District.
- B. Standards for Additions to Existing Bungalows. The following requirements pertain to second story additions to existing bungalows in the R-2 District.
1. Minimum Addition Setback. The bungalow addition shall be set back a minimum of 15 feet from the front façade and shall maintain the existing front dormer, when applicable.
  2. Maximum Height. After the 15-foot setback, the maximum height of the bungalow shall be 28 feet.
  3. Roof Pitch. The roof pitch of the addition shall be similar to the roof pitch of the bungalow.
  4. Materials. The exterior walls of the addition shall be clad with material that has an analogous color to the original bungalow. Shingles and vinyl siding are not permitted cladding materials for the exterior walls of any bungalow addition.

**Table 1246.11-A. R-2 District Requirements**

Bulk Requirements		
	Minimum Lot Area	3,750 sf
<b>A</b>	Minimum Lot Width	30 ft
<b>B</b>	Maximum Principal Building Height at Front Façade	28 ft for buildings other than bungalows; 20 ft, 15 ft to gutter for bungalows
<b>C</b>	Maximum Height for Second Story Addition to a Bungalow	28 ft
<b>D</b>	Minimum Setback for Second Story Addition to a Bungalow	15 ft
	Maximum Impervious Coverage	65%
Setback Requirements		
<b>E</b>	Minimum Front Setback	15 ft
<b>F</b>	Minimum Corner Side Setback	5 ft
<b>G</b>	Minimum Interior Side Setback	3 ft
<b>H</b>	Minimum Rear Setback	25 ft

**Figure 1246.11-A. R-2 District Requirements: Plan**

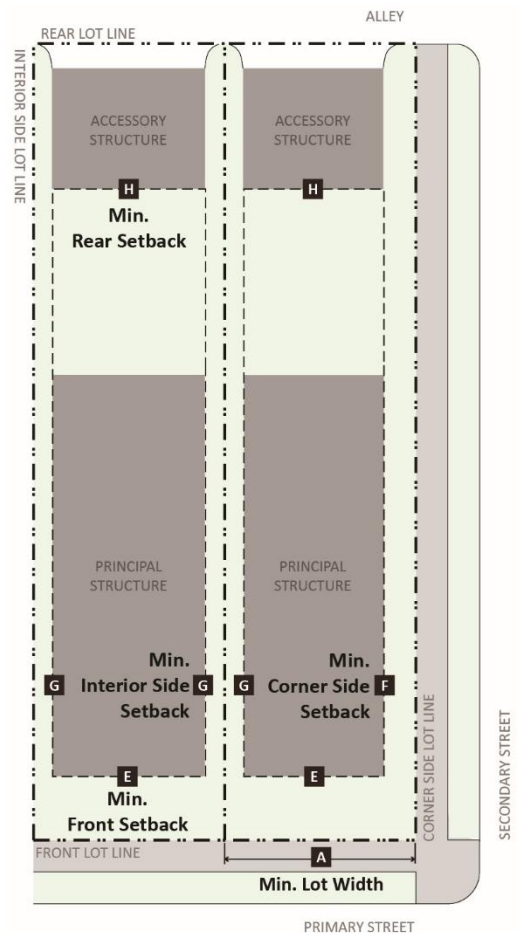
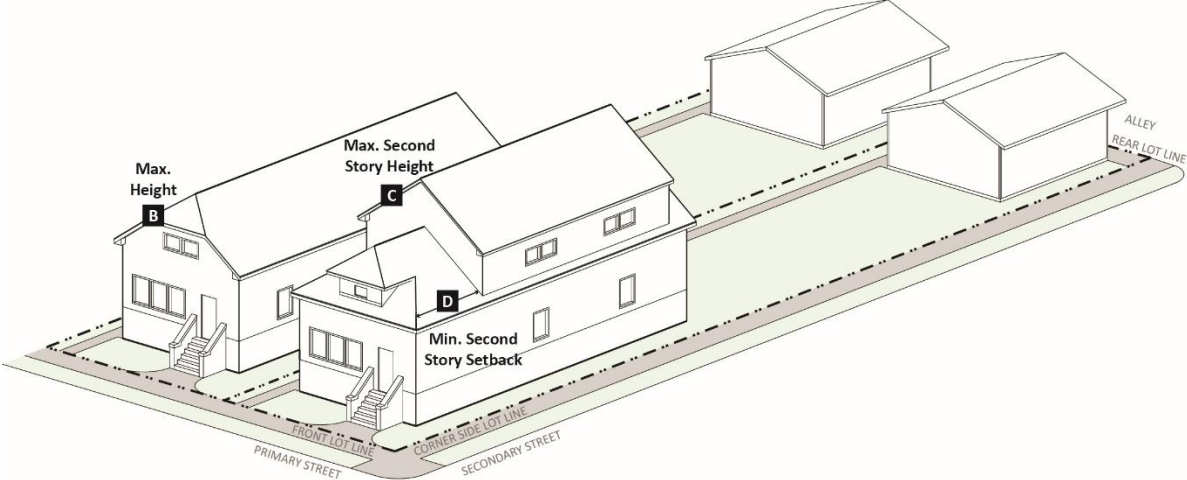


Figure 1246.11-B. R-2 District Requirements: 3-D



**§ 1246.12 R-3 Two-Family Residence District Requirements**

A. Table 1246.12-A. R-3 District Requirements, Figure 1246.12-A. R-3 District Requirements: Plan, and Figure 1246.12-B. R-3 District Requirements: 3-D establish bulk and setback regulations for the R-3 District.

B. Standards for Additions to Existing Bungalows. The following requirements pertain to second story additions to existing bungalows in the R-3 District.

1. Minimum Addition Setback. The bungalow addition shall be set back a minimum of six feet from the front façade and shall maintain the existing front dormer, when applicable.
2. Maximum Height. After the six-foot setback, the maximum height of the bungalow shall be 30 feet.
3. Roof Pitch. The roof pitch of the addition shall be similar to the roof pitch of the bungalow.
4. Materials. The exterior walls of the addition shall be clad with material that has an analogous color to the original bungalow. Shingles and vinyl siding are not permitted cladding materials for the exterior walls of any bungalow addition.

**Table 1246.12-A. R-3 District Requirements**

Bulk Requirements		
	Minimum Lot Area	3,750 sf
<b>A</b>	Minimum Lot Width	30 ft
<b>B</b>	Maximum Principal Building Height at Front Façade	35 ft and 2.5 stories for buildings other than bungalows; 20 ft, 15 ft to the gutter for bungalows
	Maximum Height for a Second Story Addition to a Bungalow	30 ft
	Minimum Setback for a Second Story Addition to a Bungalow	6 ft
	Maximum Impervious Coverage	75%
Setback Requirements		
<b>C</b>	Minimum Front Setback	10 ft
<b>D</b>	Minimum Corner Side Setback	5 ft
<b>E</b>	Minimum Interior Side Setback	3 ft
<b>F</b>	Minimum Rear Setback	25 ft

**Figure 1246.12-A. R-3 District Requirements: Plan**

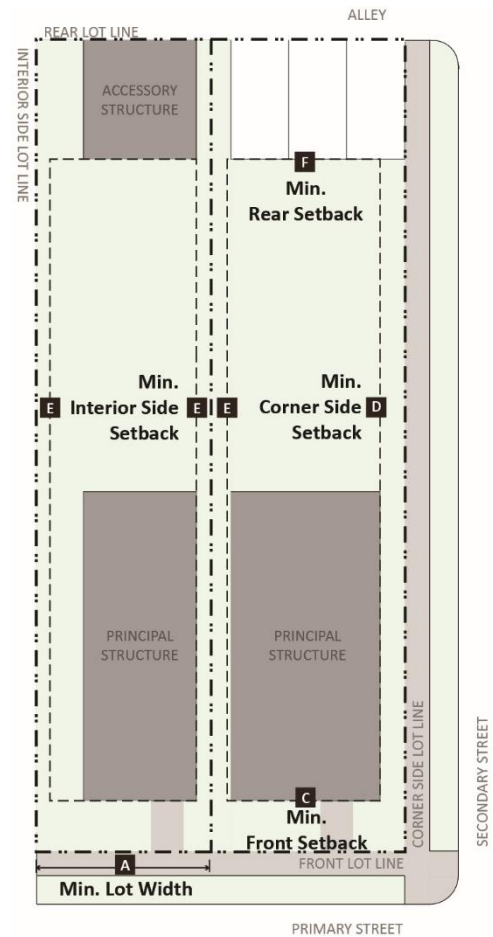
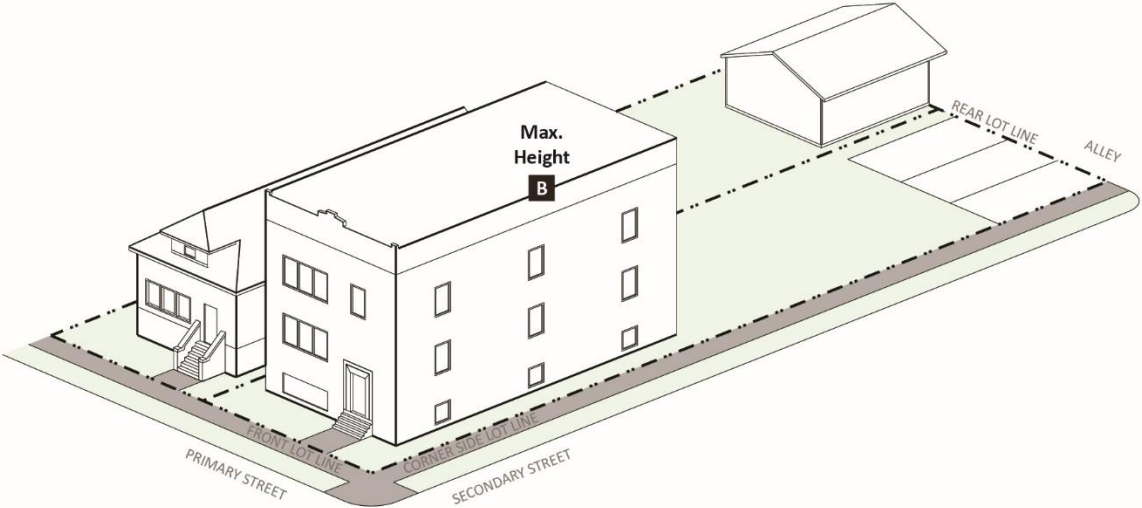


Figure 1246.12-B. R-3 District Requirements: 3-D



**§ 1246.13 R-4 Multi-Family Residence District Requirements**

A. Table 1246.13-A. R-4 District Requirements, Figure 1246.13-A. R-4 District Requirements: Plan, and Figure 1246.13-B. R-4 District Requirements: 3-D establish bulk and setback regulations for the R-4 District.

B. Standards for Additions to Existing Bungalows. The following requirements pertain to second story additions to existing bungalows in the R-4 District.

1. Minimum Addition Setback. The bungalow addition shall be set back a minimum of six feet from the front façade and shall maintain the existing front dormer, when applicable.
2. Maximum Height. After the six-foot setback, the maximum height of the bungalow shall be 30 feet.
3. Roof Pitch. The roof pitch of the addition shall be similar to the roof pitch of the bungalow.
4. Materials. The exterior walls of the addition shall be clad with material that has an analogous color to the original bungalow. Shingles and vinyl siding are not permitted cladding materials for the exterior walls of any bungalow addition.

**Table 1246.13-A. R-4 District Requirements**

Bulk Requirements		
	Minimum Lot Area	3,750 sf
<b>A</b>	Minimum Lot Width	30 ft
	Maximum Principal Building Height at Front Facade	45 ft and 4 stories for buildings other than bungalows; 20 ft, 15 ft to the gutter for bungalows
<b>B</b>	Maximum Height for a Second Story Addition to a Bungalow	30 ft
	Minimum Setback for a Second Story Addition to a Bungalow	6 ft
	Maximum Impervious Coverage	85%
Setback Requirements		
<b>C</b>	Minimum Front Setback	10 ft
<b>D</b>	Minimum Corner Side Setback	5 ft
<b>E</b>	Minimum Interior Side Setback	3 ft
<b>F</b>	Minimum Rear Setback	20 ft

**Figure 1246.13-A. R-4 District Requirements: Plan**

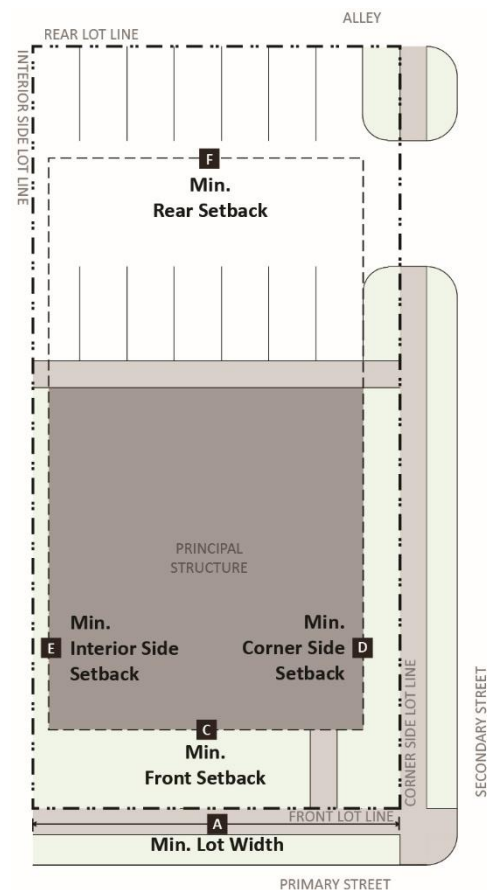
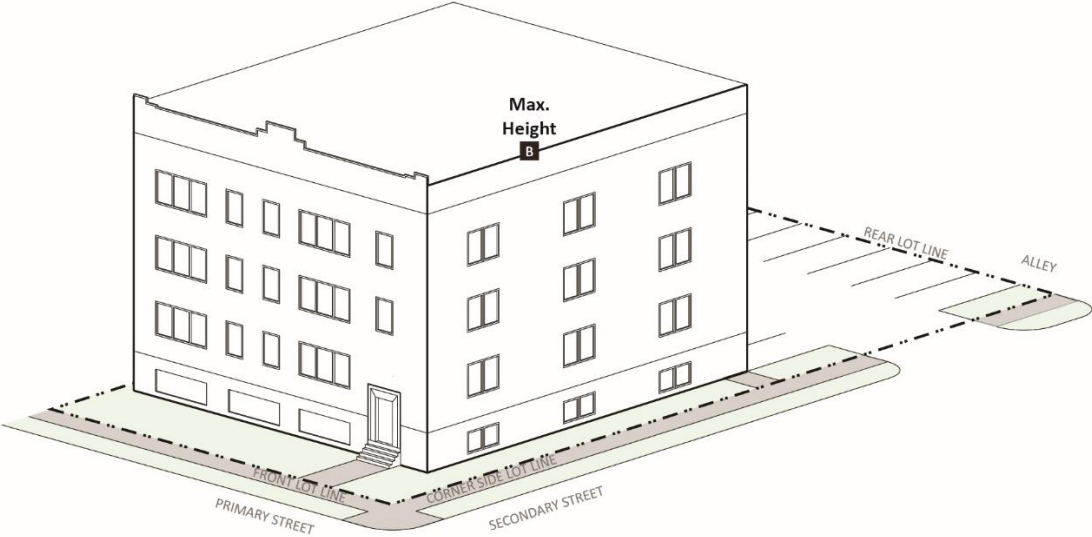


Figure 1246.13-B. R-4 District Requirements: 3-D



#### **§ 1246.14 Principal Structure Encroachments**

The following components of a principal structure are permitted to encroach into required yards provided that all established conditions are met. Accessory structures are permitted to encroach into required yards in accordance with § 1244.04 (Accessory Structures and Uses).

- A. Accessibility Ramps. Permitted to encroach into any required yard.
- B. Awning or Canopy (Residential Use). See § 1476.05.B.1 (Awning Signs) for regulations pertaining to awning signs.
  - 1. Encroachment. Permitted to encroach up to two feet into any required yard.
  - 2. Clearance. Minimum clearance of eight feet is required.
- C. Balcony.
  - 1. Encroachment. Permitted to encroach up to five feet into the required front, corner side, or rear yard.
  - 2. Location. Balconies shall be located a minimum of two feet above ground in residential districts and eight feet in commercial districts.
  - 3. Right-of-Way Encroachment. In the C-1, C-2, C-3, and C-4 Districts, balconies may be permitted to extend beyond the front or corner side lot line and encroach upon the City right-of-way with Zoning Administrator approval.
- D. Bay Window.
  - 1. Encroachment. Permitted to encroach up to three feet into the required front, corner side, or rear yard.
  - 2. Right-of-Way Encroachment. In the C-1, C-2, C-3, and C-4 Districts, bay windows above the ground floor may be permitted to extend beyond the front or corner side lot line and encroach upon the City right-of-way with Zoning Administrator approval.
- E. Chimney. Permitted to encroach up to two feet into any required yard.
- F. Eave or Gutter. Permitted to encroach up to two feet into any required yard.
- G. Fire Escape. Permitted to encroach into the required corner side, interior side, or rear yard.
- H. Porch (Roofed or Unroofed), Stairs, and/or Stoop. Permitted to encroach into any required yard but shall be no closer than five feet from any lot line.
- I. Window Well. Permitted to encroach up to two feet into the required corner side, interior side, or rear yard.

## CHAPTER 1248: OFF-STREET PARKING AND LOADING

§ 1248.01	General Provisions
§ 1248.02	Required Off-Street Parking Spaces
§ 1248.03	Parking Reductions
§ 1248.04	Bicycle Parking
§ 1248.05	Parking Design Standards
§ 1248.06	Loading Facility Requirements
§ 1248.07	Vehicular Stacking Requirements
§ 1248.08	Site Access

### § 1248.01 General Provisions

- A. Purpose. The purpose of this Chapter is to ensure an appropriate quantity of vehicular and bicycle parking to support a variety of land uses and transportation modes, and provide for adequate site access and loading facilities.
- B. Applicability. The requirements of this Chapter shall apply to the following:
1. New developments.
  2. Planned developments.
  3. Alteration of an existing principal or accessory structure or a change in use that results in an increase in the number of required parking spaces.
  4. The construction of new parking facilities, loading facilities, drive-throughs, and/or driveways.
  5. The reconfiguration, expansion, or reconstruction of an existing parking lot that results in a total of 15 spaces or more.
- C. General Requirements. The following requirements apply to all parking and loading areas.
1. Site Plan Approval. Site plan review approval is required prior to either the construction of a new parking lot or drive-through, or the expansion of an existing parking lot that results in a total of 15 spaces or more (see § 1252.03.B (Site Plan Review)).
  2. Occupancy Permit. Off-street parking lots and loading areas required by this Chapter shall be completed prior to the issuance of an occupancy permit for the uses served by the parking lots and loading areas.
  3. Change in Use. When an existing use is changed to a new use, parking and loading spaces shall be provided as required for the new use. Additional parking and/or loading spaces shall be required in the amount by which the requirements for the new use exceed the existing number of parking spaces. If the number of existing parking spaces is greater than the number of spaces required for the new use, the number of parking spaces may be decreased to meet the minimum requirement for the new use.
  4. Materials. All off-street parking lots, loading areas, and driveways shall be constructed using a hard surface, all-weather, dustless material. Semi-pervious materials and permeable pavements may also be used, subject to the prior written approval of the Zoning Administrator.
  5. Encroachment. Parking lots are allowed to encroach into the required interior side and/or rear yard but shall not be less than one foot from the interior side lot line, provided no buffer yard is required, in accordance with § 1250.06 (Buffer Yards).



6. Maintenance Responsibility. All parking and loading areas shall be maintained and kept in good repair by the owner of record.

## **§ 1248.02 Required Off-Street Parking Spaces**

- A. General Requirements. Off-street parking spaces shall be provided in accordance with the following standards.
  1. Availability of Spaces. All parking spaces approved as part of the issuance of an occupancy permit shall be made available to the residents, customers, employees, guests, and/or other users of the principal use. Spaces shall not be utilized for long-term storage or display of vehicles, materials, or goods, unless otherwise stated in this Code.
  2. Commercial Vehicles in Residential Areas. Medium and heavy-duty commercial vehicles and trucks with flatbeds or trailers are not permitted to park on lots in the R-1, R-2, R-3, and R-4 Districts.
  3. Accessible Parking.
    - a. State Requirement. Accessible parking spaces shall be designed and provided as required by the Illinois Accessibility Code, as amended from time to time, and all additional applicable laws.
    - b. Applicability. Accessible parking shall be provided for all off-street parking lots that provide parking for employees, visitors, or both, with the exception of single-family, two-family, and townhouse dwellings.
    - c. Minimum Parking Requirements. The number of accessible parking spaces may be counted toward the total number of off-street parking spaces required. In the event of a conflict between this Section and any applicable state law or regulation, the provision requiring the greatest number of accessible parking spaces shall control.
  4. Off-Premises Parking. Parking facilities for uses other than single-family, two-family, and townhouse dwellings that are provided off-premises shall be located within 600 feet of the building or use served, as measured along a dedicated pedestrian path. Distances greater than 600 feet may be permitted with Zoning Administrator approval.
  5. Tandem Parking. Tandem parking is permitted with the approval of the Zoning Administrator through the site plan review process (see § 1252.03.B (Site Plan Review)).
- B. Computation. Off-street parking spaces shall be calculated using the following standards.
  1. Units of Measurement. The following shall be utilized to calculate the number of required parking spaces.
    - a. Gross Floor Area. Unless otherwise stated, parking standards for non-residential uses shall be calculated on the basis of gross floor area (GFA) in square feet.
    - b. Occupancy- or Capacity-Based Requirements. Parking spaces required per seat, employee, student, or occupant shall be calculated based on the maximum number of employees on the largest shift, maximum number of students enrolled, or maximum fire-rated capacity, whichever measurement is applicable.
    - c. Bench Seating. For uses in which patrons or spectators occupy benches, pews, bleachers, or similar seating facilities, each 24 inches of such seating shall be counted as one seat.
  2. Fractions. When computation of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded, and a fraction of one-half or more shall be counted as one parking space.
  3. Multiple Uses on a Lot. When there are multiple uses on a lot, the amount of parking required shall be the sum of the parking requirements for each individual use, unless the use qualifies for shared parking or other parking reductions as established in § 1248.03 (Parking Reductions).

4. Use of Off-Street Loading Area. Area allocated to any off-street loading spaces shall not be used to satisfy parking space requirements or portions thereof. Area associated with off-street parking spaces shall not be used to satisfy loading space requirements or portions thereof.

C. Off-Street Parking Requirements. Table 1248.02-B. Off-Street Parking Requirements establishes the minimum vehicular parking requirements for the listed uses. Any use not specified in Table 1248.02-B. Off-Street Parking Requirements shall adhere to the requirements provided for the most similar use, as determined by the Zoning Administrator.

**Table 1248.02-B. Off-Street Parking Requirements**

Uses	Parking Requirement
<b>Residential</b>	
Above the Ground Floor Dwelling	1 per dwelling unit
Community Residence	0.5 per bed
Multi-Family Dwelling	1 per dwelling unit
Residential Care Facility	As shown below
Assisted Living Facility	0.5 per dwelling unit
Congregate Care Facility	0.5 per dwelling unit
Independent Living Facility	1 per dwelling unit
Nursing Home or Hospice	0.5 per bed
Single-Family Dwelling	1 per dwelling unit
Townhouse Dwelling	1 per dwelling unit
Two-Family Dwelling	1 per dwelling unit
<b>Civic and Institutional</b>	
Community Garden	None
Cultural Facility	1 per 1,000 sf of GFA
Government Facility	1 per 500 sf of GFA
Hospital	3 per bed
Park	None
Place of Worship	1 per 10 seats or 10% of maximum capacity if seating is not utilized
Preschool or Elementary School	1 per classroom + 1 per 200 sf of office space
Secondary School	1 per classroom, 1 per 200 sf of office space + 1 per 10 students based on maximum enrollment
<b>Commercial</b>	
Adult Use	1 per 500 sf of GFA
Animal Boarding	1 per 500 sf of GFA
Animal Hospital	1.5 per exam room
Banquet Hall	10% of maximum capacity
Bar/Tavern	1 per 60 sf of public area
Car Wash	1 per bay
Credit Union, Loan Company, or Mortgage Broker	1 per 500 sf of GFA
Currency Exchange or Payday Loan	1 per 500 sf of GFA
Day Care Center	1 per 500 sf of GFA
Day Care Home	None
Financial Institution	1 per 500 sf of GFA
Funeral Home	10 per chapel or parlor + 1 per business vehicle
Gas Station	1 per 500 sf of GFA of any accessory convenience retail and/or food service use

<b>Uses</b>	<b>Parking Requirement</b>
Hotel or Motel	1 per room plus additional spaces as required for office space, restaurants, meeting rooms + retail uses
Indoor or Outdoor Entertainment	10% of maximum capacity
Indoor or Outdoor Recreation	1 per 300 sf of GFA
Bowling Alley	2 per lane plus additional spaces as required for restaurant and/or bar
Medical/Dental Office With or Without Dispensary	1 per 300 sf of GFA
Medical Marijuana Dispensary	1 per 500 sf of GFA
Microbrewery / Micro-Distillery	1 per 1,000 sf of GFA + 1 per 300 sf of GFA of any public tasting area
Motor Vehicle Rental	1 per 1,500 sf of office area
Motor Vehicle Repair and/or Service	2 per service bay + additional spaces as required for retail uses
Motor Vehicle Sales	1 per 600 sf of GFA
Nursery	1 per 1,000 sf of combined GFA + outdoor sales and display area
Pawn Shop	1 per 300 sf of GFA
Personal Services Establishment	1 per 500 sf of GFA
Gym/Health Club	1 per 200 sf of exercise area
Laundromat	1 per 4 washing and/or drying machines
Professional Office	1 per 500 sf of GFA
Research/Development Facility	1 per 500 sf of GFA
Restaurant	1 per 60 sf of public area
Retail Goods Establishment	1 per 300 sf of GFA
Grocery Store	1 per 200 sf of GFA
Self-Service Storage	1 per 1,000 sf of GFA up to 20,000 sf, then 1 per 2,000 sf of GFA in excess of 20,000 sf
Tattoo Parlor	1 per 300 sf of GFA
Tobacco Shop	1 per 300 sf of GFA
Transitional Treatment Facility With or Without Dispensary	1 per 500 sf
<b>Manufacturing</b>	
General Manufacturing	1 per 1,000 sf of GFA up to 20,000 sf, then 1 per 2,000 sf of GFA in excess of 20,000 sf
Small Food Manufacturing	1 per 1,000 sf of GFA up to 20,000 sf, then 1 per 2,000 sf of GFA in excess of 20,000 sf
Warehousing, Storage, or Distribution Facility	1 per 500 sf of office GFA + 1 per 20,000 sf of warehouse or storage space GFA
Wholesale Establishment	1 per 600 sf of GFA
<b>Other Uses</b>	
Club, Lodge, or Hall	10% of maximum capacity
Utility	1 per 3 employees

### § 1248.03 Parking Reductions

- A. Parking Reductions. The off-street parking requirements established in Table 1248.02-B. Off-Street Parking Requirements may be reduced by the following measures, as applicable.
1. On-Street Parking Spaces. On-street parking spaces that are located directly adjacent to the front and/or corner side lot line or within 125 feet of said lot line may count towards the off-street parking requirement for a non-residential use. On-street spaces must be located along the same side of the street as the property and a minimum of 50 percent of the parking space must fall within 125 feet of the lot line. Where on-street parking spaces are unmarked, the number of spaces shall be calculated by dividing the linear feet of the on-street parking area adjacent to the lot line by 22.
  2. Proximity to a Transit Station. Uses that are located within 600 feet of a commuter rail station or bus stop, as measured from any point along the lot line, may reduce the total number of required off-street parking spaces by 15 percent.
  3. Proximity to a Municipal Parking Lot. In the C-2 District along Cermak Road only, developments that are located within 400 feet of a municipal parking lot, as measured from any point along the lot line, may reduce the total number of off-street parking spaces required for nonresidential uses by 15 percent.
  4. Shared Parking. For multiple uses that share a parking lot, a reduction of up to 25 percent of the total required off-street parking spaces may be granted by the Zoning Administrator through site plan review. Applicants must demonstrate that uses have different peak demand for parking (weekday, weekend, or evening hours). A shared parking agreement between uses must be filed with the City and approved by the City Attorney. Any subsequent change in ownership or use shall meet the minimum parking requirements established by this Chapter or arrange a new shared parking agreement.
  5. Fee-In-Lieu. A property in the C-2 or C-3 District may satisfy any off-street parking requirement for a non-residential use through payment of a fee-in-lieu of providing parking spaces, subject to approval by the Zoning, Planning, and Development Commission and in conformance with the following standards.
    - a. Approval Required. The Zoning, Planning, and Development Commission may approve or deny any application for fee-in-lieu based on the following criteria:
      - (1) Approval will facilitate new development or redevelopment of property within the C-2 or C-3 District.
      - (2) Approval will facilitate a pedestrian-oriented environment.
      - (3) Approval will relieve constraints in providing the required parking due to lot size and configuration.
      - (4) The property has adequate access to public parking spaces and public transportation, or future opportunities exist to provide public parking in the area.
    - b. Dedicated Parking Fund. The fee required shall be based upon a uniform fee per parking space established annually by the Zoning, Planning, and Development Commission. Such payment shall be placed into a dedicated parking fund to be used by the City for the acquisition, construction, and maintenance of public off-street parking lots within the same general area as the property for which the fee was collected.
    - c. Certificate of Waiver. Evidence of the issuance of a parking waiver shall be in the form of a certificate of waiver, recorded with the Cook County Recorder of Deeds at the property owner's expense and issued in the name of the property owner to which the waiver is granted. Full payment shall be made in advance to the dedicated parking fund as a condition of the certificate of waiver issued by the City and prior to issuance of a certificate of occupancy.
    - d. Applicability of Certificate. The certificate of waiver shall be applicable only to the structure and use for which it is issued. New development or additions, or any construction that results in

additional square footage or an increased number of dwelling units, shall be required to comply with the parking requirements for said additions or obtain another waiver.

#### **§ 1248.04 Bicycle Parking**

- A. Applicability. When off-street parking lots are provided for new construction, bicycle parking shall be provided as established in Table 1248.04-A. Bicycle Parking Requirements.
- B. Computation. When the bicycle parking requirement established in Table 1248.04-A. Bicycle Parking Requirements is based on the number of vehicle spaces, the total number of bicycle spaces required shall be based on the total number of vehicular spaces required as established in Table 1248.02-B. Off-Street Parking Requirements, absent any parking reductions permitted in § 1248.03 (Parking Reductions).
- C. Parking Exemptions. Certain uses in Table 1248.04-A allow a minimum threshold below which no parking is required (for example, personal services establishments under 7,500 square feet are not required to provide parking). Uses that have a total gross floor area above the minimum threshold may subtract the exemption from the total gross floor area to calculate the minimum parking requirement.
- D. Minimum Requirement. Where bicycle parking is required, a minimum of two spaces shall be provided.
- E. Location. Bicycle parking shall be located on the same zoning lot as the use served, unless the Zoning Administrator approves its location in the public right-of-way. With Zoning Administrator approval, existing bicycle parking spaces located within the public right-of-way and directly adjacent to the lot may be counted toward the bicycle parking requirement. Bicycle parking for multi-family dwelling uses may be provided in secure common areas for residents such as garages or storage rooms.
- F. Design.
  - 1. Dimensions. Each bicycle parking space shall have a minimum width of two feet, minimum length of six feet, and minimum vertical clearance of seven feet.
  - 2. Access. An aisle with a minimum width of five feet shall be provided behind bicycle parking facilities to ensure adequate maneuvering space.
  - 3. Racks and Structures. Secure racks and supporting structures shall be provided for each unprotected bicycle parking space, and shall be designed to accommodate both chain and U-shaped locking devices.
  - 4. Parking Areas. Areas used for bicycle parking shall be designed and maintained to be reasonably free from standing water, mud, and dust, and shall be well-lit.
  - 5. Signage. If bicycle parking required for nonresidential uses is not visible from the street, signage shall be posted to indicate the location of such parking.

**Table 1248.04-A. Bicycle Parking Requirements**

Uses	Bicycle Spaces Required
Civic and Institutional Uses	1 per 10 vehicle spaces
Indoor or Outdoor Recreation or Entertainment	1 per 10 vehicle spaces
Multi-Family Dwelling, 8 units or more	1 per 2 dwelling units
Personal Services Establishment, over 7,500 sf GFA	1 per 10 vehicle spaces
Professional Office, over 7,500 sf GFA	1 per 10 vehicle spaces
Retail Goods Establishment, over 7,500 sf GFA	1 per 10 vehicle spaces

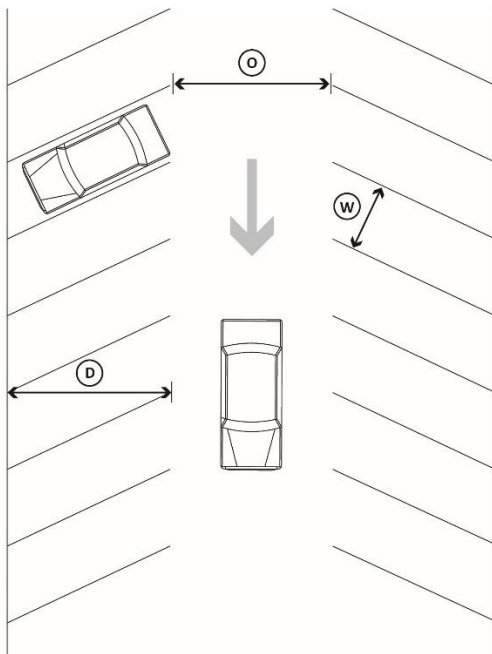
**§ 1248.05 Parking Design Standards**

A. Dimensions. All off-street parking aisles and spaces shall be designed in compliance with the requirements established in Table 1248.05-A. Off-Street Parking Dimensions and Figure 1248.05-A. Parking Lot Layout.

**Table 1248.05-A. Off-Street Parking Dimensions**

Angle	Stall Width (W)	Stall Depth (D)	Aisle Width: One Way (O)	Aisle Width: Two Way
0°	9 ft	18 ft	14 ft	24 ft
45°	9 ft	20 ft	14 ft	24 ft
60°	9 ft	21 ft	18 ft	24 ft
90°	9 ft	18 ft	24 ft	24 ft

**Figure 1248.05-A. Parking Lot Layout**



- B. Vertical Clearance. Each parking space shall have a minimum vertical clearance of seven feet.
- C. Access.
1. Vehicular Access to Parking Lots. Parking lots shall be designed with adequate means of vehicular access from a driveway, street, or alley in a manner that minimizes interference with traffic movement.
  2. Vehicular Access to Parking Spaces. Each parking space within a parking lot shall open directly into an aisle or driveway of sufficient width to provide adequate means of vehicular access to the parking space.
- D. Striping. Off-street parking lots shall delineate parking spaces with paint or another permanent, durable material, which shall be maintained in order to remain clearly visible.
- E. Snow Storage.
1. Provision for Snow Storage. Snow storage areas shall be provided on or adjacent to all off-street parking areas subject to the standards of this Section to ensure public safety and accommodate transportation.
  2. Obstructions. Snow shall be stored in a manner that does not restrict access, circulation, or sight lines for pedestrians or vehicles at driveways, sidewalks, or other access points. Required off-street parking spaces, driveways, access aisles, and walkways shall not be used for the purpose of snow storage.
  3. Storage in Landscape Areas. Landscape areas shall not be used for snow storage unless designed for that use, with non-compacted soils, adequate area to accommodate snow piles and containing plantings selected for salt-tolerance and durability.
  4. Storage in Stormwater Facilities. Snow shall not be stored on top of storm drain catch basins or stormwater management facilities, as plowed snow can contain pollutants and debris that accumulate in the area and block the system, causing localized flooding.
  5. Off-Site Snow Storage. If appropriate snow storage cannot be accommodated on-site, snow shall be stored off-site, with information on this arrangement submitted to the Zoning Administrator with sufficient detail to ensure adequate safety and parking facilities during snow events.
- F. Wheel Stops. Bumper stops, wheel stops, or curbing shall be permanently and securely installed along the perimeter of the parking lot to prevent vehicle overhang from encroaching on sidewalks, landscape areas, fencing, walls, or buildings.
- G. Landscape Requirements. Parking areas shall meet the applicable requirements of Chapter 1250 (Landscape Standards).
- H. Drainage. Off-street parking lots shall be graded for proper drainage and meet the stormwater management requirements of § 1250.03 (Stormwater Management).
- I. Lighting. Parking lots shall be illuminated in accordance with the standards of § 1250.08 (Outdoor Lighting).

## § 1248.06 Loading Facility Requirements

- A. Applicability. Manufacturing, commercial, civic, institutional, and multi-family dwelling uses shall provide off-street loading spaces as established in Table 1248.06-A. Loading Requirements. The Zoning Administrator may approve a reduction in the minimum loading requirements, or approval for shared use of loading spaces for multiple users, through the site plan review process (see § 1252.03.B (Site Plan Review)).
- B. Computation. Off-street loading spaces shall be calculated on the basis of gross floor area (GFA) in square feet.
  - 1. Fractions of Loading Spaces. When computation of required loading spaces results in a fraction, any fraction of less than one-half shall be disregarded, and any fraction of one-half or more shall be counted as one loading space.
  - 2. Maximum Number Required. The maximum number of loading spaces required of a development shall be four spaces.
- C. Dimensions. All required loading spaces shall have a minimum width of 10 feet, minimum length of 26 feet, and minimum vertical clearance of 14 feet.
- D. Location. All loading spaces shall be located on the same zoning lot as the use served, unless an alternate location has been approved by the Zoning Administrator through the site plan review process (see § 1252.03.B (Site Plan Review)).
  - 1. Interior Side or Rear Facade. Loading facilities shall be located on the interior side and/or rear facade of the building and shall not project into any required yards.
  - 2. Drive Aisle. With prior written Zoning Administrator approval, a designated loading area may be located within a drive aisle.
  - 3. Residential Districts. No loading space shall be closer than 50 feet to any property in the R-1, R-2, R-3, or R-4 District unless the space is screened by a solid fence or wall with a minimum of six feet in height.
- E. Access. Each required off-street loading space shall have appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement. No loading space shall project into or block a street, alley, access drive, or parking area.
- F. Materials. Off-street loading areas shall be paved with a hard surface, all-weather dustless material. Semi-pervious materials and permeable pavements may also be used, subject to the approval of the Zoning Administrator.



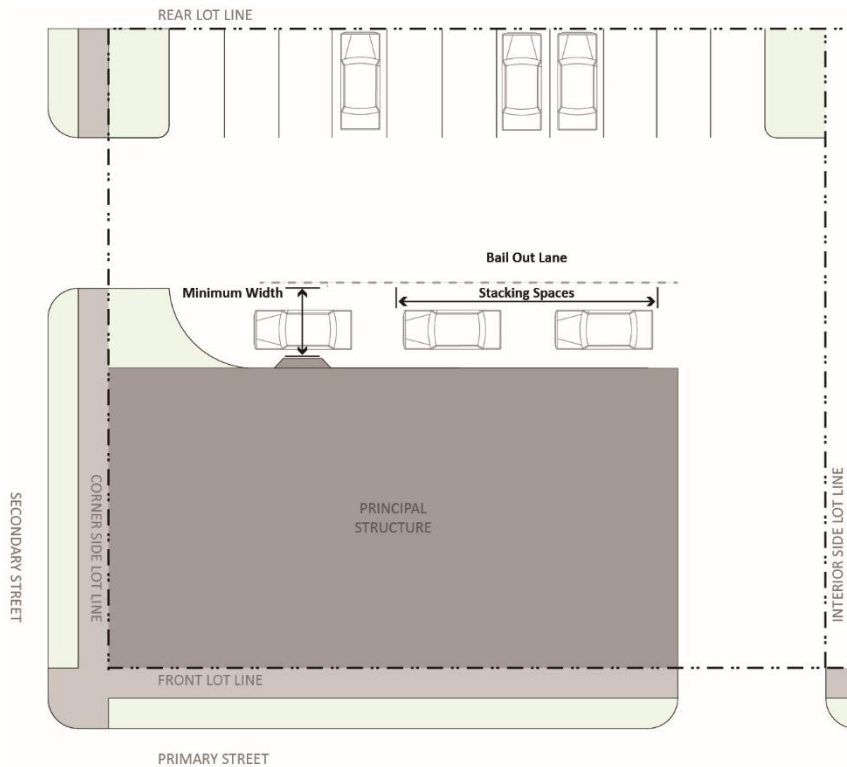
**Table 1248.06-A. Loading Requirements**

Gross Floor Area	Loading Spaces Required
<b>Commercial, Civic, and Institutional</b>	
10,000 to 100,000 sf	1
Each additional 100,000 sf	1
<b>Manufacturing</b>	
5,000 to 40,000 sf	1
Each additional 60,000 sf	1
<b>Multi-Family Dwellings</b>	
20,000 sf or greater	1

**§ 1248.07 Vehicular Stacking Requirements**

- A. Space Requirements. Each drive-through facility shall provide a minimum of two stacking spaces per bay, with the exception that restaurant uses shall provide a minimum of four stacking spaces per drive-through lane. Refer to Figure 1248.07-A. Stacking Spaces.
- B. Dimensions. All stacking spaces shall have a minimum width of nine feet, as measured from the outermost point of any service window to the edge of the drive-through lane, and minimum length of 18 feet.
- C. Location. Stacking spaces shall be located behind the vehicle parked at the last point of service, such as a drive-through window or car wash bay, and shall be placed in a line within the drive-through lane. Stacking spaces shall be located so that they do not obstruct ingress or egress to the site or to required parking and loading spaces, or encroach onto the public right-of-way. The vehicle space directly adjacent to the last point of service (such the space next to a drive-through window) shall not count towards the total stacking space requirement.
- D. Bail Out Lane. Drive through lanes shall include a bailout lane, which shall run parallel to the drive through lane, have a minimum width of 10 feet, and provide unobstructed exit capability to all vehicles that have entered the drive-through lane. A drive aisle may also serve as the bailout lane provided it meets the requirements of this Section.

**Figure 1248.07-A. Stacking Spaces**



**§ 1248.08 Site Access**

Driveways providing site access from a street, alley, or other vehicular right-of-way shall adhere to the following.

- A. Location. Driveways are permitted to encroach into the required interior side and/or rear yard but shall be no closer than one foot from the interior side lot line, except when the driveway provides shared access for two adjacent properties.
- B. Quantity. One driveway per street frontage is allowed, provided that the minimum street frontage requirements established in Chapter 1246 (Zoning District Regulations) are met. Lots with a minimum of 150 linear feet of street frontage may incorporate one additional driveway along that frontage. When more than one driveway is permitted, the distance between the driveways shall be a minimum of 25 feet.
- C. Driveway Width. Driveways shall be constructed in compliance with Table 1248.08-A. Maximum Driveway Width. Driveway width shall be measured at the lot line.
- D. Driveway Flares. Driveway flares shall not exceed a width of three feet, measured along the curb line.
- E. Residential Driveways. A driveway apron the width of the garage, carport, or parking pad is permitted to extend up to 20 feet in depth from the garage doors or rear edge of the carport or parking pad before tapering back to the required driveway width.

F. Driveway Parking. Single-family, two-family, and townhouse dwellings are permitted to park on private driveways provided that the parked vehicle does not encroach into the right-of-way.

**Table 1248.08-A. Maximum Driveway Width**

<b>Uses</b>	<b>One-Way Driveway</b>	<b>Two-Way Driveway</b>
Commercial, Civic and Institutional	13 ft	26 ft
Manufacturing	15 ft	30 ft
Residential, Multi-Family	12 ft	24 ft
Residential, Other	12 ft	12 ft

## CHAPTER 1250: LANDSCAPE STANDARDS

§ 1250.01	General Provisions
§ 1250.02	Design, Installation, and Maintenance
§ 1250.03	Stormwater Management
§ 1250.04	Street Trees
§ 1250.05	Parking Lot Landscape
§ 1250.06	Buffer Yards
§ 1250.07	Screening Requirements
§ 1250.08	Outdoor Lighting

### § 1250.01 General Provisions

- A. Purpose. The purpose of this Chapter is to establish landscape requirements that will enhance the City's character and livability, improve air quality, reduce the heat island effect, reduce stormwater runoff, reduce noise, and provide buffers between different types of uses.
- B. Applicability. The requirements of this Chapter apply to the following, unless otherwise specified:
1. New developments that require site plan approval.
  2. Planned developments.
  3. The construction of any new parking lot of 15 spaces or more.
  4. The expansion or reconstruction of any existing parking lot that results in a total of 15 aggregate spaces or more.
- C. Occupancy Permit. The requirements of this Chapter shall be met and landscape elements and stormwater management facilities shall be fully installed prior to the issuance of an occupancy permit.
1. Seasonal Conditions. If seasonal conditions preclude the completion of landscape installation, the applicant shall provide the City with a letter of credit, escrow, performance bond, or other surety as approved by the Zoning Administrator equal to 125 percent of the remaining costs of installation as estimated by a qualified professional in order to receive an occupancy permit.
  2. Permit Revocation. Failure to implement the approved landscape plan or maintain installed landscape elements shall be cause for revocation of the occupancy permit and/or the application of fines and penalties. All landscape elements are subject to periodic inspection for compliance with the approved landscape plan.
- D. Landscape Plan. A landscape plan shall be submitted to the City as part of any site improvement that meets the criteria of § 1250.01.B (Applicability), and shall be approved by the Zoning Administrator. The landscape plan shall be evaluated and approved based on the standards included in this § 1250.01 (General Provisions).
1. Licensed Landscape Architect. The landscape plan shall be prepared by a licensed landscape architect registered in the State of Illinois if the project involves 15 parking spaces or more.
  2. Contents. The landscape plan shall contain the following:
    - a. Location and dimensions of all existing and proposed structures, parking spaces, landscape islands, buffer yards, street lights, utilities, easements, and other site elements as determined by the Zoning Administrator.

- b. Location, quantity, size, and name, both botanical and common, of all existing plant material, including trees and plant material in the right-of-way. The landscape plan shall indicate whether existing plant material will be retained or removed.
  - c. Location, quantity, size, and name, both botanical and common, of all proposed plant material.
  - d. Existing and proposed grading of the site indicating contours at one-foot intervals.
  - e. Elevations of all fences and retaining walls proposed for the site.
  - f. Location of snow storage areas.
3. Operations and Maintenance Plan. Maintenance of all elements of a landscape plan located on private property shall be the responsibility of the property owner. Prior to approval of a landscape plan, an Operations and Maintenance Plan including detail on the maintenance procedures to ensure ongoing compliance with this Chapter must be signed by the owner, notarized, and submitted to the City.
- E. Stormwater Management Plan. A stormwater management plan shall be submitted to the City as part of any site improvement that meets the criteria of § 1250.01.B (Applicability), and shall be approved by the Zoning Administrator. The stormwater management plan shall be evaluated and approved based on the standards included in this Section and § 1250.03 (Stormwater Management).
- 1. Plan Certification. The stormwater management plan shall be prepared by a professional engineer registered in the State of Illinois.
  - 2. Contents. The stormwater management plan shall contain the following:
    - a. Location and dimensions of all existing and proposed structures, utilities, easements, and other site elements.
    - b. Description of the proposed development, including land cover, contours, and expected pollutant load.
    - c. All storm drainage systems, including existing and proposed drain lines, culverts, catch basins, headwalls, hydrants, manholes, and temporary and permanent stormwater best management practices (BMPs). Site BMPs shall consist primarily of green infrastructure features for the purpose of extending the time of concentration to the drainage system, filtering runoff through plants and soil and reducing total runoff.
    - d. All pertinent calculations and specifications used in the design and construction of the permanent stormwater BMPs to retain, detain, and filter the 50-year storm event and to provide means to manage and direct overflows to the public right-of-way.
    - e. A plan showing site sub-catchment areas, retention BMP areas and capacities, detention BMP areas and capacities, conveyance BMPs, and stormwater runoff treatment of BMPs in which runoff is directed before leaving the site (surface or sub-surface). The applicant shall also describe the receiving stream, canal, pipe, culvert, ditch, or other drainage structure into which the runoff from the property flows.
    - f. The estimated and itemized cost of proposed drainage and stormwater BMPs.
    - g. The anticipated timeline for implementation of the stormwater management plan.
    - h. An Operations and Maintenance (O&M) Plan containing a specific inspection and maintenance schedule for each site BMP.

## § 1250.02 Design, Installation, and Maintenance

### A. Design and Installation.

1. National Standards. All landscape elements shall be installed in accordance with the practices and procedures established by AmericanHort. Landscape materials shall be healthy and hardy upon installation, and installed with appropriate soils to ensure sustained growth.
2. Plant Size Requirements. Landscape materials shall be installed at or above the minimum sizes specified in Table 1250.02-A. Required Landscape Material Size at Installation, unless otherwise noted in this Code.
3. Native Species. Tree and plant species that are native or naturalized to northeastern Illinois, as well as drought- and salt-tolerant plant materials, are preferred. Refer to the list of preferred plant and tree species, available from the Public Works Department.
4. Tree Species Diversity. Trees that are native or naturalized to northeastern Illinois shall be used as follows for sites of 0.5 acres or more.
  - a. One family shall not comprise more than 70 percent of trees planted on a site.
  - b. One genus shall not comprise more than 50 percent of trees planted on a site.
  - c. One species shall not comprise more than 30 percent of trees planted on a site.
5. Irrigation. Permanent irrigation systems are not required but may be installed as recommended by a landscape architect or the Zoning Administrator. All irrigation systems shall be designed to minimize the use of water, and require submittal of certification that the system is water efficient (e.g. EPA WaterSense certified).

**Table 1250.02-A. Required Landscape Material Size at Installation**

Landscape Material Type	Minimum Size
Deciduous Shade Tree, Single Trunk	2.5 in caliper
Deciduous Shade Tree, Multiple Trunks	10 ft height
Evergreen Tree	4 ft height
Ornamental Tree, Single Trunk	2 in caliper
Ornamental Tree, Multiple Trunks	6 ft height
Shrubs	18 in height

### B. Maintenance. All landscape elements shall be maintained in good condition at all times to ensure healthy vegetation and an orderly appearance.

1. Maintenance Responsibility. Landscape elements, such as vegetation and trees, irrigation systems, fences, walls, and stormwater management facilities shall be maintained with the same care and attention as buildings, parking, and other site improvements. The owner of record shall be responsible for the maintenance, repair, and replacement of landscape elements to keep them in good condition for the lifespan of the development and/or parking lot.
2. Surety. A letter of credit, escrow, performance bond, or other surety as approved by the Zoning Administrator equal to 125 percent of the value of the landscaping shall remain in place for one year after installation to ensure proper maintenance in accordance with this Chapter.
3. Establishment of Landscape Elements. All installed landscape material shall be watered, fertilized, and replaced as needed until fully established.
4. Ongoing Maintenance. All landscape elements shall be maintained in good condition and shall have a healthy, neat, and orderly appearance. Any landscape element that is removed due to disease, damage, death, or any other reason shall be replaced within 30 days of the beginning of

the growing season in accordance with the requirements of this Chapter and the approved landscape plan.

### **§ 1250.03 Stormwater Management**

- A. Purpose. The purpose of this Section is to establish stormwater management regulations that reduce the volume and rate of stormwater runoff entering the storm sewer system and help prevent flood damages.
- B. Applicability. The standards of this Section shall apply to all development that meets the criteria stated in § 1250.01.B. (Applicability). The standards of this Section shall not replace any stormwater management controls required by any other agency. If any development is subject to the standards of this Section as well as the stormwater management requirements of another regulating agency, the standards of this Section shall be met in addition to any applicable requirements of such agency. If the provisions of this Section are inconsistent with the stormwater management requirements of another regulating agency, the more restrictive provision shall govern.
- C. Stormwater Management Controls.
  - 1. Runoff Detention. All stormwater conveyance and retention measures shall be designed to manage the 50-year, 24-hour return frequency storm event and to provide measures to manage and direct overflows to the public right-of-way. Detention shall be achieved through incorporation of green infrastructure, post-construction stormwater management measures, and BMPs designed to increase permeable areas and to reduce pollution. Detention shall be provided as part of a stormwater management plan to accommodate the allowable size of a stormwater connection to the City sewer system.
  - 2. Discharge Rate. The maximum allowable discharge rate shall be 0.15 cubic feet per second per acre (cfs/ac). The maximum discharge rate (cfs) from the regulated development shall be based on the maximum release rate (cfs/ac) times the disturbed land area (ac).
  - 3. Sheet Flow. Runoff from impervious surface area shall not sheet flow to the public right-of-way.
  - 4. Fee-In-Lieu. Any property may satisfy City stormwater management requirements for any use through payment of a fee-in-lieu of providing stormwater management controls, subject to approval by the Zoning, Planning, and Development Commission and in conformance with the following standards. This provision shall not be allowed in-lieu of stormwater management controls required by any other agency except those required by this Chapter.
    - a. Approval Required. The Zoning, Planning, and Development Commission may approve or deny any application for fee-in-lieu based on the following criteria:
      - (1) Approval will facilitate new development or redevelopment of property.
      - (2) Approval will remedy constraints in providing the required stormwater management controls due to lot size and configuration.
    - b. Dedicated Stormwater Management Fund. The fee required shall be based upon a calculation made by the Department of Public Works for construction and ongoing maintenance of the required on-site controls. Such payment shall be placed into a dedicated stormwater management fund to be used by the City for the acquisition, construction, and maintenance of stormwater management controls within the same general area as the property for which the fee was collected.

- c. Certificate of Waiver. Evidence of the issuance of a stormwater management controls waiver shall be in the form of a certificate of waiver, recorded with the Cook County Recorder of Deeds at the property owner's expense and issued in the name of the property owner to which the waiver is granted. Full payment shall be made in advance to the dedicated stormwater management fund as a condition of the certificate of waiver issued by the City and prior to issuance of a certificate of occupancy.
  - d. Applicability of Certificate. The certificate of waiver shall be applicable only for the limits of the development for which it is issued. New development or additions, or any construction that results in applicability of this Section, shall be required to comply with the parking requirements for said additions or obtain another waiver.
5. Operations and Maintenance Plan. Maintenance of stormwater management facilities located on private property shall be the responsibility of the property owner. An Operations and Maintenance Plan (O&M Plan) must be signed by the owner and notarized, and submitted to the City. A copy of the O&M Plan must be provided to each new owner before the a sale is finalized, and the O&M Plan must be signed by the new owner, notarized, and submitted to the City to be kept on record. The O&M Plan shall include the following:
- a. Maintenance Easement. Prior to approval of a stormwater management plan, the applicant must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Article. The easement shall be recorded by the grantor with the Cook County Recorder of Deeds after approval by the City.
  - b. Maintenance After Construction. The owner or operator of permanent stormwater management facilities installed in accordance with this Article shall be responsible for the operation and maintenance of such facilities to achieve the goals of this Article. Proper operation and maintenance shall include, at a minimum, the following:
    - (1) A preventative/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this Article.
    - (2) Written procedures for training personnel in the operation and maintenance of the facilities.
    - (3) Discharge from facilities shall not exceed design criteria or cause or contribute to water quality standard violations.

**§ 1250.04 Street Trees**

- A. Purpose. The purpose of this Section is to aid in beautifying and shading the City by providing consistent and appropriately spaced street trees.
- B. Applicability. The requirements of this Section apply to existing and/or proposed parkway areas adjacent to new developments that require site plan or planned development approval.
- C. Street Tree Requirements. Refer to the list of preferred plant species, available from the Public Works Department.



1. Frequency. Shade trees shall be installed at a minimum rate of one tree per 25 linear feet of street frontage, center to center, or at a rate that matches the existing tree spacing pattern on adjacent parkways, whichever results in a greater density of tree plantings.
2. Tree Wells. Tree wells shall be utilized in commercial districts where the sidewalk extends from the back of curb to the lot line.
3. Clear View Zones. Tree plantings shall be installed in compliance with Illinois Department of Transportation Bureau of Local Roads and Streets (BLRS) Manual visibility standards at intersections.

## **§ 1250.05 Parking Lot Landscape**

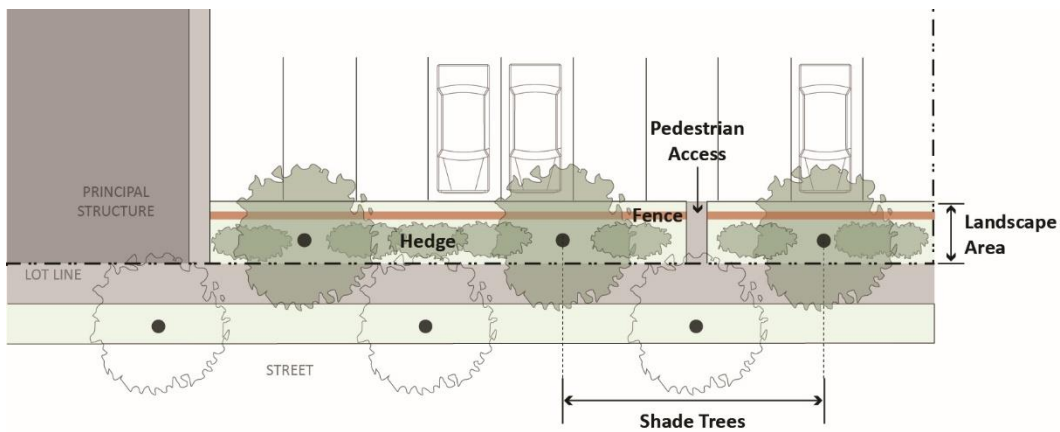
### **A. Parking Lot Perimeter Landscape Yard. Refer to Figure 1250.05-A. Location of Landscape Requirements and Figure 1250.05-B. Parking Lot Perimeter Landscape Yard.**

1. Purpose. The purpose of this Section is to soften the visual impact of parking areas that are visible from the street.
2. Applicability. The requirements of this Section apply to properties in all zoning districts where a parking lot is located adjacent to the front and/or corner side lot line.
3. Landscape Requirements.
  - a. Location. The landscape yard shall be located between the front and/or corner side lot line and the back of the parking lot curb.
  - b. Minimum Landscape Yard. A landscape yard with a minimum depth of eight feet is required along the length of the parking lot that abuts the front and/or corner side lot line, excluding any driveways.
  - c. Landscape Elements. The landscape yard shall include the following:
    - (1) A continuous hedge comprised of individual small shrubs with a minimum width of 24 inches, spaced 36 inches on center, and maximum height at maturity of 30 to 42 inches.
    - (2) One medium or large shade tree for every 25 linear feet of perimeter area. Trees may be spaced evenly or grouped.
    - (3) Any portion of the landscape yard not covered by hedges and trees shall be planted with turf or other groundcover, or mulched.
  - d. Fence. Fencing is required to further screen the parking lot from view of the street and shall be subject to the following.
    - (1) The fence shall be located a minimum of two feet from the back of the parking lot curb to allow for vehicle overhang. The required landscape yard shall be located between the fence and sidewalk to provide visual interest from the street.
    - (2) The fence shall be a minimum of three feet and maximum of four feet in height. Solid masonry fences shall have a minimum of two feet, six inches in height and maximum of three feet in height.
    - (3) A paved opening with a minimum width of three feet shall be provided at least every 50 feet to allow pedestrian access to the parking lot.
    - (4) The fence shall be at least 30 percent open, unless solid masonry is used.
    - (5) Ornamental metal, masonry, and wood are permitted fence materials. Chain link is prohibited.

**Figure 1250.05-A. Location of Landscape Requirements**



**Figure 1250.05-B. Parking Lot Perimeter Landscape Yard**

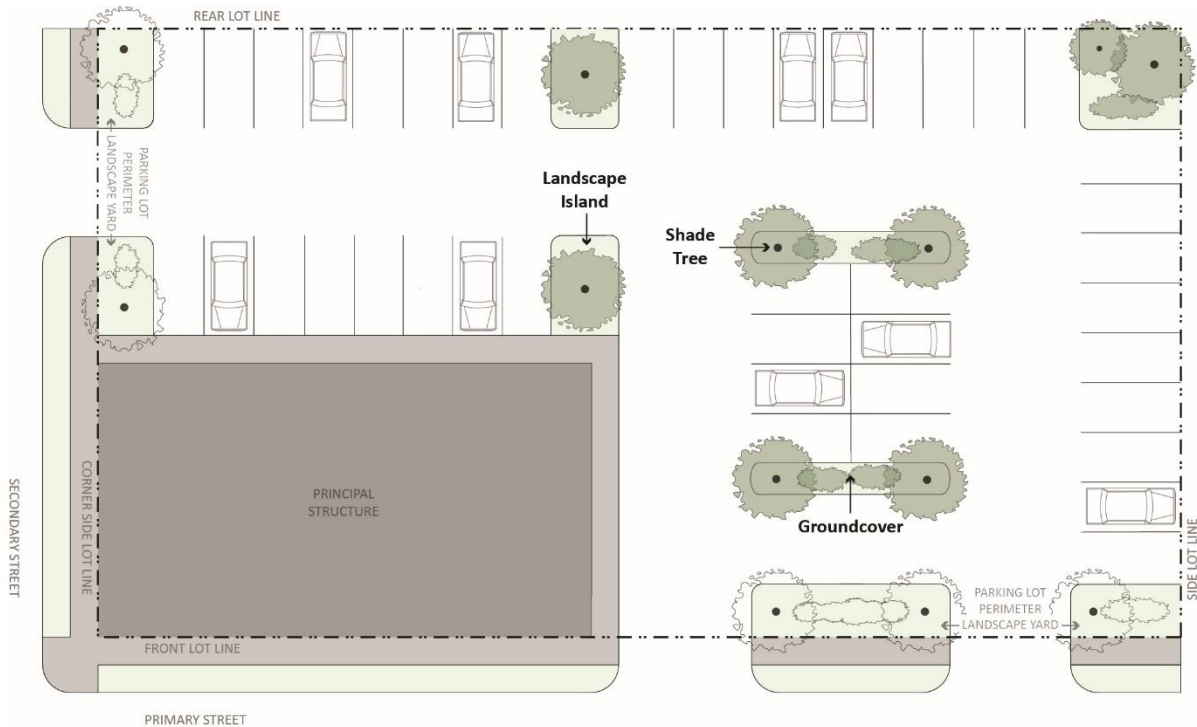


B. Parking Lot Interior Landscape. Refer to Figure 1250.05-A. Location of Landscape Requirements and Figure 1250.05-C. Parking Lot Interior Landscape.

1. Purpose. The purpose of this Section is to improve the aesthetic appeal of parking lots as well as minimize paving and stormwater runoff via increased pervious surface coverage.
2. Applicability. The requirements of this Section apply to all new parking lots with 15 or more parking spaces or existing lots that are expanded or reconstructed to contain 15 or more spaces.
3. Landscape Island Requirements.
  - a. Spacing. One landscape island shall be provided for every 15 contiguous parking spaces. All rows of parking shall be terminated by a landscape island or landscape area.

- b. Minimum Island Size. Each landscape island shall have a minimum width of six feet and minimum area of 100 square feet. Landscape islands provided for double rows of parking shall have a minimum width of eight feet and a minimum area of 200 square feet.
- c. Alternate Configuration. In conjunction with landscape plan approval, the Zoning Administrator may permit a different configuration of landscape islands and landscape areas to allow for more efficient site design or permit larger landscape areas that support tree health or stormwater management objectives. However, the overall area required for landscape islands shall be met.
- d. Trees. A minimum of one shade tree shall be provided per landscape island. Landscape islands provided for double rows of parking shall include a minimum of two shade trees.
- e. Groundcover. A minimum of 80 percent of each landscape island shall be planted with turf or other live groundcover, perennials, or ornamental or native grasses.
- f. Curbing. Landscape islands shall be located at least six inches above the surface of the parking lot and protected with concrete curbing, except as approved for stormwater management facilities by the Zoning Administrator.

**Figure 1250.05-C. Parking Lot Interior Landscape**



**§ 1250.06 Buffer Yards**

Refer to Figure 1250.06-A. Buffer Yards and Figure 1250.05-A. Location of Landscape Requirements.

- A. Purpose. The purpose of this Section is to buffer more intensive zoning districts and uses from less intensive zoning districts and uses, and to provide for transitions between zoning districts.
- B. Applicability. A buffer yard is required adjacent to lot lines where the proposed development meets one or more of the following criteria. Properties shall not be considered directly adjacent to one

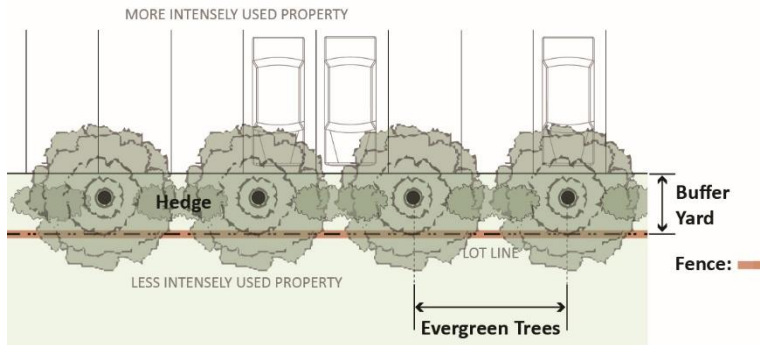
another if a public right-of-way or alley separates the properties. Reconstruction of existing parking lots of less than 50 parking spaces shall be exempt from buffer yard requirements.

1. Non-Residential District. The property is located in the C-1, C-2, C-3, C-4, I, or P District and is directly adjacent to property located in the R-1, R-2, R-3, and/or R-4 Districts.
2. C-1 District. The property contains a non-residential use in the C-1 District and is directly adjacent to residential uses in the C-1 District.
3. Non-Residential Use in Residential District. The property contains a non-residential use in the R-1, R-2, R-3, or R-4 District and is directly adjacent to residential uses in the R-1, R-2, R-3, and/or R-4 Districts. Parks are exempt from this requirement.
4. R-4 District. The property contains a use other than a single-family or two-family dwelling, is located in the R-4 District, and is directly adjacent to property located in the R-1, R-2, and/or R-3 Districts.

C. Buffer Yard Requirements.

1. Location. The buffer yard shall be located directly adjacent to the affected interior side and/or rear lot line, along the entire length of the lot line. A buffer yard is not required where the interior side and/or rear facade of the building is located on the interior side and/or rear lot line.
2. Minimum Buffer Yard Area. The buffer yard shall have a minimum depth of eight feet.
3. Landscape Elements. The buffer yard shall include the following:
  - a. A continuous hedge comprised of individual small shrubs with a minimum width of 24 inches, spaced 36 inches on center, and maximum height at maturity of 30 to 42 inches.
  - b. One evergreen tree for every 15 linear feet of buffer area. Trees may be spaced evenly or grouped.
  - c. Any portion of the buffer yard not covered by hedges and trees shall be planted with turf or other groundcover, or mulched.
  - d. A continuous hedge of individual shrubs may be allowed in lieu of providing evergreen trees within a buffer yard with prior written Zoning Administrator approval, provided that the hedge height at maturity is taller than 42 inches.
4. Fence. Fences in buffer yards are required for uses in all applicable zoning districts, except for residential uses in the R-4 District.
  - a. Location. The fence shall be located along the entire length of the affected interior side and/or rear lot line.
  - b. Height. The fence shall be a minimum of five feet and maximum of eight feet in height.
  - c. Opacity. Semi-opaque fencing with a minimum of 30 percent opacity and opaque fencing are permitted.
  - d. Materials. Steel and painted PVC are permitted materials for semi-opaque fencing. Wood and masonry are permitted materials for opaque fencing.
5. Credit for Existing Vegetation. The Zoning Administrator may reduce the required area of the buffer and/or modify the landscape element requirements based on the presence of existing on-site vegetation.

**Figure 1250.06-A. Buffer Yards**



### § 1250.07 Screening Requirements

- A. Purpose. The purpose of this Section is to screen refuse areas, outdoor storage areas, and outdoor sales and display areas from view of the street and adjacent properties.
- B. Applicability. The requirements of this Section apply to refuse areas, outdoor storage areas, and outdoor sales and display areas.
- C. Refuse and Outdoor Storage Area Screening Requirements.
  - 1. Location. Refuse areas and outdoor storage areas shall be located in the interior side or rear yards.
  - 2. Opaque Fence or Wall. The refuse area or outdoor storage area shall be completely screened by an opaque masonry wall or simulated wood fence on three sides. The wall of a principal structure may serve as one of the screening walls.
    - a. Height. The fence or wall shall have a minimum height of six feet or an equivalent to the height of the refuse or outdoor storage area to be screened, whichever is greater.
    - b. Gate. The enclosure of the refuse area or outdoor storage area shall be gated.
  - 3. Drainage. Refuse areas shall comply with any applicable state and local code requirements for proper drainage.
- D. Off-Street Loading Areas, Outdoor Sales and Display Area Screening Requirements. The area adjacent to any off-street loading areas, outdoor sales and display areas shall be treated with landscaping and buffering per the requirements of § 1250.05.A (Parking Lot Perimeter Landscape Yard).

### § 1250.08 Outdoor Lighting

- A. Purpose. The purpose of this Section is to prevent light trespass, promote energy efficiency, and minimize light pollution.
- B. Applicability. The requirements of this Section apply to all new or replacement outdoor lighting, with the exception of unshielded lighting for holiday decorations or permitted temporary uses as established in § 1244.05 (Temporary Structures and Uses). The Zoning Administrator may impose

reasonable restrictions on the use of outdoor lighting as necessary to protect the health, safety, and welfare of the public.

C. General Requirements.

1. Photometric Plan. A photometric plan prepared by a licensed professional shall be approved by the Zoning Administrator prior to installation of outdoor light fixtures for nonresidential uses.
2. Prohibited Lighting. Any outdoor lighting that may be confused with a traffic control device shall be prohibited except as authorized by federal, state, county, or local government. Flashing lights, strobe lights, and laser lights are prohibited.
3. Design That Prevents Glare. All lighting shall be designed to prevent glare and interference with residential property, and motor vehicle, bicycle, and pedestrian traffic.
4. Fixtures. All new and replacement outdoor lighting shall employ full cut-off or fully shielded fixtures.
5. Facade Illumination. Building façade illumination shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the exterior wall surface of the building being illuminated.
6. Automatic Lighting Controls. All outdoor lighting on non-residential properties shall be controlled by a photo sensor, occupancy sensor, or timer to automatically reduce outdoor lighting when sufficient daylight is available and automatically extinguish lights no more than one hour following the close of business, excluding security lighting.
7. Energy-Efficient Technology. The use of light emitting diodes (LED) or similar technology is encouraged.

D. Illumination Standards.

1. Illumination.
  - a. Non-Residential Uses. Outdoor lighting shall not exceed one foot-candle at any point on a lot line for a lot containing a non-residential use.
  - b. Residential Uses. Outdoor lighting shall not exceed one-half foot-candle at any point on a lot line for a lot containing a residential use.
  - c. Sign Illumination. Sign illumination shall conform to the provisions of Chapter 1476 (Signs).
2. Height. The maximum height of light poles and building-mounted lighting is established herein unless otherwise required by the Building Code.
  - a. Non-Residential Uses. Light poles and building-mounted fixtures shall not exceed 16 feet in height for non-residential uses. Light poles for educational facilities or outdoor recreational facilities shall not exceed 60 feet in height. Outdoor lighting for all outdoor recreation areas is subject to site plan review.
  - b. Residential Uses. Light poles shall not exceed eight feet in height for residential uses. Building-mounted fixtures, including under-soffit lighting, shall not exceed 15 feet in height.

## CHAPTER 1252: ADMINISTRATION

§ 1252.01	Administrative Bodies
§ 1252.02	Administrative Procedures
§ 1252.03	Zoning Applications
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### § 1252.01 Administrative Bodies

- A. Purpose. The purpose of this Section is to establish the specific duties and responsibilities of the City Council, Zoning, Planning, and Development Commission, and Zoning Administrator as they relate to this Zoning Code.
- B. City Council. The City Council shall have the following specific duties and responsibilities pursuant to this Zoning Code.
1. Make final decisions on applications for special use permits § 1252.03.C (Special Use Permit).
  2. Make final decisions on applications for major zoning variations § 1252.03.D (Variation).
  3. Make final decisions on applications for zoning text and map amendments § 1252.03.E (Zoning Text and Map Amendment).
  4. Make final decisions on applications for planned developments § 1252.04 (Planned Developments).
  5. Other responsibilities as designated by this Zoning Code.
- C. Zoning, Planning, and Development Commission. The Zoning, Planning, and Development Commission shall have the following specific duties and responsibilities pursuant to this Zoning Code.
1. Make final decisions on applications for zoning appeals (refer to § 1252.03.F (Zoning Appeal)).
  2. Make recommendations to the City Council on applications for special use permits (refer to § 1252.03.C (Special Use Permit)).
  3. Make recommendations to the City Council on applications for major zoning variations (refer to § 1252.03.D (Variation)).
  4. Make recommendations to the City Council on applications for zoning text and map amendments refer to (§ 1252.03.E (Zoning Text and Map Amendment)).
  5. Make recommendations to the City Council on applications for planned developments (refer to § 1252.04 (Planned Development)).
  6. Prepare and recommend to the City Council a comprehensive plan for the City and propose needed amendments to the plan from time to time.
  7. Other responsibilities as designated by this Zoning Code or by the City Council.
- D. Zoning Administrator. The Building Director shall be considered the Zoning Administrator and shall have the following duties and responsibilities pursuant to this Zoning Code. For the purposes of this Zoning Code, the term Zoning Administrator shall be inclusive of his or her designees.
1. Review and make final decisions on applications for site plan review (refer to § 1252.03.B (Site Plan Review)).
  2. Review and make decisions on applications for minor zoning variations (refer to § 1252.03. D (Variation)).

3. Review and make decisions on applications for zoning interpretations (refer to § 1252.03.G (Zoning Interpretation)).
4. Review and make decisions on applications for temporary use permits (refer to § 1252.03.H (Temporary Use Permit)).
5. Review and forward applications for special use permits (refer to § 1252.03.C (Special Use Permit)), major zoning variations (refer to § 1252.03.D (Variation)), zoning text and map amendments (refer to § 1252.03.E (Zoning Text and Map Amendment)), zoning appeals (refer to § 1252.03.F (Zoning Appeal)), planned developments (refer to § 1252.04 (Planned Developments)), and other administrative reviews required by this Zoning Code to the Zoning, Planning, and Development Commission or City Council, as specified.
6. Maintain and make available permanent and current records of the City's Zoning Code and Zoning Map.
7. Maintain and make available permanent and current records as required by this Zoning Code including, but not limited to, all relevant information and official action regarding zoning applications.
8. Other responsibilities as designated by this Zoning Code, the City Council, or the Zoning, Planning, and Development Commission.

## **§ 1252.02 Administrative Procedures**

- A. Purpose. The purpose of this Section is to establish the application, notice, and public hearing procedures for the zoning applications and approvals of this Zoning Code.
- B. Application Procedure.
  1. Authorization. Any property owner in the City, or individual expressly identified by the owner in writing, is authorized to file an application for a site plan review, special use permit, major variation, minor variation, zoning appeal, or planned development. An owner of any property in the City, an individual expressly identified by any owner in writing, or the City is authorized to file an application for a zoning text amendment, zoning map amendment, or zoning interpretation.
  2. Pre-Application Consultation. Prior to filing a zoning application, the applicant may arrange an optional pre-application consultation with the Zoning Administrator to discuss the application. At the pre-application consultation, the Zoning Administrator shall provide the applicant with guidance on the application procedure and the evaluation of applications.
  3. Filing. All applications shall be filed with the Zoning Administrator on forms provided by the City. Applications shall be filed in such number as requested by the City, with plans at a scale sufficient to allow a clear understanding of the proposal, and with all of the contents required by the application and this Chapter.
  4. Fees. Every application shall be accompanied by the required filing fee as established and modified from time to time in the City Code of Ordinances. Until the fee is paid, no steps shall be taken to process the application. Applications initiated by the City shall be exempt from fees.
  5. Completeness. The Zoning Administrator shall determine whether the application is complete within 15 days after receipt of the application. Upon determining that the application is complete, the Zoning Administrator shall notify the applicant and the application shall be scheduled for consideration by the appropriate board, commission, or official. Upon determining that the application is deficient, the Zoning Administrator shall notify the applicant and no steps shall be taken to process the application until the deficiencies are rectified.



6. Failure to Act. The Zoning Administrator or Zoning, Planning, and Development Commission's failure to issue a decision or make a recommendation on any application within the applicable period established by this Zoning Code shall be deemed approval of, or a recommendation of approval of, such application. City Council's failure to issue a decision on any application within the applicable period specified by this Zoning Code shall be deemed denial of such application.
  7. Withdrawal of Application. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a board, commission, or official. Fees for withdrawn applications will not be refunded.
  8. Successive Application. A successive application for an application that has been denied shall not be reviewed or heard within one year after the date of denial, except if substantial new information has become known since the denial. A successive application filed within one year of the date of denial shall include detailed information that justifies its consideration. The Zoning Administrator shall determine whether a successive application is appropriate for submittal.
  9. Public Examination of Application. Any person may examine any zoning application and any of the application's supporting materials subject to the Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related documents subject to any fee specified by the City.
- C. Notice. The administrative body conducting a hearing shall not hear a zoning application unless the applicant complies in all respects to the notice requirements established herein.
1. Published Notice.
    - a. Applicability. Published notice of a public hearing shall be provided by the Zoning Administrator for applications for special use permits, major variations, zoning text amendments, zoning map amendments, zoning appeals, and planned developments.
    - b. Time Frame. Published notice shall be provided in a newspaper of general circulation within the City no less than 15 days, but no more than 30 days, in advance of the scheduled hearing date.
    - c. Contents. The notice shall include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, and the address of the subject property. The City may provide additional forms of published notice, including, but not limited to, notice of the hearing on the City's website.
  2. Mailed or Delivered Notice.
    - a. Applicability. Mailed or delivered notice of a public hearing shall be provided by the applicant for applications for special use permits, major variations, and zoning map amendments.
    - b. Time Frame. The notice shall be provided no less than 15 days, but no more than 30 days, in advance of the scheduled hearing date.
    - c. Notice to Neighboring Properties. Mailed notice shall be provided to the owners of all properties located within 250 feet of the property line of the subject property. The applicant responsible for the mailed or delivered notice shall provide an affidavit to the Zoning Administrator stating that notice was provided to every property within 250 feet of the subject property as well as the names, addresses, and property identification numbers of all notice recipients. The requirements of this Section shall not prevent the applicant from giving additional notice to properties located more than 250 feet from the property line of the subject property as the applicant may deem appropriate.
    - d. Contents. The notice shall include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, and the address of the subject property.
    - e. Minor Variations. Mailed or delivered notice of Zoning Administrator review shall be provided by the applicant for applications for minor variations. The notice shall be provided to the

owners of all properties located adjacent to and across the street from the subject property at least 15 days prior to the date that the Zoning Administrator indicates that a decision will be rendered on the application. The applicant responsible for the mailed or delivered notice shall provide an affidavit to the Zoning Administrator stating that notice was provided to each property and shall provide the City with the names, addresses, and property identification numbers of all notice recipients.

3. Posted Sign Notice.

- a. Applicability. Posted sign notice of a public hearing shall be provided by the Zoning Administrator for applications for special use permits, major variations, zoning map amendments, and planned developments.
- b. Time Frame. The notice shall be provided no less than 15 days, but no more than 30 days, in advance of the scheduled hearing date.
- c. Location. Posted sign notice shall be located on the property so that it is visible to passersby. A minimum of one sign shall be provided per street frontage.
- d. Contents. The notice shall include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, and the address of the subject property.
- e. Requirement Modifications. The Zoning Administrator may modify the posted sign notice requirements when these requirements are found to be inappropriate or ineffective in providing the intended notice to passersby. Modifications to the posted sign notice may include content, quantity, and location.

D. Public Hearing.

1. Call for Public Hearings. All public hearings shall be held at the call of the chairperson and shall be open to the public.
2. Testimony. Any person who attends a public hearing may appear and present testimony regarding an application. All testimony shall be given under oath or by affirmation.
3. Voting. The hearing body shall keep minutes of its proceedings that show the vote of each member of the hearing body upon each application, or if absent, or failing to vote, indicating that fact.
4. Meetings and Records. The hearing body shall keep records of its hearings and evaluation standards shall be included in the minutes of each application specifying the reasons for the hearing body's decision. Every determination of the hearing body shall be part of the public record.
5. Rules of Procedure. The hearing body's rules of procedure shall not conflict with this Zoning Code or with state statutes.

### **§ 1252.03 Zoning Applications**

A. Purpose. The purpose of this Section is to establish the applicability, procedures, requirements, and approval standards for each of the City's zoning applications.

B. Site Plan Review.

1. Purpose. The purpose of this site plan review application is to ensure development and redevelopment that is harmonious with surrounding properties, and consistent with the intent of the Comprehensive Plan and this Zoning Code.

2. Applicability. Approval of a site plan review application shall be required for the following:
  - a. All development and redevelopment, with the exception of single-family and two-family developments.
  - b. Additions to existing structures that result in an increase in gross floor area, capacity, or number of dwelling units by 15 percent or more, with the exception of single-family and two-family developments.
  - c. Construction of a new parking lot or expansion of an existing parking lot that results in a total of 15 spaces or more.
3. Procedure.
  - a. Applications for site plan review shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
  - b. Upon determining that the application is complete, the Zoning Administrator shall evaluate the application based upon each of the standards of § 1252.03.B.4 (Standards for Site Plan Review).
  - c. The Zoning Administrator shall prepare a report and render a decision within 45 days after receipt of a complete application and take action in the form of approval, approval with conditions, or denial of the application. The 45-day period may be extended with the written consent of the applicant.
  - d. If the Zoning Administrator denies an application for site plan review, the applicant may appeal the Zoning Administrator's decision to the Zoning, Planning, and Development Commission in accordance with § 1252.03.F (Zoning Appeal).
4. Standards for Site Plan Review. The Zoning Administrator shall evaluate applications for site plan review with specific written findings based on each of the standards of this Section.
  - a. The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.
  - b. The site plan for the proposed development will not adversely impact adjacent properties and other property within the immediate vicinity of the proposed development.
  - c. The site plan for the proposed development will be provided with adequate utilities, access roads, circulation systems, parking, drainage, exterior lighting, and/or other necessary facilities.
  - d. The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.
  - e. The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this Zoning Code, and the other land use policies of the City.
5. Amendment to Approved Site Plan.
  - a. An application to amend an approved site plan shall include a written description and explanation of the requested amendment and shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
  - b. Upon determining that the application is complete, the Zoning Administrator shall evaluate the application to establish whether the amendment is a minor modification to the approved site plan or a major modification to the approved site plan.
  - c. If the Zoning Administrator determines that the amendment is a major modification, the applicant must submit a new application for site plan review in accordance with § 1252.03.B.3 (Procedure).
  - d. If the Zoning Administrator determines that the amendment is a minor modification consistent with the scope and intent of the approved site plan, the applicant shall revise the site plan prior to completing an application for a building permit in accordance with Chapter 1443 (Permits and Certificates of Occupancy).

- e. The determination of the Zoning Administrator may be appealed to the Zoning, Planning, and Development Commission in accordance with § 1252.03.F (Zoning Appeal).
- 6. Expiration of Approved Site Plan. Site plan approval shall expire and be revoked if either of the following conditions occur.
  - a. A building permit has not been obtained for the use within one year after approval of the site plan. The applicant may request one extension of this period, which may be approved by the Zoning Administrator, by means of a written request filed at least 30 days prior to the expiration of the one-year period.
  - b. The standards of this Zoning Code or any of the terms and conditions of the site plan approval are violated.

C. Special Use Permit.

- 1. Purpose. The purpose of this special use application is to provide for uses that may have a special, unique, or unusual impact upon the use of neighboring property.
- 2. No Presumption of Approval. A use established as a special use in Chapter 1244 (Uses) does not constitute a presumption that an application for such special use will be approved. Each proposed special use shall be evaluated on an individual basis with regard to the applicable standards of this Zoning Code to determine whether approval of the special use is appropriate at the particular location in the manner proposed.
- 3. Procedure.
  - a. Action by the Zoning Administrator
    - (1) An application for a special use permit shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
    - (2) Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Zoning, Planning, and Development Commission based upon the standards of § 1252.03.C.4 (Standards for Special Use Permits), and schedule the application for consideration by the Zoning, Planning, and Development Commission.
  - b. Action by the Zoning, Planning, and Development Commission
    - (1) The Zoning, Planning, and Development Commission shall conduct a public hearing on the application at a regularly scheduled meeting in accordance with § 1252.02.D (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
    - (2) The Zoning, Planning, and Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and each of the standards of § 1252.03.C.4 (Standards for Special Use Permits).
    - (3) The Zoning, Planning, and Development Commission shall recommend approval, approval with conditions, or denial of the application. In recommending approval, the Zoning, Planning, and Development Commission may:
      - (a) Recommend conditions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the public interest.
      - (b) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
    - (4) The Zoning, Planning, and Development Commission shall forward its recommendation and the minutes of its public hearing to the City Council within 60 days after the close of the public hearing.

- c. Action by the City Council
    - (1) The City Council shall consider the application at a regularly scheduled meeting within 60 days after receiving the recommendation of the Zoning, Planning, and Development Commission. The 60-day period may be extended with the written consent of the applicant.
    - (2) The City Council shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Zoning, Planning, and Development Commission, the evidence presented at the public hearing, and each of the standards of § 1252.03.C.4 (Standards for Special Use Permits).
    - (3) The City Council shall take action in the form of approval, approval with conditions, denial, or referral of the application back to the Zoning, Planning, and Development Commission for further consideration. In approving a special use permit, the City Council may:
      - (a) Recommend conditions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the public interest.
      - (b) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
  - 4. Standards for Special Use Permits. The City Council, Zoning, Planning, and Development Commission, and Zoning Administrator shall evaluate applications for special use permits with specific written findings based on each of the standards of this Section.
    - a. The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.
    - b. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
    - c. The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.
    - d. The proposed special use will be provided with adequate utilities, access roads, drainage, and/or other necessary facilities.
    - e. The proposed special use is consistent with the intent of the Comprehensive Plan, this Zoning Code, and the other land use policies of the City.
  - 5. Transferability. Special use approval runs with the land and is not affected by changes of ownership, tenancy, or management except in unique situations specified by the conditions of the approved special use permit.
  - 6. Expiration of Special Use Permit Approval. Special use permit approval shall expire and be revoked if any of the following conditions occur.
    - a. The use has not commenced or a building permit has not been obtained for the use within one year after approval of the special use permit. The applicant may request one extension of this period, which may be approved by the Zoning Administrator, by means of a written request filed at least 30 days prior to the expiration of the initial one-year period.
    - b. The licenses or permits required for the operation or maintenance of the use are not obtained or are subsequently terminated.
    - c. The standards of this Zoning Code or any of the terms and conditions of the special use permit are violated.
    - d. The operation of the use for which a special use permit has been issued ceases for a minimum continuous period of six months.
- D. Variation.
- 1. Purpose. The purpose of this variation application is to grant relief from the regulations of this Zoning Code to the extent that literal enforcement of such regulations creates particular hardships

or practical difficulties in developing property due to the unique attributes of the property. The purpose of the variation process is not to provide relief from the use regulations of this Zoning Code.

2. Applicability. This Zoning Code classifies variation applications as either major variations approved by the City Council or minor variations approved by the Zoning Administrator.
  - a. Minor Variations. Any variation that is established in this Section shall be considered a minor variation.
    - (1) A reduction of the minimum required lot area by not more than 20 percent.
    - (2) A reduction of the minimum required lot width by not more than 20 percent.
    - (3) An increase in the maximum permitted impervious coverage by not more than 10 percentage points.
    - (4) A reduction of the minimum required front setback by not more than 20 percent.
    - (5) An increase in the maximum permitted front setback by not more than 20 percent.
    - (6) A reduction of the minimum required rear setback by not more than 20 percent.
    - (7) A reduction of the minimum required street frontage by not more than 10 percentage points.
    - (8) A reduction of the minimum required off-street parking by not more than 10 percent, or six spaces, whichever is higher.
    - (9) A reduction of the minimum required yard width established in § 1250.05.A.3.b (Minimum Landscape Yard), § 1250.05.B.3.b (Minimum Island Size), or § 1250.06.C.2 (Minimum Buffer Yard Area) by not more than one foot.
3. Major Variations. Any variation that is not established as a minor variation in § 1252.03.D.2.a (Minor Variations) shall be considered a major variation.
4. Procedure.
  - a. Minor Variations
    - (1) An application for a minor variation shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure). Notice of Zoning Administrator review shall be in accordance with § 1252.02.C.2.e (Minor Variations).
    - (2) Upon determining that the application is complete, the Zoning Administrator shall evaluate the application based upon each of the standards of § 1252.03.D.6 (Standards for Variations).
    - (3) Due to the nature of an application for a minor variation, the Zoning Administrator may determine that the application must be resubmitted as a major variation in accordance with § 1252.03.D.4.b (Major Variations) even if it meets the criteria for a minor variation in § 1252.03.D.2.a (Minor Variations).
    - (4) A property owner that receives notice of a minor variation application may object to the application by written submission to the Zoning Administrator, prior to the Zoning Administrator's decision on the application. Any minor variation application that receives an objection from a noticed property owner shall be resubmitted as a major variation in accordance with § 1252.03.D.4.b (Major Variations).
    - (5) The Zoning Administrator shall prepare a report and render a decision within 30 days after receipt of a complete application and take action in the form of approval, approval with conditions, or denial of the application. In approving a minor variation, the Zoning Administrator may:
      - (a) Recommend conditions upon the establishment, location, construction, maintenance, and operation of the property that receives a minor variation as deemed necessary to protect the public interest.

- (b) Grant a variation less than the variation requested by the applicant if the Zoning Administrator finds that the applicant is entitled to some relief, but not to the entire relief requested, based on each of the standards of § 1252.03.D.6 (Standards for Variations).
- (c) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions.
- (6) If the Zoning Administrator denies an application for a minor variation, the applicant may resubmit the application as a major variation in accordance with § 1252.03.D.4.b (Major Variations).
- b. Major Variations
  - (1) Action by the Zoning Administrator
    - (a) An application for a major variation shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
    - (b) Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Zoning, Planning, and Development Commission based upon each of the standards of § 1252.03.D.6 (Standards for Variations), and schedule the application for consideration by the Zoning, Planning, and Development Commission.
  - (2) Action by the Zoning, Planning, and Development Commission
    - (a) The Zoning, Planning, and Development Commission shall conduct a public hearing on the application at a regularly scheduled meeting in accordance with § 1252.02.D (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
    - (b) The Zoning, Planning, and Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and each of the standards of § 1252.03.D.6 (Standards for Variations).
    - (c) The Zoning, Planning, and Development Commission shall recommend approval, approval with conditions, or denial of the application. In recommending approval, the Zoning, Planning, and Development Commission may:
      - i. Recommend conditions upon the establishment, location, construction, maintenance, and operation of the property that receives a major variation as deemed necessary to protect the public interest.
      - ii. Recommend approval of a variation from the regulations of this Zoning Code less than the variation requested by the applicant if the Zoning, Planning, and Development Commission finds that the applicant is entitled to some relief, but not to the entire relief requested, based upon each of the standards of § 1252.03.D.6 (Standards for Variations).
      - iii. Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
    - (d) The Zoning, Planning, and Development Commission shall forward its recommendation and the minutes of its public hearing to the City Council within 60 days after the close of the public hearing.
  - (3) Action by the City Council
    - (a) The City Council shall consider the application at a regularly scheduled meeting within 60 days after receiving the recommendation of the Zoning, Planning, and Development Commission. The 60-day period may be extended with the written consent of the applicant.
    - (b) The City Council shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Zoning, Planning, and Development Commission,

the evidence presented at the public hearing, and each of the standards of § 1252.03.D.6 (Standards for Variations).

- (c) The City Council shall take action in the form of approval, approval with conditions, denial, or referral of the application back to the Zoning, Planning, and Development Commission for further consideration. In approving a major variation, the City Council may:
  - i. Recommend conditions upon the establishment, location, construction, maintenance, and operation of the property that receives a major variation as deemed necessary to protect the public interest.
  - ii. Grant a variation from the regulations of this Ordinance less than the variation requested by the applicant, if the City Council finds that the applicant is entitled to some relief, but not to the entire relief requested, based upon each of the standards of § 1252.03.D.6 (Standards for Variations).
  - iii. Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
5. A two-thirds favorable vote of the City Council is required to approve the application if the Zoning, Planning, and Development Commission recommends denial of the application.
6. Standards for Variations. The City Council, Zoning, Planning, and Development Commission, and Zoning Administrator shall evaluate applications for variations with specific written findings based on each of the standards of this Section.
  - a. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.
  - b. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.
  - c. The proposed variation will not substantially diminish the value of adjacent properties and other property within the immediate vicinity of the proposed variation.
  - d. The proposed variation alleviates a particular hardship created by the literal enforcement of this Zoning Code that would prevent the applicant from yielding a reasonable return from the subject property.
  - e. The proposed variation is necessary due to the unique attributes of the subject property, which were not deliberately created by the applicant, and are not shared by adjacent properties and other properties within the immediate vicinity of the proposed variation.
  - f. The proposed variation is necessary to permit a reasonable use of land, but does not confer a special privilege on the applicant which is denied to the owners of adjacent properties and other properties within the immediate vicinity of the proposed variation.
  - g. The proposed variation represents the minimum deviation from established standards necessary to accomplish the desired improvement of the subject property.
  - h. The proposed variation is consistent with the intent of the Comprehensive Plan, this Zoning Code, and the other land use policies of the City.
7. Transferability. Variation approval runs with the land and is not affected by changes of ownership, tenancy, or management.
8. Expiration of Variation Approval. Variation approval shall expire and be revoked if any of the following conditions occur.
  - a. A building permit has not been obtained for the use within six months after approval of the variation. The applicant may request one extension of this period, which may be approved by the Zoning Administrator, by means of a written request filed at least 30 days prior to the expiration of the initial six-month period.



- b. The standards of this Zoning Code or any of the terms and conditions of the variation for the use are violated.

E. Zoning Text and Map Amendment.

1. Purpose. The purpose of this zoning text or map amendment application is to allow modifications to the text of the Zoning Code and the boundaries of the Zoning Map in response to changing conditions and/or policies in the City.
2. Procedure.
  - a. Action by the Zoning Administrator
    - (1) An application for a zoning text or map amendment shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
    - (2) Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Zoning, Planning, and Development Commission based upon a balance of the standards of § 1252.03.E.3 (Standards for Zoning Amendments) and schedule the application for consideration by the Zoning, Planning, and Development Commission.
  - b. Action by the Zoning, Planning, and Development Commission
    - (1) The Zoning, Planning, and Development Commission shall conduct a public hearing on a proposed zoning amendment at a regularly scheduled meeting in accordance with § 1252.02.D (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
    - (2) The Zoning, Planning, and Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and the standards of § 1252.03.E.3 (Standards for Zoning Amendments).
    - (3) For zoning text amendments, the Zoning, Planning, and Development Commission shall recommend approval, approval with conditions, or denial of the application.
    - (4) The Zoning, Planning, and Development Commission shall forward its recommendation and the minutes of its public hearing to the City Council within 60 days after the close of the public hearing.
  - c. Action by the City Council
    - (1) The City Council shall consider the application at a regularly scheduled meeting within 60 days after receiving the recommendation of the Zoning, Planning, and Development Commission. The 60-day period may be extended with the written consent of the applicant.
    - (2) The City Council shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Zoning, Planning, and Development Commission, the evidence presented at the public hearing, and the standards of § 1252.03.E.3 (Standards for Zoning Amendments).
    - (3) For zoning text amendments, the City Council shall take action in the form of approval, approval with conditions, denial, or referral of the application back to the Zoning, Planning, and Development Commission for further consideration.
    - (4) For zoning map amendments, the City Council may take action in the form of approval, denial, or referral of the application back to the Zoning, Planning, and Development Commission for further consideration.
    - (5) A two-thirds favorable vote of the City Council is required if a written protest is filed with the City Clerk against the proposed zoning text or map amendment, signed by the owners of no less than 20 percent of the frontage along, immediately adjacent to, immediately across an alley from, or directly across the street from the subject property. A copy of any such protest shall be served by the protestor on the applicant for the proposed

amendments and the applicant's attorney, if applicable, by certified mail at the address shown in the application for the proposed amendment.

3. Standards for Zoning Amendments. The City Council, Zoning, Planning, and Development Commission, and Zoning Administrator shall evaluate applications for zoning text or map amendments with specific written findings based on a balance of the standards of this Section.
  - a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
  - b. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.
  - c. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.
  - d. The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property.
  - e. The proposed amendment facilitates the development of property, including vacant property, in contrast to the development of other property in the vicinity.
  - f. The proposed amendment addresses the community need for a specific use.
  - g. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
  - h. The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities.
  - i. The proposed amendment is consistent with the intent of the Comprehensive Plan, this Zoning Code, and the other land use policies of the City.

#### F. Zoning Appeal.

1. Purpose. The purpose of this zoning appeal application is to provide for the review of decisions made by the Zoning Administrator in the course of carrying out the duties and responsibilities associated with this Zoning Code.
2. Limitation. A zoning appeal may be proposed by an individual who has been affected by a decision of the Zoning Administrator pursuant to this Zoning Code, or by a decision of the Building Director pursuant to Chapter 1476 (Signs) in accordance with § 1252.02.B.1 (Authorization). A zoning appeal must be proposed within 45 days after the action being appealed.
3. Procedure.
  - a. Action by the Zoning Administrator
    - (1) An application for a zoning appeal shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
    - (2) Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Zoning, Planning, and Development Commission and schedule the application for consideration by the Zoning, Planning, and Development Commission.
  - b. Action by the Zoning, Planning, and Development Commission
    - (1) The Zoning, Planning, and Development Commission shall conduct a public hearing on a proposed zoning appeal at a regularly scheduled meeting in accordance with § 1252.02.D (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
    - (2) The Zoning, Planning, and Development Commission shall take action in the form of reversing, affirming, or modifying the decision made by the Zoning Administrator.

#### G. Zoning Interpretation.

1. Purpose. The purpose of this zoning interpretation application is to provide a process by which the standards of this Ordinance can be clarified and explained in order to ensure consistent interpretation and application. Zoning interpretations are not intended to amend or modify the content of this Zoning Code.
2. Limitation. All zoning interpretation requests shall be associated with an existing development project.
3. Procedure.
  - a. An application for a zoning interpretation shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
  - b. Upon determining that the application is complete, the Zoning Administrator shall render an interpretation within 15 days after receipt of the complete application.
  - c. The determination of the Zoning Administrator may be appealed to the Zoning, Planning, and Development Commission in accordance with § 1252.03.F (Zoning Appeal).

#### H. Temporary Use Permit.

1. Purpose. The purpose of this temporary use permit application is to accommodate reasonable requests for temporary uses that are desirable for the community in the short term.
2. Applicability. An applicant must obtain a temporary use permit to establish a temporary use in accordance with § 1244.05 (Temporary Structures and Uses).
3. Procedure.
  - a. An application for a temporary use permit shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure).
  - b. Upon determining that the application is complete, the Zoning Administrator shall approve, approve with conditions, or deny the temporary use permit based on the standards of § 1244.05 (Temporary Structures and Uses). Temporary uses not established in § 1244.05 (Temporary Structures and Uses) shall require approval by the City Council.
4. Expiration of Temporary Use Permit Approval. Temporary use permit approval shall expire and be revoked if any of the following conditions occur.
  - a. The use has not commenced or a building permit has not been obtained for the use within six months after approval of the temporary use permit. The applicant may request one extension of this period, which may be approved by the Zoning Administrator, by means of a written request filed at least 30 days prior to the initial expiration of the six-month period.
  - b. The licenses or permits required for the operation or maintenance of the use are not obtained or are subsequently terminated.
  - c. The standards of this Zoning Code or any of the terms and conditions of the temporary use permit are violated.

## § 1252.04 Planned Developments

- A. Purpose. Planned developments are a distinct category of special use permits intended to allow flexibility in the application of the standards of the Zoning Code for significant development proposals that provide amenities to the community which are not required from conventional development applications. The planned development process seeks to achieve the following specific purposes:
1. Encourage creativity, flexibility, and environmental sensitivity in the development of land and the design of structures.
  2. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, utilities, circulation systems, parking, and other facilities.
  3. Facilitate development that is consistent with City land use policies, particularly in areas designated for potential redevelopment.
  4. Encourage development that preserves and enhances the natural features, environmental resources, watercourses, and topography of the site.
  5. Facilitate the provision of public and private open space, recreational facilities, and other amenities that will enhance the character of the site.
- B. Applicability.
1. Special Use Permit Standards. A planned development shall be granted in accordance with the procedures, standards, and requirements of this Section and § 1252.03.C (Special Use Permit). The ordinance granting or amending the planned development as a special use may depart from the procedures, standards, and requirements of this Zoning Code.
  2. Zoning District Standards. A planned development may be granted as a special use in accordance with Chapter 1244 (Uses). The requirements of the underlying zoning district shall apply to the planned development unless exceptions from these requirements are specifically granted in the ordinance approving the planned development.
  3. Subdivision Plats and Building Permits. A planned development must be granted prior to the applicant receiving a subdivision plat in accordance with Chapter 1220 (Subdivision Regulations) or a building permit in accordance with Chapter 1443 (Permits and Certificates of Occupancy).
- C. Procedure. An application for a planned development shall follow a four-step procedure, which includes a required pre-application consultation, an optional concept plan consultation, a required preliminary plan, and a required final plan.
1. Pre-Application Consultation. The purpose of the required pre-application consultation is to allow the applicant to receive advice and assistance from the Zoning Administrator and appropriate City staff prior to preparation of the optional concept plan or required preliminary plan. Action by the Zoning Administrator shall have the following process:
    - a. Prior to filing a formal application for a planned development, the applicant shall arrange a pre-application consultation with the Zoning Administrator to discuss the proposed planned development.
    - b. The Zoning Administrator and appropriate City staff shall meet with the applicant to discuss the proposed planned development in accordance with § 1252.04.D (Application Contents).
    - c. The Zoning Administrator shall provide advice and assistance to the applicant after determining the nature of the exceptions required from this Zoning Code and whether the proposal is

- consistent with the intent of the Comprehensive Plan and the other land use policies of the City.
- d. Any advice and assistance provided by the Zoning Administrator and City staff shall not be binding upon the City Council or Zoning, Planning, and Development Commission with respect to the formal planned development application.
2. Optional Concept Plan Consultation. The purpose of the optional concept plan consultation is to allow the applicant to obtain information and guidance from the City Council prior to preparation of the required preliminary plan. Action by the City Council shall have the following process:
    - a. Prior to filing a formal application for a planned development, the applicant may arrange a concept plan consultation with the City Council to discuss the proposed planned development.
    - b. The City Council shall meet with the applicant to discuss the proposed planned development in accordance with § 1252.04.D (Application Contents).
    - c. The City Council shall provide information and guidance to the applicant after determining the nature of the exceptions required from this Zoning Code and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the City.
    - d. Any information and guidance provided by the City Council shall not be binding upon the City Council or Zoning, Planning, and Development Commission with respect to the formal planned development application.
  3. Preliminary Plan. The purpose of the required preliminary plan is to allow the applicant to obtain a preliminary recommendation from the Zoning, Planning, and Development Commission and preliminary approval from the City Council prior to preparation of the required final plan.
    - a. Action by the Zoning Administrator
      - (1) Applications for a special use permit and preliminary plan for a planned development shall be filed concurrently with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure) and § 1252.04.D (Application Contents). Applications shall not be filed prior to completion of the required pre-application consultation.
      - (2) Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Zoning, Planning, and Development Commission based upon the standards of § 1252.04.F (Standards for Planned Developments) and § 1252.03.C.4 (Standards for Special Use Permits), and schedule the application for consideration by the Zoning, Planning, and Development Commission.
    - b. Action by the Planning, Zoning, and Development Commission
      - (1) The Zoning, Planning, and Development Commission shall conduct a public hearing on a proposed preliminary plan for a planned development and a special use permit at a regularly scheduled meeting in accordance with § 1252.02.D (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant. Notice for the public hearing shall be in accordance with § 1252.02.C (Notice).
      - (2) The Zoning, Planning, and Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and the standards of § 1252.04.F (Standards for Planned Developments) and § 1252.03.C.4 (Standards for Special Use Permits).
      - (3) The Zoning, Planning, and Development Commission shall recommend approval, approval with conditions, or denial of the applications.
        - (a) In recommending approval of a special use permit and preliminary plan for a planned development, the Zoning, Planning, and Development Commission may recommend conditions upon the establishment, location, construction, maintenance, and operation

of the planned development and the special use as deemed necessary to protect the public interest.

(b) In recommending approval of a special use permit and preliminary plan for a planned development, the Zoning, Planning, and Development Commission may require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.

(4) The Zoning, Planning, and Development Commission shall forward its recommendation and the minutes of its public hearing to the City Council within 60 days after the close of the public hearing.

c. Action by the City Council

(1) The City Council shall consider the application at a regularly scheduled meeting within 60 days after receiving the recommendation of the Zoning, Planning, and Development Commission. The 60-day period may be extended with the written consent of the applicant.

(2) The City Council shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Zoning, Planning, and Development Commission, the evidence presented at the public hearing, and the standards of § 1252.04.F (Standards for Planned Developments) and § 1252.03.C.4 (Standards for Special Use Permits).

(3) The City Council shall take action in the form of approval, approval with conditions, denial, or referral of the application back to the Zoning, Planning, and Development Commission for further consideration. In approving a special use permit and preliminary plan for a planned development, the City Council may:

(a) Recommend conditions upon the establishment, location, construction, maintenance, and operation of the planned development and the special use as deemed necessary to protect the public interest.

(b) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions.

(4) Following approval of the special use permit and preliminary plan for a planned development, the applicant shall submit a final plan for the planned development.

4. Final Plan. The purpose of the required final plan is to allow the applicant to obtain final approval of the final plan from the City Council.

a. Action by the Zoning Administrator

(1) Applications for a special use permit and final plan for a planned development shall be filed with the Zoning Administrator in accordance with § 1252.02.B (Application Procedure) and § 1252.04.D (Application Contents). Applications shall be filed within two years after approval of the required pre-application consultation, optional concept plan consultation, or required preliminary plan.

(2) Upon determining that the application is complete, the Zoning Administrator shall determine whether the final plan is in conformance with the approved preliminary plan and any conditions and guarantees deemed necessary by the City Council.

(3) If the final plan is in substantial conformance with the approved preliminary plan, the Zoning Administrator shall prepare a report for the City Council recommending approval of the final plan and schedule the application for consideration by the City Council.

(4) If the final plan is not in substantial conformance with the approved preliminary plan, the Zoning Administrator shall allow the applicant to revise any parts of the application that are not in substantial conformance with the preliminary plan prior to preparing the report, and shall allow the applicant to resubmit the application as a final plan in accordance with the requirements of this Section.

- b. Action by the City Council
  - (1) The City Council shall consider the application at a regularly scheduled meeting within 60 days after receiving the report of the Zoning Administrator recommending approval of the final plan. The 60-day period may be extended with the written consent of the applicant.
  - (2) The City Council shall take action in the form of approval, approval with conditions, or denial of the application.
  - (3) Upon approval of the final plan by the City Council, the use of land and the construction or modification of any buildings or structures on the site will be governed by the approved final plan rather than by other provisions of this Zoning Code.

D. Application Contents.

- 1. Pre-Application Consultation. An application for a pre-application consultation for a planned development shall include a site plan drawn to an appropriate scale including the following information:
  - a. The current ownership of the site.
  - b. A conceptual layout of the proposed planned development.
  - c. The location of the property and rights-of-way immediately adjacent to the proposed planned development.
  - d. The location and use of all existing and proposed buildings and structures within the proposed planned development.
  - e. The location of any proposed public or private improvements.
  - f. A statement establishing any known exceptions to this Zoning Code, including the section number of each standard from which an exception is sought.
  - g. Any other information necessary to clearly explain the planned development.
- 2. Optional Concept Plan Consultation. An application for an optional concept plan consultation for a planned development shall include a site plan drawn to an appropriate scale including the following information:
  - a. The current ownership of the site.
  - b. A conceptual layout of the proposed planned development.
  - c. The location of the property and rights-of-way immediately adjacent to the proposed planned development.
  - d. The location and use of all existing and proposed buildings and structures within the proposed planned development.
  - e. The location of any proposed public or private improvements.
  - f. A statement establishing any known exceptions to this Zoning Code, including the section number of each standard from which an exception is sought.
  - g. Any other information necessary to clearly explain the planned development.
- 3. Preliminary Plan. An application for a preliminary plan for a planned development shall include the following information:
  - a. Proof of ownership establishing that the proposed planned development shall be in single ownership or under unified control so that all owners of the property shall be included as joint applicants.
  - b. A plat of survey drawn to an appropriate scale showing the location of the zoning lot associated with the planned development, including all lots within the zoning lot.
  - c. A site plan drawn to an appropriate scale that includes the following information:
    - (1) The location of property and rights-of-way immediately adjacent to the proposed planned development.

- (2) The location, height, and use of all existing buildings and structures immediately adjacent to the proposed planned development.
  - (3) The location, area, height, bulk, and dimensions of all existing and proposed buildings and structures within the proposed planned development.
  - (4) The general land uses of all existing and proposed buildings and structures within the proposed planned development.
  - (5) The location and dimensions of all setbacks within the proposed planned development.
  - (6) The location and dimensions of all walkways, driveways, streets, parking facilities, and loading facilities within the proposed planned development.
  - (7) The location and dimensions of all external lighting fixtures within the proposed planned development.
  - (8) The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, playgrounds, schools, public buildings, or any other public uses within the proposed planned development.
  - (9) A statement establishing any proposed exceptions to this Zoning Code to be requested as part of the proposed planned development, including the section number of each standard from which an exception is sought.
- d. Building elevations and schematic designs indicating the general architectural character of all proposed buildings and structures.
  - e. A traffic circulation plan and traffic impact analysis indicating the proposed movement of motorists, bicyclists, and pedestrians within the site, access to and from adjacent streets, off-street parking facilities, and the impact of the proposed planned development upon existing traffic patterns.
  - f. A utilities and drainage plan indicating the adequacy of the utilities serving the proposed planned development, including water distribution lines, sanitary sewers, and stormwater management facilities.
  - g. A preliminary landscape plan in accordance with the requirements of § 1250.01.D (Landscape Plan).
  - h. A statement establishing the amenities to be included in the proposed planned development.
4. Final Plan. An application for a final plan for a planned development shall include the following information:
    - a. All covenants, easements, agreements, and provisions required to govern the ownership, use, maintenance, and continued protection of the planned development, including an agreement assuring that the applicant, any subsequent owner, and/or any applicable homeowners association will be responsible for all street, utility, and common open space maintenance within the planned development.
    - b. All plats, certificates, seals, and signatures required for the dedication or vacation of land, the dedication or vacation of public rights-of way, and for the recording of the final site plan.
    - c. A plat of subdivision prepared in a format suitable to be recorded with the Cook County Recorder of Deeds if subdivision of the development site is included in the planned development.
    - d. A final site plan in a format suitable to be recorded with the Cook County Recorder of Deeds including the following information:
      - (1) A legal description of the zoning lot associated with the planned development, including a legal description of each lot within the zoning lot.
      - (2) Final designation of the location, area, height, bulk, and dimensions of all existing and proposed buildings and structures within the proposed planned development.



- (3) Final designation of the general land uses of all existing and proposed buildings and structures within the proposed planned development. Projects with residential land uses shall include the total number of residential dwelling units within the proposed planned development and the residential density of the site.
  - (4) The final location and dimensions of all setbacks within the proposed development.
  - (5) The final location and dimensions of all walkways, driveways, streets, parking facilities, and loading facilities within the proposed planned development.
  - (6) The final location, dimensions, and design and illumination characteristics of all external lighting fixtures within the proposed planned development.
  - (7) The legal description, location, and dimensions of any areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, schools, public buildings, or any other public uses within the proposed planned development.
  - (8) A final statement establishing any proposed exceptions to this Zoning Code requested as part of the proposed planned development, including the section number of each standard from which an exception is sought.
- e. Final building elevations and schematic designs indicating the specific architectural character of all proposed buildings and structures.
  - f. A final traffic circulation plan and traffic impact analysis indicating the proposed movement of motorists, bicyclists, and pedestrians within the site, access to and from adjacent streets, off-street parking facilities, and the impact of the proposed planned development upon existing traffic patterns.
  - g. A final utilities and drainage plan indicating the size and location of all water distribution lines, sanitary sewers, and stormwater management facilities.
  - h. A final landscape plan in accordance with the requirements of § 1250.01.D (Landscape Plan).
  - i. A final sign plan indicating the location and dimensions of all signs, including the design and illumination characteristics of all signs.
  - j. A final statement establishing the amenities to be included in the proposed planned development.
  - k. A construction schedule indicating the following:
    - (1) If the planned development is going to be developed in a single phase, the date construction will begin, the date construction will be completed, and the date when specific uses will be established on the site.
    - (2) If the planned development is going to be developed in multiple phases, the date that construction of the initial phase will begin, the dates when final plans are expected to be submitted for each subsequent phase, the date that construction is expected to be completed for each phase, and the date when specific uses are expected to be established on the site.
- E. Amendment to Approved Planned Development. A final plan for an approved planned development may be amended in accordance with the requirements of this Section.
- 1. Major Amendments. During construction of the planned development, any change to an approved final plan that substantially affects the essential design, composition, and character of the planned development shall be considered a major amendment. The City Council shall make a decision on a request for a major amendment after receiving a recommendation from the Zoning, Planning, and Development Commission in accordance with § 1252.04.C.3 (Preliminary Plan). Major amendments may include, but shall not be limited to, the following:
    - a. Any change in the location of land uses within the development.

- b. Any change in the proportion of land uses in the development by 10 percentage points or more.
  - c. Any change in the gross floor area of the development by five percent or more.
  - d. Any change in the building height of the development by five percent or more.
  - e. Any change in the proportion of the impervious coverage of the development by 10 percentage points or more.
  - f. Any change in the number of dwelling units within the development.
  - g. Any change in the location or dimensions of walkways, driveways, streets, parking facilities, and loading facilities within the development by 10 feet or more.
  - h. Any change in the number of off-street parking spaces provided within the development by 10 percent or more.
  - i. Any change in the amount of open space provided within the development or in the location of open space from that shown on the approved final plan.
  - j. Any change to the landscape plan that reduces the amount of material planted within the development.
2. Minor Amendments. During construction of the planned development, any change to an approved final plan that minimally affects the essential design, composition, and character of the planned development shall be considered a minor amendment. Any amendment that is not established as a major amendment in § 1252.04.E.1 (Major Amendments) shall be considered a minor amendment. The Zoning Administrator shall make a decision on a request for a minor amendment in accordance with § 1252.04.D.3 (Preliminary Plan). The Zoning Administrator may determine that the application shall be resubmitted as a major amendment in accordance with § 1252.04.E.1 (Major Amendments).
- F. Standards for Planned Developments. The City Council, Zoning, Planning, and Development Commission, and Zoning Administrator shall evaluate applications for planned developments with specific written findings based on a balance of both the standards of this Section and the standards for special use permits in accordance with 1252.03.C.4 (Standards for Special Use Permits).
- 1. The proposed planned development will provide walkways, driveways, streets, parking facilities, and loading facilities that adequately serve the uses within the development and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.
  - 2. The proposed planned development will provide landscaping and screening that enhances the City's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.
  - 3. The proposed planned development will protect the community's natural environment to the greatest extent practical, including existing natural features, watercourses, trees, and native vegetation.
  - 4. The proposed planned development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.
- G. Zoning District Exceptions and Provision of Community Amenities.
- 1. Zoning District Exceptions. Planned developments are subject to the regulations of the zoning district in which they are located unless exceptions from these regulations are specifically recommended by the Zoning, Planning, and Development Commission, granted by the City Council, and found to be in accordance with § 1252.04.F (Standards for Planned Developments).
  - 2. Provision of Community Amenities. Planned developments may be granted exceptions from zoning district regulations if the applicant demonstrates that the development will provide

amenities to the City that are not required from conventional development applications. The amenities to be considered by the City Council, Planning, Zoning, and Development Commission, and Zoning Administrator shall be appropriate for the scale of the planned development and may include, but shall not be limited to, the following:

- a. Establishment of community amenities such as plazas, gardens, public art features, outdoor seating areas, pedestrian facilities, and transit facilities.
- b. Establishment of open space amenities such as playing fields, playgrounds, swimming pools, and fitness facilities.
- c. Enhancement of the community's natural environment, including existing natural features, watercourses, trees, and native vegetation.
- d. Preservation and enhancement of the community's historic places and cultural resources.
- e. Provision of public infrastructure improvements that exceed the requirements of the planned development, such as enhancements to rights-of-way, stormwater management systems, and sewer systems.
- f. Incorporation of sustainable development techniques, such as meeting the requirements of LEED or LEED-equivalent rating systems.
- g. Provision of residential dwelling units for affordable housing or senior housing.
- h. Provision of residential dwelling units with accessible features that exceed the requirements of the Americans with Disabilities Act.

H. Expiration of Approved Planned Developments.

1. Preliminary Plan Expiration. Preliminary plan approval shall expire and be revoked if a complete application for the final plan has not been filed within two years after approval of the preliminary plan by the City Council. The applicant may extend this two-year period by means of a written request filed with the Zoning Administrator at least 30 days prior to the expiration of the period, which shall be approved by the City Council.
2. Final Plan Expiration. Final plan approval shall expire and be revoked if a building permit has not been filed within two years after approval of the preliminary plan by the City Council. The applicant may extend this two-year period by means of a written request filed with the Zoning Administrator at least 30 days prior to the expiration of the period, which shall be approved by the City Council.

**§ 1252.05 Nonconformities**

A. Purpose. The purpose of this Section is to regulate uses, structures, and lots that were in compliance with previous zoning regulations, but do not conform to current zoning regulations as a result of adoption of or amendments to this Zoning Code. The intent of this Section is to specify the circumstances under which nonconforming uses, structures, and lots may be continued, altered, or expanded as well as circumstances under which such nonconformities shall be gradually eliminated.

B. Applicability.

1. Authority to Continue.
  - a. Any use, structure, or lot that was established legally as of the effective date of this Zoning Code, or its subsequent amendments, may continue as long as it remains lawful.
  - b. Any use, structure, or lot that was established legally as of the effective date of this Zoning Code, or its subsequent amendments, and has been made nonconforming due to the regulations of this Zoning Code, or its subsequent amendments, is a legal nonconforming use,

structure, or lot and may continue subject to the provisions of this Section as long as it remains otherwise lawful.

- c. Any use, structure, or lot that was established illegally as of the effective date of this Zoning Code, or its subsequent amendments, shall remain illegal if it does not conform with the requirements of this Zoning Code.
2. Nonconforming Status. The nonconforming status of a nonconforming use, structure, or lot rests with the property and shall not be affected by changes in property ownership, tenancy, or management.
3. Burden of Establishing Legal Status. The burden of establishing the legal status of a nonconforming use, structure, or lot under the provisions of this Zoning Code shall be the responsibility of the owner of such use, structure, or lot.

#### C. Nonconforming Uses.

1. Applicability. A legal nonconforming use is the use of land or a structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Code.
2. Expansion of Use. A legal nonconforming use shall not be expanded, enlarged, or increased in intensity to include any land area or structure not previously occupied by such legal nonconforming use.
3. Relocation of Use. A legal nonconforming use shall not be relocated on the same lot or any other lot unless the relocation of such use meets the requirements of the zoning district in which the use is relocated.
4. Damage or Destruction of Use. In the event that any structure devoted in whole or in part to a legal nonconforming use is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the use cannot be continued unless it meets the requirements of the zoning district in which the use is located.
5. Change of Use. A legal nonconforming use shall not be changed to any other use unless the use is allowed within the zoning district in which the use is located.
6. Discontinuation or Abandonment of Use. If a legal nonconforming use is discontinued, or the structure that it occupies becomes vacant or remains unoccupied for a continuous period of at least six months, such use shall be deemed abandoned and shall not be reestablished regardless of the intent to continue the use. Any period of discontinuance or abandonment caused by a government action or an act of nature shall not be included in the six-month period. Any subsequent use or occupancy of such land or structure shall meet the requirements of the zoning district in which the use is located.
7. Multi-Family Dwelling Units in the R-3 District. Multi-family dwelling units consisting of three dwelling units shall be deemed a legal nonconforming use in the R-3 District.

#### D. Nonconforming Structures.

1. Applicability. A legal nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Code. For the purposes of this Section, legal nonconforming structures shall include nonconforming on-site development, off-street parking and loading facilities, and landscape characteristics.
2. Ordinary Maintenance and Repair. Ordinary maintenance and repair may be performed on any legal nonconforming structure provided that such activities will not create any new nonconformity or increase the degree of any existing nonconformity.

3. Structural Alterations, Enlargements, and Additions. Structural alterations, enlargements, and additions shall not be performed on any legal nonconforming structure, except in the following situations:
    - a. When the alteration, enlargement, or addition is required by law or is necessary to restore the structure to a safe condition upon the order of any official representative of the City.
    - b. When the alteration, enlargement, or addition is for the purpose of creating a conforming structure.
    - c. When the alteration, enlargement, or addition will not create any new nonconformity or increase the degree of any existing nonconformity.
    - d. When the alteration, enlargement, or addition expands the existing perimeter walls of a legal nonconforming single-family or two-family residential structure provided that it meets the following conditions:
      - (1) The resulting structure will not create any new nonconformity or increase the degree of any existing nonconformity.
      - (2) The resulting interior side setback is no less than 50 percent of the required interior side setback.
      - (3) The resulting front, corner side, or rear setback is no less than 75 percent of the required front, corner side, or rear setback.
  4. Relocation. A legal nonconforming structure shall not be relocated on the same lot or any other lot unless the relocation of such structure meets the requirements of the zoning district to which the structure is relocated.
  5. Damage or Destruction.
    - a. In the event that a legal nonconforming structure is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the structure may not be repaired unless it meets the requirements of the zoning district in which the structure is located.
    - b. In the event that a legal nonconforming structure is damaged or destroyed to the extent of less than 50 percent of its replacement value, the structure may be repaired provided that:
      - (1) The repairs will not create any new nonconformity or increase the degree of any existing nonconformity.
      - (2) A building permit is obtained for such repairs within one year of the date of damage or destruction, and such repairs are completed within one year of issuance of the building permit.
    - c. The replacement value of the legal nonconforming structure shall be established by:
      - (1) The sale of the structure within the previous year, or if that is not applicable;
      - (2) An appraisal of the structure within the last two years, or if that is not available;
      - (3) The amount for which the structure was insured prior to the date of damage or destruction, or if that is not available;
      - (4) An alternative method determined acceptable by the City.
- E. Nonconforming Lots of Record.
1. Applicability. A legal nonconforming lot of record is a lot of record that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Code.
  2. Contiguous Nonconforming Lots of Record. If two or more contiguous lots of record are owned by a single party, or by related parties, and one or more of the lots does not meet the requirements for lot area or lot width as established by this Zoning Code, then the lots of record shall be developed as a single entity. A building permit shall not be issued for the development of such contiguous lots of record in violation of this Section.

3. Individual Nonconforming Lots of Record in Residential Districts. In the R-1, R-2, and R-3 Districts, a single-family dwelling unit may be developed on a legal nonconforming lot of record provided that the owner of that lot of record, or a related party, does not own any lots of record that are contiguous to the subject lot of record and that the principal structure meets all of the bulk and yard requirements of the zoning district in which it is located.

## CHAPTER 1254: DEFINITIONS

§ 1254.01	Purpose
§ 1254.02	Definitions

### § 1254.01 Purpose

The purpose of this Chapter is to define the terms used throughout this Code.

### § 1254.02 Definitions

**Accessory Structure:** A structure located on the same lot as a principal structure that is subordinate in structure and use to the principal structure.

**Accessory Use:** A use located on the same lot as a principal use that is subordinate to the principal use.

**Addition:** Construction that increases the size of a building or structure in terms of height, length, width, floor area, or impervious coverage.

**Adjacent:** Property or right-of-way that touches a lot line of the subject property. Properties shall not be considered adjacent to one another if a public alley or other right-of-way separates the properties.

**Adult Cabaret:** An establishment that features any of the following: persons who appear nude or seminude; live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “Specified Anatomical Areas” or the conduct or simulation of “Specified Sexual Activities”; or films, motion pictures, videos, slides, or other visual representations or recordings that emphasize “Specified Anatomical Areas” or “Specified Sexual Activities.”

**Adult Store:** An establishment having a substantial or significant portion of its sales or stock in trade devoted to books, magazines, periodicals, other printed matter, instruments, novelties, devices, paraphernalia, films, motion pictures, videos, digital materials, or other visual representations that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.” This shall include any establishment with a segment or section devoted to the sale or display of such materials, or an establishment that publicly claims itself as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of booths, or any other factors showing the establishment’s primary purpose is to purvey such material.

**Adult Theater:** An establishment that, as a substantial or significant portion of its business, presents films, motion pictures, videos, digital materials, or other visual representations that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.”

**Adult Use:** “Adult Use” shall include “Adult Cabarets,” “Adult Stores,” “Adult Theaters,” and other similar uses.

**Alley:** A narrow right-of-way typically located at the side and rear of lots that provides a means of access to adjacent properties.

**Alteration:** A change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or a substantial change to the roof or exterior walls.

**Animal Boarding:** An establishment where pet animals are temporarily boarded. “Animal Boarding” does not include “Animal Hospitals.”

**Animal Hospital:** An establishment for the care and treatment of ill or injured pet animals that may be temporarily boarded during the period of care and treatment.

**Antenna:** A linear antenna designed to send and/or receive television, radio, communication, data, or other similar signals from other antennas.

**Apron:** A widened portion of a driveway adjacent to a garage, carport or parking pad.

**Arbor:** A freestanding structure often used to define an access point to a garden that serves to support climbing plants.

**Assisted Living Facility:** A residential facility that provides daily assistance and long-term residence for disabled and/or elderly individuals, but does not provide regular in-patient medical or nursing care. Such facilities provide a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individuals who need help with common daily activities, such as dressing, grooming, and bathing. An “Assisted Living Facility” does not include “Community Residence,” “Independent Living Facility,” or “Nursing Home.”

**Awning:** A roof-like cover, often constructed of flexible fabric and/or metal, which projects from the wall of a structure over a window, sidewalk, or door and is designed for protection from the weather or as a decorative element.

**Balcony:** A platform that projects from the exterior wall of a building, which is exposed to the open air, has direct access to the interior of the building, and is not supported by columns extending to the ground.

**Ball Court:** A paved area used to play sports and/or games.

**Banquet Hall:** An establishment that provides accommodations for private functions, such as weddings, anniversaries, or other similar celebrations. Such use may include facilities for the preparation of food, on-premises consumption of alcoholic beverages, and provision of both indoor and outdoor reception facilities.

**Bar/Tavern:** An establishment that sells alcoholic beverages for consumption on the premises and may also serve food for consumption on the premises in a manner that is incidental to the sale of alcoholic beverages.



**Basement:** A portion of a building located partly underground that has no more than one half of its height above grade with the exception of a “Bungalow,” which may have more than one half of the height of the basement above grade.

**Best Management Practice (BMP):** A structural device, measure, or program used to reduce pollution in stormwater runoff. BMPs regulate the quantity of stormwater runoff and improve the quality of the runoff before it enters the groundwater.

**Bicycle Parking Space:** An area used to park a bicycle that may or may not be located on a right-of-way.

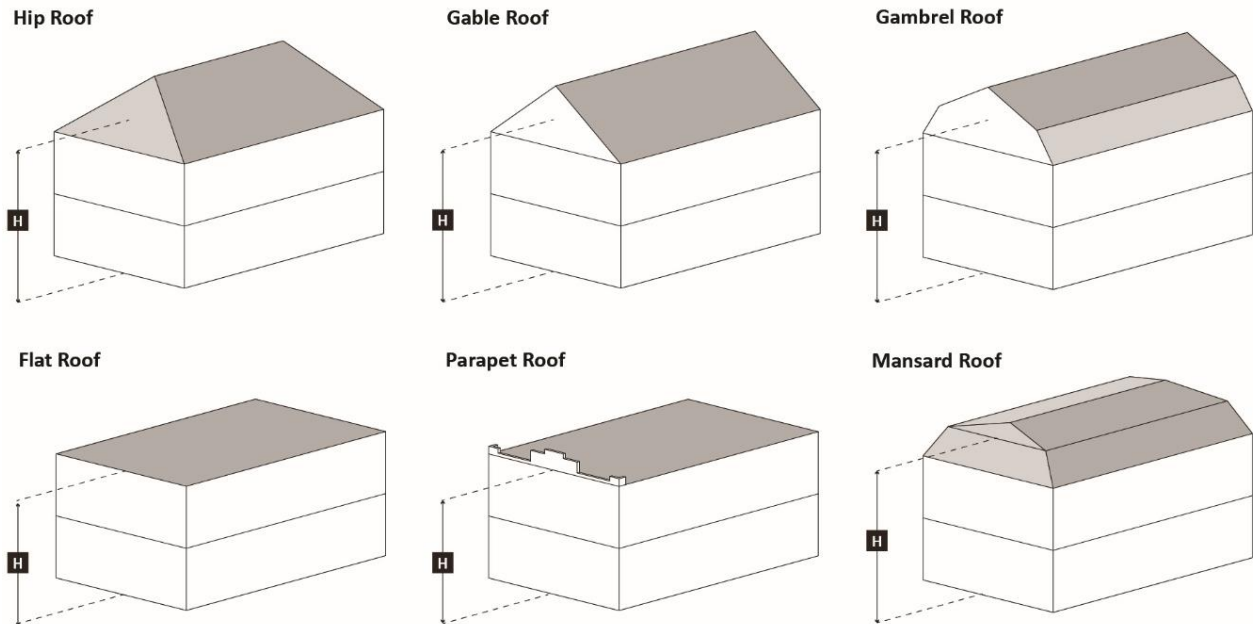
**Block:** Land bounded on all sides by street rights-of-way, utility rights-of-way, and/or physical barriers such as bodies of water or public open spaces.

**Buffer Yard:** A yard or landscape component used to separate uses or structures, diminish light trespass, or fulfill other similar purposes.

**Building:** A structure with substantial walls and a substantial roof that is securely affixed to land and separated on all sides from similar structures by space or by walls that do not have communicating doors, windows, or similar openings.

**Building Height:** For a building with a flat roof, the vertical distance measured from the ground immediately adjacent to the building to its highest point. For a building with a gable, hip, or gambrel roof, the vertical distance measured from the ground immediately adjacent to the building to the mean point between the eaves and the ridge. For a building with a mansard roof, the vertical distance measured from the ground immediately adjacent to the building to the deck line. Regardless of roof type, the following projections shall not be included when determining building height: chimneys, towers, spires, steeples, parapet walls, staircase enclosures, elevator enclosures, tanks, cooling towers, mechanical equipment, and similar projections. See Figure 1254.02-A. Building Height and Roof Types.

**Figure 1254.02-A. Building Height and Roof Types**



**Bungalow:** A single-family dwelling, generally built between 1910 and 1950, with a maximum of one and one-half stories at original construction and possessing distinctive architectural features, including a low-pitched roof with overhang, front porch, dormer windows, and brick facing with stone trim.

**Canopy:** A rigid roof-like cover, often constructed of metal and/or glass, which projects from the wall of a structure over a window, sidewalk, or door and is designed for protection from the weather or as a decorative element. A canopy may include ground-mounted support posts.

**Car Wash:** An establishment engaged in the cleaning of motor vehicles, recreational vehicles, and/or other similar vehicles whether automatic or by hand.

**Carnival or Circus:** A traveling group of rides, animal displays, shows, games, and/or concessions.

**City:** The City of Berwyn, Illinois.

**Club, Lodge, or Hall:** A meeting, recreational, or social facility established primarily for the use of the members and guests of a non-profit or private organization.

**Commercial Vehicle:** A motor vehicle operated for the transportation of people or property as part of a commercial enterprise.

**Community Garden:** Land that is collectively cultivated and maintained by a group of people.

**Community Residence:** A group residence consisting of a group home or specialized residential care home licensed, certified, or accredited by the appropriate state or federal agencies. Such residence shall serve as a single housekeeping unit for the housing of unrelated people with functional disabilities who

share responsibilities, meals, social activities, and other aspects of residential living. "Community Residence" does not include "Assisted Living Facility," "Independent Living Facility," "Nursing Home," or "Transitional Treatment Facility."

**Conforming Structure:** A structure that complies with the bulk and setback regulations of this Zoning Code for the zoning district in which such structure is located.

**Conforming Use:** A use that complies with the use regulations of this Zoning Code for the zoning district in which such use is located.

**Congregate Care Facility:** A residential facility that contains small individual dwelling units that include a kitchen, but have common dining, housekeeping, recreational, and social facilities. Such facilities do not provide regular in-patient medical or nursing care but may provide 24-hour non-medical care, assistance, and services essential for sustaining the activities of daily living or for the protection of the individual. "Congregate Care Facility" does not include "Assisted Living Facility," "Community Residence," "Independent Living Facility," "Nursing Home," or "Transitional Treatment Facility."

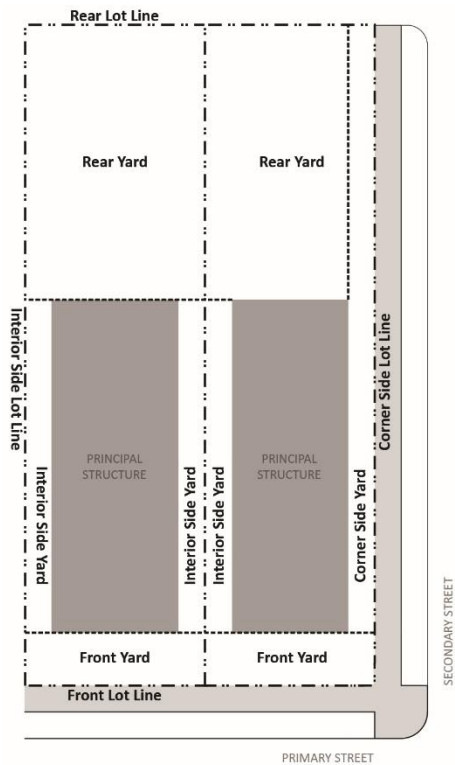
**Contractor Trailer:** A portable building or structure that may include office space and/or facilities for equipment storage for a construction project.

**Corner Lot:** A parcel of land located at the intersection of at least two streets and that has frontage on each street.

**Corner Side Facade:** Any facade that faces and is most closely parallel to the corner side lot line.

**Corner Side Lot Line:** The boundary of a lot that is approximately perpendicular to the front and rear lot lines, which separates the longest frontage of a corner lot from the right-of-way. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Figure 1254.02-B. Lot Lines and Yards**



**Corner Side Yard:** The area on a lot extending from the corner side façade of a building to the corner side lot line between the front yard and the rear lot line. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Credit Union:** A financial cooperative establishment, or an automated teller machine established by such an entity. “Credit Union” does not include “Currency Exchange,” “Financial Institution,” “Loan Company,” “Mortgage Broker,” or “Payday Loan.”

**Cultural Facility:** A use that provides cultural services including, but not limited to, museums, cultural centers, historical societies, and libraries.

**Currency Exchange:** An establishment engaged in providing services to cash checks, issue money orders, and prepare cashier’s checks for a fee. “Currency Exchange” does not include “Credit Union,” “Financial Institution” or “Loan Company,” “Mortgage Broker,” or “Payday Loan.”

**Day Care Center:** An establishment providing care for more than three children or adults in a protective setting for less than 24 hours per day that is not located within a residential dwelling unit. “Day Care Center” does not include day care programs operated by a “Place of Worship.”

**Day Care Home:** A facility within a residential dwelling unit that provides care for up to eight children, including the family’s natural or adopted children, or adults in a protective setting for less than 24 hours per day.

**Deck:** A roofless outdoor platform often constructed of wood or composite wood that is elevated from the ground and connects to the exterior wall of a building.

**Drive-Through Facility:** A facility used to provide products or services through a window, attendant, or automated machine to people in motor vehicles. A “Drive-Through Facility” may be established in combination with other uses, such as a “Financial Institution,” “Personal Services Establishment,” “Restaurant,” or “Retail Goods Establishment.” A “Drive-Through Facility” shall not be considered to be established in combination with uses such as a “Car Wash,” “Gas Station,” and “Motor Vehicle Repair and/or Service.”

**Driveway:** An unobstructed area that provides access to a parking or loading space.

**Driveway Flare:** A sloped surface that flanks a curb ramp providing a graded transition between the ramp and the sidewalk.

**Dwelling:** A structure, or portion of a structure, designed for occupancy by one family or household for residential purposes as a single housekeeping unit. “Dwelling” does not include a motor home, trailer, tent, or portable building.

**Dwelling Above the Ground Floor.** One or more dwelling units located on the upper floors of a building that contains non-residential uses on its ground floor.

**Easement:** Land that has been designated by lawful agreement between the owner of the land and another person for a specified use by such person.

**Eave:** The projecting lower edge of a roof that overhangs the wall of a building.

**Electrical Generator:** A device that generates electrical power.

**Encroachment:** The location of a structure within a required setback.

**Environmental Performance Standards:** Criteria established to regulate noise, odor, dust, air pollution, glare, heat, vibration, fire, explosion hazards, or hazardous materials generated by the use of land or buildings.

**Facade:** The exterior face of a building including, but not limited to, the wall, windows, windowsills, doorways, and design elements.

**Family:** One or more individuals who are related by blood, marriage, civil union, legal adoption, or legal guardianship living together and maintaining a common household including domestic guests and employees, or six or fewer individuals not so related.

**Farmers Market:** An outdoor market located in a designated area for the sale of agricultural products by the vendors who typically produce such items.

**Fence:** A barrier typically constructed of brick, stone, treated wood, simulated wood, PVC, steel, or a combination of materials, that is erected to separate, screen, or enclose an area.

**Financial Institution:** A bank or savings and loan office, or an automated teller machine established by such an entity. “Financial Institution” does not include “Credit Union,” “Currency Exchange,” “Loan Company,” “Mortgage Broker,” or “Payday Loan.”

**Flat Roof:** A roof with no visible slope from any street-facing facade, which may or may not have overhanging eaves. See Figure 1254.02-A. Building Height and Roof Types.

**Foot-candle:** A measure of the illuminance cast upon a surface that is one foot from a uniform light source of one candela, and which is equal to one lumen per square foot.

**Front Facade:** Any facade that faces and is most closely parallel to the front lot line.

**Front Lot Line:** The boundary of a lot that is adjacent to a right-of-way. For corner lots, the front lot line shall be the shortest street frontage of the lot. For irregularly shaped lots, the front lot line shall be the entire length of the lot line that is adjacent to a right-of-way. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Front Yard:** The area on a lot extending from the front façade of a building to the front lot line between the side lot lines. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Fully Shielded Lighting:** A fixture that prevents light from being emitted above a horizontal plane running from the lowest point of the fixture that emits light.

**Funeral Home:** An establishment where services are conducted for the deceased, including facilities and chapels to prepare the deceased for display, burial, and cremation.

**Garage:** A building, either attached or detached, which is used or designed for the parking and storage of motor vehicles.

**Garage or Yard Sale:** The sale of a variety of used household items, which is typically held in the garage or front yard of a residential dwelling.

**Gas Station:** A business where motor vehicle fuel is stored and dispensed from fixed equipment into motor vehicles. “Gas Station” does not include “Motor Vehicle Repair and/or Service.”

**Gazebo:** A freestanding open-sided structure, often hexagonal or octagonal in shape, that provides shade and shelter in outdoor areas.

**General Manufacturing:** An establishment where products are manufactured from processed or unprocessed raw materials, which may include activities such as processing, fabrication, assembly, treatment, and packaging of such products. “General Manufacturing” may include incidental storage, sales, and distribution of such products.

**Government Facility:** A building or structure owned, operated, and/or occupied by a governmental agency to provide government services to the public. “Government Facility” includes public safety facilities, public works facilities, post offices, and administrative offices, but does not include “Park,” “Preschool or Elementary School,” or “Secondary School.”

**Grade:** The elevation of the sidewalk in front of the building as measured from the center of the front of the building.

**Greenhouse:** A building for the cultivation and protection of plants, which is typically constructed of transparent glass, metal, and/or plastic.

**Green Infrastructure:** A water management technique that uses natural systems, such as landscaping and vegetation, to filter and control runoff.

**Gross Floor Area:** The total horizontal area of the floors of a building as measured from the outside face of the walls.

**Half Story:** The portion of a building under a gable, hip, or gambrel roof with exterior walls that are no more than four-and-a-half feet above the floor.

**Higher Education School:** A post-secondary educational institution that grants associate's, bachelor's, master's, and/or doctoral degrees. "Higher Education Schools" may include professional schools, theological schools, and/or research facilities.

**Home Occupation:** An occupation carried on in a dwelling by a resident which is accessory to the residential use of the dwelling.

**Hospital:** An institution that provides healthcare and medical services for the sick and injured, which may include, but shall not be limited to, in-patient facilities, out-patient facilities, training facilities, offices, and laboratories.

**Hotel/Motel:** An establishment that provides sleeping accommodations and lodging services on a short-term basis for a fee and amenities which may include, but shall not be limited to, restaurants, meeting rooms, health clubs, and swimming pools.

**Household:** A number of individuals that live together on the premises as a single housekeeping unit.

**Impervious Coverage:** The proportion of the gross area of a lot occupied by surfaces that do not allow stormwater filtration, such as principal structures, accessory structures, walkways, paved driveways, and paved parking lots.

**Independent Living Facility:** A residential facility that contains dwellings where at least one of the residents occupying a unit is 55 years or older. Such facilities do not provide regular in-patient medical or nursing care but may provide common areas for meals or socializing and limited convenience services. An "Independent Living Facility" does not include "Assisted Living Facility," "Community Residence," or "Nursing Home."

**Indoor Entertainment:** An enclosed building where spectator uses are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical "Indoor Entertainment" uses include, but shall not be limited to, indoor theaters, indoor music venues, and indoor sports arenas. "Indoor Entertainment" uses may include refreshment stands that provide products for consumption on the premises. "Indoor Entertainment" does not include "Adult Use" or "Indoor Recreation."

**Indoor Recreation:** An enclosed building where recreational activities are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical “Indoor Recreation” uses may include, but shall not be limited to, bowling alleys, pool halls, children’s play facilities, arcades, indoor miniature golf courses, indoor swimming pools, indoor tennis courts, and indoor skating facilities. “Indoor Recreation” uses may include refreshment stands that provide products for consumption on the premises. “Indoor Recreation” does not include “Indoor Entertainment,” “Park”, “Preschool or Elementary School,” or “Secondary School.”

**Interior Lot:** A parcel of land that has street frontage along at least one lot line and is flanked by lots along its side lot lines.

**Interior Side Facade:** Any facade that faces and is most closely parallel to the interior side lot line.

**Interior Side Lot Line:** The boundary of a lot that is approximately perpendicular to the front and rear lot lines and is not adjacent to the right-of-way. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Interior Side Yard:** The area on a lot extending from the interior side façade of a building to the interior side lot line between the front yard and the rear yard. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Library:** An institution that provides literary, musical, artistic, and reference material to the public.

**Loading Space:** An unobstructed area provided and maintained for the temporary parking of motor vehicles in order to load and unload materials.

**Loan Company:** A financial institution principally engaged in providing loans. “Loan Company” does not include “Credit Union,” “Currency Exchange,” “Financial Institution,” “Mortgage Broker,” or “Payday Loan.”

**Lot:** A parcel or tract of land intended to be separately owned, developed, or otherwise used.

**Lot Area:** The area of a zoning lot contained within its lot lines.

**Lot Depth:** The mean distance between the front and rear lot lines of a lot.

**Lot Line:** The boundary line of any lot.

**Lot of Record:** A legally created lot established by plat, deed, or contract as recorded by the Cook County Recorder of Deeds.

**Lot Width:** The minimum width of a lot, measured at the front lot line.

**Maximum Corner Side Setback:** The maximum distance that a building or structure shall be located from a corner side lot line, as required by the zoning district regulations.

**Maximum Front Setback:** The maximum distance that a building or structure shall be located from a front lot line, as required by the zoning district regulations.



**Mechanical Equipment:** Ground-mounted equipment such as heating, ventilating, and air-conditioning (HVAC) units.

**Medical/Dental Office With Dispensary:** A facility operated by one or more physicians, dentists, physical therapists, or other licensed health professionals that provides outpatient treatment of people and also dispenses pharmaceutical products for off-site use. "Medical/Dental Office with Dispensary" does not include "Medical/Dental Office Without Dispensary," "Medical Marijuana Dispensary," "Transitional Treatment Facility With Dispensary," or "Transitional Treatment Facility Without Dispensary."

**Medical/Dental Office Without Dispensary:** A facility operated by one or more physicians, dentists, physical therapists, or other licensed health professionals that provides outpatient treatment of people that may not dispense pharmaceutical products for off-site use. "Medical/Dental Office Without Dispensary" does not include "Medical/Dental Office With Dispensary," "Medical Marijuana Dispensary," "Transitional Treatment Facility With Dispensary," or "Transitional Treatment Facility Without Dispensary."

**Medical Marijuana Dispensary:** An establishment licensed, certified, or accredited by the appropriate state agencies to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

**Microbrewery/Micro-Distillery:** An establishment of no greater than 5,000 square feet that produces alcoholic and/or non-alcoholic beverages on site, which may include an accessory or adjacent taproom where customers are allowed to sample and purchase products manufactured on-site. The sale of beer or liquor manufactured outside the premises is prohibited.

**Minimum Corner Side Setback:** The minimum distance a building or structure shall be located from a corner side lot line, as required by the zoning district regulations.

**Minimum Interior Side Setback:** The minimum distance a building or structure shall be located from an interior side lot line, as required by the zoning district regulations.

**Minimum Front Setback:** The minimum distance that a building or structure shall be located from a front lot line, as required by the zoning district regulations.

**Minimum Rear Setback:** The minimum distance that a building or structure shall be located from a rear lot line, as required by the zoning district regulations.

**Minimum Street Frontage:** The minimum proportion of a building required to be located adjacent to a right-of-way, expressed as a percentage of the overall lot frontage.

**Model Unit:** A building or structure displayed as an example of the dwellings available for sale or rental in a residential development. A "Model Unit" may include sales or rental offices.

**Mortgage Broker:** An establishment that arranges the terms of mortgages. "Mortgage Broker" does not include "Credit Union," "Currency Exchange," "Financial Institution," "Loan Company," or "Payday Loan."

**Motor Vehicle Parking Space:** An area used to park a motor vehicle that may or may not be located on a right-of-way.

**Motor Vehicle Rental:** An establishment that rents motor vehicles, including incidental facilities for parking and servicing such vehicles.

**Motor Vehicle Repair and/or Service:** An establishment that provides services to adjust, align, repair, repaint, and/or replace motor vehicle parts and systems. "Motor Vehicle Repair and/or Service" includes facilities that sell motor vehicle parts and supplies in an incidental manner to the establishment's repair facilities. "Motor Vehicle Repair and/or Service" does not include "Gas Station" or "Motor Vehicle Sales."

**Motor Vehicle Sales:** An establishment that sells or leases new or used motor vehicles, including incidental facilities for parking and servicing such vehicles.

**Multi-Family Dwelling:** A building that contains three or more dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors. "Multi-Family Dwelling" does not include "Townhouse Dwelling" or Two-Family Dwelling."

**Native Species:** A plant or animal that occurs naturally within an area, and was not introduced through human assistance.

**Nit:** A measure of the luminance cast from a surface that is equal to one candela per square meter.

**Nonconforming Lot:** A lot of record that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Code.

**Nonconforming Structure:** A principal or accessory structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Code. "Nonconforming Structure" shall also include including nonconforming on-site development, off-street parking and loading facilities, and landscape characteristics.

**Nonconforming Use:** A use of land or a structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Code.

**Nursery:** An establishment that sells plants grown or stored on site.

**Nursing Home:** A residential facility that provides ongoing medical care and inpatient services for people requiring regular medical attention. Such facilities do not provide emergency medical services, surgical services, or treatment for alcoholism, drug addiction, or mental illness. A "Nursing Home" does not include "Assisted Living Facility," "Community Residence," "Independent Living Facility," or "Transitional Treatment Facility."

**Off-Street Parking:** An area used to park a motor vehicle that is not located on a right-of-way.

**Off-Street Parking Lot:** An area not located on a right-of-way that is used to park motor vehicles, including surface parking lots. "Off-Street Parking Lots" may or may not be available to the public and/or charge users a fee.

**On-Street Parking:** An area used to park a motor vehicle that is located on a right-of-way.

**Outdoor Entertainment:** An open air or partially enclosed structure in which spectator uses are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical “Outdoor Entertainment” uses include, but shall not be limited to, outdoor theaters, outdoor music venues, outdoor sports arenas, and amusement parks. “Outdoor Entertainment” uses may include refreshment stands that provide products for consumption on the premises. “Outdoor Entertainment” does not include “Outdoor Recreation.”

**Outdoor Recreation:** An open air or partially enclosed structure where recreational activities are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical “Outdoor Recreation” uses may include, but shall not be limited to, outdoor miniature golf courses, outdoor swimming pools, outdoor tennis courts, and outdoor skating facilities. “Outdoor Recreation” uses may include refreshment stands that provide products for consumption on the premises. “Outdoor Recreation” does not include “Outdoor Entertainment,” “Park,” “Preschool or Elementary School,” or “Secondary School.”

**Outdoor Sale.** The display and sale of products and services outside of a building or structure.

**Outdoor Storage:** An area for the storage of materials, equipment, machinery, or motor vehicles used in the conduct of a business.

**Owner:** The legal or beneficial title-holder of land, or the holder of a written option to contract or purchase the land.

**Parapet Roof:** A low wall that projects above a roof along the perimeter of the building. See Figure 1254.02-A. Building Height and Roof Types.

**Park:** An area for active recreation, passive recreation, and/or resource protection that is open to the public. “Park” may include, but shall not be limited to, baseball fields, football fields, soccer fields, basketball courts, tennis courts, playgrounds, water parks, and field houses. “Park” does not include “Indoor Recreation” or “Outdoor Recreation.”

**Parking Garage:** A parking structure that is used to park motor vehicles. “Parking Garages” may or may not be available to the public and/or charge users a fee.

**Parking Lot Perimeter Landscape Yard.** A planted area located around the boundary of a parking lot that is located between the parking lot and a right-of-way.

**Parkway:** The area between the lot line and the nearest edge of the curb excluding the sidewalk, or in the absence of a curb, between the lot line and the nearest edge of the street. A “Parkway” typically includes low ground cover and/or street trees.

**Patio:** A roofless hard surfaced area typically constructed of masonry, brick, or concrete that is attached to the ground adjacent to the wall of a building.

**Pawn Shop:** An establishment licensed, certified, or accredited by the appropriate local and state agencies that lends money in exchange for personal property that is used as collateral. "Pawn Shops" may purchase personal property outright or on the condition of selling it back to a customer with interest. "Pawn Shops" may include cash for gold establishments, which have the primary business of purchasing precious metals, jewelry, watches, and other similar items. "Pawn Shop" does not include "Retail Goods Establishments" such as antique stores and consignment stores.

**Payday Loan:** An establishment that provides loans to individuals in exchange for personal checks or titles to motor vehicles. "Payday Loan" does not include "Credit Union," "Currency Exchange" "Financial Institution," "Loan Company," or "Mortgage Broker."

**Pergola:** A freestanding structure with columns or posts topped with beams and open rafters, which may or may not be connected to the wall of a building.

**Permeable Pavement:** A pavement system designed to collect and absorb stormwater runoff.

**Permitted Use:** A use that is allowed to be established by right in a zoning district, and does not require administrative review or approval.

**Person:** An individual, firm, corporation, partnership, or other similar entity.

**Personal Services Establishment:** A commercial enterprise primarily engaged in the provision of services of a personal nature. "Personal Service Establishment" uses may include, but shall not be limited to, dry cleaners, laundromats, barbershops, beauty salons, massage therapy establishments, animal grooming establishments, health clubs, shoe repair shops, and tailor shops. "Personal Service Establishment" includes facilities that sell products and goods in an incidental manner to the establishment's provision of services. "Personal Services Establishment" does not include "Adult Use" or "Tattoo Parlor."

**Pitched Roof:** A pitched or sloped roof, including hipped roofs, gabled roofs, roofs with a combination of hips and gables, gambrel roofs, and mansard roofs. See Figure 1254.02-A. Building Height and Roof Types.

**Place of Worship:** An institution maintained by a religious body where people assemble for religious purposes, ceremonies, and other similar events. "Place of Worship" may include housing for members of religious orders and "Day Care Centers."

**Planned Development:** A distinct category of special use permits intended to allow flexibility in the application of the standards of this Zoning Code. "Planned Developments" are intended for significant development proposals that provide amenities to the community which are not required from conventional development applications.

**Porch:** An unenclosed roofed platform projecting from the exterior wall of a building.

**Preschool or Elementary School:** A public or private educational facility offering instruction to preschool, elementary, and/or junior high school students with a full range of curricular programs.

**Principal Structure:** A structure where the primary use of the lot is conducted.

**Principal Use:** The primary use of a lot or building as distinguished from an accessory use.

**Professional Office:** An establishment that engages in the application, processing, or manipulation of business information or professional expertise, which may or may not offer services to the public. A “Professional Office” shall not manufacture, assemble, warehouse, or repair goods and products for the retail or wholesale market or engage in the repair of products or the provision of retail services. “Professional Office” may include, but shall not be limited to, law firms, insurance agencies, accounting firms, real estate agencies, investment firms, and non-profit organizations. “Professional Office” does not include government offices, which are considered a “Government Facility.”

**Rainwater Cistern:** A container for storing rainwater.

**Rear Facade:** Any facade that faces and is most closely parallel to the rear lot line.

**Rear Lot Line:** The boundary of a lot that is most distant from and approximately parallel to the front lot line. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Rear Yard:** The area on a lot extending from the rear façade of a building to the rear lot line between the side lot lines on an interior lot, and between the side lot line and the corner side yard on a corner lot. Refer to Figure 1254.02-B. Lot Lines and Yards.

**Recreation Equipment:** Structures typically used for children’s active recreation, which may include, but not be limited to swing sets and jungle gyms.

**Research / Development Facility:** A facility where ideas and technologies are investigated, tested, and refined in industries that may include, but shall not be limited to, electronics, computer hardware and software, communications, information technology, biotechnology, and pharmaceuticals. “Research / Development Facility” may include the incidental manufacture and/or sale of products developed at the facility.

**Residential Care Facility:** A group care facility licensed for 24-hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A “Residential Care Facility” includes “Assisted Living Facility,” “Congregate Care Facility,” “Independent Living Facility,” “Nursing Home,” hospice, and continuum of care facilities.

**Restaurant:** An establishment that prepares and sells food and beverages for consumption on the premises and/or for carryout. “Restaurant” shall not include refreshment stands incidental to “Indoor Entertainment,” “Indoor Recreation,” “Outdoor Entertainment,” or “Outdoor Recreation” uses.

**Retail Goods Establishment:** A commercial enterprise primarily engaged in providing physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. “Retail Goods Establishment” may include, but shall not be limited to, grocery stores, clothing stores, jewelry stores, appliance stores, electronics stores, furniture stores, office supply stores, bookstores, and sporting goods stores. “Retail Goods Establishment” does not include “Adult Use” or “Tobacco Shop.”

**Right-of-Way:** Land dedicated or utilized for a street, trail, sidewalk, utility, railroad, or other similar purpose.

**Satellite Dish:** A parabolic antenna designed to send and/or receive television, radio, communication, data, or other similar signals from satellites and antennas.

**Seasonal Sale:** An area for the outdoor sale of merchandise of a seasonal nature, such as pumpkins or Christmas trees.

**Secondary School:** A public or private educational facility offering instruction to high school students with a full range of curricular programs.

**Self-Service Storage:** A facility used for the storage of personal property where individuals rent storage spaces of various sizes on an individual basis.

**Shade Tree:** A deciduous tree, generally having a single stem, planted primarily for shade. Trees with an expected canopy of over 40 feet are considered large shade trees. Trees with an expected canopy of 30 to 40 feet are considered medium shade trees.

**Shed:** A relatively small building typically used to store lawn, garden, and/or swimming pool equipment.

**Sidewalk Sale:** The temporary outdoor sale of merchandise by businesses that typically occurs on the sidewalk within the public right-of-way.

**Single-Family Dwelling:** A building that contains one dwelling unit, which is not attached to any other dwelling units.

**Small Food Manufacturing:** A facility primarily engaged in the preparation and production of food items for off-premises consumption and/or resale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, and specialty food packaging and/or processing shops. "Small Food Manufacturing" does not include "Brewery/Distillery," "General Manufacturing," "Restaurant," or "Wholesale Establishment."

**Small Wind Energy System:** A structure that converts wind energy to electric or mechanical power with a rated capacity of not more than 100kW.

**Solar Energy Collection System:** A structure that converts sunlight into electric or mechanical power.

**Special Use:** A use that has unique characteristics inherent to its operation that may be allowed in a zoning district following administrative review and approval.

**Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the top of the areola; and human genitals, or any device worn to simulate human genitals, in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

**Stacking Space:** A space designated as a waiting area for vehicles at a drive-through establishment.

**Story:** The portion of a building included between a floor and the floor above it, or if there is no floor above it, the space between the floor and the ceiling above the floor. A basement shall not be counted as a story.

**Structure:** Anything constructed or erected that requires location on the ground or must be attached to something located on the ground.

**Swimming Pool:** An in-ground or aboveground basin of water constructed for swimming or wading.

**Tandem Parking:** A parking area consisting of two or more parking spaces placed one behind the other, with the space nearest to the driveway or street access serving as the only means of access to the other space.

**Tattoo Parlor:** An establishment that provides the service of permanently marking the skin with designs, symbols, or other markings using ink and needles, and may also offer body-piercing services.

**Temporary Storage Container:** A temporary, moveable structure that may be used for the storage of possessions or products prior to being transported to a storage facility, or for collecting waste and other material associated with the construction and renovation of a structure.

**Temporary Structure:** A structure that is intended to be in place for a limited period of time, which is typically constructed without a foundation.

**Temporary Use:** A use that is intended to be in place for a limited period of time.

**Through Lot:** An interior lot having frontage on two parallel streets that do not intersect.

**Tobacco Shop:** An establishment that specializes in the sale of tobacco products and related goods, and may sell other products in a manner that is incidental to the sale of tobacco products.

**Townhouse Dwelling:** A building that contains three or more dwelling units where each unit has an individual entrance to the outdoors and each unit is attached vertically using one or more party walls. "Townhouse Dwelling" does not include "Multi-Family Dwelling" or "Two-Family Dwelling."

**Transitional Treatment Facility With Dispensary:** A facility that provides supervision, counseling, and therapy for individuals recovering from addiction that is licensed, certified, or accredited by the appropriate state or federal agencies, and also dispenses pharmaceutical products for off-site use. "Transitional Treatment Facility With Dispensary" does not include any residential facility. "Transitional Treatment Facility With Dispensary" does not include "Medical/Dental Office With Dispensary," "Medical/Dental Office Without Dispensary," "Medical Marijuana Dispensary," or "Transitional Treatment Facility Without Dispensary."

**Transitional Treatment Facility Without Dispensary:** A facility that provides supervision, counseling, and therapy for individuals recovering from addiction that is licensed, certified, or accredited by the appropriate state or federal agencies, and that may dispense pharmaceutical products for off-site use. “Transitional Treatment Facility Without Dispensary” does not include any residential facility. “Transitional Treatment Facility Without Dispensary” does not include “Medical/Dental Office With Dispensary,” “Medical/Dental Office Without Dispensary,” “Medical Marijuana Dispensary,” or “Transitional Treatment Facility With Dispensary.”

**Trellis:** A vertical latticework structure used in a garden to support climbing plants.

**Two-Family Dwelling:** A building that contains two dwelling units where each unit has an individual entrance to a common stairway, hallway or to the outdoors. “Two-Family Dwelling” does not include “Multi-Family Dwelling” or “Townhouse Dwelling.”

**Unshielded Lighting:** A fixture that allows light to be emitted above a horizontal plane from the lowest point of the fixture that emits light.

**Use:** The purpose or activity for which a lot, building, or structure is designed, intended, occupied, or maintained.

**Utility:** The use of land for infrastructure facilities including, but not limited to, services for gas, electricity, water treatment and storage, sewage treatment and storage, telephone, and cable television.

**Variation:** Authorization granted by the City to allow development that deviates from the specific regulations of this Zoning Code.

**Wall:** A vertical structure, typically constructed of concrete, stone, brick, masonry, or other similar material, that creates a physical barrier for light and air.

**Warehousing, Storage, or Distribution Facility:** An establishment that stores and transports products or equipment, including, but not limited to warehouses, moving companies, storage facilities, freight transportation, and truck terminals.

**Wholesale Establishment:** A commercial enterprise primarily engaged in providing physical goods, products, or merchandise to commercial, industrial, and institutional businesses, rather than directly to the consumer. “Wholesale Establishment” does not include “Retail Goods Establishment.”

**Wireless Telecommunication Antenna:** A structure used to transmit and/or receive communication, data, or other similar signals in order to facilitate the use of wireless devices. “Wireless Telecommunications Antenna” does not include “Antenna” or “Satellite Dish.”

**Wireless Telecommunication Facility:** A structure used to protect the equipment that processes communication, data, or other similar signals in order to facilitate the use of wireless devices.

**Wireless Telecommunication Tower:** A structure designed and constructed to support one or more “Wireless Telecommunications Antennas” and all devices attached to it. “Wireless Telecommunication Towers” are typically freestanding and may be of either lattice or monopole construction.



**Yard:** The area on a lot between the principal structure and the lot line.

**Zoning District:** A designation given to each lot within the City under which certain development regulations and requirements are uniform.

**Zoning Lot:** One or more lots located within a block that is under single ownership and is designated as a unit of land for development by the owner of such land.

**Zoning Map:** The map incorporated into this Zoning Code that designates the boundaries of the zoning districts of the City.