

# ZONING

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## CITY OF

# SILVIS, ILLINOIS

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This pamphlet is a reprint of Chapter 102, Zoning, of the Code of Ordinances, City of Silvis, Illinois, published by order of the City Council.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2001



## Chapter 102

### ZONING\*

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**ARTICLE I. IN GENERAL****Sec. 102-1. Title.**

This chapter shall be known as and may be referred to and cited as the "Zoning Ordinance of the City of Silvis, Illinois."  
(Code 1976, § 29-1)

**Sec. 102-2. Purpose.**

The various use districts which are created by this chapter and the various articles and sections of this chapter are adopted for the following purposes:

- (1) Carrying out the comprehensive plan for the city;
- (2) Promoting the public health, safety, morals, comfort, and general welfare;
- (3) Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
- (4) Encouraging such distribution of population, classification of land use, and distribution of land development that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
- (5) Lessening or avoiding congestion in the public streets and highways;
- (6) Protecting against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- (7) Helping to ensure that all residential, commercial and manufacturing structures as well as other types of structures will be accessible to firefighting and other emergency equipment;
- (8) Prohibiting the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
- (9) Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes and in which each dwelling unit is assured of light, air, and open spaces;
- (10) Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance-producing activities;
- (11) Promoting and guiding the continued growth and expansion of the city while protecting the natural, economic, and scenic resources of the city;
- (12) Conserving the taxable value of land and buildings throughout the city; and
- (13) Defining and limiting the powers and duties of the zoning officer and bodies as provided in this chapter.

(Code 1976, § 29-2)

**Sec. 102-3. Scope.**

This chapter classifies and regulates the use of land, buildings, and structures within the corporate limits. This chapter promotes the health, safety, convenience, and welfare of the inhabitants by dividing the city into zoning districts and regulating the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

(Code 1976, § 29-3)

**Sec. 102-4. Authority.**

This chapter is adopted under the authority granted by 65 ILCS 5/11-13-1 et seq.

(Code 1976, § 29-4)

**Sec. 102-5. Definitions.**

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

*Accessory building or use* means a building or use on the same lot with and of a nature customarily incidental and subordinate to the principal building or use. This includes but is not limited to buildings such as detached garages and storage buildings, structures such as swimming pools and dish antennas, and uses such as storage of materials and equipment.

*Agricultural uses* means any land or buildings involved in the normal production of farm products and animal husbandry where the income from such activity provides more than 50 percent of the owner's annual income.

*Alley* means a trafficway, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

*Automobile service station* means one or more buildings on premises where gasoline, oil, grease, diesel fuel, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and incidental repair and maintenance may be obtained. Uses permissible at a service station do not include major mechanical and bodywork; straightening of body parts; painting; welding; storage of automobiles not in operating condition; or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in a service repair garage or a body shop. All activities incidental to the sale of gasoline or oil shall be conducted within a building, and there shall be no storage or accumulation of equipment or motor vehicles, dissolved or otherwise, outside of the principal structure.

*Boardinghouse or lodginghouse* means a dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding 20 persons, on a weekly or monthly basis.

*Board of appeals* means the city zoning board of appeals.



*Building* means any structure designed or built for the support, enclosure, shelter, or protection of people, animals, chattels, or property of any kind. Any structure with interior areas not normally accessible for human use shall not be considered as a building.

*Carwash* means a building, or portion thereof, containing facilities for washing more than two automobiles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial handwashing of such automobiles, whether by the operator or by a customer.

*Commercial use* means the use of land or buildings for the storage, display and retail sale of goods or services. Offices are also included as commercial uses.

*Comprehensive plan* means the city comprehensive plan.

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

*Dwelling, multiple-family*, means a residential building containing three or more dwelling units, designed for occupancy by three or more families.

*Dwelling, single-family*, means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

*Dwelling, two-family*, means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

*Dwelling unit* means a dwelling which consists of one or more rooms which are arranged, designed, or used as living quarters for one family only.

*Family* means one or more persons occupying a dwelling unit and maintaining a common household.

*Floor area ratio* means the relation of the total floor area of a building to the total lot area expressed as a percentage. The resulting figure establishes the maximum size of building allowed on a lot.

*Garage, private*, means an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one vehicle in a private garage may be a commercial vehicle exceeding two-ton capacity.

*Home occupation* means any occupation or activity incidental to residential use, carried on in the principal or accessory building in a residential district. There is no commodity sold on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of the type that is similar in character to that normally used for purely domestic or household purposes. Home occupation may include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, barber, beautician, architect, or other professional person.

*Impermeable surface* means any surface that does not allow water to pass through, such as buildings, sidewalks, nonporous pavement, and compacted gravel.

*Loading space* means any space with adequate access and area that is used for the loading and unloading of materials. A loading space is ten feet wide, 40 feet long and 14 feet high to accommodate trucks.

*Lot* means a lot officially described or platted and recorded by the recorder of deeds of the county, unless the context of this chapter clearly indicates otherwise.

*Lot area* means the total horizontal area included within lot lines.

*Lot depth* means the depth of a lot, which shall be measured and considered as the minimum distance between the front and rear lot lines.

*Lot frontage* means that dimension of a lot abutting on a street, excluding the side dimension of a corner lot.

- (1) *Lot line, front*, for an interior lot, means the line separating such lot from the street right-of-way; for a corner lot or double frontage lot, the line separating such lot from the street designated as the front street.
- (2) *Lot line, rear*, means the lot boundary opposite and most distant from the front lot line. For a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line not less than ten feet long and wholly within the lot.
- (3) *Lot line, side*, means any lot boundary line not a front or rear lot line.

*Lot of record* means a lot which is part of a subdivision, the map of which has been recorded in the office of the recorder of deeds of the county; or a parcel of land, the deed of which was recorded in the office of the recorder of deeds of the county prior to the adoption of the ordinance from which this chapter is derived.

*Lot width* means the width of a lot, which shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the lot width shall be determined by the zoning officer.

*Manufacturing use* means any use of land or a building for the production or storage of goods that are sold primarily from other facilities.

*Nonconforming use* means any building or land lawfully occupied by a use at the time of the adoption of the ordinance or amendment of the ordinance from which this chapter is derived, which does not conform after passage of such ordinance or amendment thereto with the use regulations of the district in which it is situated.

*Office* means a building or portion of a building used for the normal activities, such as filing, typing, research, and recordkeeping, that are associated with maintaining and conducting any business and including areas designed for customer waiting, examination, or consultation.

*Off-street parking* means any space with adequate access and space that is used and is located on the property. Parking spaces are nine feet by 20 feet and contain 180 square feet, minimum.

*Planning commission* means the city planning and zoning board.

*Residential use* means the use of a building for the normal permanent occupancy of any number of individuals or families and that is owned or leased, but does not include buildings used for lodging or boarding on a temporary basis.

*Sign* means a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, institution, organization, or business. However, a sign shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school, or religious group.

*Street* is a general term used to describe a public right-of-way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities, both aboveground and belowground.

*Townhouse* means a building consisting of three or four dwelling units each with separate entrances and kitchen, bathroom, living, and sleeping areas.

*Yard* means a required open space at grade unoccupied and unobstructed by any structure or portion of a structure, other than projections of uncovered steps, uncovered balconies, or uncovered porches; provided, however, that fences, walls, poles, posts, accessory buildings and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purpose of determining the width of a side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

*Yard, front,* means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified in this chapter.

*Yard, rear,* means an open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified in this chapter.

*Yard, side,* means an open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as specified in this chapter.

*Zoning officer* means the person appointed to occupy the office created in this chapter, in which office is vested the chief administrative and enforcement duties as outlined in this chapter.

(Code 1976, § 29-5)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 102-6. Effect on structures and uses.**

Except as provided in this chapter, no building, structure or land shall be used, erected, constructed, occupied, moved, altered, or repaired, except in conformity with the regulations specified for the district in which it is located.

(Code 1976, § 29-20)

**Sec. 102-7. Minimum street frontage; lot of record; number of buildings on lot; lots unserved by sewer or water.**

(a) *Minimum street frontage.* No lot shall be created after the adoption of the ordinance from which this chapter is derived unless it abuts at least 30 feet on a public street.

(b) *Construction on previously platted and recorded substandard lots.* In any residence district, on a vacant lot of record at the time of enactment of the ordinance from which this chapter is derived, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this chapter are complied with. However, where two or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into one zoning lot and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this subsection, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

(c) *Number of buildings on lot.* Except for planned residential developments, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.

(d) *Lots unserved by sewer or water.* In any residential district where public sanitary sewer is not reasonably available, one single-family detached dwelling may be constructed, provided the lot area is a minimum of 20,000 square feet, and the lot width is a minimum of 100 feet.  
(Code 1976, § 29-21)

**Sec. 102-8. Accessory buildings.**

(a) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(b) *Height and number of accessory buildings.* No detached accessory building or structure shall exceed the height of the principal building or structure. Each lot is limited to one accessory building.

(c) *Location on lot.* No accessory building shall be erected in any front yard. Accessory buildings shall be no closer than five feet from all lot lines of adjoining lots and at least five feet from alley lines.

(Code 1976, § 29-22)

**Sec. 102-9. Reduction of required yard or use of yard by another building.**

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this chapter, and if already less than the minimum required it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.

(Code 1976, § 29-23)

**Sec. 102-10. Conversion of dwellings.**

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to further requirements as may be specified within the sections applying to the district.

(Code 1976, § 29-24)

**Sec. 102-11. Traffic visibility across corner lots.**

In any zoning district on any corner lot, no fence, sign, structure, or planting shall be erected or maintained within 20 feet of the corner of the lot so as to interfere with traffic visibility across the corner.

(Code 1976, § 29-25)

**Cross reference**—Traffic and motor vehicles, ch. 90.

**Sec. 102-12. Protection of sensitive areas.**

(a) *Maintenance of steep slopes.* In any zoning district, any slope that is steeper than 12 percent from the horizontal shall be maintained in natural or planted vegetative cover, or terraced in a manner approved by the zoning officer.

(b) *Drainage of stormwater.* In any zoning district, the volume and rate of discharge of stormwater runoff from any lot shall not exceed the volume and rate of discharge of water from the lot under natural vegetated conditions.

(c) *Outfall of drainage structures.* In any zoning district, the outfall of drainage control structures shall be designed and constructed to prevent erosion of soil from the lot and downstream property and to prevent deposition of sediment on property located downstream from the outfall.

(d) *Changes and obstructions to watercourse channels.* In any zoning district, any activity that changes or obstructs the natural or existing course of a water channel shall be signed and certified by a registered professional engineer so as to not reduce the conveyance capacity of the watercourse or create erosion, sedimentation, or flooding problems on property located either upstream or downstream from the activity.

(Code 1976, § 29-26)

#### **Sec. 102-13. Site plans.**

All uses proposed in the C-2 general business, and M-1 manufacturing districts shall submit for approval, by the planning commission and fire chief, a site plan which shall accurately display the information in this section. The site plan will be used to regulate the location of multiple buildings on the site and will also provide the fire chief with an accurate description of building construction and use in an emergency. The information required shall be as follows:

- (1) Property boundary, address, scale, north arrow, owner of the property, and name and nature of the business.
- (2) Accurate location, dimensions, height, construction, and use of all buildings.
- (3) Accurate location of all paved parking, interior roads, and storage areas.
- (4) Accurate location of all fire hydrants.

(Code 1976, § 29-27)

#### **Sec. 102-14. Trailers and mobile homes.**

Trailers of all types, including travel, motor homes, camping and hauling mobile homes, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following:

- (1) *Camping or travel trailer.* No more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted. The trailer shall not exceed 24 feet in length or eight feet in width and shall not be parked or stored for more than two weeks unless it is located behind the front yard building line and ten feet from any dwelling. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under this Code.
- (2) *Mobile home.* A mobile home shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under this Code.
- (3) *Accessory buildings.* It shall be illegal to dismantle a vehicle or to use any portion of any vehicle, such as a semitrailer, truck bed, mobile home, bus, automobile, etc., as an accessory building on any property located in districts zoned R or C within the city.

(Code 1976, § 29-28)

**Cross reference**—Manufactured homes and trailers, ch. 54.

**Secs. 102-15—102-40. Reserved.**

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT\***

### **DIVISION 1. GENERALLY**

#### **Sec. 102-41. Offices designated for administration.**

That administration of this chapter is vested in the following four city offices:

- (1) The zoning officer;
- (2) The board of appeals;
- (3) The planning commission; and
- (4) The city council.

(Code 1976, § 29-120)

#### **Sec. 102-42. Zoning officer.**

(a) *Appointment.* The zoning officer shall be appointed by the mayor with the advice and consent of the city council.

(b) *Powers and duties.* The zoning officer shall be responsible for enforcing this chapter and shall:

- (1) Issue all zoning certificates and make and maintain records thereof.
- (2) Issue all occupancy permits and make and maintain records thereof.
- (3) Conduct inspections of buildings, structures, and uses of land to determine compliance with this chapter.
- (4) Maintain permanent and current records of this chapter, including all maps, amendments, uses on review, variances, appeals, and applications.
- (5) Provide and maintain a public information service relative to all matters concerning this chapter.
- (6) Transmit to the planning commission all applications for amendments to this chapter.
- (7) Transmit to the board of appeals applications for appeals, variances, uses on review, or other matters on which the board of appeals is required to pass under this chapter.
- (8) Issue temporary occupancy permits for buildings or structures and uses of land.
- (9) Initiate, direct, and review from time to time a study of the provisions of this chapter and make reports of recommendations to the planning commission.

(Code 1976, § 29-121)

**Cross reference—**Officers and employees, § 2-141 et seq.

**\*Cross reference—**Administration, ch. 2.

**Sec. 102-43. City council's powers and duties.**

For the purposes of this chapter, the mayor and city council shall have the following powers and duties:

- (1) Appoint the zoning officer;
  - (2) Appoint members of the board of appeals;
  - (3) Appoint members of the planning commission;
  - (4) Receive and decide upon all recommendations concerning amendments, supplements, changes, or repeal of the zoning ordinance submitted by the planning commission;
  - (5) Receive from the planning commission all recommendations regarding the effectiveness of the ordinance; and
  - (6) Decide all matters upon which it is required to pass under this chapter.
- (Code 1976, § 29-124)

**Sec. 102-44. General procedures for land development.**

(a) *Permit or zoning certificate required.* No person shall construct, alter, expand any structure or building or establish any activity or use of land in the city unless a permit or zoning certificate has been issued by the zoning officer indicating that the proposed building or structure or use complies with this chapter.

(b) *Application for zoning certificate.* Before commencing any alteration to or construction of buildings or any activity to land, the person shall confer with the zoning officer to determine the requirements and regulations that shall apply to the activity. If the proposed activity satisfies the requirements of this chapter, the zoning officer shall issue a zoning certificate to the applicant who shall then obtain the other necessary permits and certificates before construction or commencing any activity. If the requirements of this chapter prohibit the proposed activity, the zoning officer shall inform the applicant of the regulations and explain the necessary procedures for applying for a variance, use upon review, temporary permit, or zone amendment. The applicant may then apply for the appropriate review and permit according to the requirements of this chapter.

(Code 1976, § 29-125)

**Sec. 102-45. Appeals.**

(a) *Scope of appeals.* An appeal may be taken to the board of appeals by any person or by any office, department, board, or bureau aggrieved by a decision of the zoning officer. The appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule filed with the zoning officer. The zoning officer shall transmit to the board of appeals all of the papers constituting the record of the action appealed.



*(b) Findings on appeal.*

- (1) An appeal shall stay all proceedings of the action appealed unless the zoning officer certifies to the board of appeals, after the appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.
- (2) The board of appeals shall select a reasonable time and place for the hearing of the appeal, shall give due notice thereof to the parties involved, and shall render a written decision on the appeal. The board of appeals may affirm or may, upon the concurring vote of four members, reverse wholly or in part or modify the order, requirement, decision, or determination the zoning officer has made. To that end, the board of appeals shall have all the powers of the zoning officer from whom the appeal is taken. The zoning officer shall maintain records of all actions of the board of appeals relative to the appeal.

(Code 1976, § 29-126)

**Secs. 102-46—102-70. Reserved.**

#### DIVISION 2. BOARD OF APPEALS\*

**Sec. 102-71. Created.**

The board of appeals, as established under the applicable provisions of the state statutes, is the board of appeals referred to in this chapter.

(Code 1976, § 29-122.01)

**Sec. 102-72. Membership.**

The board of appeals shall consist of seven members appointed by the mayor with the consent of the city council. The members of the board of appeals shall serve terms of five years, or until their successors are appointed and qualified. One of the members shall be designated by the mayor with the consent of the city council as chairman and shall hold office until his successor is appointed.

(Code 1976, § 29-122.02)

**Sec. 102-73. Powers and authority.**

The board of appeals is vested with the following powers and authority:

- (1) Hear and decide on all applications for use on review in the manner prescribed.
- (2) Hear and decide appeals from any order, requirement, decision, or determination made by the zoning officer.
- (3) Hear and decide upon the applications for variances from the terms provided in this chapter in the manner prescribed and subject to the standards established.

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\*Cross reference—Boards and commissions, § 2-481 et seq.

- (4) Interpret the provisions of this chapter and the district map in the manner provided in this chapter.
- (5) Hear and decide all matters referred upon which it is required to pass under this chapter as prescribed by the applicable provisions of the state statutes.

(Code 1976, § 29-122.03)

**Sec. 102-74. Meetings and rules.**

All meetings of the board of appeals shall be held at the call of the chairman and at such times as the board of appeals may determine. All hearings conducted by the board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. All actions, regulations, decisions, or determinations of the board of appeals shall be filed with the zoning officer and shall be public record. The board shall adopt its own rules and procedures, not in conflict with this chapter or the applicable state statutes, and select or appoint such officers as it deems necessary.

(Code 1976, § 29-122.04)

**Sec. 102-75. Decisions subject to administrative review.**

All decisions and findings of the board of appeals shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, 735 ILCS 5/3-101 et seq., and all amendments thereof and rules adopted thereto.

(Code 1976, § 29-122.05)

**Secs. 102-76—102-100. Reserved.**

**DIVISION 3. PLANNING COMMISSION\***

**Sec. 102-101. Created.**

The planning commission, as established under the applicable provisions of the state statutes, is the planning commission referred to in this chapter.

(Code 1976, § 29-123.01)

**Sec. 102-102. Powers and duties.**

The planning commission shall have the following powers and duties:

- (1) Hear all applications for amendments to this chapter and planned developments and report such findings and recommendations to the city council;

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\***Cross references**—Boards and commissions, § 2-481 et seq.; plan commission, § 2-536 et seq.

- (2) On its own initiative, petition the city council requesting an amendment, supplement, change, or repeal of the zoning ordinance, provided that it has first held a public hearing thereon;
  - (3) Receive from the zoning officer his recommendations as related to the effectiveness of this chapter and report its conclusions and recommendations to the city council annually; and
  - (4) Hear and decide all matters upon which it is required to pass under this chapter.
- (Code 1976, § 29-123.02)

**Secs. 102-103—102-130. Reserved.**

#### DIVISION 4. AMENDMENTS

**Sec. 102-131. Authority.**

For the purpose of promoting the public health, safety, morals, comfort, and general welfare; conserving the value of property throughout the city; and lessening or avoiding congestion in the public streets and highways, the city council may from time to time in the manner set forth amend the regulations imposed in the districts created by this chapter. This chapter may be amended, provided that in all amendments adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, and the uses to which the property is developed at the time of the adoption of such amendment. Amendments shall be consistent with the comprehensive plan.

(Code 1976, § 29-111.01)

**Sec. 102-132. Initiation.**

Amendments to this chapter may be proposed by the city council, the planning commission, or by any interested person or organization having interest in the affected property.

(Code 1976, § 29-111.02)

**Sec. 102-133. Application.**

(a) An application for an amendment to this chapter shall be filed with the zoning officer in such form and accompanied by such information as required by the zoning officer.

(b) The application shall be forwarded to the planning commission with the request to hold a public hearing.

(Code 1976, § 29-111.03)

**Sec. 102-134. Hearing on application.**

The planning commission shall hold a public hearing on each application for an amendment to this chapter. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner as the planning commission shall, by rule, prescribe.

(Code 1976, § 29-111.04)

**Sec. 102-135. Notice of hearing.**

Notice of time and place of the hearing on the application for amendment of this chapter shall be published at least once in one or more newspapers of general circulation in the city not less than 15 or more than 30 days before such hearing. Supplemental or additional notices may be published or distributed as the planning commission may, by rule, prescribe.

(Code 1976, § 29-111.05)

**Sec. 102-136. Findings of fact and recommendation of the planning commission.**

(a) Within 45 days after the close of the hearing on a proposed amendment to this chapter, the planning commission shall make written findings of fact and shall submit the findings together with its recommendations to the city council. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the findings of fact and recommendation shall include the following information:

- (1) Existing use of property within the general area of the property in question;
- (2) The zoning classification of property within the general area of the property in question;
- (3) The suitability of the property in question to the uses permitted under the existing zoning classification;
- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification;
- (5) The designation of the area in the comprehensive plan; and
- (6) The suitability of public services in the area to serve the proposed development.

(b) The planning commission shall not recommend the adoption of a proposed amendment unless it finds that it is in the public interest and is not solely for the interest of the applicant.  
(Code 1976, § 29-111.06)

**Sec. 102-137. Action by the city council.**

(a) The city council shall not act upon a proposed amendment to this chapter until it shall have received a written report and recommendation from the planning commission on the proposed amendment.

(b) The city council may grant or deny any application for an amendment. However, if a written protest is made against any proposed amendment, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered is filed with the city clerk, the amendment shall not be passed except by a favorable vote of two-thirds of all members of the city council.

(Code 1976, § 29-111.07)

**Sec. 102-138. Effect of denial.**

No application for an amendment to this chapter that has been denied in whole or in part by the city council shall be resubmitted for a period of one year from the date of such denial except on the grounds of new evidence or proof of change of conditions found to be valid by the planning commission.

(Code 1976, § 29-111.08)

**Secs. 102-139—102-165. Reserved.**

## DIVISION 5. VARIANCES

**Sec. 102-166. Purpose.**

In any zoning district, whenever the standards of this chapter, as strictly applied, place an undue hardship on a property or development proposal because of the character and situation of the property, a variance from this chapter may be requested. A variance is intended to alleviate hardships that occur because of the variability of the terrain or other conditions that may affect particular parcels of property but is not intended to right the hardship imposed by actions of the property owner.

(Code 1976, § 29-113.01)

**Sec. 102-167. Application.**

A property owner may file an application for a variance from this chapter with the zoning board of appeals. The application shall include the following:

- (1) Location and description of the property.
- (2) Description of the variance being requested.
- (3) A statement that the variance is needed because of limitations unique to the particular property and that the limitations are not caused by the applicant or other persons with an interest in the property.

(Code 1976, § 29-113.02)

**Sec. 102-168. Hearing by board of appeals.**

After required notice has been given, the board of appeals shall conduct a public hearing to hear evidence on the variance request and shall establish a finding of fact for the record before granting or denying the request.

(Code 1976, § 29-113.03)

**Sec. 102-169. Standards.**

The board of appeals shall not vary the regulations of this chapter, as authorized in this division, unless there is evidence presented to it in each specific case that:

- (1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- (2) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally to other property within the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon a desire to make more money from the property;
- (4) The alleged difficulty or hardship is caused by this chapter and has not been created by any persons presently having an interest in the property;
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(Code 1976, § 29-113.04)

**Sec. 102-170. Authorized variances.**

Variances from the regulations of this chapter shall be granted by the board of appeals only in accordance with the standards established in this division and may be granted only in the following instances, and in no others, to:

- (1) Permit any yard or setback of less dimension than required by the applicable regulations;
- (2) Permit any building or structure to exceed the height limitations imposed by the applicable regulations;
- (3) Permit the use of a lot for a use otherwise prohibited solely because of the insufficient area or width of the lot, but in no event shall the respective areas or width of the lot be less than 80 percent of the required area and width;
- (4) Permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

- (5) Reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;
  - (6) Increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served;
  - (7) Increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations; and
  - (8) Increase by not more than ten percent the maximum gross lot coverage allowed by Table I, section 102-519.
- (Code 1976, § 29-113.05)

**Sec. 102-171. Approval.**

The concurring vote of four members of the board of appeals shall be necessary to grant a variance. No order of the board of appeals granting a variance shall be valid for a period longer than 12 months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(Code 1976, § 29-113.06)

**Sec. 102-172. Effect of denial.**

No application for a variance that has been denied in whole or in part by the board of appeals shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence found to be valid by the board of appeals.

(Code 1976, § 29-113.07)

**Secs. 102-173—102-195. Reserved.**

**DIVISION 6. FEES AND PENALTIES**

**Sec. 102-196. Purpose.**

(a) The fees and penalties in this division are established in order to provide reasonable incentives for compliance with this chapter and to provide cost-effective administration.

(b) Fees are not reimbursable if the application is denied by official action of the planning commission, board of appeals, or city council or if the application is dismissed because the applicant fails to appear at the required hearing or to submit complete information required for review of the case.

(Code 1976, § 29-130)

**Sec. 102-197. Fees.**

(a) *Zoning amendments.* The fee for filing an application for an amendment to this chapter shall be \$100.00.

(b) *Variances and appeals.* The fee for filing an application for a variance of the regulations of this chapter or an appeal of an administrative decision made pursuant to this chapter shall be \$100.00.

(c) *Uses upon review.* The fee for filing an application for a use upon review, except condominium conversions, shall be \$100.00.

(d) *Condominium conversions.* The fee for filing an application for a condominium conversion shall be \$50.00 plus \$50.00 per unit included in the application.

(e) *Planned developments.* The fee for filing an application for a planned development shall be \$500.00 plus \$100.00 per acre included in the application.

(Code 1976, § 29-131)

**Sec. 102-198. Penalty.**

The penalty for violation of any condition of this chapter shall be \$100.00 per day of violation.

(Code 1976, § 29-132)

**Secs. 102-199—102-225. Reserved.**

**ARTICLE III. DISTRICTS**

**DIVISION 1. GENERALLY**

**Sec. 102-226. Established.**

For the purpose of this chapter, the city is organized into the following zoning districts:

|     |                           |
|-----|---------------------------|
| R-1 | Single-family residential |
| R-2 | General residential       |
| R-3 | Multifamily residential   |
| C-1 | Small business            |
| C-2 | General business          |
| M-1 | Manufacturing             |

(Code 1976, § 29-10)



**Sec. 102-227. Zoning map.**

The location and boundaries of the zoning districts established by this chapter are set forth on the map entitled "zoning map" which is a part of this chapter. The map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described in this chapter.

(Code 1976, § 29-11)

**Sec. 102-228. Boundary interpretations.**

The boundary lines shown on the zoning map shall be described as being along the property lines of platted lots and extending to the centerlines of streets and alleys and along those centerlines as shown on the map. Boundary lines shown as adjacent or near the property lines or centerlines shall be interpreted as being along the property lines and centerlines.

(Code 1976, § 29-12)

**Sec. 102-229. Annexed territory.**

All territory which may be annexed to the city shall be classed automatically as being in an R-1 single-family residential district until such classification shall have been changed by amendment of this chapter.

(Code 1976, § 29-13)

**Secs. 102-230—102-265. Reserved.****DIVISION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT****Sec. 102-266. General description.**

(a) The R-1 single-family residential district is the most restrictive residential district. The principal use of land is for single-family dwellings. Related recreational, religious, and educational facilities are allowed upon review to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

(b) The R-1 single-family residential district may be located anywhere within the city limits, but shall not be used to designate areas for single-family residences that are more appropriate to and likely to develop as more intensive residential, commercial or industrial uses as delineated in the comprehensive plan.

(Code 1976, § 29-30)

**Sec. 102-267. Principal uses permitted.**

Property and buildings in an R-1 single-family residential district shall be used only for the following purposes: single-family detached dwellings.

(Code 1976, § 29-31)

**Sec. 102-268. Accessory uses permitted.**

In the R-1 single-family residential district, permitted accessory uses shall be as follows:

- (1) Detached garages and storage buildings not exceeding 1,000 square feet of gross floor area.
- (2) Swimming pools.

(Code 1976, § 29-32)

**Sec. 102-269. Special uses permitted upon review.**

In the R-1 single-family residential district, the following special uses will be allowed only when given a favorable review by the zoning board of appeals in accordance with division 2 of article II of this chapter:

- (1) Church or temple.
- (2) Public school and private school offering general educational courses the same as ordinarily given in public schools.
- (3) Public library and similar cultural uses.
- (4) Public park, playground, golf course, or community center.
- (5) Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard or storage, provided the use is screened with landscaping.
- (6) Private country club, golf course, swimming club, tennis court, and similar recreational uses, provided that any principal building or swimming pool shall not be located less than 100 feet from any lot in any R district.
- (7) Cemetery.
- (8) Child care center.
- (9) Office of a physician, dentist, lawyer, architect, or engineer within a dwelling, provided such use is not operated as the principal office.
- (10) Customary incidental home occupations such as handcraft, dressmaking, millinery, preserving, beauty parlor, and barbershop, carried on solely by resident occupants within their residence, subject to the following:
  - a. No more than 500 square feet of the structure is used for such purpose by any resident family;
  - b. No such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings;

- c. Anything not produced on the premises is not sold or offered for sale; and
  - d. No display of goods or services pertaining to such use is visible from the street.
- (Code 1976, § 29-33)

**Secs. 102-270—102-305. Reserved.**

### DIVISION 3. R-2 GENERAL RESIDENTIAL DISTRICT

#### **Sec. 102-306. General description.**

(a) The R-2 general residential district is a residential district to provide for a slightly higher population density but with basic regulations similar to the R-1 district. The principal use of land is for single-family and two-family dwellings. Related recreational, religious, and educational facilities are allowed upon review to provide a balanced and attractive residential area. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of different uses.

(b) The R-2 general residential district is intended to enable development of higher density single-family and two-family residential neighborhoods. In addition to complying with the comprehensive plan, this district shall be located in areas where streets and other public facilities can be or are planned to be able to handle the impacts of higher density development.

(Code 1976, § 29-40)

#### **Sec. 102-307. Principal uses permitted.**

Property and buildings in an R-2 general residential district shall be used only for the following purposes:

- (1) Any uses permitted in the R-1 single-family residential district.
- (2) Two-family dwellings.
- (3) Three- and four-unit townhouse buildings.

(Code 1976, § 29-41)

#### **Sec. 102-308. Accessory uses permitted.**

In the R-2 general residential district, permitted accessory uses shall be as follows: one detached garage per dwelling unit not to exceed 1,000 square feet gross floor area.

(Code 1976, § 29-42)

#### **Sec. 102-309. Special uses permitted upon review.**

In the R-2 general residential district, the following special uses will be allowed only when given a favorable review by the zoning board of appeals in accordance with division 2 of article II of this chapter:

- (1) Any use permitted on review in the R-1 single-family residential district.

(2) Swimming pools.

(3) Conversion of any duplex or townhouse unit from a rental unit to an individually owned condominium unit.

(Code 1976, § 29-43)

**Secs. 102-310—102-345. Reserved.**

**DIVISION 4. R-3 MULTIFAMILY RESIDENTIAL DISTRICT**

**Sec. 102-346. General description.**

(a) The R-3 multifamily residential district is a residential district designed to provide the maximum flexibility in housing choice. Certain uses are permitted upon review which are more compatible with intensive residential uses and commercial uses. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship for each use permitted in the district.

(b) In addition to complying with the comprehensive plan, multifamily residences shall be located where public facilities, including sewer and water, are adequate and where there is good accessibility to transportation routes.

(Code 1976, § 29-50)

**Sec. 102-347. Principal uses permitted.**

Property and buildings in an R-3 multifamily residential district shall be used only for the following purposes:

(1) Structures containing any number of family dwelling units; or

(2) Boardinghouses and lodginghouses.

(Code 1976, § 29-51)

**Sec. 102-348. Accessory uses permitted.**

In the R-3 multifamily residential district, permitted accessory uses shall be as follows:

(1) Garages and carports providing up to two spaces for each dwelling unit only; or

(2) Storage buildings for equipment and supplies and other uses incident to the maintenance and functions of the residential building, accessory uses, and grounds.

(Code 1976, § 29-52)

**Sec. 102-349. Special uses permitted upon review.**

In the R-3 multifamily residential district, the following special uses will be allowed only when given a favorable review by the zoning board of appeals in accordance with division 2 of article II of this chapter:

- (1) Any use permitted on review in the R-2 general residential district, and professional offices located in a dwelling;
- (2) Public and private schools for academic instruction, including dormitories;
- (3) Hospitals, sanitariums, nursing homes, and extended care facilities;
- (4) Physicians' and dentists' offices and private clinics for human care; professional offices and barbershops and beauty shops; offices devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the premises. The building location shall be compatible with the permitted residential uses;
- (5) Conversion of any rental residential unit to an individually owned condominium unit.  
(Code 1976, § 29-53)

**Secs. 102-350—102-385. Reserved.**

## DIVISION 5. C-1 SMALL BUSINESS DISTRICT

**Sec. 102-386. General description.**

(a) The C-1 small business district is intended for small retail businesses and offices that serve a small market area and do not create significant impacts upon neighboring uses. Building size, outdoor lighting, signs and maximum lot and storage areas are regulated to protect the general character of the neighborhood and adjacent property.

(b) The C-1 district may be located in and adjacent to most residential neighborhoods.  
(Code 1976, § 29-60)

**Sec. 102-387. Principal uses permitted.**

Property and buildings in a C-1 small business district shall be used only for the following purposes:

- (1) Retail businesses with the principal building less than 2,500 square feet of gross building area.
- (2) Offices with the principal building less than 2,500 square feet of gross building area.
- (3) Auto service stations and carwashes, but no auto repair services, provided that the principal structure is at least 150 feet from any lot used for residential purposes.
- (4) Religious, educational, philanthropic, and fraternal organizations.  
(Code 1976, § 29-61)

**Sec. 102-388. Accessory uses permitted.**

In the C-1 small business district, permitted accessory uses shall be as follows: buildings for storage of equipment and supplies and other uses incident to the principal use on the property. (Code 1976, § 29-62)

**Sec. 102-389. Special uses permitted upon review.**

In the C-1 small business district, the following special uses will be allowed only when given a favorable review by the zoning board of appeals in accordance with division 2 of article II of this chapter:

- (1) Residential dwelling units located on the second story of a commercial building, provided that the entrance is separate from the business entrance and at least one off-street paved parking place is provided and reserved for each dwelling unit.
- (2) Municipal and other government buildings and uses except garages and storage yards. (Code 1976, § 29-63)

**Secs. 102-390—102-425. Reserved.****DIVISION 6. C-2 GENERAL BUSINESS DISTRICT****Sec. 102-426. General description.**

(a) The C-2 general business district is intended to provide for the location of all varieties of retail businesses, service establishments, entertainment establishments, and offices. These uses provide services to a large market and may vary greatly in size and activity. Building size, signs, lighting, parking area, ingress and egress, storage area, and drainage are regulated to protect the general character of the community and adjacent property.

(b) In addition to complying with the comprehensive plan, the C-2 district shall be located where there are adequate public facilities, access, and where orientation will be away from neighboring uses of lesser intensity.

(Code 1976, § 29-70)

**Sec. 102-427. Principal uses permitted.**

Property and buildings in the C-2 general business district shall be used only for the following purposes:

- (1) Any retail business, motel, or entertainment establishment.
- (2) Any office.
- (3) Any health care, financial, or professional office or facility.
- (4) Any service office, facility or shop, including but not limited to auto service and repair, appliance repair, and other similar facilities.
- (5) Religious, educational, philanthropic, or fraternal organization.

(6) Government buildings and uses.

(7) Multifamily residential uses containing at least eight dwelling units per building.  
(Code 1976, § 29-71)

**Sec. 102-428. Accessory uses permitted.**

In the C-2 general business district, permitted accessory uses shall be as follows: storage buildings and uses incident to the principal use.  
(Code 1976, § 29-72)

**Secs. 102-429—102-465. Reserved.**

**DIVISION 7. M-1 MANUFACTURING DISTRICT**

**Sec. 102-466. General description.**

(a) The M-1 manufacturing district is intended to provide for the location and operation of manufacturing, warehousing, equipment storage, and wholesale businesses. These establishments by their nature are not compatible with residential or most commercial uses.

(b) In addition to complying with the comprehensive plan, the M-1 manufacturing district shall be located where there are adequate public facilities, suitable transportation access and where orientation will be away from neighboring uses of less intensity.  
(Code 1976, § 29-80)

**Sec. 102-467. Principal uses permitted.**

Property and buildings in an M-1 manufacturing district shall be used only for the following purposes:

(1) Any industrial, manufacturing or warehousing uses and accessory buildings that are designed in such a manner as to pose the minimum hazard or nuisance from traffic, dust, odor, glare, noise, smoke, as per standards formulated by the state environmental protection agency.

(2) Any retail business and service uses.  
(Code 1976, § 29-81)

**Secs. 102-468—102-515. Reserved.**

**ARTICLE IV. SPECIAL PROVISIONS AND STANDARDS**

**Sec. 102-516. Maximum height limitations.**

(a) In any zoning district, the maximum height of any building shall be limited by the standards listed in table I, section 102-519, in order to protect the visual integrity of residential areas, to protect solar access and to ensure that buildings are within the range of firefighting apparatus.

(b) Exceptions to building height limits may be granted when the proportion of the building proposed above the regulation height is not used for residential purposes and has an internal sprinkler system approved by the fire chief or does not contain combustible materials or is needed to permit solar energy collectors.

(Code 1976, § 29-90)

**Sec. 102-517. Lot and yard requirements.**

In any zoning district, the minimum lot and yard dimension shall be limited by the standards listed in table I, section 102-519. These standards establish maximum densities of buildings and minimum separation of buildings to preserve the character of established neighborhoods and developing areas, to ensure accessibility to all parts of the building in emergencies, to prevent fire from spreading from one building to another, to ensure that adequate open space and yards are provided for each dwelling unit, and to provide adequate space for buffer areas and screening between incompatible uses.

(Code 1976, § 29-91)

**Sec. 102-518. Minimum lot and yard dimensions on irregular shaped lots.**

The code enforcement officer shall determine the yard requirements on irregularly shaped lots, but in no case shall the yard be less than the minimum permitted in the zoning district. These setbacks shall generally follow parallel to the shape of the lot, but in no case shall the distance between the front and rear yards be less than 40 feet or the distance between the side yards be less than 40 feet.

(Code 1976, § 29-92)

**Sec. 102-519. Maximum lot coverage.**

(a) In any zoning district, no lot shall be covered with surface or material that is impermeable to rain more than the percent allowed in table I in this section, but in no case shall stormwater drainage exceed that allowed under subsection 102-12(b). This reduces the amount of stormwater that could runoff of the lot due to building, driveway, patios, and sidewalk surfaces, and maintains a minimum amount of open space and landscape area.

(b) Upon review, the percentage of lot coverage may be reduced through the variance procedure when the lot is substandard and the use proposed requires additional area of impervious surface, but in no case shall the rate of discharge of stormwater exceed that allowed under subsection 102-12(b).

(Code 1976, § 29-93)



TABLE I. BUILDING HEIGHT, LOT DIMENSIONS, YARD, COVERAGE AND FLOOR AREA STANDARDS

|     | District Use          | Maximum Building Height (feet) | Lot Dimension              |                            |                | Minimum Width at Building Line (feet) | Front (feet) | Yard Dimension                 |                          |             | Maximum Coverage of Lot | Maximum Floor Area Ratio |
|-----|-----------------------|--------------------------------|----------------------------|----------------------------|----------------|---------------------------------------|--------------|--------------------------------|--------------------------|-------------|-------------------------|--------------------------|
|     |                       |                                | Minimum Area (square feet) | Maximum Area (square feet) | Minimum (feet) |                                       |              | Side                           |                          | Rear (feet) |                         |                          |
|     |                       |                                |                            |                            |                |                                       |              | Minimum (feet)                 | Total (feet)             |             |                         |                          |
| R-1 |                       | 30                             | 7,500                      | —                          | 65             | 25                                    | 5            | 17*                            | 30                       | 0.40        | —                       |                          |
| R-2 | Single-family         | 30                             | 6,000                      | —                          | 50             | 25                                    | 5            | 15*                            | 30                       | 0.40        | —                       |                          |
|     | Duplex                | 30                             | 4,000/unit                 | —                          | 50             | 25                                    | 5            | 15*                            | 30                       | 0.40        | —                       |                          |
|     | Townhouse             | 30                             | 2,000 and 2,000/unit       | —                          | 70             | 25                                    | 5            | 15*                            | 30                       | 0.40        | —                       |                          |
| R-3 | Duplex                | 30                             | 4,000/unit                 | —                          | —              | —                                     | —            | —                              | —                        | —           | —                       |                          |
|     | Townhouse             | 30                             | 2,000 and 2,000/unit       | —                          | —              | —                                     | —            | —                              | —                        | —           | —                       |                          |
|     | Multifamily structure | 30                             | 7,500                      | —                          | 75             | 25 + 0.5 height of bldg.              | 10           | 0.5 height of bldg.            | 25                       | 0.60        | 3.0                     |                          |
| C-1 |                       | 30                             | 6,000                      | 7,500                      | 50             | 25                                    | 8            | 20                             | 30                       | 0.75        | —                       |                          |
| C-2 |                       | 150                            | 7,500                      | —                          | 75             | 25 + 0.5 height of bldg.              | 10           | > of 20 or 0.5 height of bldg. | 30                       | 0.80        | 3.0                     |                          |
| M-1 |                       | 60                             | 7,500                      | —                          | 75             | 25 + 0.5 height of bldg.              | 20           | > of 40 or 0.5 height of bldg. | 25 + 0.5 height of bldg. | 0.80        | 1.0                     |                          |

(Code 1976, ch. 29, table 10-A)

**Sec. 102-520. Parking and driveway access.**

(a) *Generally.* Under this chapter, paved off-street parking spaces shall be provided on each lot according to the schedule of uses in this section. A parking space is nine feet by 20 feet in size. Except for single-family houses and duplexes, all spaces shall be individually accessible with adequate paved space to maneuver for entering and exiting. For buildings that contain a combination of uses, parking requirements shall be considered for each use separately. (Example: A building with a bowling alley and lounge area must provide the required space for the bowling alley and the lounge.) Occupancy capacity shall be as determined by the fire chief.

(b) *Residential uses:* The schedule of residential uses and parking spaces shall be as follows:

- (1) *Single-family residences:* two spaces.
- (2) *Duplexes:* two spaces per dwelling unit.
- (3) *Townhouses:* two spaces per dwelling unit.
- (4) *Multifamily:* two spaces per dwelling unit.

(c) *Commercial and industrial uses:* The schedule of commercial and industrial uses and parking spaces shall be as follows:

- (1) *Commercial and service uses not elsewhere addressed:* one space per 200 square feet of gross area, plus one space per employee on the largest shift, plus one space per vehicle normally stored on the premises overnight.
- (2) *General office uses not elsewhere addressed:* one space per 200 square feet of gross floor area.
- (3) *Entertainment uses not elsewhere addressed:* one space per four patrons to the maximum capacity of the facility, plus one space per employee on the largest work shift.
- (4) *Industrial, mining, quarrying, warehouse, and distribution uses:* one space per employee on the largest shift, plus one space per company vehicle normally left on the premises overnight.
- (5) *Bank:* one space per 200 square feet of gross floor area, plus space for five vehicles to wait for each off-street drive-in lane, plus one space per employee on the largest work shift.
- (6) *Bowling alley:* five spaces per lane, plus one space per employee on the largest work shift.
- (7) *Cemetery:* one space per four persons to the capacity of any chapel, plus one space per employee, plus roadways designed to accommodate parking of cars in funeral processions.
- (8) *Church or temple:* one space per four seats of maximum capacity.
- (9) *Community center:* one space per 200 square feet of gross floor area, plus one space per employee on the largest shift.

- (10) *Drive-in theater*: one space per automobile station, plus one space per employee.
- (11) *Funeral home*: one space per four patron seats.
- (12) *Golf driving range*: one space per tee, plus one space per employee.
- (13) *Golf course*: five spaces per hole, plus one per employee on the largest shift.
- (14) *Hospital*: two spaces per three patient beds, plus one space per staff doctor and each other employee on the largest work shift.
- (15) *Hotel or motel*: one space per room or suite, plus one space per employee on the largest work shift.
- (16) *Library or museum*: one space per 250 square feet of floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest shift.
- (17) *Lumberyard and building supply*: one space per 200 square feet of floor area dedicated to display and sales of products and office activities but not of inventory storage, plus one space per employee.
- (18) *Meeting and banquet facilities*: one space per three persons to the maximum occupancy.
- (19) *Nursing home*: one space per six patient beds, plus one space per employee on the largest shift, plus one space per staff member and visiting doctor.
- (20) *Private club*: one space per three persons to the maximum capacity of the facility.
- (21) *Restaurant*: one space per three patron seats, plus one space per employee on the largest work shift.
- (22) *Schools, public or private*:
  - a. *Elementary and junior high*: one space per teacher and staff member, plus one space per two classrooms.
  - b. *Senior high*: one space per teacher and staff member on the largest shift, plus one space per five nonbused students.
  - c. *College*: one space per staff member on the largest shift, plus one space per two students of the largest class attendance period.
  - d. *Day care or nursery*: one space per teacher/employee on the largest shift, plus two off-street parking spaces for vehicles to wait per six students.
  - e. *Commercial or trade*: one space per three students, plus one space per employee, including faculty, at capacity class attendance period.
- (23) *Skating rink, ice or roller*: one space per 300 square feet of gross floor area.
- (24) *Swimming facility*: one space per 75 square feet of gross water area, plus one space per employee on the largest shift.

- (25) *Tavern, lounge, nightclub, and dancehall:* one space per two persons to the maximum occupancy of the building.
- (26) *Tennis, racquetball, and handball court:* four spaces per court, plus one space per employee on the largest shift.
- (27) *Theater, auditorium, and arena:* one space per three patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by a facility's providing written proof that it has the use of a nearby parking lot available to its patrons (e.g., by contractual arrangements). This includes spaces for outdoor amphitheaters.
- (28) *Vehicle repair and maintenance services:* one space per 400 square feet of gross floor area, plus one space per employee on the largest work shift.
- (29) *Veterinary office:* three spaces per doctor, plus one space per employee on the largest shift.

(d) *Reduction in number of required off-street parking spaces for large uses.* In order to prevent the establishment of a greater number of parking space than actually needed to meet the particular needs of those large uses over 500,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted. This reduction shall be permitted subject to the following conditions:

- (1) A maximum reduction of one parking space per every 1,000 square feet of gross floor area or 20 percent of the total spaces required may be permitted. The site plan shall indicate the location and dimensions to the parking area provided.
- (2) Sufficient area must be reserved to provide for the total number of off-street parking spaces required by this section. The purpose of this reservation is to ensure adequate area to meet any future need for additional parking spaces. This reservation shall be provided for by deed-restricting that portion of the site required to provide for the total number of parking spaces on the same property as is being proposed for development. The reserved parking area shall not include areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. The developer shall provide a landscaping plan for the reserved area.

(e) *Off-site parking in downtown area.* Parking spaces for commercial and industrial uses located in the downtown area may be provided within 300 feet of the property when it is not possible to provide them on the site. The downtown area is considered to be that portion of the city north of Second Avenue.

(f) *Curb cuts for access driveways.* The location of curb cuts on public streets for all access driveways for ingress and egress to the property shall be approved by the zoning officer. Location and size of the curb cuts shall be based on consideration of traffic, safety, pedestrian safety, internal circulation of vehicles, and suitability of the road and other public facilities in the vicinity.

(Code 1976, § 29-94)

**Cross reference**—Stopping, standing and parking generally, § 90-196 et seq.

**Sec. 102-521. Off-street loading spaces.**

(a) Under this chapter, all nonresidential uses shall provide paved off-street loading spaces according to the standards in this section. A loading space is ten feet wide, 40 feet long and 14 feet high, and the loading space shall have adequate space for entering and exiting.

(b) Every retail establishment, industrial or manufacturing use, warehouse, wholesale use, freight terminal, railroad yard, hospital, or sanitarium having an aggregate gross floor area of 6,000 square feet or more shall provide off-street loading facilities as follows:

| <i>Gross Floor Area<br/>in Square Feet</i> | <i>Number<br/>of Berths</i> |
|--|-----------------------------|
| 6,000—24,999                               | 1                           |
| 25,000—79,999                              | 2                           |
| 80,000—127,999                             | 3                           |
| 128,000—198,999                            | 4                           |
| 199,000—255,999                            | 5                           |
| 256,000—319,000                            | 6                           |
| 320,000—391,999                            | 7                           |

For each additional 72,000 square feet or fraction thereof of gross floor area, one additional berth shall be provided.

(c) Every public assembly use, such as auditoriums, convention halls, exhibition halls, stadiums or sports arenas, office buildings, welfare institutions, funeral homes, and restaurants and hotels, with a gross floor area of greater than 30,000 square feet shall provide off-street berths as follows:

| <i>Gross Floor Area<br/>in Square Feet</i> | <i>Number<br/>of Berths</i> |
|--|-----------------------------|
| 6,000—29,999                               | 1                           |
| 30,000—119,999                             | 2                           |
| 120,000—197,999                            | 3                           |
| 198,000—290,999                            | 4                           |
| 291,000—389,999                            | 5                           |
| 390,000—488,000                            | 6                           |
| 489,000—587,999                            | 7                           |

| <i>Gross Floor Area<br/>in Square Feet</i> | <i>Number<br/>of Berths</i> |
|--|-----------------------------|
| 588,000—689,999                            | 8                           |

For each additional 105,000 square feet or fraction thereof of gross floor area, one additional berth shall be provided.

(d) At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

(Code 1976, § 29-95)

**Cross reference**—Stopping, standing and parking generally, § 90-196 et seq.

**Sec. 102-522. Signs.**

(a) *Schedule of permitted signs.* Signs are permitted in any zoning district according to the following schedule:

(1) *Residential districts.* One nonlighted sign not larger than two square feet in area per face indicating the name and address of the occupant is permitted for each dwelling. One additional nonlighted sign not larger than two square feet in area per face may be permitted to indicate the name and nature of a legal home occupation.

(2) *Commercial districts.* All permitted uses may display a combination of any two of the following signs to indicate the name and nature of their business: one freestanding sign, one roof sign, one projecting sign, or one wall sign or graphic. Signs shall conform to the standards listed in table II of this section.

Exception. In shopping centers or malls containing more than one business, signs indicating the name and nature of the business shall be permitted according to the following: one freestanding sign per 500 feet of lot frontage, and one wall sign or graphic per 20,000 square feet of retail space contained in the development.

(3) *Manufacturing districts.* All permitted uses may display a combination of any two of the following signs to indicate the name and nature of their business: one freestanding sign, one projecting sign, one roof sign, one wall sign or graphic. Signs shall conform to the standards listed in table II of this section.

(b) *Bulletin boards and kiosks.* Schools, churches and similar public and semipublic uses may display a bulletin board for announcement of events sponsored or taking place at the site. Kiosks may be erected upon review in certain public areas for the posting of announcements and advertisements. Bulletin boards and kiosks shall conform to the standards of table II of this section.

(c) *Temporary signs.* Temporary signs advertising sale of real estate, construction in progress on the site, advertising special sales and promotions occurring on the site or promoting candidates for political office may be permitted in any district. Signs shall conform to the standards of table II of this section. Temporary signs shall be removed immediately after the conclusion of the event or activity they are advertising.

(d) *Billboards.* Signs advertising a businesses event, activities that do not occur at the location of the sign or are communitywide in intent shall be permitted in commercial or manufacturing districts, only. Such signs shall not be visible from any residential district. No more than two such signs shall be located per 100 feet of road or street frontage of the primary road the sign is intended to face. Such signs shall conform to the standards of table II of this section.

(e) *Performance standards.*

- (1) *Location.* No person shall place any sign in or projecting over a public right-of-way or utility easement or such that it obstructs the visual sight easement at intersections for any vehicle. No person shall affix any signs to utility poles, trees, or traffic control signs.
- (2) *Construction and maintenance.* No person shall construct a sign or maintain it such that it presents a hazard to the public.
- (3) *Lights.* No person shall construct a sign with lighting that by flashing or glare will cause nuisance to any residential use or will cause hazardous conditions for vehicles.

(f) *Exceptions for traffic control signs.* All traffic control signs, whether established by federal, state, county or the city highway department or that are placed to regulate traffic within a commercial or industrial development, are exempt from this section.

TABLE II. PERFORMANCE STANDARDS FOR SIGNS

| Type            | Maximum Faces | Maximum Area Per Face | Maximum Height of Sign Above Ground (feet) | Maximum Dimension of Face   |              |
|-----------------|---------------|-----------------------|--|-----------------------------|--------------|
|                 |               |                       |  | Height (feet)               | Width (feet) |
| Freestanding    | 2             | 100 sq. ft.           | 35   | 10                          | 20           |
| Wall sign       | 1             | 100 sq. ft.           | 35   | 20                          | 20           |
| Graphic         | 1             | 80% of wall area      | Height of building                         | Determined area requirement |              |
| Projecting sign | 2             | 10 sq. ft.            | 35   | 10                          | 5            |
| Roof sign       | 2             | 100 sq. ft.           | —  | 10                          | 10           |
| Temporary sign  | 2             | 32 sq. ft.            | 8  | 8                           | 8            |
| Bulletin board  | 2             | 32 sq. ft.            | 8  | 8                           | 8            |
| Kiosk           | —             | —                     | 8  | 8                           | 2            |
| Billboard       | 1             | 400 sq. ft.           | 35   | 20                          | 30           |

(Code 1976, § 29-96, ch. 29, table 10-B)

Cross reference—Advertising, ch. 6.

**Sec. 102-523. Screening requirements.**

(a) *Outdoor storage.* In all zoning districts, outdoor storage of materials and equipment shall be screened by a permanent opaque fence not less than six feet high or a planted and properly maintained permanent vegetative buffer strip. This screening shall be erected on the property containing the storage area.

(b) *Shared boundaries of certain districts.* Along shared boundaries between any residential district and the C-1, C-2 and M-1 districts and between the R-3 and other residential districts there shall be a continuous permanent opaque fence not less than six feet high or a planted and properly maintained permanent vegetative buffer strip. This does not pertain to situations where a dedicated alley or street constitutes the boundary. This screening shall be erected on the commercial and manufacturing districts or the R-3 district property as the situation warrants but shall not infringe upon dedicated easements of any type.

(c) *Performance standards.*

- (1) Fences may be of wood, wire (chainlink), or masonry materials and shall be constructed and maintained to provide an opaque visual barrier. Appearance of the fence shall be appropriate to the character of the site and adjoining property.
- (2) Vegetative buffer strips shall be a minimum of five feet wide and shall be planted and maintained to provide a dense visual screen. Vegetation shall not overhang above adjoining property at a height less than six feet.
- (3) Plant species used shall be predominately evergreen or coniferous shrubs and trees having a mature height of at least eight feet. Buffer strips may also contain other herbaceous and deciduous species appropriate to the soils and climate of the site.

(Code 1976, § 29-97)

**Secs. 102-524—102-565. Reserved.**

## **ARTICLE V. NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND**

### **Sec. 102-566. Continuation.**

A nonconforming building or structure existing at the time of adoption of the ordinance from which this chapter is derived may be continued, maintained and repaired, except as provided in this article.

(Code 1976, § 29-100.01)

### **Sec. 102-567. Alteration or enlargement of buildings and structures.**

(a) No person shall enlarge or alter any nonconforming building in any manner unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the zoning district in which it is located.

(b) No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of the building or structure is made to conform to all of the regulations of the zoning district in which it is located.

(Code 1976, § 29-100.02)



**Sec. 102-568. Repair or restoration of nonconforming buildings.**

No person shall repair or restore a damaged nonconforming use and building to its original condition without complying with this chapter when the cost of such repairs totals more than 50 percent of the value of the building before the damage occurred. Exception: Restoration for historically significant structures, as determined by the state, may be exempted from this section.

(Code 1976, § 29-100.03)

**Sec. 102-569. Change in use.**

Under this chapter, a nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. After the effective date of the ordinance from which this chapter is derived, no nonconforming use in a conforming building or nonconforming building that is discontinued for more than 180 consecutive days shall be reopened except in compliance with this chapter.

(Code 1976, § 29-100.04)

**Sec. 102-570. Reuse of nonconforming buildings.**

After the effective date of the ordinance from which this chapter is derived, no person shall reuse a nonconforming building that has remained unoccupied or vacant for more than 180 consecutive days unless the building is first made to comply with this chapter.

(Code 1976, § 29-100.05)

**Secs. 102-571—102-615. Reserved.****ARTICLE VI. PLANNED DEVELOPMENTS****Sec. 102-616. Scope; intent.**

In any zoning district, whenever the natural character of the property requires or the nature of the proposed development presents the potential for unified development, the developer may apply for a planned development permit. The planned development is intended to allow the development of unique property and combinations of uses that are within the intent and purpose of this chapter but are not permitted under the standards of this chapter.

(Code 1976, § 29-110)

**Sec. 102-617. Procedure.**

The developer shall submit an application for a planned unit development to the planning commission requesting an amendment of this chapter for the designation as a planned development. The procedure followed is the same as for amendments under division 4 of article II of this chapter. The planning commission shall consider testimony and evidence from the developer, the city engineer and the fire chief and any citizen before naming a recommendation

to the city council concerning the request. Within 45 days of the public hearing, the planning commission shall make a recommendation to the council either for approval, approval with specific conditions, or denial of the request.

(Code 1976, § 29-110.02)

**Sec. 102-618. Information included in application.**

The application for a planned development shall contain the following information; the planning commission shall not review the request or hold a public hearing until the application is complete:

- (1) Five copies of site plan drawings drawn at an appropriate scale and showing:
  - a. Location and dimension of all proposed buildings, parking areas, sidewalks, drives and streets, landscaping, and designated uses of open spaces.
  - b. All information required for preliminary plat drawings and improvement specifications.
- (2) Five copies of written narrative of the specific changes in density, improvements, standards, yards and setbacks being requested.
- (3) Five copies of proposed covenants and restrictions to be attached to the property.
- (4) Five copies of the explanation of public benefits to be realized from granting the request.

(Code 1976, § 29-110.03)

**Sec. 102-619. Standards.**

The following standards are required for a planned unit development:

- (1) The standards of sections 102-11 and 102-12 shall not be lessened.
- (2) No building shall be located so as to reduce the value of neighboring residential property.
- (3) The maximum floor area ratio shall not exceed 3.0.
- (4) The minimum parcel size shall be five acres.
- (5) A planned residential development must maintain at least 20,000 square feet of space as common open space and recreation area.
- (6) A planned residential development must submit surety that maintenance of common areas is provided for a period of five years.

(Code 1976, § 29-110.04)

**Sec. 102-620. Approval.**

Approval of a planned unit development shall not be granted unless:

- (1) The city engineer and fire chief approve the plans and improvements.

- (2) All the standards of section 102-619 are met.
- (3) The planning commission shall not recommend the planned development unless it finds that it is in the public interest and is not solely for the interest of the applicant.
- (4) The city council shall not act upon a proposed planned development until it shall have received a written report and recommendation from the planning commission.
- (5) The city council may grant or deny any application for a planned development. However, if a written protest against the proposal, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, is filed with the city clerk, the planned development shall not be passed except by a favorable vote of two-thirds of all members of the city council.
- (6) No application for planned development that has been denied by the city council shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the planning commission.

(Code 1976, § 29-110.05)

#### **Sec. 102-621. Condominium conversion.**

Proposals to convert rental residential property developed under a planned development designation to condominiums shall be subject to the same review and procedure required for uses upon review under division 2 of article II of this chapter.

(Code 1976, § 29-110.06)

**Secs. 102-622—102-665. Reserved.**

### **ARTICLE VII. USES ON REVIEW**

#### **Sec. 102-666. Purpose.**

The development and administration of this chapter is based upon the division of the city into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such uses on review fall into the following categories:

- (1) Uses publicly operated or traditionally affected with a public interest.

- (2) Uses entirely private in character but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. Conversion of rental property to condominiums is considered to be in this category.

(Code 1976, § 29-112.01)

**Sec. 102-667. Initiation.**

Any landowner may file an application to use such land for one or more of the uses on review provided for in this chapter in the zoning district in which the land is located.

(Code 1976, § 29-112.02)

**Sec. 102-668. Application.**

An application for a use on review shall be filed with the zoning officer on a form as he shall prescribe. The application shall be accompanied by such plans and data prescribed by the board of appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will, on review, conform to the standards set forth in section 102-671. Such application shall be forwarded to the board of appeals with a request for a public hearing and report relative thereto.

(Code 1976, § 29-112.03)

**Sec. 102-669. Hearing on application.**

Upon receipt in proper form of the application and statement referred to in section 102-668, the board of appeals shall hold at least one public hearing on the proposed use on review. Notice of the time and place of such hearing shall be published not less than 15 or more than 30 days preceding the hearing and at least once in a newspaper of general circulation in the city. Supplemental or additional notices may be published or distributed as the board of appeals may, by rule, prescribe.

(Code 1976, § 29-112.04)

**Sec. 102-670. Authorization.**

For each application for a use on review, the zoning officer shall prepare and file with the board of appeals findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

(Code 1976, § 29-112.05)

**Sec. 102-671. Standards.**

No use on review shall be granted by the board of appeals unless such board shall find that:

- (1) The establishment, maintenance, or operation of the use on review will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

- (2) The use on review will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - (3) The establishment of the use on review will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - (4) Adequate utilities, access roads, drainage and necessary facilities have been or are being provided;
  - (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
  - (6) The use on review shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of appeals.
- (Code 1976, § 29-112.06)

**Sec. 102-672. Conditions and guarantees.**

Prior to the granting of any use on review, the board of appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use on review as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in section 102-671. In all cases in which uses on review are granted, the board of appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(Code 1976, § 29-112.07)

**Sec. 102-673. Denial.**

No application for a use on review that has been denied in whole or in part by the board of appeals shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the board of appeals.

(Code 1976, § 29-112.08)

**Sec. 102-674. Revocation.**

When a use on review has not been established within one year after the date of granting thereof, without further action by the board of appeals the use on review or authorization shall be null and void.

(Code 1976, § 29-112.09)



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