

CHAPTER 60

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

**60-1-1**     **PURPOSE.** In accordance with State Law (**III. Comp. Stats., Chap. 65, Sec. 5/11-13-1, et seq.**), this Chapter regulates structures and land uses in order to preserve, protect, and promote the public health, safety and welfare through implementation of this municipality's comprehensive plan. More specifically, this Chapter is intended to assist in achieving the following objectives:

(A)           to encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(B)           to protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate non-conforming uses and structures;

(C)           to conserve and increase the value of taxable property throughout this municipality;

(D)           to ensure the provision of adequate light, air, and privacy for the occupants of all buildings;

(E)           to protect property from damage caused by fire, flooding, poorly controlled storm water runoff, and adverse soil and topographical conditions;

(F)           to provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(G)           to guide the provision of water mains, sanitary sewers, storm water sewers, and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof;

(H)           to provide for the efficient administration and fair enforcement of all the regulations set forth herein; and

(I)           to clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

**60-1-2**     **JURISDICTION.** This Code shall be applicable within the corporate limits of this municipality.

**60-1-3**     **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** Every provision of this Code shall be construed liberally in favor of this municipality, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

**60-1-4      DISCLAIMER OF LIABILITY.**

(A)            Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.      **(See "Local Governmental and Governmental Employees Tort Immunity Act", III. Comp. Stat., Ch. 745; Sec. 10/1-101)**

(B)            Any suit brought against any officer, board member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.

**ARTICLE II - DEFINITIONS**

**60-2-1 CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 60-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 60-2-2** shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) The term "this municipality" shall mean the City of Belleville, Illinois.

(G) The words "lot", "parcel", "tract", and "site" shall be synonymous. **(See definition of "plot".)**

(H) The words "extend", "enlarge", and "expand" shall be synonymous. **(See definition of "enlarge".)**

(I) The words "abutting", "adjacent", and "contiguous" shall be synonymous. **(See definition of "abutting".)**

(J) All distances shall be measured to the nearest integral foot.

(K) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(L) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited. **(Sec. 22.10)**

**60-2-2 SELECTED DEFINITIONS.**

**"ABUTS"**. Having a common lot line or district line. (Excluding streets, alleys, or public rights-of-way.)

**"ACCESS WAY"**. A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

**"ACCESSORY USE"**. Any structure or use that is:

(A) subordinate in size or purpose to the principal structure or use which it serves.

(B) necessary or contributing to the comfort and convenience of the occupants or the principal structure or use served; and

(C) located on the same lot as the principal structure or use served.

**"ADMINISTRATOR"**. The official appointed by the Mayor of this municipality with the advice and consent of Council to administer this Code, or his representative. (Synonymous with "Zoning Administrator".)

**"AGRICULTURE"**. Any one (1) or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

**"AISLE"**. A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

**"ALLEY"**. A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

**"ALTER"**. To change the size, shape, or use of a structure.

**"AMENDMENT"**. A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with State Law and the procedures set forth herein.

**"ATTACHED"**. As applied to buildings, "attached" means having a common wall and/or a common roof.

**"BASEMENT"**. A story having **one-half (1/2)** or more of its height below average level of the adjoining ground.

**"BLOCK"**. An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

**"BOARD OF APPEALS"**. The Board of Zoning Appeals of this municipality.

**"BUFFER STRIP"**. An area of land--undeveloped except for landscaping, fences, etc.--used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

**"BUILDING"**. Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

**"BUILDING HEIGHT"**. The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers, and similar projections shall not be included in calculating building height.

**"BUILDING LINE"**. The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

**"BULK"**. Any one (1) or any combination of the following structural or site design characteristics:

- (A) size or height of structure;
- (B) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) lot area;
- (D) yards or setbacks.

**"CERTIFICATE OF ZONING COMPLIANCE, INITIAL"**. A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore, proceed.

**"CERTIFICATE OF ZONING COMPLIANCE, FINAL"**. A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

**"CLINIC"**. An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

**"CLUB/LODGE"**. A non-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**"COMMERCIAL USE/ESTABLISHMENT"**. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

**"COMMUNITY RESIDENCE"**. Community Residence means a group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease. (Ord. No. 5451; 10-11-95) (See definition of "Large Community Residence" and "Small Community Residence".)

**"COMPREHENSIVE PLAN"**. The plan or any portion thereof adopted by this municipality to guide and coordinate the physical and economic development of the community. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial or industrial land uses; parks; drainage facilities; etc.

**"CONFORMING"**. In compliance with the applicable provisions of this Code.

**"CONVENIENCE SHOP"**. Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

**"CORRECTIVE ACTION ORDER"**. A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

**"DAY CARE CENTER"**. See "NURSERY SCHOOL".

**"DETACHED"**. As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

**"DEVELOP"**. To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

**"DIMENSIONS"**. Refers to both lot depth and lot width.

**"DISTRICT, ZONING"**. A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Code.

**"DORMITORY"**. A building owned by an accredited school, college or university and devoted exclusively to living facilities in which each person residing in each living unit is a duly registered student in the accredited school, college, or university which the building owns. The living facilities for such building shall be designed with sleeping rooms for use by **sixteen (16)** or more students, provided that there is at least **one hundred fifty (150) square feet** of floor space for the first student-occupant thereof and at least **one hundred (100) additional square feet** of floor space for every additional student-occupant. (Ord. No. 7634; 10-15-12)

**"DRIVEWAY"**. A minor way commonly providing vehicular access to a garage or off-street parking area.

**"DWELLING"**. A building or portion thereof designed or used primarily as living quarters for one (1) or more families, but not including hotels, motels, or other accommodations for the transient public.

**"DWELLING, MULTIPLE-FAMILY"**. A building or portion thereof containing three (3) or more dwelling units built to comply with the adopted building codes of the City of Belleville.

**"DWELLING, SINGLE-FAMILY"**. A detached dwelling containing one (1) dwelling unit and intended for the occupancy of one (1) family built to comply with the adopted building codes of the City of Belleville. Does not include a Mobile Home. (See definition of "Mobile Home".)

**"DWELLING, TWO-FAMILY"**. A dwelling containing two (2) dwelling units built to comply with the adopted building codes of the City of Belleville.

**"DWELLING UNIT"**. One (1) or more rooms designed or used as living quarters by one (1) family. A "dwelling unit" always includes a bathroom and a kitchen.

**"EASEMENT"**. A right to use another person's real property for certain limited purposes.

**"ENCLOSED"**. As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

**"ENLARGE"**. To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

**"ERECT"**. To build, construct.

**"ESTABLISHMENTS"**. Either of the following:

(A) an institutional, business, commercial or industrial activity that is the sole occupant of one (1) or more buildings; or

(B) an institutional, business, commercial or industrial activity that occupies a portion of a building, such that:

(1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

(2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

**"EXISTING"**. Actually constructed or in operation on the effective date of this Code.

**"FAMILY"**. Either:

(A) Two or more persons, each related to the other by blood, marriage, or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or

(B) three or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). For purposes of this Zoning Ordinance, however, an unrelated family shall not include persons living together in a Community Residence or Nursing Home. **(Ord. No. 4770; 09-04-90)**

**"FENCE"**. A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates. An enclosure about a field or other space, or about any object; especially an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within. **(Ord. No. 7198; 12-01-08)**

**"FLOOD ELEVATION, REGULATORY"**. The elevation of the most severe flood that, on the basis of Corps of Engineer's data, may be expected to occur once every **one hundred (100) years**.

**"FLOOD PLAIN AREA"**. The area adjacent to a water course and its tributaries having an elevation equal to or lower than the regulatory flood elevation.

**"FLOOD AREA, GROSS"**. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

**"FRONTAGE"**. The lineal extent of the front (street-side) of a lot.

**"GREENHOUSE"**. See **"NURSERY"**.

**"HALFWAY HOUSE"**. A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times residents are present for the following purposes:

- (A) To help them recuperate from the effects of drugs or alcohol addiction;
- (B) To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, prerelease, workrelease and probationary programs;
- (C) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- (D) To provide temporary shelter for persons who are victims of domestic abuse.

**(Ord. No. 5786; 08-18-97)**

**"HANDICAP"**. A physical, mental or intellectual impairment or a combination thereof which substantially limits one or more of such person's major life activities, which is likely to continue for a significant amount of time or indefinitely and results in functional limitations in three or more of the following areas of major life activities: Self-care, receptive or expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency, but such term does not include past or current use of or addiction to a controlled substance, alcohol or a person with communicable diseases. Further, handicap does not include a person who has committed a criminal offense. **(Ord. No. 5451; 10-11-95)**

**"HEREAFTER"**. Any time after the effective date of this Code.

**"HOME FOR THE AGED"**. A facility, however named, which is designed, staffed and equipped for the care of elderly individuals who are not in need of hospital or nursing care, but who are in need of assistance with everyday activities of living in a protected environment. **(Ord. No. 4059; 04-16-84)**

**"HOME OCCUPATION"**. Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

**"HOSPITAL"**. An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care of members of the general public suffering from disease, injury, or other abnormal physical conditions.

**"INDUSTRIAL PARK"**. A tract of land which is planned as a whole for use by businesses, who will own or control individual lots within the development tract; and who, by virtue of such unified planning and development, may receive greater amenities and/or lower individual development costs than would normally be available through the development of individual separate lots. An "Industrial Park" may contain one type of use or a variety of uses within its zoning class. **(Ord. No. 4674; 09-18-89)**

**"INTENSIFY"**. To increase the level or degree of.

**"INTERSECTION"**. The point at which two (2) or more public rights-of-way (generally, streets) meet.

**"JUNK YARD"**. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three (3) or more inoperable vehicles are stored shall be deemed a "junk yard". A "junk yard" includes an automobile wrecking yard.

**"KENNEL"**. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling animals, which consist of more than three (3) dogs, cats, or other domestic animals over four (4) months of age are kept. **(Ord. No. 7219; 01-20-09)**

**"LARGE COMMUNITY RESIDENCE"**. A Community Residence serving six (6) to fifteen (15) persons with handicaps. All Large Community Residences shall comply with Use Group I-1 of the BOCA Code. **(Ord. No. 5451; 10-11-95)**

**"LOADING SPACE"**. An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**"LOT"**. A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record".

**"LOT, CORNER"**. A lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

**"LOT, THROUGH"**. A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**"LOT AREA"**. The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

**"LOT COVERAGE"**. The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

**"LOT DEPTH"**. The average horizontal distance between the front lot line and the rear lot line of a lot.

**"LOT LINE, FRONT"**. The lot boundary abutting the street.

**"LOT LINE, REAR"**. An interior lot line which is most distant from and most nearly parallel to the front lot line.

**"LOT LINE, SIDE"**. Any boundary of a lot which is not a front lot line or a rear lot line.

**"LOT SIZE REQUIREMENTS"**. Refers to the lot area, width, and depth requirements of the applicable district.

**"LOT WIDTH"**. The mean horizontal width of a lot measured at right angles to the side lot lines.

**"MAINTENANCE"**. The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

**"MANUFACTURED HOME"**. A structure, transportable in one or more sections, which in traveling mode, is **eight (8)** body feet or more in width and **forty (40)** body feet or more in length, or when erected on site, is **three hundred twenty (320)** or more square feet, and which is built on a permanent chassis in accordance with the National Manufactured Home Construction and Safety Standards (HUD Code), and designed to be used as a dwelling unit by one (1) family with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. **(Ord. No. 5256; 05-02-94)**

**"MATERIALLY"**. As applied to the impact of one thing on another, "materially" means significantly or substantially.

**"METAL BUILDING"**. Any building in which any exterior wall surface is clad in metal or steel (excluding roofs). **(Ord. No. 7174; 08-18-08)**

**"MOBILE HOME"**. A structure designed for habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frames, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons; the term 'mobile home' shall also include manufactured houses constructed after **June 30, 1976**, in accordance with the Federal '**National Manufactured Housing Construction and Safety Standards Act of 1974**'. It is further provided that for the purpose of this Code, the definition of 'mobile home' shall include any portable structure used as an office, except that it shall not include a temporary portable structure at a construction site; provided, further that if a temporary construction site structure remains at a construction site for over **one (1) year**, permission to remain thereafter must be obtained from the Building and Zoning Commissioner. As defined in this Code, a mobile home differs from a modular home in that it does not meet the adopted building code for the City. **(See definition of "Modular, Precut or Prefab Home" Chapter 60-2-2.) (Ord. No. 5231; 03-07-94)**

**"MOBILE HOME PARK"**. A tract of land or **two (2)** or more contiguous tracts of land upon which contains sites with the necessary utilities for **five (5)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tract of land from common licensure as a mobile home park if they are maintained and operated jointly. As specified in the zoning code, any newly developed mobile home park shall contain a parcel of land not less than **ten (10) acres** in area in single/ ownership control. **(Ord. No. 5428; 05-15-95)**

**"MODULAR HOME"**. A substantially constructed factory-fabricated home built in one or more sections transported to a building site, mounted on a permanent foundation and designed for residential use as a single-family dwelling unit. At a minimum, a modular home must meet the requirements of the Illinois Department of Public Health being distinguished by a yellow seal in the shape of the State of Illinois placed on the electrical panel box of the unit. For units manufactured in Indiana under a reciprocal agreement, the Indiana seal satisfies this requirement. **(Ord. No. 5256; 05-02-94) (See "Prefabricated/Sectional Home")**

**"NON-CONFORMING"**. As applied to a lot, structure, or use, "non-conforming" means (1) lawfully existing on the effective date of this Code, but (2) not in compliance with the applicable provisions thereof.

**"NUISANCE"**. Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

**"NURSERY"**. A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

**"NURSERY SCHOOL"**. An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

**"NURSING HOME"**. A licensed public or private home or substitute which provides maintenance, personal care, and nursing for three or more persons who by reason of physical illness or infirmity are incapable of maintaining a private, independent residence. **(Ord. No. 4770; 09-04-90)**

**"OFFICE"**. Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

**"OUTDOOR RESTAURANT/DINING ESTABLISHMENT"**. Any portion of a food establishment or eating place located on a public sidewalk or public open-space that provides waiter or waitress service and is unenclosed and open to the general public. The facility being properly licensed as a food establishment in St. Clair County and meet the requirements as set forth in **Section 60-7-11** of this Code. **(Ord. No. 5548; 04-01-96)**

**"OVERLAY DISTRICT"**. A zoning district superimposed over one (1) or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as flooding, etc.

**"PARKING AREA/LOT, OFF-STREET"**. Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area", depending on the circumstances of its use, may be either a principal use or an accessory use.

**"PARKING SPACE, OFF-STREET"**. An area at least **nineteen (19) feet** long and **nine (9) feet** wide within an off-street parking area or garage, used for the storage of one (1) passenger motor vehicle.

**"PERMITTED USE"**. Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

**"PERSON"**. Any individual, firm, association, organization, or corporate body.

**"PLANNED UNIT DEVELOPMENT"**. A tract of land which is planned as a whole for development under single ownership or control in accordance with this Code, and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A "planned unit development" may contain one (1) type of use or a variety of uses.

**"PLANNING COMMISSION"**. The Planning Commission of this municipality.

**"PLOT"**. A parcel of land consisting of one (1) or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**"PREFABRICATED/SECTIONAL HOME"**. A partially constructed factory fabricated premanufactured home which will be substantially assembled on-site, utilizing premanufactured component parts, and when fully assembled meets or exceeds the building codes of the City of Belleville. **(Ord. No. 5256; 05-02-94)**

**"PREMISES"**. A lot and all the structures and uses thereon.

**"PRINCIPAL BUILDING/STRUCTURE/USE"**. The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

**"PROPERTY LINE"**. See "LOT LINE".

**"RECONSTRUCT"**. As applied to non-conforming structures, "reconstruct" means to rebuild after partial or total destruction.

**"REFUSE"**. Garbage (food wastes) and trash, but not sewage or industrial wastes.

**"RELOCATE"**. To move to another portion of a lot or to a different lot.

**"REPAIR"**. To restore to sound condition, but not to reconstruct.

**"RESTRICTIVE"**. Tending to keep within prescribed limits.

**"RETAIL"**. Refers to the sale of goods or services directly to the consumer rather than to another business.

**"RIGHT-OF-WAY, PUBLIC"**. A strip of land which the owner/subdivider has dedicated to this municipality or to another unit of government for streets and alleys.

**"ROOMING HOUSE"**. A building in which sleeping quarters (but not meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for three or more persons who are not members of the keeper's family. For the purpose of this Zoning Ordinance, the term "rooming house" shall also mean boarding house, and a rooming house shall not include a Community Residence or Nursing Home. **(Ord. No. 4770; 09-04-90)**

**"SANITARY LANDFILL"**. A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a "sanitary landfill" the refuse is periodically covered with topsoil.

**"SCREENING"**. Trees, shrubs, walls, solid fences, etc., used as a means of visual and noise control.

**"SERVICE USE/ESTABLISHMENT"**. Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

**"SETBACK"**. The minimum horizontal distance between a lot line and the nearest portion of a building.

**"SETBACK LINE"**. See "BUILDING LINE".

**"SMALL COMMUNITY RESIDENCE"**. A Community Residence serving **five (5)** or fewer persons with handicaps in a family-like atmosphere. All Small Community Residences shall comply with Use Group R-2 of the BOCA Code. **(Ord. No. 5451; 10-11-95)**

**"SPECIAL USE"**. A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

**"SPECIAL USE PERMIT"**. A permit issued in accordance with the provisions of this Code to regulate development of a special use.

**"STABLE"**. A structure situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

**"STOP ORDER"**. A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

**"STREET"**. A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

**"STRINGENT"**. Binding, exacting.

**"STRUCTURE"**. Anything constructed, assembled or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

**"STRUCTURE, TEMPORARY"**. Any structure that is not attached to a permanent foundation.

**"STUDENT"**. An individual who is enrolled or has been accepted to an undergraduate or graduate degree program at an accredited university, college, community college, or technical college, and is enrolled in the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution. **(Ord. No. 7634; 10-15-12)**

**"STUDENT DWELLING UNIT"**. A one, two, or multi-family dwelling in which more than **three (3)** but less than **sixteen (16)** unrelated students live. The maximum number of students living in a Student Dwelling Unit shall be determined by the City of Belleville Housing Department and shall be based on the City's current adopted codes. **(Ord. No. 7634; 10-15-12)**

**"TEMPORARY USE PERMIT"**. A permit issued in accordance with the provisions of this Code and valid for not more than one year, which allows the occupation of a temporary structure or the operation of a temporary enterprise.

**"TOPOGRAPHY"**. The relief features or surface configuration of an area.

**"USE"**. The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

**"USE-VARIANCE"**. A type of amendment (not variance) that allows a use in a district where said use would not be allowed under existing provisions of this Code.

**"USED CAR LOT"**. A lot where second-hand automobiles are purchased, displayed, exchanged and sold. **(Ord. No. 4094; 09-04-84)**

**"VARIANCE"**. A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

**"YARD"**. Open space that is unobstructed, except as specifically permitted in this Code and that is located on the same lot as the principal building.

**"YARD, FRONT"**. A yard which is bounded by the side lot lines, front lot lines, and the building line.

**"YARD, REAR"**. A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

**"YARD, SIDE"**. A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

**"YARD LINE"**. A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

**"ZONING MAP"**. The map(s) and any amendments thereto designating zoning districts, and incorporated into this Code by reference. **(Sec. 22.11)**

**ARTICLE III - GENERAL ZONING REGULATIONS**

**60-3-1 ESTABLISHMENT OF DISTRICTS.** In order to implement the regulatory scheme of this ordinance so as to achieve the objectives enumerated at Section 60-1-1, this entire municipality is hereby divided into the following zoning districts:

<b>DESIGNATION</b>	<b>DISTRICT</b>	<b>MINIMUM AREA*</b>
AGR	Agricultural/Rural	10 acres
A-1	Single Family Residence	5 acres
A-IA	Single Family Residence	5 acres
A-2	Two-Family Residence	5 acres
B-1	Multi-Family Residence	5 acres
MH-1	Mobile Home Residence	10 acres
MH-2	Mobile Home Park	10 acres
C-1	Light Commercial	10 acres
C-2	Heavy Commercial	10 acres
C-3	Commercial	10 acres
C-4	Commercial	10 acres
C-5	Planned Commercial	10 acres
D-1	Light Industry	10 acres
D-2	Heavy Industry	10 acres
FP	Flood Plain Overlay	None
HP	Historic Preservation Overlay	None

**(Ord. No. 5314; 09-19-94)**

\*The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. This requirement relates only to the creation of new zone districts. Expansion of existing zone districts shall be exempt from this provision provided the expansion area is contiguous to the existing zone district. **(Sec. 22.16)**

**60-3-2 ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of this municipality. This official map, including all notations and other information thereon, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the Administrator's office. **(Sec. 22.17)**

**60-3-3 ANNUAL PUBLICATION.** In accordance with State law (**Ill. Comp. Stats., Ch. 65, Sec. 5/11-13-19**), the Administrator shall publish the zoning map of this municipality not later than March 31st of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations. **(Sec. 22.17-1)**

**60-3-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- (1) Center line of any street, alley, or highway such center line.
- (2) Lot line such lot line.
- (3) Railroad tracks right-of-way line of such tracks.
- (4) Stream center of such stream.
- (5) Section lines, quarter section lines, quarter-quarter section lines, survey lines such lines.

(B) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) The regulatory flood elevation at any point in question shall determine where the flood plain overlay district boundary is located on the land. **(Sec. 22.17-2)**

**60-3-5 ANNEXED TERRITORY.** Whenever any territory is annexed into the City, the City Council shall determine its zone district classification. Before determining such classification the Council shall fix a time for and hold a public hearing upon the proposed annexation agreement or amendment, and shall give notice not more than **thirty (30)** nor less than **fifteen (15) days** before the date fixed for the hearing. This notice shall be published at least once in one or more newspapers published in the municipality. After such hearing the agreement or amendment may be modified before execution thereof. The annexation agreement or amendment shall be executed by the Mayor and attested by the City Clerk only after such hearing and upon the adoption of a resolution or ordinance directing such execution, which resolution or ordinance must be passed by a vote of **two-thirds (2/3)** of the corporate authorities then holding office. **(Sec. 22.17-2)**

Territory proposed to be annexed that is used exclusively for single family residential use shall automatically be reclassified to A-1(L) exempt from the public hearing requirement. Furthermore, territory proposed to be annexed that is used predominately for agricultural, horticultural and like uses shall automatically be reclassified to "AG" exempt from the public hearing requirement. Neither the provisions of Article XII of this Code, nor the public hearing or notice provisions of any ordinance shall apply when the City Council classifies the land with the annexation or consolidation ordinances provided for above. **(Ord. No. 6673; 08-02-04)**

**60-3-6**     GENERAL PROHIBITION. No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated, or reconstructed, except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed, except in conformity with the provisions of this Code. **(Sec. 22.18)**

**60-3-7**     UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Council finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this Code in accordance with Section 60-12-20. The Council's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses. **(Sec. 22.19)**

**60-3-8**     EMERGENCY AND TEMPORARY OCCUPANCY OF STRUCTURES. No temporary structure (including travel-trailers or mobile homes) shall be used or occupied for any residential, commercial or industrial use except as specifically permitted or required by this Code. However, the City Council may, upon application therefor, permit the use of such temporary structure for such reasonable time, for such use, and subject to such conditions as the Council deems to be compatible with the character of the area in which the structure is located, and in compliance with reasonable consideration of the general health, safety, and welfare. **(Sec. 22.20)**

**60-3-9**     MEETING MINIMUM REQUIREMENTS. Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setbacks requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot. **(Sec. 22.21)**

**60-3-10**    ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street that conforms to the standards set forth in the Land Subdivision Control Ordinance of this municipality. **(Sec. 22.22)**

**60-3-11**    FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements. The side yard shall be equal to **one-half (1/2)** of the front setback on corner and/or through lots. **(Ord. No. 3758; 12-29-80) (Sec. 22.23)**

**60-3-12 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.** Except as specifically provided otherwise, in all residential and commercial zoning districts, where over **fifty percent (50%)** of the lots on one (1) side of a street between intersections (that is, in one block) are developed with buildings that do not meet the minimum front yard setback area, then a front yard setback that conforms with the established building line in that block may be permitted. **(Sec. 22.24)**

**60-3-13 RESERVED.**

**60-3-14 INTRUSIONS INTO YARDS.** To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURE</u>	<u>MAXIMUM INTRUSION</u>
(1) Cornices, chimneys, planters or similar architectural features:	Two (2) feet.
(2) Fire escapes:	Four (4) feet.

**(Sec. 22.27)**

**60-3-15 EXCEPTIONS TO HEIGHT LIMITS.**

(A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of this municipality.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by the street lines of such corner lots and a line joining the **two (2) points**, each of which is on **one (1) street** line and **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street. **(Sec. 22.28)**

**60-3-16 ACCESSORY USES.** Accessory use" means any structure or use which if:

- (A) subordinate in size or purpose to the principal structure or use which it serves;
  - (B) necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served; and
  - (C) located on the same lot as the principal structure or use served.
  - (D) A building permit is needed for all detached accessory buildings with a floor plan area that exceeds **one hundred (100) square foot**. A building permit is also required to install more than **one (1)** detached accessory structure for a floor plan area that does not exceed **one hundred (100) square foot**. **(Ord. No. 6789; 11-07-05)**
- (Sec. 22.29)**

**60-3-17** PERMITTED ACCESSORY USES. Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

(A) accessory to the principal structure or use that is allowed in that zoning district as of right (permitted use) or by virtue of the fact that a special use permit has been granted; and

(B) in compliance with the restrictions set forth in Section 60-3-18.  
(Sec. 22.29-1)

**60-3-18** ACCESSORY USE RESTRICTIONS.

(A) Height. No accessory use shall be higher than:

- (1) **fifteen (15) feet** in any residential district; or
- (2) **twenty-five (25) feet** in any other zoning district.

(B) Setbacks. No accessory use in any zoning district shall be located in any part of any front yard nor closer than **five (5) feet** to any side or rear yard.

(C) Percentage of Lot Coverage. In any residential district, all buildings including accessory buildings shall not cover more than **forty percent (40%)** of the lot area.

(D) Use as Dwelling. Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of this municipality.

(E) Garages and Carports. Unattached garages, carports or storage sheds may come within **two (2) feet** of side or rear property lines. The roof line shall govern the 2-foot set back. (Sec. 22.29-2) (Ord. No. 3973; 08-01-83)

**60-3-19** DEGREE OF RESTRICTIVENESS. "More Restrictiveness Uses" as employed in this Code means the following:

(A) Those uses first permitted in the "A-1" District are the most restrictive.

(B) All other uses are less restrictive in the order of restrictiveness, beginning with the most restrictive as follows: "A-1A", "A-2", "B-1", "MH-1", "MH-2", "C-1", "C-2", "C-3", "C-4", "C-5", "D-1", and "D-2". (Sec. 22.30)

**ARTICLE IV - PLANNED UNIT DEVELOPMENT**

**60-4-1 PLANNED UNIT DEVELOPMENTS.** As used in this Code, the term "planned unit development" (PUD) means a development wherein, in accordance with an approved development plan, (1) common open space is reserved; (2) various housing types and other structures and uses may be mixed; and/or (3) overall average density does not exceed the usual zoning district limit.

This Code authorizes development of PUDs and establishes PUD procedures in order to achieve the objectives enumerated in Section 60-1-1 (the general purposes section of this Code) and the following additional objectives:

(A) to provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the City's issuance of the necessary zoning, subdivision, and/or building permits;

(B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;

(C) to preserve the natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development;

(D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;

(E) to ensure the provision of usable common open space in planned developments, and to spur installation of various amenities therein;

(F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements. **(Sec. 22.31)**

**60-4-2 COMPLIANCE WITH ORDINANCES GENERALLY REQUIRED.**

IMPORTANT: Except as specifically provided otherwise in this section, planned unit developments--including all structures and uses therein--shall, at a minimum be built in conformity with all applicable codes and ordinances, including this (zoning) code; the Subdivision Ordinance; the Sign Control Ordinance; and the adopted Building, Plumbing and Electrical Codes. **(Sec. 22.31-1)**

**60-4-3 DISTRICTS WHERE ALLOWED.** Planned unit developments may be built in any zoning district, but only upon the issuance of a special use permit. **(Sec. 22.31-2)**

**60-4-4 PERMISSIBLE DEVIATIONS FROM CODE REQUIREMENTS.** The planned unit development concept is intended to afford both the developer and the City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this subsection, PUDs may deviate from generally applicable ordinance

requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** PUDs may include all types of residential structures and any other uses approved by the Council; provided, that in approving such mixed uses, the Council may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In PUDs the Council may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width, and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PUDs the Council may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Council, off-street parking and loading spaces in PUDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per Article VIII. **(Sec. 22.31-3)**

**60-4-5 PUD PROCEDURES.** Every applicant for PUD approval shall comply with the procedural requirements of this subsection. The required procedures are as follows:

- \* Filing development plan with the Administrator;
- \* Provision by the developer of adequate assurance for the completion of required improvements as per the development plan;
- \* Review of the development plan by the Zoning Board of Appeals;
- \* Public hearing by the Board of Appeals as per the requirement of Article XI (Special Use Permits);
- \* Recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and
- \* Action by City Council on the development plan.

(A) **Application, Information Required.** Every applicant for approval of a PUD development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

(Written Documents)

1. legal description of the total site proposed for development;
2. names and addresses of all owners of property within or adjacent to the proposed PUD;

3. statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
4. development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
5. statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.;
6. data indicating:
  - i. total number and type of proposed dwelling units,
  - ii. gross and net acreage of parcel,
  - iii. acreage of gross and usable open space, and
  - iv. area of any commercial uses;

(Graphic Materials)

7. existing site conditions including contours at **ten (10) foot** intervals and locations of water courses, flood plains, unique natural features, and wooded areas;
8. proposed lot lines and plot designs;
9. proposed location, size in square feet, and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
10. location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
11. existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
12. existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
13. existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
14. general landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

15. enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas;
16. any additional information required by the City to evaluate the character and impact of the proposed PUD.

(B) **Advisory Report, Criteria Considered.** The Zoning Board of Appeals shall submit to the Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be, the Zoning Board of Appeals shall consider the following criteria:

1. the extent to which the proposed development is consistent with the City's Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;
2. the extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
3. whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
4. the compatibility of the proposed PUD with adjacent properties and surrounding area; and
5. any other reasonable criteria that the Zoning Board of Appeals may devise.

(C) **Decision by Council.** After the Zoning Board of Appeals has submitted their advisory report, the Council, by resolution, either approve or disapprove the PUD development plan. The Council shall not approve any PUD development unless:

1. the developer has posted a performance bond or deposited funds in escrow in the amount of the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
2. the City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
3. the proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under subsection 60-3-22 shall not be deemed non-compliance.) **(Sec. 22.31-4)**

**60-4-6**     **CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PUD development plan, except as follows:

(A)           Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B)           All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Council.

(C)           No approved change shall have any effect until it is recorded with the St. Clair County Recorder of Deeds as an amendment to the recorded copy of the development plan. **(Sec. 22.31-5)**

**60-4-7**     **FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon the written notice to the applicant from the Council and shall be of no further effect. However, in its discretion and for good cause, the Council may extend for a reasonable time the period for the beginning of construction. If a final development plan lapses as per this subsection:

(A)           the special use permit shall be automatically revoked;

(B)           any building permits shall automatically become null and void; and

(C)           all regulations applicable before the PUD was approved shall automatically be in full effect. **(Sec. 22.31-6)**

**60-4-8**     **MUNICIPAL EXEMPTION.** The City in conjunction with any existing or proposed City development, shall be exempt from all of the provisions of this Code. (This is applicable to **Section 60-4-7.**) **(Sec. 22.32)**

**ARTICLE V**

**INDUSTRIAL PARKS**

**60-5-1** **TERM.** As used in this code, the term "**Industrial Park**" means a development wherein, in accordance with an approved development plan, various individual businesses, both industrial and commercial, will coexist and share in the costs of providing utilities and services to the development. **(Sec. 22.33-1)**

**60-5-2** **PURPOSE.** This code authorizes the development of Industrial Parks and establishes procedures in order to achieve the objectives enumerated in **Section 60-1-1** and the following additional objectives:

(A) to provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans which constitute the basis for the City's issuance of necessary zoning, subdivision, and/or building permits;

(B) to permit development of a wide variety of structures and uses in a single comprehensive planned project;

(C) to encourage innovative site layouts and coordinated architectural treatment of different structures;

(D) to ensure the provision of various amenities serving all residents within the industrial park;

(E) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements; and

(F) to assure that common standards of appearance, landscaping, loading and storage, signage, and waste management will be followed by all residents within the industrial park. **(Sec. 22.33-2)**

**60-5-3** **COMPLIANCE WITH CODES GENERALLY REQUIRED.**

**IMPORTANT:** Except as specifically provided otherwise in this section, Industrial Parks--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances including, but not limited to, this (zoning) Code; the Subdivision Code; the Sign Control Code and the adopted Building, Plumbing, and Electrical Codes. **(Sec. 22.33-3)**

**60-5-4** **DISTRICTS WHERE ALLOWED.** Industrial Parks may be built in zoning districts C-1; C-2; C-3; C-4; C-5; D-1; and D-2, but only upon the issuance of special use permit. **(Sec. 22.33-4)**

**60-5-5**     **ADDITIONAL REQUIREMENTS.** Industrial Parks constructed under special use permits under this Code shall comply with the following additional regulations which shall take precedence if in conflict with other provisions of this Code.

(A)     **Building Lines.** No building or structure shall be erected closer than **seventy-five (75) feet** to the front lot line.

(B)     **Loading Docks.** Truck loading docks shall be constructed only on the side or rear of any building or structure, and the traffic area shall be paved. Truck loading docks shall be located so as to accommodate all trucks and trailers without requiring maneuvering or protrusion into any public street during the time of loading and unloading.

(C)     **Outdoor Storage.** All raw materials and finished goods must be stored within the Developer's structure. Whenever temporary, open storage of any type of material, goods, equipment or supplies is necessary, such open storage shall be contained within a fenced area at least **six (6) feet** in height, and so constructed to prevent the storage items from being seen from any public road.

(D)     **Signage.** No bill boards or advertising signs other than those identifying the name, business and primary product being produced on that land shall be permitted. All signs shall comply with the Sign Control Code in Chapter 53 of the Revised Code.

(E)     **Waste and Refuse.** No waste material or refuse shall be dumped on or permitted to remain on any part of the property outside of the buildings constructed thereon.

(F)     **Landscaping and Grounds Maintenance.** All unpaved land between the front of the building and the front property line shall be landscaped. All landscaped and grass areas shall be maintained at all times by the Developer or assignee in a clean, presentable and safe condition. The Developer or assignee of the property shall be fully responsible at all times for the removal of undergrowth, debris, rubbish, trash, excessive dirt, industrial waste, garbage or any other unsightly materials.

(G)     **Fencing and Screening.** All fencing and screening, for security or other purposes, shall be attractive in appearance and shall be of an all metal, industrial type of galvanized or non-ferrous material. No fence, masonry wall, hedge or mass planting shall be permitted to extend beyond the building set back lines set forth above. **(Sec. 22.33-5)**

**60-5-6**     **INDUSTRIAL PARK PROCEDURES.** Every applicant for Industrial Park approval shall comply with the procedural requirements of this subsection. The required procedures are as follows:

- filing development plan with the Administrator;
- provision by the Developer of adequate assurance for the completion of required improvements as per the Development Plan;
- review of the Development Plan by the Zoning Board of Appeals;
- public hearing by the Zoning Board of Appeals as per the requirement of **Article XI (Special Use Permits)**;
- recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the Development Plan; and
- action by City Council on the Development Plan.

(A) **Application, Information Required.** Every applicant applying for approval of an Industrial Park Development Plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

(Written Documents)

1. legal description of the total site proposed for development;
2. names and addresses of all owners of property within or adjacent to the proposed Industrial Park;
3. statement of the planning objectives to be achieved by the Industrial Park through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
4. development schedule indicating the approximate date when construction can be expected to begin and be completed;
5. statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Industrial Park;

(Graphic Materials)

6. existing site conditions including contours at **ten (10) foot** intervals and locations of water courses, flood plains, unique natural features, and wooded areas;
7. proposed lot lines and plot designs;
8. location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;
9. existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
10. existing and proposed pedestrian circulations system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
11. existing and proposed utility systems including sanitary sewers, storm sewer, and water, electric, gas, and telephone lines;
12. general landscape plans indicating the treatment of both private and common open spaces and the location of required buffer stipes;
13. enough information on land areas adjacent to the proposed Industrial Park to indicate the relationships between the proposed development and existing and proposed adjacent areas;

14. any additional information required by the City to evaluate the character and impact of the proposed Industrial Park.

(B) **Advisory Report, Criteria Considered.** The Zoning Board of Appeals shall submit to the Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be, the Zoning Board of Appeals shall consider the following criteria.

1. the extent to which the proposed development is consistent with the City's Comprehensive Plan and with the purposes of this section and of all other applicable codes and ordinances;
2. the extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
3. whether the proposed design of the Industrial Park makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading;
4. the compatibility of the proposed Industrial Park with adjacent properties and surrounding area; and
5. any other reasonable criteria that the Zoning Board of Appeals may devise.

(C) **Decision by Council.** After the Zoning Board of Appeals has submitted their advisory report, the Council, by resolution, either approves or disapproves the Industrial Park Development Plan. The Council shall not approve any development plan unless:

1. the developer has posted a performance bond or deposited funds in escrow in the amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
2. The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
3. the proposed Industrial Park, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under **Section 60-7-10(C)** shall not be deemed non-compliance.) (**Sec. 22.33-6**)

**60-5-7 CHANGES IN APPROVED PLANS.** No changes shall be made to any approved Industrial Park Development Plan except as follows:

(A) Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Council.

(C) No approved change shall have any effect until it is recorded with the St. Clair County Recorder of Deeds as an amendment to the recorded copy of the development plan. **(Sec. 22.33-7)**

**60-5-8 FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the Council and shall be of no further effect. However, in its discretion and for good cause, the Council may extend for a reasonable time the period for the beginning of construction. If a final development plan lapses as per this subsection:

- (A) the special use permit shall be automatically revoked;
- (B) any building permits shall automatically become null and void; and
- (C) all regulations applicable before the Industrial Park was approved shall automatically be in full effect. **(Sec. 22.33-8)**

**(Ord. No. 4674; 09-18-89)**

ARTICLE VI

REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I

"A-1" SINGLE FAMILY RESIDENCE DISTRICT

**60-6-1**     **PURPOSE.** The "A-1" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

**60-6-2**     **ONE PRINCIPAL BUILDING ON ONE LOT.** In the "A-1" district, only one principal building shall be erected on any lot. **(Sec. 22.40-1)**

**60-6-3**     **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "A-1" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area: <b>(Ord. No. 7130; 05-06-08)</b>	10, 000 sq. ft.
(b)	Minimum lot width: (at established building line)	48 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line:	5 ft.
	3. From rear lot line:	25 ft.
(e)	Maximum building height:	35 ft.
(f)	Maximum percentage of lot building coverage:	30 percent

**60-6-4**     **PERMITTED USES.**  
Detached single-family dwellings.  
Home occupations as permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Small community residence, provided:

- (A) they are located not less than **660 feet** from another Community Residence, said distance shall be measured in a straight line from property lines; and
- (B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

**60-6-5 SPECIAL USES.**

Bed and breakfast establishments. **(#5039)**

Home Occupations other than those specifically permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Large Community Residences whether located more or less than **660 feet** from another community residence:

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

(B) Prior to occupancy, a special use permit is applied for and received. **(Ord. No. 5831; 01-05-98)**

Metal buildings larger than **one hundred fifty (150) square feet** in area. **(Ord. No. 7174; 08-18-08)**

Planned unit developments.

Modular homes.

Small Community Residences located less than **660 feet** from any other community residence:

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

**60-6-6 - 60-6-7 RESERVED.**

**DIVISION II**

**"A-IA" SINGLE-FAMILY RESIDENCE DISTRICT**

**60-6-8 PURPOSE.** The "A-IA" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

**60-6-9** ONE PRINCIPAL BUILDING ON ONE LOT. In the "A-IA" district, only one principal building shall be erected on any lot.

**60-6-10** LOT AND BUILDING REQUIREMENTS. Every principal building erected in any "A-IA" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area:	10,000 sq. ft.
(b)	Minimum lot width: (at established building line)	80 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line:	10 ft.
	3. From rear lot line:	25 ft.
(e)	Maximum building height:	35 ft.
(f)	Maximum percentage of lot building coverage:	30 percent

**60-6-11** PERMITTED USES.

Small Community Residence, provided:

(A) They are located not less than **660 feet** from another Community Residence, said distance shall be measured in a straight line from property lines; and

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

Home occupations as permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Detached single-family dwellings.

**60-6-12** SPECIAL USES.

Home occupations other than those specifically permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Planned unit developments.

Metal buildings larger than **one hundred fifty (150) square feet** in area. **(Ord. No. 7174; 08-18-08)**

Modular homes.

Small Community Residences located less than **660 feet** from any other community residence:

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

Large Community Residences whether located more or less than **660 feet** from another community residence:

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

(B) Prior to occupancy, a special use permit is applied for and received. **(Ord. No. 5831; 01-05-98)**

**DIVISION IIA**

**"A-I(H)" SINGLE-FAMILY RESIDENCE DISTRICT**

**60-6-13.1 PURPOSE.** The "A-I(H)" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

**60-6-13.2 ONE PRINCIPAL BUILDING ON ONE LOT.** In the "A-I(H)" district, only one principal building shall be erected on any lot.

**60-6-13.3 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "A-I(H)" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area:	7,500 sq. ft.
(b)	Minimum lot width: (at established building line)	60 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line if one story:	7.5 ft.
	3. From side lot line if two story:	9 ft.
	4. From rear lot line:	25 ft.
(e)	Maximum building height:	35 ft.

- (f) Maximum percentage of lot building coverage: 30 percent

**60-6-13.4 PERMITTED USES.**

Small Community Residence, provided:

(A) They are located not less than **660 feet** from another Community Residence, said distance shall be measured in a straight line from property lines; and

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received.

Home occupations as permitted in accordance with **Section 60-7-5**.

Detached single-family dwellings.

**60-6-13.5 SPECIAL USES.**

Home occupations other than those specifically permitted in accordance with **Section 60-7-5**.

Planned unit developments.

Modular homes.

Small Community Residences located less than **660 feet** from any other community residence:

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received.

Large Community Residences whether located more or less than **660 feet** from another community residence:

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

(B) Prior to occupancy, a special use permit is applied for and received.

**DIVISION IIB**

**"A-I(M)" SINGLE-FAMILY RESIDENCE DISTRICT**

**60-6-13.6 PURPOSE.** The "A-I(M)" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-

family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

**60-6-13.7 ONE PRINCIPAL BUILDING ON ONE LOT.** In the "A-I(M)" district, only one principal building shall be erected on any lot.

**60-6-13.8 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "A-I(M)" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area:	8,750 sq. ft.
(b)	Minimum lot width: (at established building line)	70 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line if one story:	10 ft.
	3. From side lot line if two story:	12.5 ft.
	4. From rear lot line:	25 ft.
(e)	Maximum building height:	35 ft.
(f)	Maximum percentage of lot building coverage:	30 percent

**60-6-13.9 PERMITTED USES.**

Small Community Residence, provided:

(A) They are located not less than **660 feet** from another Community Residence, said distance shall be measured in a straight line from property lines; and

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received.

Home occupations as permitted in accordance with **Section 60-7-5.**

Detached single-family dwellings.

**60-6-13.10 SPECIAL USES.**

Home occupations other than those specifically permitted in accordance with **Section 60-7-5.**

Planned unit developments.

Metal buildings larger than **one hundred fifty (150) square feet** in area.  
**(Ord. No. 7174; 08-18-08)**

Modular homes.

Small Community Residences located less than **660 feet** from any other community residence:

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received.

Large Community Residences whether located more or less than **660 feet** from another community residence:

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

(B) Prior to occupancy, a special use permit is applied for and received.

## DIVISION IIC

### "A-I(L)" SINGLE-FAMILY RESIDENCE DISTRICT

**60-6-13.11 PURPOSE.** The "A-I(L)" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

**60-6-13.12 ONE PRINCIPAL BUILDING ON ONE LOT.** In the "A-I(L)" district, only one principal building shall be erected on any lot.

**60-6-13.13 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "A-I(L)" district shall conform to the applicable requirements indicated in tabular form below:

#### REQUIREMENTS

(a)	Minimum lot area:	10,000 sq. ft.
(b)	Minimum lot width: (at established building line)	80 ft.
(c)	Minimum lot depth:	100 ft.

- (d) Minimum setbacks:
  - 1. From front lot line: 25 ft.
  - 2. From side lot line if one story: 12 ft.
  - 3. From side lot line if two story: 14 ft.
  - 4. From rear lot line: 25 ft.
- (e) Maximum building height: 35 ft.
- (f) Maximum percentage of lot building coverage: 30 percent

**60-6-13.14 PERMITTED USES.**

Small Community Residence, provided:

- (A) They are located not less than **660 feet** from another Community Residence, said distance shall be measured in a straight line from property lines; and
- (B) Prior to occupancy, a certificate of zoning compliance is applied for and received.

Home occupations as permitted in accordance with **Section 60-7-5.**

Detached single-family dwellings.

**60-6-13.15 SPECIAL USES.**

Home occupations other than those specifically permitted in accordance with **Section 60-7-5.**

Planned unit developments.

Metal buildings larger than **one hundred fifty (150) square feet** in area.  
**(Ord. No. 7174; 08-18-08)**

Modular homes.

Small Community Residences located less than **660 feet** from any other community residence:

- (A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

- (B) Prior to occupancy, a certificate of zoning compliance is applied for and received.

Large Community Residences whether located more or less than **660 feet** from another community residence:

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

- (B) Prior to occupancy, a special use permit is applied for and received.

**60-6-14 RESERVED.**

DIVISION III

"A-2" TWO-FAMILY RESIDENCE DISTRICT

**60-6-15** PURPOSE. The "A-2" Two-Family Residence is established to stabilize and conserve and promote the development of areas suitable for two-family dwellings and other similar uses. **(Sec. 22.42)**

**60-6-16** ONE PRINCIPAL BUILDING ON ONE LOT. In the "A-2" district, only one principal building shall be erected on any lot. **(Sec. 22.42-1)**

**60-6-17** LOT AND BUILDING REQUIREMENTS. Every principal building erected in any "A-2" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area: <b>(Ord. No. 7174; 08-18-08)</b>	12,000 sq. ft.
(b)	Minimum lot width: (at established building line)	48 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line:	5 ft.
	3. From rear lot line:	25 ft.

- (e) Maximum building height: 35 ft.
  - (f) Maximum percentage of lot building coverage: 30 percent
- (Sec. 22.42-2)**

**60-6-18 PERMITTED USES.**

Dwelling houses, each occupied by not more than two families.

Playgrounds, parks.

Cemeteries.

Churches.

Public libraries or museums.

Public or private schools.

Day nurseries.

Home occupations as permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Homes for the aged.

Modular homes. **(Ord. No. 5256; 05-02-94)**

Municipal buildings and swimming pools.

Nursing homes. **(Ord. No. 4059)**

Nursery school. **(Ord. No. 4705)**

Prefabricated/Sectional homes. **(Ord. No. 5256; 05-02-94)**

Small community residence, provided:

(A) They are located not less than **660 feet** from another Community Residence, said distance shall be measured in a straight line from property lines; and

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

**60-6-19 SPECIAL USES.**

Bed and breakfast establishments. **(#5039)**

Dormitory. **(Ord. No. 7634; 10-15-12)**

Halfway house provided that it is not less than **one thousand three hundred twenty (1,320) feet** from another halfway house or community residence, and said distance shall be measured in a straight line from property lines. **(Ord. No. 7278; 06-15-09)**

Home occupations other than those specifically permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Metal buildings larger than **one hundred fifty (150) square feet** in area. **(Ord. No. 7174; 08-18-08)**

Planned unit developments.

Small Community Residences located less than **660 feet** from any other community residence:

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

Large Community Residences whether located more or less than **660 feet** from another community residence:

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

(B) Prior to occupancy, a special use permit is applied for and received.

**(Ord. No. 5831; 01-05-98)**

Student Dwelling Unit. **(Ord. No. 7634; 10-15-12)**

**60-6-20 - 60-6-21 RESERVED.**

**DIVISION IV - "B-1" MULTI-FAMILY RESIDENCE DISTRICT**

**60-6-22 PURPOSE.** The "B-1" Multi-Family Residence District is established to stabilize, conserve and promote the development of areas suitable for multi-family dwelling and other similar uses. **(Sec. 22.43)**

**60-6-23 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "B-1" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a) Minimum lot area: 16,000 sq. ft.  
or 4,000 sq. ft. per dwelling unit, whichever is greater.

**(Ord. No. 7174; 08-18-08)**

(b) Minimum lot width: 50 ft.  
(at established building line)

(c) Minimum lot depth: 100 ft.

(d) Minimum setbacks:  
1. From front lot line: 25 ft.  
2. From side lot line: 10 ft.  
3. From rear lot line: 25 ft.

(e) Maximum building height: 35 ft.

(f) Maximum percentage of lot building coverage: 40 percent

**(Sec. 22.43-1)**

**60-6-24 PERMITTED USES.**

Condominiums.

Home occupations as permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Large Community Residences of up to **fifteen (15) persons**, provided:

(A) They are located not less than **660 feet** from another Community Residence, whether Large or Small, said distance shall be measured in a straight line from property lines; and

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

Modular Homes. **(Ord. No. 5256; 05-02-94)**

Multi-family dwellings.

Prefabricated/Sectional homes. **(Ord. No. 5256; 05-02-94)**

Row houses.

Small community residence, provided:

(A) They are located not less than **660 feet** from another Community Residence, said distance shall be measured in a straight line from property lines; and

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

Single-family dwellings and modular homes.

Two-family dwellings.

All other uses permitted in the "A-2" district.

**60-6-25 SPECIAL USES.**

Bed and breakfast establishments. **(#5039)**

Dormitory. **(Ord. No. 7634; 10-15-12)**

Metal buildings larger than **one hundred fifty (150) square feet** in area. **(Ord. No. 7174; 08-18-08)**

Modular homes.

Planned unit developments.

Home occupations other than those specifically permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Small Community Residences located less than **660 feet** from any other community residence:

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

Student Dwelling Unit. **(Ord. No. 7634 10-15-12)**

Large Community Residences whether located more or less than **660 feet** from another community residence:

(A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B) Prior to occupancy, a special use permit is applied for and received. **(Ord. No. 5831; 01-05-98)**

**60-6-26 - 60-6-27 RESERVED.**

**DIVISION V**

**"MH-1" MOBILE HOME RESIDENCE DISTRICT**

**60-6-28** **PURPOSE.** The "MH-1" Mobile Home Residence District is established to provide areas where mobile homes can be permanently placed upon individual lots within the City of Belleville. **(Sec. 22.44)**

**60-6-29** **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "MH-1" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area:	6,000 sq. ft.
(b)	Minimum lot width: (at established building line)	50 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line:	5 ft.
	3. From rear lot line:	25 ft.
(e)	Maximum building height:	35 ft.
(f)	Maximum percentage of lot building coverage:	30 percent

**(Sec. 22.44-1)**

**60-6-30** **PERMITTED USES.** Mobile homes provided they are permanently fixed to the ground and comply with the following regulations:

- (A) The foundation shall extend into the ground below the frost line so as to attach and become part of the real estate. Materials such as concrete, mortared block or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation.
- (B) As an alternate to (A), piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the mobile home. In either (A) or (B), the specifications for foundations found in Sec. 19.08 (K) of the Revised City Code.
- (C) To complete the immobilization, wheels, tongue and hitch must be permanently removed. Wheels must be removed in such a manner that they may not be easily replaced. Therefore, either the axle would have to be removed or at least the lug bolts holding the wheels to the axle

removed. The tongue and hitch must be removed by either removing the tongue and hitch from the frame or removing the bolts holding the tongue and hitch to the frame.

- (D) Each mobile home shall be skirted with fire resistant material or have a built up perimeter foundation of either concrete, mortared block or mortared brick to the lower edge of the mobile home. Skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the mobile home. Built up perimeter foundations shall provide an access to the underside of the mobile home either by an inspection door of at least **twenty-four (24) inches** wide or a scuttle hole door through the floor of the mobile home.
- (E) Each mobile home shall be affixed to its foundation by means of an anchor capable of withstanding a verticle tension force of **four thousand eight hundred (4,800) pounds** without failure at each corner of the mobile home or its components for double or triple wides.
- (F) Each mobile home shall further be affixed to its foundation by means of one set of frame ties (attached to the frame beneath the home to prevent its sliding downwind off its supports) for every **ten (10) feet** of length of the home; and where the mobile home is **twelve (12) feet** or less in width at least two sets of over-the-top ties positioned not more than **five (5) feet** from each end of the home to prevent overturning.
- (G) For those homes which are so constructed to be placed upon a perimeter foundation, they may be affixed by means of anchor bolts imbedded into the foundation as specified in the City building codes. **(Sec. 22.44-2)**
- (H) Home occupations as permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

**60-6-31**     **SPECIAL USES.**

Home occupations other than those specifically permitted in accordance with Section 60-7-5. **(Ord. No. 5326; 10-03-94)**

Metal buildings larger than **one hundred fifty (150) square feet** in area. **(Ord. No. 7174; 08-18-08)**

Planned unit developments.

Small Community Residences located less than **660 feet** from any other community residence:

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

Large Community Residences whether located more or less than **660 feet** from another community residence;

(A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B) Prior to occupancy, a special use permit is applied for and received. **(Ord. No. 5831; 01-05-98)**

**60-6-32 - 60-6-33**     **RESERVED.**

DIVISION VI

"MH-2" MOBILE HOME PARK DISTRICT

**60-6-34**     **PURPOSE.** The "MH-2" Mobile Home Park District is intended to provide areas where mobile homes located within mobile home parks may be located within the City. **(Sec. 22.45)**

**60-6-35**     **LOT AND BUILDING REQUIREMENTS.** Every mobile home constructed in an "MH-2" Mobile Home District shall conform to the applicable requirements of Chapter 19 of the Revised City Code. **(Sec. 22.45-1)**

**60-6-36**     **PERMITTED USES.**  
Mobile homes located within mobile home parks.  
**(Sec. 22.45-2)**

**60-6-37**     **IMMOBILIZATION PROHIBITED.** Hereafter, it shall be unlawful to immobilize (i.e., to permanently remove the wheels, tongue, and hitch from a mobile home, and/or place any mobile home on a permanent foundation) any mobile home in the City except in the MH-1 and MH-2 Districts. **(Sec. 22.45-3)**

**60-6-38**     **SPECIAL USES.**  
Small Community Residences located less than 600 feet from another community residence, or an unlicensed Small Community Residence. **(Ord. No. 4770)**  
Large Community Residences with over 10 persons located within 600 feet from another community residence, or an unlicensed Large Community Residence. **(Ord. No. 4770) (Sec. 22.45-4)**  
Metal accessory buildings larger than **one hundred fifty (150) square feet** in area. **(Ord. No. 7174; 08-18-08)**

**60-6-39**     **SUPPLEMENTARY RESTRICTIONS.**  
(A) No mobile home shall be placed on a lot in the City other than a mobile home site in an approved mobile home park.  
(B) No mobile home park shall be licensed, constructed or operated except in a "MH-2" zone district.  
(C) Mobile home parks shall be subject to the following requirements:  
(1) **Minimum Lot Size and Minimum Yard Dimensions.** The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the mobile home park is situated.

- (a) A mobile home park shall be located on a tract of land not less than **ten (10) acres** in area, with minimum width and depth dimensions of **two hundred (200) feet**.
- (b) Any building structure or mobile home shall be located at least **twenty-five (25) feet** from any front lot line or any side lot line adjacent to a street and **fifteen (15) feet** from any rear lot line and at least **five (5) feet** from any other lot line.
- (2) No building or structure within the mobile home park will exceed the height of **thirty-five (35) feet**.
- (3) **Off-Street Parking and Access Ways.**
  - (a) There shall be provided, within the boundaries of the mobile home park site, not less than **one and one-half (1 1/2)** off-street parking spaces for each mobile home space.
  - (b) The mobile home park site shall have direct access to a public street or highway by an access way of at least **thirty (30) feet** in width.
  - (c) Each mobile home space shall abut on a driveway or access way, at least **twenty-four (24) feet** wide, with unobstructed access to a public street. Each mobile home space shall be located within **one hundred (100) feet** of such driveway or access way. Appropriate turn around space, sufficient in size to accommodate emergency vehicles, shall be provided at the terminus of any dead-end access ways in the mobile home park.
- (4) **Individual Mobile Home Spaces.** The minimum individual area, width and depth requirements for mobile home spaces shall be as follows:

	Area	Width	Depth
Individual Mobile Home Space	4,000 sq. ft.	40 ft.	80 ft.

Spaces shall be arranged and mobile homes parked in such manner that there is an open space of at least **fifteen (15) feet by thirty (30) feet** at the rear of and as a part of each mobile home space, except that: where a common recreation area is provided that contains at least **one hundred (100) square feet** for each mobile home space, with a minimum total area of **five thousand(5,000) square** feet and the minimum width and depth dimension of **one hundred (100) feet**, the individual mobile home space may have the following minimum area, width and depth dimensions:

	Area	Width	Depth
Individual Mobile Home Space	3,500 sq. ft.	40 ft.	70 ft.

- (5) Only single-family residential uses and uses accessory thereto shall be permitted in a mobile home park.
- (6) The location for and development of any mobile home park shall have a compatible relationship to the established street system and shall be such as to oppose no greater traffic burden on streets than the streets can reasonably bear.
- (7) All access drives and parking areas shall be paved or otherwise surfaced with an all-weather, dust proof material and graded so as to drain off all surface water to storm water inlets.
- (8) A **ten (10) foot** landscaped buffer shall be provided for the side, rear and front yards of the park. In lieu of the landscaped and buffer a **five (5) foot** high wall or opaque wooden fence.
- (9) No portion of any mobile home park may be located outside the City's limits.

(D) Mobile Home Park Districts shall be created by the City Council upon application and only after public hearing before the Zoning Board of Appeals which shall then issue a written advisory report to the City Council recommending approval or denial of the application for a mobile home park district. The Zoning Board of Appeals shall apply the standards set forth in this ordinance in rendering its said advisory report and shall include in its advisory report findings and the reasons therefor.

A mobile home park district shall not be created unless it substantially complies with the specific requirements herein set forth. In determining whether a specific tract of land shall be designated as a mobile home park district, the City Council shall take into consideration, in addition to the specific requirements herein set forth, the following factors:

- (1) The existing uses and zoning of nearby property.
- (2) The extent to which property values are diminished by the particular zoning restrictions.
- (3) The extent to which the destruction of property values by the subject property promotes the health, safety, morals or general welfare of the public.
- (4) The relative gain to the public as compared to the hardship imposed on the individual property owner.
- (5) The suitability of the subject property for the zoned purposes.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area and vicinity of the subject property.
- (7) Compatibility with the City's overall zoning plan.
- (8) Community need for the proposed mobile home park.

- (9) In designating a tract of land as a mobile home park district, the City Council may impose conditions for the reasonable protection of the immediate neighborhood or the City from any adverse affects of the mobile home park.

(E) **Temporary Parking - Mobile Homes.** The temporary parking of an individual mobile home is permitted subject to the following regulations:

- (1) Emergency or temporary stopping of a mobile home shall be allowed on any street, alley or highway for not longer than **two (2) hours**, subject to any further prohibitions, regulations or limitations imposed by the traffic regulations or laws for such street, alley or highway.
- (2) An individual mobile home may be parked outside the public right-of-way, as not otherwise prohibited, for a period of **seventy-two (72) hours** provided that no such mobile home is parked nearer than **twenty-five (25) feet** to any right-of-way line abutting a public street.

(F) **Parking for Inspection and Sales - Mobile Homes.** A mobile home may be parked for inspection and sale on any lawful automobile or trailer or mobile home sales lot.

(G) **No Permanent Fixation to Ground - Mobile Home.** Nowhere in the City shall any mobile home be permitted to be permanently fixed to the ground in a manner that would prevent its removal. Provided, however, that this section shall not apply to mobile homes so situated or permanently fixed as of the date of the passage of this ordinance. **(Ord. No. 3355; 4-19-76)**

**60-6-40 MOBILE HOME SITES AND SPACING.** All existing mobile home parks constructed before **October 18, 1993** shall not be required to meet the specific zoning provisions and regulations as specified in Division VI "MH-2" Mobile Home Park District (Section 60-6-39) with regard to minimum lot size, minimum yard dimensions, and minimum area for individual mobile home spaces. The following requirements however for such existing mobile home parks shall be complied with:

(A) Each mobile home spaces shall have a minimum area of **two thousand one hundred (2,100) square feet.**

(B) No mobile home shall be parked or permanently erected closer than **five (5) feet** to the side lot lines of a park, or closer than **ten (10) feet** to a public street, alley or building. Each individual site/space shall abut or face on a private or public driveway or roadway. There shall be an open space of at least **ten (10) feet** adjacent to the sides of every mobile home and at least **five (5) feet** adjacent to the ends of every mobile home.

(C) All mobile home sites, irrespective of shape, shall have a minimum frontage of **twenty-five (25) linear feet.** **(Ord. No. 5428; 05-15-95)**

**DIVISION VII**

**"C-1" LIGHT COMMERCIAL DISTRICT**

**60-6-41 PURPOSE.** The "C-1" Light Commercial District is established to conserve and promote the development of a) office related commercial areas, or b) existing residential areas.

**60-6-42 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "C-1" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area:	6, 000 sq. ft.
(b)	Minimum lot width: (at established building line)	50 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line:	10 ft.
	3. From rear lot line:	25 ft.
(e)	Maximum building height:	35 ft.
(f)	Maximum percentage of lot building coverage:	40 percent

**60-6-43 PERMITTED USES.**

**Bed and breakfast** establishments. (**#5039**)

**Funeral home** or mortuary.

**Offices** as follows:, That of doctor, dentist, insurance sales, real estate sales, engineering, law, tax consultants, architects, and accountants.

**Single-family dwellings**--provided they meet all the requirements of the "A-1" District.

(**Ord. No. 6739; 05-16-05**)

**60-6-44 SPECIAL USES.**

Dormitory. (**Ord. No. 7634; 10-15-12**)

Industrial Parks. (**Ord. No. 4674**)

Metal buildings larger than **one hundred fifty (150) square feet** in area. (**Ord. No. 7174; 08-18-08**)

Student Dwelling Unit. (**Ord. No. 7634; 10-15-12**)

**Large Community Residences** whether located more or less than **660 feet** from another community residence;

(A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B) Prior to occupancy, a special use permit is applied for and received. **(Ord. No. 5831; 01-05-98)**

**Nursing home.**

**Planned unit developments.**

**Small Community Residences** located less than **660 feet** from any other community residence;

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. **(Ord. No. 5831; 01-05-98)**

**60-6-45 - 60-6-46      RESERVED.**

**DIVISION VIII**

**"C-2" HEAVY COMMERCIAL DISTRICT**

**60-6-47      PURPOSE.** The "C-2" Heavy Commercial District is established to promote the development of a wide range of commercial and related uses.

**60-6-48      LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "C-2" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area:	6,000 sq. ft.
(b)	Minimum lot width:	50 ft.
	(at established building line)	
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.

2. From side and rear lot line: None (except when abutting an "A" District, a 5-foot setback shall be required)
- (e) Maximum building height: 100 ft.
- (f) Maximum percentage of lot building coverage: 75 percent

**60-6-49 PERMITTED USES.**

**Amusement and recreation:** armory, assembly hall, bowling alley, dance hall, pool and billiards, theatre, skating rink, or other social, sport or recreation center operated as a business provided building in which it is operated is sufficiently soundinsulated to effectively confine the noise to the premises.

**Automotive services:** public garages; service stations; service garages; automobile laundry, provided the premises are located not less than 50 feet from a residence district; parking lot; lot for the sale of new motor vehicles or trailers.

**Bed and breakfast** establishments. (#5039)

**Business offices** of all types including office buildings, banks, business colleges and private trade schools.

**Eating places** of all types.

**Funeral home or mortuary.**

**Hospitals.**

**Motels and hotels.**

**Not-for-profit lodges** and clubs.

**Office as follows:** That of doctor, dentist, insurance sales, real estate sales, engineering, law, tax consultants, architects, and accountants.

**Sale of apparel** of all kinds.

**Sale of foods** and beverages of all kinds, including sale for consumption on the premises.

**Sale of furniture** and household goods, including furniture and accessory furniture storage.

**Sale of general merchandise,** including sales in department stores.

**Sale of other goods** and merchandise.

**Service establishments** of all types.

**Single-family dwellings**--provided they meet all the requirements of the "A-1" District.

Any other building, use or service similar to the uses herein listed in the types of services or goods sold.

(Ord. No. 6739; 05-16-05)

**60-6-50 SPECIAL USES.**

**Animal shelters**, boarding and hospitals.

**Convenience Stores**. (Ord. No. 6075; 01-03-00)

**Dormitory**. (Ord. No. 7634; 10-15-12)

**Establishments** that hold a Class A, B or C liquor license. (Ord. No. 6264; 02-05-00)

**Exterior commercial amusement** and recreational uses such as go-cart tracks, batting cages, water slides, beer gardens, etc.

**Industrial park**. (Ord. No. 4674)

**Large Community Residences** whether located more or less than **660 feet** from another community residence;

(A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B) Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

**Metal buildings** larger than **one hundred fifty (150) square feet** in area. (Ord. No. 7174; 08-18-08)

**Multi-Family Dwellings**. (Ord. No. 6131; 05-01-00)

**Outdoor restaurants/dining establishments**. (Ord. No. 5548; 04-01-96)

**Small Community Residences** located less than **660 feet** from any other community residence;

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

(B) Prior to occupancy, a certificate of zoning compliance is applied for and received. (Ord. No. 5831; 01-05-98)

**Student Dwelling Unit**. (Ord. No. 7634; 10-15-12)

**Used motor vehicle sales**.

**Wholesale businesses**, storage buildings, storage sheds and warehouses. (Ord. No. 5196; 01-03-94)

**60-6-51 - 60-6-52 RESERVED.**

**DIVISION IX**

**"C-3" COMMERCIAL DISTRICT**

**60-6-53 PURPOSE.** The "C-3" Commercial District is established to conserve and promote the exclusive development of office related commercial areas.

**60-6-54 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "C-3" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

- |     |  |                |
|-----|--|----------------|
| (a) | Minimum lot area:                                    | 10,000 sq. ft. |
| (b) | Minimum lot width:<br>(at established building line) | 75 ft.         |
| (c) | Minimum lot depth:                                   | 100 ft.        |
| (d) | Minimum setbacks:                                    |                |
|     | 1. From front lot line:                              | 25 ft.         |
|     | 2. From side lot line:                               | 10 ft.         |
|     | 3. From rear lot line:                               | 25 ft.         |
| (e) | Maximum building height:                             | 35 ft.         |
| (f) | Maximum percentage of lot building coverage:         | 40 percent     |

**60-6-55 PERMITTED USES.**

**Accessory buildings.** land uses, and activities, customarily associated with any of the uses permitted in the "C-1" and "C-2" Zoning Districts.

**Bed and breakfast establishments.**

**Business.** professional and technical schools and universities.

**Business and professional offices.**

**Financial institutions.**

**Office buildings**--public and private offices.

**Professional and scientific laboratories** and research facilities.

(Ord. No. 7652; 12-10-12)

**60-6-56 SPECIAL USES.**

**Establishments** that hold a Class A, B or C liquor license. (Ord. No. 6264; 02-05-00)

**Large Community Residences** whether located more or less than **660 feet** from another community residence;

(A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B) Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

**Metal buildings** larger than **one hundred fifty (150) square feet** in area. (Ord. No. 7174; 08-18-08)

**Planned unit developments.**

**Small Community Residences** located more or less than **660 feet** from another community residence;

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

(B) Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

**60-6-57 - 60-6-59 RESERVED.**

DIVISION X

"C-4" COMMERCIAL DISTRICT

**60-6-60 PURPOSE.** The "C-4" Commercial District is established to promote the exclusive development of a wide range of commercial related uses.

**60-6-61 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "C-4" district shall conform to the applicable requirements indicated in tabular form below:

**REQUIREMENTS**

(a)	Minimum lot area:	10,000 sq. ft.
(b)	Minimum lot width: (at established building line)	75 ft.
(c)	Minimum lot depth:	100 ft.
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side and rear lot line:	None (except when abutting an "A" District, a 5-foot setback shall be required)
(e)	Maximum building height:	35 ft.
(f)	Maximum percentage of lot building coverage:	50 percent

**(Ord. No. 4960; 9-15-92)**

**60-6-62 PERMITTED USES.**

**Amusement and recreation:** armory, assembly hall, bowling alley, dance hall, pool and billiards, theatre, skating rink, or other social, sport or recreation center operated as a business within a building which is sufficiently sound-insulated to effectively confine the noise to the premises.

**Automotive services:** public garages; service stations; service garages; automobile laundry, provided the premises are located not less than 50 feet from a residence district; parking lot; lot for the sale of new motor vehicles or trailers.

**Bed and breakfast establishments.** (#5039)

**Eating places** of all types.

**Funeral homes** and mortuaries. (Ord. No. 4960; 6-15-92)

**Motels and hotels.**

**Not-for-profit lodges** and clubs.

**Sale of apparel** of all kinds.

**Sale of foods and beverages** of all kinds, including sale for consumption on the premises.

Sale of furniture and household goods.

Sale of general merchandise.

Sale of other goods and merchandise.

Service establishments of all types.

**60-6-63 SPECIAL USES.**

Animal shelters, boarding and hospitals.

Convenience Stores. (Ord. No. 6075; 01-03-00)

Establishments that hold a Class A, B or C liquor license. (Ord. No. 6264; 02-05-00)

Exterior amusement and recreational uses such as go-cart tracks, batting cages, water slides, etc.

Home for the aged. (Ord. No. 4960; 6-15-92)

Large Community Residences whether located more or less than **660 feet** from another community residence;

(A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B) Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

Metal buildings larger than **one hundred fifty (150) square feet** in area. (Ord. No. 7174; 08-18-08)

Multi-Family dwellings. (Ord. No. 6131; 05-01-00)

Nursing homes.

Outdoor restaurants/dining establishments. (Ord. No. 5548; 04-01-96)

Planned unit developments.

Small Community Residences located more or less than **660 feet** from another community residence;

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

(B) Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

Used motor vehicle sales.

Wholesale businesses, storage buildings, storage sheds and warehouses. (Ord. No. 5196; 01-03-94)

**60-6-64 - 60-6-65 RESERVED.**

DIVISION XI

"C-5" PLANNED COMMERCIAL DISTRICT

**60-6-66**     **PURPOSE.** The "C-5" Planned Commercial District is established to:

- (A)           facilitate the development of large tracts of land
- (B)           promote commercial development into comprehensively planned projects
- (C)           encourage innovative site layouts and coordinated architectural treatment of commercial uses and structures.

**60-6-67**     **LOT AND BUILDING REQUIREMENTS.** The "C-5" Planned Commercial District is intended to afford both the developer and the City considerable flexibility in formulating lot and building requirements. All lot and building requirements must be reviewed and approved as per **Section 60-6-69** of this Code.

**60-6-68**     **PERMITTED USES.**  
All permitted uses identified in the "C-3" and "C-4" zoning districts.

**60-6-69**     **REVIEW PROCEDURES.** Every applicant for a Planned Commercial District approval shall comply with the procedural requirements of this subsection. The required procedures are as follows:

- o           filing development plan with the Administrator including the specifying of permitted uses and required information as per Section 60-4-5(A) of this Code;
- o           provision by the developer of adequate assurances for the completion of required improvements as per the development plan;
- o           review of the development plan by the City Plan Commission before the public hearing;
- o           public hearing by the Board of Appeals as per the requirement of Article XI;
- o           recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and
- o           action by City Council on the development plan.

Upon approval by the City Council the Development Plan shall be recorded at the St. Clair County Building. All development within the development area shall be according to the Development Plan. Any changes in the development, as determined by the Zoning Administrator, shall require review and approval by the City Council.

**60-6-70**     **RESERVED.**

DIVISION XII

LIGHT INDUSTRY DISTRICT

**60-6-71**     **PURPOSE.** The Light Industry District is intended to provide for areas where light industry and warehouses may locate without detriment to the remainder of the community. (Ord. No. 7352; 02-16-10)

**60-6-72**     **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in a light industry district shall conform to the applicable requirements indicated in tabular form below: (Ord. No. 7352; 02-16-10)

**REQUIREMENTS**

(a)	Minimum lot area:	None
(b)	Minimum lot width:	None
(c)	Minimum lot depth:	None
(d)	Minimum setbacks:	
	1. From front lot line:	25 ft.
	2. From side lot line:	25 ft.
	3. From rear lot line:	25 ft.
(e)	Maximum building height:	100 ft.
(f)	Maximum percentage of lot building coverage:	75 percent

**60-6-73**     **PERMITTED USES.**

**Any building, use, or service** similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises, or in the effect upon adjacent areas in more restricted use districts.

**Foundry casting** light-weight non-ferrous metal not causing noxious fumes or odor.

**Machine shop**, or other metal-working shop, excluding drop hammers and other noise-producing machine-operated tools.

**Manufacture**, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: aluminum, bond, cellophane, canvas, cloth, cork, feather, felt, fibre, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, rubber, tin, tobacco, wood (excluding saw mill), tars, and paint not involving a boiling process.

**Manufacture**, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products except the rendering or refining of fats and oils.

**Manufacture and maintenance of billboards** and commercial advertising structures.

**Manufacture of pottery** and figurines or other similar ceramic products, using only previously pulverized clay, kiln fired only by electricity or gas.

Planing mill.

Stove or stove polish manufacturers.

Wholesale business, storage buildings, warehouses, and yards.

Any accessory use customarily incident to a use authorized by this Section.

**60-6-74 SPECIAL USES.**

Convenience Stores. (Ord. No. 6075; 01-03-00)

Establishments that hold a Class A, B or C liquor license. (Ord. No. 6264; 02-05-00)

Industrial parks. (Ord. No. 4674)

Large Community Residences whether located more or less than **660 feet** from another community residence;

(A) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B) Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

Multi-Family dwellings. (Ord. No. 6131; 05-01-00)

Planned unit developments.

Small Community Residences located more or less than **660 feet** from another community residence;

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

(B) Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

Used car lots. (Ord. No. 4094)

**60-6-75 - 60-6-79 RESERVED.**

DIVISION XIII

HEAVY INDUSTRY DISTRICT

**60-6-80**     **PURPOSE.** The Heavy Industry District is the least restrictive Zoning district in this municipality. It is intended to provide for areas where heavy and other similar industry may be located without detriment to the remainder of the community. (Ord. No. 7352; 02-16-10)

**60-6-81**     **LOT AND BUILDING REQUIREMENTS.** All the requirements of the Heavy Industry District shall be the same as the Light Industry District with the exception of permitted uses. (Ord. No. 7352; 02-16-10)

**60-6-82**     **PERMITTED USES.**

**Junk yards.**

All buildings and uses, except as limited and restricted in this Section and elsewhere in this ordinance, provided that such buildings and uses conform to any other applicable statutes, ordinances, rules and regulations.

Any use permitted in the Light Industry District. (Ord. No. 7352; 02-16-10)

**60-6-83**     **SPECIAL USES.**

**Convenience Stores.** (Ord. No. 6075; 01-03-00)

**Establishments** that hold a Class A, B or C liquor license. (Ord. No. 6264; 02-05-00)

**Industrial parks.** (Ord. No. 4674)

**Large Community Residences** whether located more or less than **660 feet** from another community residence;

(A)           The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, or if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties;

(B)           Prior to occupancy, a special permit is applied for and received. (Ord. No. 5831; 01-05-98)

**Multi-Family dwellings.** (Ord. No. 6131; 05-01-00)

**Planned unit developments.**

**Small Community Residences** located more or less than **660 feet** from another community residence;

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

(B)           Prior to occupancy, a special use permit is applied for and received. (Ord. No. 5831; 01-05-98)

**Used car lots.**           (Ord. No. 4094)

**60-6-84**     **RESERVED.**

## DIVISION XIV

## FLOOD PLAIN DISTRICT

**60-6-85** **"FP" FLOOD PLAIN OVERLAY DISTRICT.** The "FP" Flood Plain Overlay District delineates areas subject to periodic flooding in the City of Belleville. In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life or property, disruption of private and governmental services, impairment of the municipal tax base, and the need for extraordinary relief measures. The regulations of this section are intended to restrict permitted development in flood plains to (1) uses which inherently have low flood damage potential and to (2) other uses allowed in the primary zoning districts provided appropriate protective measures have been taken. **(See Flood Plain Code - Chapter 15)**

**60-6-86** **PERMITTED USES, SPECIAL USES.** This overlay district has no effect on the classification-whether permitted, special, or prohibited--of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

**60-6-87** **ADDITIONAL RESTRICTIONS.** All uses, whether permitted or special, that are located in the area covered by the "FP" Overlay District shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage. To assure such protection, the Administrator, following consultation with technically qualified persons, may require as necessary:

- (A) anchorage or addition of weight to structures to resist flotation;
- (B) installation of water-tight doors and bulkheads;
- (C) use of special paints, membranes, or mortars so as to reduce seepage through walls;
- (D) installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (E) reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;
- (F) installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;
- (G) location of electrical equipment and appliances above the level of the regulatory flood elevation;
- (H) location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, etc. above the regulatory flood elevation;

- (I) filling and earth-moving to raise the level of the proposed building site above the regulatory flood elevation; and/or
- (J) any other reasonable flood protection measures.

In no case shall the Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of floodwater leaving the lot in question.

**60-6-88     RESERVED.**

**DIVISION XV**  
**HISTORIC DISTRICT**

**60-6-89**    **"HP" HISTORIC PRESERVATION OVERLAY DISTRICT.** The "HP" Historic Preservation Overlay District is intended to preserve and protect the historically or architecturally worthy buildings, structures, sites, monuments, and neighborhoods.

**60-6-90**    **PERMITTED USES, SPECIAL USES.** This overlay district has no effect on the classification--whether permitted, special, or prohibited--of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

**60-6-91**    **ADDITIONAL RESTRICTIONS.** All uses, whether permitted or special, that are located in the area covered by the "HP" Overlay District shall not only meet all the applicable requirements of the primary district, but shall also meet the requirements set forth herein.

**60-6-92**    **PURPOSE.** The purpose of the Historic District is to promote the educational, cultural, economic and general welfare of the community by providing for preservation and continued utilization of areas, places, buildings, structures and other objects having special historical, community or aesthetic interest value.

**60-6-93**    **RELATIONSHIP TO ZONING DISTRICTS.** The Historic District regulations as provided herein for areas within said districts are intended to preserve and protect the historically or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the areas designated. In all zoning districts lying within the boundaries of the Historic District, the regulations for both the zoning district and the Historic District shall apply. **(Ord. No. 3256; 10-22-74)**

**60-6-94**    **BOUNDARIES.** The boundaries of the Historic District shall be established by the City Council, and shall be indicated on the official zoning map of the City.

**60-6-95**     **DESIGNATION.** No area shall be designated as part of the Historic District until there shall have been due notice given to persons owning property therein, and a public hearing held on the merits of such designation. The Historic Preservation Commission may, on its own motion or upon petition, conduct a preliminary and informal investigation of areas within the City considered to have buildings, structures, areas, places or other objects having special historical, community or aesthetic interest or value. The Commission shall establish preliminary boundaries for areas considered to have such interest or value, and set a time and place for a public hearing on the merits of designating the defined area as a Historic District. The Commission shall then cause notice to be sent to all owners of record of property within the defined area not less than **fifteen (15) days** nor more than **thirty (30) days** prior to the date of hearing. The notice shall set forth the boundaries of the area under consideration, the reasons it is being considered for designation as a Historic District, a statement that use of the property will be restricted if it is included in the Historic District, and the date, time, and place of the public hearing. Notice of such hearing shall also be given to the Building and Zoning Official, the Chairman of the City Plan Commission, the Chairman of the Zoning Board of Appeals, the City Attorney, the City Engineer, each of the Aldermen, and the Mayor as well as to any interested parties who shall file with the Secretary of the Historic Preservation Commission a request to receive such notices. A copy of the notice shall be mailed to each tenant of property within the proposed district in cases where the Commission has reason to believe the occupant of property is not the owner of record of the property.

The hearings shall be conducted by the Historic Preservation Commission, and all interested persons shall be given the opportunity to be heard, in person, by counsel, or by correspondence. The Commission shall make such record or notes of the hearing as the Chairman shall deem sufficient. After hearing testimony, the Commission shall make its recommendations to the City Council if it finds that all or any part of the area described in the hearing notice meets the criteria of the Historic District. The City Council shall, within **thirty (30) days** of receiving the recommendations of the Historic Preservation Commission, either accept or reject the recommendations. If the recommendations are accepted, the Council shall, by ordinance, establish the boundaries of the District and make it subject to the provisions of this Section.

**60-6-96**     **ACTS PROHIBITED.** It shall be unlawful to demolish, move, or substantially change the exterior appearance of any building within the Historic District without having first obtained a Design Review Request for such action, and said certificate is required in addition to the building permit required by Chapter 23 of the Revised Code. **(Ord. No. 5370; 01-17-95)**

**60-6-97**     **DESIGN REVIEW REQUEST REQUIRED.** A Design Review Request issued by the Building and Zoning Official after approval by the Historic Preservation Commission. shall be required before a permit is issued for any of the following:

- (A) Demolition of a building or structure within the Historic District.
- (B) Moving a building or structure out of, into, or within the Historic District.
- (C) Material change in the exterior appearance of existing buildings or structures within the Historic District by additions, reconstruction, alteration, or maintenance involving unreasonable exterior color change, if subject to view from a public street.
- (D) Any new construction within the Historic District subject to view from a public street.
- (E) Demolition, construction, or material change of any street, sidewalk, fence, wall, sign, or ornamentation within the Historic District, if subject to view from a public street. **(Ord. No. 5370; 01-17-95)**

**60-6-98**     **APPLICATION FOR DESIGN REVIEW REQUEST.** All applications for a Design Review Request shall be made to the office of the City Clerk, on forms to be provided by the City Clerk. Detailed drawings, plans, or specifications shall not be required, but each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes, or new construction as are reasonably required by the Building and Zoning Official and Historic Preservation Commission to make a decision. No fee shall be required for application for a Design Review Request. The City Clerk shall submit all applications to the Building and Zoning Official in the same manner as applications for building permits.

The Building and Zoning Official shall review all applications for building permit, and if any building permit application is received for work to be done on property within the Historic District and no application for Design Review Request is submitted, the Building and Zoning Official shall defer any action on the application for building permit, and notify the applicant that an application for Design Review Request should be submitted. No building permit shall be issued for work to be done within the Historic District unless a Design Review Request has been issued for the same work. **(Ord. No. 5370; 01-17-95)**

**60-6-99**     **ACTION ON APPLICATION.** The Building and Zoning Official shall, within **two (2) working days**, transmit all applications for Design Review Request to the Chairman of the Historic Preservation Commission. The Historic Preservation Commission shall, within **thirty (30) days** after receipt of the application, either direct the Building and Zoning Official to issue the Design Review Request, or schedule a public hearing on the application. Such public hearing shall be held within **forty (40) days** of the date the application is received by the Commission. Notice of the hearing shall be given to the applicant, the Building and Zoning Official, the City Attorney, the Mayor, the Aldermen representing the ward in which the property is located, and any interested parties who shall file with the Secretary of the Historic Preservation Commission a request to receive such notices. The Chairman shall conduct the hearing, and the Commission shall receive oral or written testimony from all interested persons.

The applicant or any other party may be represented by counsel. The secretary shall make such record or notes of the hearing as the Chairman shall deem sufficient. The Commission shall vote, announce its decision, within **fourteen (14) days** after the conclusion of the public hearing, unless the time is extended by mutual agreement between the Commission and the applicant. In case of disapproval of the erection, reconstruction, alteration or demolition of a building or structure, the Commission shall briefly state its reasons therefor in writing and it may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, color, location or other elements of appearance of the building or structure involved. In cases of disapproval accompanied by recommendations, the applicant may again be heard before the Commission if, within **ninety (90) days**, he amends his application to conform with the recommendations. The Commission shall not again hear the subject matter of any application which has been denied for a period of **one (1) year**, except in cases where an applicant appears within **ninety (90) days** with amended application, as provided above.

**60-6-100 MATTERS TO BE CONSIDERED.** The Historic Preservation Commission shall not consider interior arrangement or features not subject to any public view, and shall not make any requirements, except for the purpose of preventing developments incongruous to the aesthetic and historic aspects of the surroundings.

The Commission shall consider the following in passing on the appropriateness of exterior architectural features:

(A) All exterior architectural features, which are subject to public view from a public street or sidewalk, including any signs, fences, outbuildings, paving, and substantial grading of soil levels. **(Ord. No. 5370; 01-17-95)**

(B) General design and arrangement.

(C) Texture, material and color.

(D) The relation of the factors in paragraphs 1, 2, and 3 to similar features of buildings and structures in the immediate surroundings.

(E) The extent to which the building or structure would be harmonious with or incongruous to the aesthetic, cultural, or historic nature of the surroundings.

(F) The extent to which the building or structure will promote the general welfare of the City and its citizens.

(G) The extent to which the buildings or structures exterior architectural features comply with the current "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", as shall be published from time to time by the Secretary of the Interior, U.S. Department of the Interior, National Park Service Preservation Assistance Division, Washington, D.C. **(Ord. No. 5327; 10-03-94)**

(H) The **Historic Preservation Design Guidelines and Policies/Procedures Manual** and amendment(s). **(Ord. No. 6445; 07-15-02)**

**DIVISION XVI - "AGR" AGRICULTURAL/RURAL DISTRICT**

**60-6-101 PURPOSE.** The "AGR" Agricultural/Rural District is established to protect predominately agricultural land from intense and disorderly development. Territory located on the periphery of the corporate limits is generally agricultural/undeveloped or sparsely developed. As such areas are annexed to the City, it is the intent of this district to preserve and maintain the present land uses until such time that proper infrastructure can be extended to adequately serve such property to accommodate orderly development.

**60-6-102 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in any "AGR" District shall conform to the applicable requirements as outlined as follows:

- (A) Minimum lot area: 10 acres
- (B) Minimum lot width: 400 ft.  
(at established building line)
- (C) Minimum lot depth: 500 ft.
- (D) Minimum setbacks:
  - (1) From front lot line: 25 ft.
  - (2) From side lot line: 25 ft.
  - (3) From rear lot line: 50 ft.
- (E) Maximum building height: 35 ft.\*

\*except silos, barns, and farm related structures

**60-6-103 PERMITTED USES.**

**Accessory buildings,** land uses, and activities customarily associated with any of the above uses.

**Agricultural and farming related uses,** including the production of crops and/or livestock: livestock shall not be penned within **two hundred (200) feet** of a residential district.

**Cemeteries/mausoleums.**

**Detached single family residences:** one by right plus one for each additional **forty (40) acres.**

**Essential governmental** or public utility services.

**Farm implement dealers;** however not assembly type uses.

**Hunting and fishing and game preserves.**

**Nurseries,** commercial greenhouses, and related uses.

**Open air non-commercial recreational uses** including parks and playgrounds.

**Radio and transmission towers** provided that such facilities comply with all applicable clear zones as established by FAA.

**Sale of farm produce** which is produced on the premises.

**60-6-104 SPECIAL USES.**

**Animal hospitals** and veterinary offices.

**Bed and Breakfast** establishments.

**Churches** and other places of worship.

**Commercial kennels** and stables.

**Commercial recreational and amusement facilities.**

**Country clubs** and golf courses.

**Hospitals**, nursing homes, etc.

**Livestock depots** and sales yards.

**Schools** and other educational facilities be it public or private.

(Ord. No. 5314; 09-19-94)

ARTICLE VII

SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

DIVISION I - GENERALLY

**60-7-1**        **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

**60-7-2**        **DRIVE-IN THEATERS.**

(A)            The movie screen of every drive-in theater shall be located at least **one hundred (100) feet** from all street right-of-way lines and all lot lines, and at least **five hundred (500) feet** from the boundary of any residential district. The projection surface of the movie screen shall not be visible from any major traffic street.

(B)            Speakers shall be limited to the type designed to be heard by the occupants of **one (1) car** only.

(C)            Entrances and exits shall connect only to major traffic streets, and shall not be located closer than **one hundred (100) feet** to any intersection of public streets.

(D)            Stacking (waiting) area for at least **twenty-five (25)** automobiles shall be provided near the main entrance to prevent traffic tie-ups on adjacent streets.

**60-7-3**        **FENCES, WALLS.**

(A)            No barbed wire or electrically-charged fence below **eight (8) feet** in height shall be erected or maintained anywhere in this municipality.

(B)            No fence, wall, or other obstruction shall be erected within any public right-of-way, except by written permission of the Zoning Administrator.

(C)            No fence, wall, or other obstruction shall be erected in violation of the Illinois Drainage Code, **(III. Comp. Stat., Ch. 70; Sec. 605/2-1)**

(D)            Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. **(See section 60-3-15B)**

(E)            Whenever the rear property line of any "C-2"; "C-3"; "C-4"; "C-5"; "D-1"; and "D-2" (commercial or industrial) use abuts a residentially zoned district, a **six (6) foot** high privacy fence along the abutting property shall be required.

(F)            Notwithstanding any provision in this Section, no fence in the City shall be more than **six (6) feet** in height. In the event that one wishes to erect a fence greater than **six (6) feet** in height, such person shall present an application for a variance with the City of Belleville. **(Ord. No. 5625; 09-16-96)**

**60-7-4**        **GREENHOUSES, NURSERIES.**

(A)            No fertilizer, compost, manure, or other odor-or-dust-producing substance shall be stored closer than **one hundred (100) feet** to any lot line.

(B)            Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than **fifty (50) feet** to any lot line.

**60-7-5 HOME OCCUPATIONS.**

(A) **Intent and Purpose.** The conduct of certain types of business activity in residential units may be permitted under provisions of this Section. It is therefore, the intent of this Section to:

- (1) Ensure the compatibility of home occupations with other uses permitted in the residential districts;
- (2) Maintain and preserve the character of residential neighborhoods; and
- (3) Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

(B) **Definition.** A "home occupation" means an accessory use of a dwelling unit for gainful employment which is:

- (1) clearly incidental and subordinate to the use of the dwelling unit as a residence;
- (2) carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling;
- (3) located in a residential zoned district;
- (4) is conducted clearly as a secondary use of the premises with no exterior evidence of a business being conducted from the premises; and
- (5) is conducted solely by the occupants of the dwelling unit.

(C) **Permitted Home Occupations.** The following uses shall generally be considered as allowable home occupations provided the requirements as set forth are in compliance:

- (1) Dressmakers, seamstresses, tailors.
- (2) Teachers/tutoring provided that instructions shall be limited to **five (5) students** at a time.
- (3) Artists, sculptors, authors and composers.
- (4) Home crafts for sale off premises.
- (5) Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.
- (6) Office facility for a salesman, sales representative, or manufacturer's representative provided that no transactions are made in person on the premises.
- (7) Telephone solicitation and answering service.
- (8) Computer programming, typing and word processing services.
- (9) Radio, television, phonograph and small appliance repair.
- (10) Day care for up to **three (3)** children.
- (11) Mail order business provided no merchandise shall be displayed on the premises.

(D) **Prohibited Home Occupations.** The following uses shall be generally prohibited as home occupations.

- (1) Barber shops and beauty parlors.
- (2) Animal hospitals and veterinary uses (including care, grooming, or boarding).
- (3) Funeral homes and mortuaries.
- (4) Restaurants and cafes.
- (5) Stables or kennels.
- (6) Vehicle repair or maintenance for other than the personal convenience of and any vehicles owned or leased by the occupants.
- (7) Antique stores and furniture sales.
- (8) General contracting, carpentry, masonry, plumbing, painting or other related work.
- (9) Medical or dental office and laboratory.
- (10) Retail sales of any type directly from the premises.

Those uses that are generally considered as prohibited as Home Occupations may be permitted only as a variance authorized in accordance with provisions of **Section 60-3-7** of this Code.

(E) **General Provisions/Performance Criteria.** Any business use within a dwelling unit in a residential zoned district shall be permitted by right provided the following criteria are fully complied with:

- (1) The use shall be conducted entirely within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
- (2) The home occupation is to be conducted only by members of the immediate family residing in the dwelling unit, and no others may be employed.
- (3) There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling or accessory building on the premises.
- (4) There shall be no display of products visible in any manner from outside of the dwelling unit.
- (5) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
- (6) The total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling or **three hundred (300) square feet** whichever is less.
- (7) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
- (8) A home occupation shall have adequate parking spaces available to compensate for additional parking needs generated.
- (9) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the property.

- (10) There shall be no advertising, display, or other indications of a home occupation on the premises besides one flush-mounted sign, not over **two (2) square feet** in area. The sign may only show the name of occupant and type of occupation. The sign shall not be illuminated.
- (11) There shall not be conducted on the premises the business of selling stocks of merchandise, supplied, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

(F) **Application Requirements.** An application for a home occupation permit shall be made to the Building and Zoning Office on forms provided by the department which shall be completed and accompanied by appropriate fee as established by resolution of the City Council. The department will render a decision and notify the applicant in writing within **fifteen (15)** calendar days of the date the application was received. In cases where the department considers the application not within the scope of the home occupation criteria, the application shall be denied.

(G) **Appeals.** The decision of the department concerning approval or revocation shall be final unless a written appeal is filed with the Zoning Board of Appeals in accordance with provisions of Division II of the Zoning Code.

(H) **Inspections.** Home occupation applicants shall permit a reasonable inspection of the premises by the department to determine compliance with this Chapter. Any home occupation that is found to be in non-compliance with provisions of this Code shall be advised and permit be revoked. **(Ord. No. 5326; 10-03-94)**

**60-7-6      HOSPITALS, NURSING HOMES.**

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of **two hundred (200) feet** and a minimum area of **five (5) acres.**

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres.**

(C) The principal building of any hospital, sanitarium, or nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

**60-7-7      JUNK YARDS.**

(A) No part of any junk yard--which includes any lot on which **three (3)** or more inoperable vehicles are stored--shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.

**60-7-8**      **KENNELS.**

(A)            The lot on which any kennel is situated shall have a minimum area of **three (3) acres.**

(B)            Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

**60-7-9**      **SWIMMING POOLS.**

(A)            No swimming pool, whether public or private, shall be located in any front yard.

(B)            Every swimming pool that is more than **two (2) feet** deep shall be enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a gate.

**60-7-10**    **STORMWATER MANAGEMENT REQUIREMENTS.** Any person, firm, corporation or other entity proposing to construct buildings or develop land within the jurisdiction of the City shall prepare, for approval by the City Engineer, a Stormwater Management Plan that described the manner in which erosion, sediment and run-off resulting from the development will be controlled and managed. No building or construction permits or plat approval shall be issued by the City until the Stormwater Management Plan has been approved by the City Engineer as meeting the requirements of this Ordinance, or the requirement for such Stormwater Management Plan has been waived by the City Engineer. Downstream property owners, watercourses, channels, or conduits shall not receive stormwater runoff from proposed upstream developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped conditions, nor shall storm water runoff exceed the capacity of the natural drainage system.

(A)            Storm water runoff resulting from a proposed development shall be detained on-site:

- (1)    by wet or dry bottom reservoirs;
- (2)    by underground reservoirs;
- (3)    on flat roofs, parking lots, or streets, or
- (4)    by other detention methods approved by the City Engineer.

(B)            For purposes of designing adequate on-site detention facilities, the Illinois State Water Survey rainfall data for this region shall be used.

(C)            **General Design Features.**

- (1)    **Detention Basins.** Basins may be constructed to temporarily detain the stormwater runoff so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin:

- (a) **Storage Volume.** The volume of storage provided shall be sufficient to store flows both during and immediately after the maximum storm event which can be expected to occur once every **ten (10)** and **one hundred (100) years**.
- (b) **Outlet Control Works.**
  - (1) Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.
  - (2) Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.
- (c) **Spillway.** Emergency spillways shall be provided to permit the safe passage of runoff generated from a 100 year storm.
- (d) **Maximum Depth.** The maximum planned depth of stormwaters stored shall not normally exceed **four (4) feet**.
- (e) **Side Slopes.** The maximum side slopes for grassed basins shall not exceed **one (1) foot vertical for two (2) feet horizontal (2:1 slope)** for basins less than or equal to **four (4) feet** deep; for basins greater than **four (4) feet** deep the maximum side slope shall not exceed 3:1.
- (f) **Limits of Ponding.** In no case shall the limits of maximum ponding be closer than **thirty (30) feet** horizontally from any building and less than **two (2) feet** vertically below the lowest sill elevation.
- (g) **Interior Drainage.** The basin bottom should be designed to drain expeditiously. If the bottom is to be grass, it should have a minimum slope of **one percent (1%)**.
- (h) **Low Flow Channel.** Small flows through the detention basin should be handled by paved ditches from inflow structure to outflow structure to minimize erosion.
- (i) **Multipurpose Basins.** If the detention basin is to have other uses, the design of the basin bottom should include underdrains to expedite drying of the bottom between runoff events.
- (j) **Aesthetics.** Designs should result in aesthetically pleasing configurations which will enhance public acceptability.

- (2) **Detention Ponds.** Detention ponds may also be used to temporarily detain the differential runoff from the development. In addition to the general design features enumerated above for detention basins, the following features should also be incorporated into the design of any detention pond:
- (a) **Normal Pool Depth.** In order to minimize weed growth, the normal pool depth should be **four (4) feet** minimum.
  - (b) **Depth for Fish.** If fish are to be kept in the pond, at least one-quarter of the area of the permanent pool should have a minimum depth of **ten (10) feet**.
  - (c) **Facilities for Emptying.** In order to ease cleaning of the pond or shoreline maintenance, the pond design should include provisions for emptying the pond.
  - (d) **Low Flow By Pass.** The design of any pond may include a low flow by-pass channel or pipeline to divert runoff that can be accommodated by downstream drainageways.
  - (e) **Bank Stabilization.** In order to minimize the effects of waves or ice, some type of bank stabilization such as rip-rap or concrete should be placed along the normal pool shoreline.
  - (f) **Side Slopes Below Normal Pool.** The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool. The design shall, however, include provisions for a safety ledge having a depth of water not greater than **three (3) feet** immediately adjacent to the shoreline.
- (3) **Rooftop Storage.** Detention storage may be met in total or in part by detention on roofs. Details of such design, which shall be included in the building permit application, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited.
- (4) **Parking Lot Storage.** Paved parking lots may be designed to provide temporary detention storage of stormwater on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depths of storage must be limited so as to prevent damage to parked vehicles.
- (5) **Other Detention Methods.** All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks, or swales, etc.
- (D) **Safety Features.** Designs of detention facilities shall incorporate safety features, particularly at outlets, on steep slopes, and at any attractive nuisances to include, as necessary, fencing, hand rails, lighting, steps, grills, signs and other protective or warning

devices so as to restrict access during critical periods and to afford some measure of safety to both authorized and unauthorized persons.

(E) The provisions of this section shall be applicable in the following areas:

- (1) Any residential development having a gross aggregate of **five (5) acres** or more; or
- (2) Any residential development of less than **five (5) acres** with a **50 percent (50%)** impervious surface including roads, building, utility right-of-way and other improvements; or
- (3) Any commercial, industrial, institutional or utility development having a gross aggregate area of **one (1) acre** or more.

(F) The storm water detention facilities must be built in conjunction with the storm water installation and be fully operational after the clearing of vegetation.

- (1) Silt and debris connected with early construction shall be removed periodically from the detention area to maintain full storage capacity.
- (2) The maintenance responsibility of the detention area shall remain with the developer and/or contractor until final inspection and applicable escrows are released.
- (3) Before a Certificate of Occupancy is issued, the developer shall submit his commitment for future maintenance responsibility of the detention area.

(G) When applicable, the provisions of this section shall be reviewed by the City Engineer to assure compliance. **(Ord. No. 4632; 06-05-89)**

**60-7-11 OUTDOOR RESTAURANTS AND DINING ESTABLISHMENTS.**

(A) Outdoor restaurants and dining establishments as defined shall be permitted as a "Special Use" in the Zoning Districts as specified.

(B) The following regulations and requirements must be complied with before a "business license" as required by the City can be issued:

- (1) Tables and seating shall be portable and must be removed at the end of each business day. The outdoor seating area shall be permitted only during the normal hours of operation of the restaurant.
- (2) Placement of tables, seating and equipment shall be restricted to the front of the business and contiguous property and shall not obstruct or impede pedestrian traffic. An unobstructed walkway of at least **five (5) feet** wide shall be maintained at all times.
- (3) No signs or other graphics shall be displayed other than what is permitted under the Street Graphics/Sign Code Ordinance; provided, however, that this subsection (3) shall not apply to table umbrellas containing graphics. **(Chapter 53 of the Revised Code of Ordinances). Zoning Code 60-6-80**

- (4) Provisions shall be made for adequate litter and trash control including providing for and maintaining of trash receptacles. The outdoor seating area shall be kept clean and free of debris at all times.
- (5) The seating shall not obstruct any entryway or exit of the building or adjacent building(s).
- (6) Alcoholic beverages shall only be permitted to be served or consumed in the designated outdoor seating area in accordance with the Outdoor Areas provisions in **Section 21-1-14(A)** of the Liquor Code (Location, Outdoor Areas).
- (7) The business shall maintain liability insurance in the required amounts naming the City of Belleville as co-insured.
- (8) All pertinent permits and licenses as required by the City, County and State have been secured for the operation.

**(Ord. No. 7697; 07-15-13)**

**60-7-12 - 60-7-30      RESERVED.**

**DIVISION II – TELECOMMUNICATIONS FACILITIES**

**60-7-31 PURPOSE.** The purpose of this Division is to provide specific regulations for the placement, construction and modification of telecommunications facilities. The provisions of this Division are not intended and shall not be interpreted to prohibit or to have the affect of prohibiting the provision of personal wireless services, nor shall the provisions of this Division be applied in such a manner to unreasonably discriminate between providers of functionally equivalent personal wireless services.

The goals of this Division are:

- To enhance the ability to provide telecommunications services to the City.
- To encourage the location of towers in non-residential areas.
- Minimize the total number of towers in the City.
- Encourage the joint use of new and existing tower sites.
- Encourage users of towers to locate and configure them in a way that minimizes adverse visual impact.

Accordingly, the City Council finds that the promulgation of this Division is warranted and necessary:

- (A) to accommodate the growing need for communications facilities;
- (B) to manage the location of communications facilities in the City;
- (C) to promote and encourage shared use co-location of existing and new communications towers as a primary option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future;
- (D) to protect residential areas and land uses from potential adverse impacts of communications towers, including support structure failure and falling ice;
- (E) to minimize adverse visual impacts of communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques.

**60-7-32 TECHNICAL CONSULTATION.** Should the need arise where professional Technical Consultation is necessary, the Planning Director is authorized, at his/her discretion, to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Division and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. To protect the applicant, any proprietary information disclosed to the City, or to the expert hired, shall remain confidential and shall not be disclosed to any third party.

**60-7-33 DEFINITIONS.** For purposes of this Division, certain terms or words used herein are hereby defined as follows:

**"Antenna"** shall mean any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves; an antenna attached to a principal building for the purpose of providing wireless

telecommunications waves; an antenna attached to a principal building for the purpose of providing wireless telecommunications services, utilizing frequencies authorized by the Federal Communications Commission for "cellular", "enhanced special mobile radio" and "personal communications systems" telecommunications services, and its attendant base station.

**"Antenna Height"** shall mean the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of communications tower height shall include antenna, base pad, and other appurtenances and shall be measured from finish grade to the top of the antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**"Antenna Support Structure"** shall mean any pole, telescoping mast, tower, tripod, building, or other structure which supports a device used in the transmitting or receiving of radio frequency energy.

**"FAA"** shall mean the Federal Aviation Administration.

**"FCC"** shall mean the Federal Communications Commission.

**"Governing Authority"** shall be the Mayor and City Council of the City of Belleville, Illinois.

**"Personal Wireless Service" and "Personal Wireless Facilities"**, as used in this Division, shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as amended now or in the future.

**"Satellite Receiving Dish"** shall mean a generally dish-shaped signal-receiving device, the purpose of which is to receive communications or other signals from satellites in earth orbit and other extra-terrestrial sources.

**"Telecommunications Facility"** means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission and receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development.

**"Tower"** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative towers structures, and the like.

**60-7-34 USES ALLOWED.**

(A) **Compliance.** All new telecommunications facilities shall comply with this Code upon the date of passage. All telecommunications facilities existing on the date of passage of this Code shall be allowed to continue their usage as they presently exist and in accordance with continuance of nonconformity regulations. New construction, other than routine maintenance, on existing telecommunications facilities shall comply with the requirements of this document, although the governing authority may waive or reduce the burden on the applicant of **one (1)** or more of the requirements, if in the sole discretion of the governing authority, the goals of this Code are better served thereby.

(B) **Authorization.** In all districts communication facilities shall be permitted only if specifically authorized with a Special Use Permit by the Mayor and City Council of Belleville, Illinois, upon recommendations by the Zoning Board of Appeals. In granting a special use permit, the governing authority may impose zoning conditions to the extent the governing authority concludes such conditions are necessary to buffer or otherwise minimize any adverse effect of the proposed telecommunications facility on adjoining properties.

(C) **Agreement.** No approval granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy and use public ways of the City will be granted. Such agreement shall provide for complete indemnification for the City and also provide for such liability insurance as the City may require.

(D) **Nonexclusive Grant.** No approval granted under this Code shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes.

(E) **Rights Granted.** No approval granted under this Division shall convey any right, title or interest in the public ways, but shall be deemed approval only to use and occupy the public ways for the limited purpose and term stated in the approval. Further, no approval shall be construed as any warranty of title.

**60-7-35      REGISTRATION AND PERMITS.**

(A) **Registration and Fee.**

(1) All telecommunications carriers and providers that offer or provide any telecommunications services for a fee directly to the public within the City or outside the corporate limits from telecommunications facilities within the City, shall register with the City pursuant to this Division on forms provided by the City, which shall include:

(a) The identity and legal status of the registrant, including any affiliates.

(b) The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.

(c) All of the information listed below for a permit.

(2) Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee of **Five Hundred Dollars (\$500.00)**.

(B) **Permit.**

(1) A proper building permit must be obtained for any telecommunications facility installation. Applications for special use permit, planned unit development approval and building permit shall include any combination of site plans, surveys, maps technical reports or written narratives necessary to convey the following information:

- (a) A scaled site plan clearly indicating the location, type and height of any proposed communications facility, on site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facilities and any other structures.
- (b) Map and/or aerial photograph showing the proposed facility location and surrounding areas within **one thousand five hundred (1,500) feet**.
- (c) Legal description of the property proposed for telecommunications facility.
- (d) Exact distances, locations and identifications of surrounding residential properties and other telecommunications facilities.
- (e) A landscape plan in compliance with the City Code.
- (f) Method of fencing, color of facilities, and where applicable, the method of camouflage and illumination.
- (g) Plans must be completed and sealed by a professional engineer registered with the State of Illinois and must include a statement that the facilities will comply with the Electronic Industries Associations standards and all City of Belleville building and construction codes.
- (h) A statement by the applicant on the ability of the construction of the facility to accommodate the co-location of additional antenna installations.
- (i) Any telecommunications company must demonstrate that it is licensed by the FCC.
- (j) The applicant must demonstrate how the proposed site fits into its overall network within the City and plans must include any expected future facilities desired to be constructed within the City.

**60-7-36 CO-LOCATION AND ABANDONMENT.**

(A) **Co-Location.** Co-location of communications antennas is desired to minimize adverse visual impacts associated with the proliferation and clustering of communications facilities. Co-location of communications facilities by more than one carrier on existing or new antenna support structures shall take precedence over the construction of new single use communication facilities. An applicant for a new antenna support structure shall demonstrate that a diligent effort has been made to locate the proposed communications facilities in accordance with the site selection and protocol requirements of this Division and that, due to valid considerations including physical restraints and economic or technological feasibility, no more appropriate location is available. The telecommunications company is required to demonstrate that it contacted, in writing, the owners of tall structures within a **one**

**thousand five hundred (1,500) foot radius** of the site proposed, asked for permission to install the antenna on those structures, and was denied in writing, for reasons other than economic ones. The City may deny the application to construct a new facility if the applicant has not made a diligent effort, described in writing, to mount the antenna on an existing structure.

In order to reduce the number of antenna support structures needed in the City in the future, any new proposed support structure shall be designed to accommodate antennas for more than **one (1) user**, unless the applicant demonstrates in writing why such design is unfeasible for technical or physical reasons. Unless co-location has been demonstrated to be unfeasible, the site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment/buildings for other users.

(B) **Abandonment.** In the event the use of any communications facility has been discontinued for a period of **one hundred eighty (180) consecutive days**, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City Planning Director, who shall have the right to request documentation and/or affidavits from the communications facility owner/operator regarding the issue of facility usage. Upon such abandonment the owner/operator of the facility shall have **ninety (90) days** to reactivate the use of the facility, transfer the tower to another owner/operator who makes actual use of the facility, or dismantle and remove the facility. If there are **two (2)** or more users of a single facility then this provision shall not become effective until all users cease using the facility. When a facility has been abandoned and removed the City Council will take necessary action to vacate any previous special use or planned unit development approval for the particular abandoned facility.

**60-7-37**

**SITE SELECTION AND PROTOCOLS.**

(A)

**Site Selection.**

- (1) As a fundamental element of this Division the telecommunications company proposing to construct an antenna support structure or mount an antenna on an existing structure, is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system. Further the company must demonstrate by technological evidence that the height required is the minimum height necessary to fulfill the communications facilities function in the grid system.
- (2) Given the unquestioned visual impact of communications towers on their surrounding environment, no antenna support structure may be constructed on a speculative basis. Applications for necessary permits will only be processed when the applicant has in place agreements with an FCC licensed telecommunications provider for lease/utilization of the support structure space, written proof of which must be offered by the applicant.

- (3) Telecommunications facilities must be located and designed to minimize any adverse effect they may have on residential property values. Sites shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening. Location and design of all sites shall consider the impact of the site on the surrounding neighborhood. In residential districts and residential land use areas, the minimum lot size for commercial communications tower shall be **three (3) acres**, except for government owned properties.

(B) Specific locations will be evaluated using the following criteria which are not listed in order of priority:

- (1) Topography as it relates to line of sight transmissions for optimum efficiency in service.
- (2) Availability of road access.
- (3) Availability of electrical power.
- (4) Availability of land based telephone lines or microwave link capability.
- (5) Leasable lands and landlords who want facilities to be located on their property.
- (6) Screening of potential and existing vegetation, structures and topographic features.
- (7) Compatibility with adjacent land uses.
- (8) The least number of sites to cover the desired area.
- (9) The greatest amount of coverage, consistent with physical requirements.
- (10) Opportunities to mitigate possible visual impact.
- (11) Availability of suitable existing structures for antenna mounting.

(C)

**Protocols.**

- (1) The following establishes the planning order of priorities for locating new communications facilities:
  - (a) Place towers and antennas on commercial or government property.
  - (b) Place towers and antennas on other non-residential property.
  - (c) Place antennas on other appropriate existing structures such as buildings, communication towers, water towers, and smoke stacks.
  - (d) Place new communication towers in residential districts only if locations for which a need has been demonstrated are not available on existing structures or in non-residential districts. The telecommunications company is required to demonstrate that it contacted, in writing, the owners of other more appropriate properties and was denied, in writing, for reasons other than economic ones.

**60-7-38**     **DESIGN CRITERIA.** The following is a list of Design Criteria:

(A)           New communications facilities shall be located in accordance with the site selection and protocol requirements of this Division and shall be designed to accommodate antennas for more than one user. All facilities must be architecturally compatible with surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. All facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed then the owners of the communications facilities shall bring those facilities into compliance with the revised standards and regulations within **three (3) months** of the effective date of such standards and regulations unless a more stringent schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the facility.

(B)           All telecommunications facilities must be located on properties that comply with the lot area requirements of the Zoning Code. Additionally any telecommunications facility located in a residential zoning district must be located on a lot with a minimum size of **three (3) acres**.

(C)           All communications facilities must be separated from communications facilities on other properties by at least **one thousand five hundred (1,500) feet**.

(D)           The maximum height for any antenna support structure shall be **one hundred fifty (150) feet** upon property zoned heavy commercial, **one hundred twenty (120) feet** on property zoned light commercial, and **one hundred (100) feet** on all other properties, unless additional height is approved by variation by the Mayor and City Council after a proper public hearing and recommendation of the Zoning Board of Appeals, or Planning Commission in the event of a planned unit development amendment.

(E)           All antenna support structures must be set back a distance equal to their height from any property line. At a minimum, any such antenna tower shall provide a lot line setback at least equal to **one-half (1/2)** its height from the antenna to all adjoining residential property lines.

(F)           Communications towers shall have a non-contrasting blue, grey, or black finish, or a similar color that minimizes their visibility, unless a different color is required by the FCC or FAA.

(G)           All telecommunications facilities shall be lighted only if required by the FCC or the FAA. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences. A manually-operated or motion detection light above the equipment shed door is permitted but shall be kept off except when personnel are actually present at night.

(H)           Communications towers shall be constructed in accordance with standards of the Electronic Industries Association and all applicable construction and building codes, as may be amended from time to time. Surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anti-climbing devices as approved by the manufacturers.

(I) Building mounted facilities must be architecturally compatible with the building on which they are mounted and designed and located so as to minimize any adverse aesthetic impact. Any support structure or mechanical equipment must be screened or enclosed in such a manner as to mask such equipment. Such screening shall be of noncombustible material and of the same color, character and design as the building upon which the screening is erected. An antenna must be mounted to the wall of a building or extend above the roof of a building without said screening provided the antenna is painted, or otherwise made to match the color of the building or structure or background against which they are most commonly seen. Communications facilities shall not occupy more than an aggregate total of **ten percent (10%)** of the roof area of any building.

(J) Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation must be preserved or improved, and disturbance of the existing topography of the site must be minimized. All ground mounted facilities and equipment shall be enclosed with a solid **six (6) foot** high fence. Landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure and any other ground level features, and in general soften the appearance of the facility. As a condition of permit the City may set conditions concerning existing vegetation, topography, walls, fences or other landscaping to achieve an acceptable degree of screening.

(K) Driveways and parking areas constructed in compliance with City Code must be provided as necessary for each telecommunications facility. If any site is not automated, the number of required parking spaces shall equal the number of people on the largest shift. Any security fencing must be of a color and design to blend into the character of the existing environment.

(L) No telecommunications facility shall cause interference with the reception of television and radio broadcasts to the property on which they are located or to surrounding properties.

(M) The telecommunications tower when fully loaded with antennas, transmitters, other equipment and camouflaging (if needed), shall be designed to withstand the forces expected during the "maximum credible earthquake". All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off the shelves, or otherwise act to damage it. Measures shall be taken to keep the facility operational in the event of disaster.

(N) Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within **one hundred (100) feet** of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise intensity level of at least **60 dB** (decibels) at the property line and an interior level of **45 dB**.

**60-7-39 FIRE PREVENTION.** All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented for all telecommunications facilities, when determined necessary by the Fire Chief.

(A) At least one-hour fire resistant interior surfaces shall be used on the construction of all buildings.

(B) Monitored automatic fire extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures.

(C) Rapid entry (KNOX) systems shall be installed as required by the Fire Chief.

(D) Type and location of vegetation and other materials within **ten (10) feet** of the facility and all new structures including telecommunications towers, shall be reviewed for fire safety purposes by the Fire Chief.

(E) All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.

**60-7-40**     **EXEMPTIONS.** The following are considered exemptions:

(A) Proposed communications antennas may, and are encouraged to, co-locate onto existing approved structures. Provided such co-locations are accomplished in a manner consistent with the terms of this Division, then such co-locations may be approved without any new or additional special use or planned unit development approval. Proper plans must be submitted and permits obtained for such co-location facilities as required by this Code.

(B) Any communications facilities on properties owned by the City are exempt from the terms of this Division subject to any conditions set by the Mayor and City Council.

(C) Nothing in the Code shall apply to "receive only" communications facilities for use by an individual residential dwelling unit or business provided such facilities comply with the height requirements of the zoning district in which they are located.

**(Ord. No. 6132; 05-01-00)**

ARTICLE VIII

OFF-STREET PARKING AND LOADING

**60-8-1**     APPLICABILITY OF ARTICLE. Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

**60-8-2**     EXISTING PARKING/LOADING FACILITIES.

(A)           Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced--or if already less than, shall not be further reduced--below the requirements and standards for similar new structures or uses.

(B)           When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading facilities need not be provided.

(C)           Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional parking and loading facilities commensurate with such increases in use-intensity shall be provided.

(D)           Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

**60-8-3**     PARKING AREA DESIGN STANDARDS. All areas providing off-street parking shall conform to the standards indicated in the subsections which follow:

**NOTE:**     Standards applicable to all parking areas are indicated by one asterisk (\*); standards applicable to all parking areas except those accessory to single or two-family dwellings are indicated by two (2) asterisks (\*\*).

**60-8-4**     SPACES.

(A)           Each required parking space shall be at least **nine (9) feet** wide and **nineteen (19) feet** long, and shall have at least **seven (7) feet** of vertical clearance. The area space shall be situated so that no part of any parked vehicle overhangs public right-of-way. \*

(B)           Marking shall be laid and restored as often as necessary to clearly delineate each parking space. **(Ord. No. 3825; 09-08-81) \*\***

**60-8-5**     INTERIOR AISLES. Aisles within parking lots shall be sufficiently wide to permit safe and efficient movement in the aisles and into and out of the parking

spaces. Aisles designed for two-way traffic shall be at least **twenty-five (25) feet** wide. One-way aisles designed for **sixty degree (60°)** parking shall be at least **eighteen (18) feet** wide and for **forty-five degree (45°)** parking shall be at least **fourteen (14) feet** wide. (Ord. No. 3825; 09-08-81)

**60-8-6 ACCESS WAYS.**

(A) Parking areas shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way. \*

(B) No access way to any parking area shall be located within **twenty-five (25) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards. \*

(C) Parking area access ways (including residential driveways) and public streets shall be aligned to form--as closely as feasible--right angles. \*

(D) The access way to every parking lot located in any commercial district or in the Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide, are provided. \*

(E) The access way to every parking area located in any residential district shall be at least **ten (10) feet** wide; but if the parking area contains more than **eight (8)** parking spaces, or if the access way is longer than **one hundred (100) feet**, access shall be provided either by **one (1)** two-way drive at least **twenty (20) feet** wide, or by **two (2)** one-way drives, each **ten (10) feet** wide.

**60-8-7 SURFACING.**

Driveways, off-street parking areas, off-street parking spaces, off-street parking lots and off-street loading areas (collectively known as "areas") shall be improved with a compacted stone base **six (6) inches** thick, and surfaced with **two (2) inches** of asphalt or concrete. This is a minimum design standard intended for light vehicle parking. Other designs in lieu of this will be considered. These surfacing requirements shall also be applicable to existing areas in the following situations:

(A) When areas are expanded.

(B) When areas are improved partially by asphalt or concrete, the whole area shall be improved.

(C) When single-family dwellings are used as businesses.

(D) When a commercial building is vacant for a period of **one (1) year** or **eighteen (18) months** in any **three (3) year** period.

(E) When a new business opens in an existing commercial building.

(F) When a multi-family dwelling is more than **fifty percent (50%)** vacant for a period of **one (1) year** or **eighteen (18) months** in any **three (3) year** period.

(G) When a two-family dwelling is vacant for more than **one (1) year** or **eighteen (18) months** in any **three (3) year** period.

(H) The provisions in **Sections 60-8-14** through **60-8-20** shall still apply to commercial and industrial districts.  
**(Ord. No. 7219; 01-20-09)**

**60-8-8** **LIGHTING.** Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable. Further, a minimal amount of lighting in parking lots must be left on after dusk, whether or not the building is occupied, in order to ensure safety for any emergency that may occur on or around the lot. **(Ord. No. 7278; 06-15-09)**

**60-8-9** **LANDSCAPING.** In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. A minimum of **five percent (5%)** of the total parking lot area shall be set aside for said landscaping. \*\*

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an initial certificate of zoning compliance to develop any parking lot that will contain **twenty (20)** or more spaces.

- (B) The landscaping plan shall include the following information:
1. proposed type, amount, size, and spacing of plantings, including trees, shrubbery, and ground cover;
  2. proposed size, construction materials, and drainage of landscaped islands or planting beds; and
  3. sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

**60-8-10 PARKING LOTS AND DRIVEWAYS ABUTTING RESIDENCE DISTRICT.** Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residence district so as to abut the side or rear line of a lot in a residence district, a solid masonry wall, shrubbery planting, or a substantial slightly fence not less than **five (5) feet** high and nor more than **eight (8) feet** high shall be constructed and maintained along said side or rear lot line up to, but not beyond the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or residence districts.

**60-8-11 EXCEPTION: COUNTY PUBLIC PARKING GARAGE.** The aforementioned standards and restrictions as outlined in Sections 60-8-4, 60-8-5, 60-8-7, 60-8-9, and 60-8-10 shall not be applicable to the **two (2) floors** of the St. Clair County Public Parking Garage which are reserved for employees of the St. Clair County Building. All of the above restrictions shall apply to those levels of the aforementioned public parking garage, which will be open to the general public. **(Ord. No. 4138; 01-07-85)**

**60-8-12 LOCATION OF PARKING.** All off-street parking shall be located in conformity with the requirements in Sections 60-8-13 and 60-8-14.

A permit must be obtained from the Zoning Administrator for construction and development of new off-street parking lots and the enlargement or alteration of existing parking lots. **(Ord. No. 4960; 9-15-92)**

**60-8-13 RESIDENTIAL DISTRICTS.**

(A) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards.

Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need to be moved in order to allow another vehicle to enter/exit the parking area.

(B) All parking spaces accessory to permitted non-dwelling uses located in any residential district generally shall be located on the same lot as the use served. However, the Administrator may allow such parking facilities to be located on another parcel within **two hundred (200) feet** of the use served if the "same lot" requirement is not feasible.

**60-8-14 COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(A) Parking spaces accessory to any dwelling located in any commercial district shall either be located on the same lot as the dwelling or on another parcel within **two hundred (200) feet** of the residential premises. Parking lots accessory to any commercial or industrial use located in any Commercial District, or in the Industrial District shall be located within **five hundred (500) feet** of the use served; provided, that no portion of any such parking lot shall extend into any residential district.

(B) In any Commercial District or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the uses served are observed.

(C) Commercial uses in the area shown in the map shall be exempt from the parking requirements of this Code if they are located within **five hundred (500) feet** of a municipal parking lot. (Ord. No. 7278; 06-15-09)

**60-8-15 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** All off-street loading facilities shall conform to the minimum standards indicated in Sections 60-8-16 through 60-8-20.

**60-8-16 SIZE OF SPACE.** Every required off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

**60-8-17 ACCESS WAY.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

**60-8-18 SURFACING.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete.

**60-8-19 BUFFER STRIPS.** No loading space or area for vehicles over **two (2) ton cargo** capacity shall be developed closer than **twenty-five (25) feet** to the lot line of any lot located in any residential district unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from the residential property.

**60-8-20 LOCATION.** Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on required front yards.

**60-8-21 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.**  
In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one (1) parking space shall be required per one (1) employee", unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred seventy-five (375) square feet** of gross area shall be deemed one (1) parking space.

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

**60-8-22 NUMBER OF PARKING AND LOADING SPACES REQUIRED.**  
Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED (IF ANY)
(a) <u>Dwellings, Lodging:</u>		
Hotels, motels, rooming houses, lodges <b>(Ord. No. 4770)</b>	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile Homes	2 spaces per mobile home	Not applicable
Multiple-Family dwellings		
1 bedroom or less	1.5 spaces per dwelling unit	Not applicable
2 or more bedrooms	2 spaces per dwelling unit	
Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
(b) <u>Educational, Institutional, Recreational:</u>		
Churches, auditoriums	1 space per 4 seats in the largest seating area.	Not applicable
Hospitals	1 space per 2 beds, plus employee parking	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces;
100,001-200,000 sq. ft...3		spaces.
Libraries, museums	1 space per 500 sq. ft of floor area.	On review by the Administrator
Nursing homes	1 space per 4 beds	To 50,000 sq. ft. of floor area ... 1 space; 50,001-100,000 sq. ft...2 spaces;
100,001-		200,000 sq. ft ...3 spaces
Schools		On review by the Administrator

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>	<u>LOADING SPACES REQUIRED (IF ANY)</u>
(b) <u>Educational, Institutional, Recreational:</u> (continued)		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommo- date, plus employee parking.	
Senior High	1 space for every 4 students over 16 yrs. old that the building is designed to accommodate, plus employee parking.	
Trade schools	1 space for every 3 students that the building is designed to accommodate, plus employee parking.	
(c) <u>Commercial, Office, Service:</u>		
NOTE: All commercial and service uses, unless specifically indicated	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Banks, savings and loans		(Both walk-in and drive-in) To 30,000 sq. ft. of floor area...
Walk-in	1 space per 300 sq. ft. of floor area, plus em- ployee parking.	none required; 30,001- 100,000 sq. ft...1 space; more than 100,000 sq. ft ... 1 space plus 1 additional

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>	<u>LOADING SPACES REQUIRED (IF ANY)</u>
(c) <u>Commercial, Office, Service:</u>		
Drive-in	5 spaces per teller window	space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Beauty and barber shops	2 spaces per chair, plus employee parking.	Not applicable
Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns.	Not applicable, except as required for affiliated uses.
Car wash	5 spaces per wash lane.	Not applicable.
Furniture and appliance stores	1 space per 600 sq. ft. of floor area. ft. of floor area ... 2	To 25,000 sq. ft. of floor area ... 2 spaces; more than 25,000 sq. ft. spaces plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling.	Not applicable
Theaters		Not applicable
Indoor	1 space per 4 seats in the largest seating area.	
Drive-in	On review by the Administrator	

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>	<u>LOADING SPACES REQUIRED (IF ANY)</u>
(c) <u>Commercial, Office, Service:</u>		
Vehicle Sales	1 space per 600 sq. ft. of enclosed floor area, plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 spaces; more than 25,000 sq. ft. of floor area and open lot area...2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(d) <u>Industrial:</u> Any manufacturing, warehousing, or other industrial use.	Employee parking (1.5 spaces per employee), plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift.	To 20,000 sq. ft. of floor area... 1 space; 20,001-50,000 sq. ft...2 spaces; 50,000-90,000 sq. ft...3 spaces;; above 90,000 sq. ft...3 spaces, plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

## ARTICLE IX

## NON-CONFORMITIES

**60-9-1**     **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, non-conformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. The regulations of this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of non-conformities.

**60-9-2**     **NON-CONFORMING LOTS.** Any vacant lot that does not conform to **one (1)** or more of the lot size (area, dimensions) requirements of the district in which it is located may be used for any use permitted in the district if such vacant lot:

- (A)           is of record on the effective date of this code (or pertinent amendment thereto); and
- (B)           has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinance; and
- (C)           is at least **thirty (30) feet** wide.

**60-9-3**     **TWO (2) OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of this district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

**60-9-4**     **NON-CONFORMING STRUCTURES.** Any lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of restrictions on lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

- (A)           **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its non-conformity.

(B) **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) **Reconstruction.** Any non-conforming building or structure other than a single residence in an "A-1" District damaged by more than **seventy-five percent (75%)** by fire, collapse, explosion or Act of God cannot be reconstructed, repaired or rebuilt unless it is made to conform to this Code.

Any nonconforming single family residence in an "A-1" District damaged by more than **seventy-five percent (75%)** by fire, collapse, explosion, or an act of God may be rebuilt. Prior to rebuilding, the plans for the new residence must be approved by the Zoning Board of Appeals and the City Council. There shall be no fee charged for review by the Zoning Board or the City Council. **(Ord. No. 7187; 10-20-08)**

(D) **Exception.** Any existing Mobile Home located in the City may be replaced with a mobile home, provided such replacements take place within **sixty (60) days** of the removal of the original mobile home. All new mobile homes shall conform to all the regulations of the district in which it is located.

**60-9-5 NON-CONFORMING USES OCCUPYING A STRUCTURE.** If any lawful use occupying a structure exists on the effective date of this Code, but would not be allowed under the terms of this Code, such use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, and Relocation.** No structure housing in non-conforming use shall be enlarged, structurally altered, reconstructed or relocated unless **fifty percent (50%)** of the structure is changed to a permitted use. **(Ord. No. 3714; 06-16-80)**

(C) **Extension of Use.** No non-conforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the non-conforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A non-conforming use of a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E) **Discontinuance of Use.** When a non-conforming use of a structure, or of a structure and premises in combination, is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the non-conforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

**60-9-6 NON-CONFORMING USES OF LAND.** Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A non-conforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B) **Relocation.** No non-conforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) **Change of Use.** Whenever a non-conforming use of a building has been changed to a more restrictive use or to a conforming use, such shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

(D) **Discontinuance.** When a non-conforming use of land is discontinued for a period of **twelve (12)** consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

**60-9-7 NON-CONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Article shall not apply to any change in any existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE X

ADMINISTRATION AND ENFORCEMENT

**60-10-1 ZONING ADMINISTRATOR.** Except as otherwise provided in this Code the Zoning Administrator is hereby given the duty, power and authority to enforce the provisions of this Code. The Mayor, with the consent of the Council, shall appoint the Zoning Administrator and any other employees as they deem necessary to assist in the enforcement of this Code.

**60-10-2 DUTIES.** The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) to review and pass upon applications for initial and final certificates of zoning compliance;

(B) to inspect land, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;

(C) to review and forward to the Zoning Board of Appeals all applications for variances, appeals, and amendments;

(D) to review and forward to the Zoning Board of Appeals all applications for special use permits;

(E) to maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special use permits, temporary use permits, variances, interpretative decisions of the Board of Appeals, amendments, and all applications related to any of these matters;

(F) to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board of Appeals;

(G) to provide information to the general public on matters related to this Code; and

(H) to perform such other duties as the Council may, from time to time, prescribe. **(Ord. No. 396)**

**60-10-3 INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Code, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he determines that the proposed work conforms to the applicable provisions of this Code.

**60-10-4 APPLICATION.** Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

Items of Information

- (A) name and address of applicant;
- (B) name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) area and dimensions of the site for the proposed structure or use;
- (F) existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (G) existing and proposed screening, landscaping, and erosion control features on the site, including the park area;
- (H) height and setbacks of the proposed structure;
- (I) number and size of proposed dwelling units, if any;
- (J) location and number of proposed parking/loading spaces and access ways;
- (K) identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) any other pertinent information that the Administrator may require.

**60-10-5 DURATION OF CERTIFICATE.** Initial certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

**60-10-6 RELATIONSHIP TO BUILDING PERMITS.** Upon the effective date of this Code, the Building Commissioner shall not issue any building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure unless the applicant for such permit presents to the Commissioner a copy of the initial certificate of zoning compliance pertaining to such work.

**60-10-7 FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until he has determined, by inspection that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

**60-10-8 CORRECTIE ACTION ORDERS.** Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

**60-10-9 CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A) a description of the premises sufficient for identification;
- (B) a statement indicating the nature of the violation;
- (C) a statement of the remedial action necessary to effect compliance;
- (D) the date by which the violation must be corrected;
- (E) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (F) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (G) a statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

**60-10-10 SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (A) served upon him personally;
- (B) sent by registered mail to his last known address; or
- (C) posted in a conspicuous place on or about the affected premises.

**60-10-11 STOP ORDERS.** Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. (See. Section 60-10-9.) In such case, the corrective action order is equivalent to a stop order.

**60-10-12 EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

**60-10-13 COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, immediately investigate, and, if necessary, institute appropriate corrective action.

**60-10-14 PENALTIES.**

(A) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **One Thousand Dollars (\$1,000.00)**, plus costs, for each offense. For the second offense of conviction of any provision of this Chapter the person shall be fined **Five Hundred Dollars (\$500.00)**, for a third offense the fine shall be **Seven Hundred Fifty Dollars (\$750.00)** and for a fourth offense the fine shall be **One Thousand Dollars (\$1,000.00)**. Each day said violation continues shall be deemed a separate and distinct offense. As a part of the judgment, the defendant must comply with all applicable codes and ordinances relating to the property which is the subject of the violation. **(Ord. No. 7102; 04-08-08)**

(B) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this Code.

**60-10-15 SCHEDULE OF FEES.** The following fees shall be charged by the City and paid in full to the Administrator before permits are issued and hearings scheduled:

(A) **Public Hearing Fees.** A fee of **One Hundred Fifty Dollars (\$150.00)** shall be paid for each application (i.e. Special Use, Variances, Amendments) that require a public hearing before the Zoning Board of Appeals.

In addition to the above flat fee the applicant shall pay and additional **Ten Dollars (\$10.00)** for each abutting property owner that is required to receive public notice of the Zoning case. This fee shall be computed by the Zoning Administrator and paid prior to the case being advertised.

(B) **Letters of Compliance.** A fee of **Twenty-Five Dollars (\$25.00)** shall be charged for requests of "Letters of Compliance/Certification" for Zoning Certificates, Certificates of Non-Conforming Use, Flood Plain, etc.

(C) **Manufactured Homes.** A fee of **One Hundred Fifty Dollars (\$150.00)** shall be charged for permits to locate a manufactured home (mobile home) on an individual lot.

(D) **Home Occupations.** A fee of **Fifty Dollars (\$50.00)** shall be charged for a Home Occupation permit as required per Section 60-7-5.  
**(Ord. No. 7537; 10-03-11)**

**60-10-16 SITE PLAN REQUIREMENTS.**

(A) **Statement of Purpose.** It is the purpose of this Section to regulate the safe, orderly and attractive development of single and two-family homes, townhouses, rowhouses and condominiums, multi-family, commercial and industrial land uses within the City, to conserve and enhance property values, to preserve adequate space for vehicular and transportation facilities usually associated with such uses, and to provide for effective traffic movement without congestion and hazards, and to provide for effective storm water management and control. It is the purpose of this Section to assure that public utilities and services are provided in a safe and healthful manner, consistent with applicable regulations and standards. It is the further purpose of the Section to recognize, in the planning for and of specific land uses, the densities and uses of adjacent land and the health, safety, morals, appearance and general welfare of the community. In order to achieve the aforementioned objectives, and to encourage imaginative use of land areas, certain modifications of the strict adherence of these requirements are provided for where deemed by the City Council, after seeking the recommendation of the Belleville Plan Commission and Zoning Board of Appeals, to be in the public interest.

(B) **Applicability.** Any person, corporation, firm or other organization or association filing a zoning petition seeking any authorization under this Zoning Code, or any person, corporation, firm or other organization or association making application for a building permit, shall submit to the Director of Economic Development and Planning and the City Engineer for review and approval a site plan prepared by a registered architect, registered professional engineer, or a licensed land surveyor licensed in the State of Illinois to practice as such. The Director of Economic Development and Planning and the City Engineer may accept a preliminary plat as a substitute for the site plan required hereunder.

(C) **Site Plan Specifications.** The required site plan shall include the following data:

- (1) Location of all existing and proposed buildings, structures, utilities, drives, approaches, parking and other prominent physical features on the site.
- (2) Boundary of the entire tract by courses and distances and adjacent streets, alleys, drainage facilities and public utilities.
- (3) Area of tract.
- (4) Zoning of the tract.
- (5) Present record owner of the tract.
- (6) Phasing plan of proposed development.
- (7) Width and layout, including elevations, of all streets, alleys, and public rights-of-way adjoining the tract.

- (8) Existing and proposed storm water runoff patterns and flows including calculations of flow and adequacy of receiving storm water gathering facilities to accommodate calculated increase of rate of runoff without adverse effect.
- (9) Location of existing public utility easements and facilities, proposed public utility easements and facilities and their dimensions as may be required.
- (10) Size in square feet, and use for each building, including the height(s) of each building.
- (11) Layout, arrangement and specifications for paving and base, off-street parking spaces, aisles and drives, pedestrian walks and walkways, drainage, lighting, signs and traffic control, safety islands, parking bumpers, curbs and gutters, fencing and screening and landscaping. Dimensional requirements for stall widths and depths, aisle widths, drive widths, radii, sidewalks and walkways, sight lines, setback, etc. shall conform with Regulations of the Zoning Code.
- (12) Layout, location and dimensional arrangement of poles, fire hydrants, Siamese connections, water valves, catch basins, underground piping and conduits, lighting fixture standards, retaining walls, pump islands, signs, doorways, window wells, waste receptacles or areas, guy wires, storage sheds or areas, fencing and any other structure, facility or feature that might interfere with the safe and orderly movement of motor vehicles and/or pedestrians.
- (13) The locations, size, layout and type of entrances and driveways.
- (14) Location and width of all sidewalks, crosswalks and safety islands and conformance with the ANSI Standard A 117.1 for making facilities accessible to, and usable by the physically handicapped (AAA minimum standards).
- (15) Fencing, screening, and/or walls to be erected; specifications, locations, dimensions, height.
- (16) Topography, existing and proposed, indicating area of excavation, backfill, and grading, slopes to be maintained and earth work specifications.
- (17) Disposition of storm water runoff from buildings, paved areas, and ground surfaces and indicating surface grades and elevations, catch basins, underground storm drains and their grades and elevations outfalls, headwalls, and specifications and drainage calculations.
- (18) All public utilities and their easements indicating sizes, lines, grades and types/specifications all conforming to the appropriate City Codes.
- (19) Landscape planting, clearly identified, showing locations, type and size.

- (20) All zoning setback requirements and sight lines.
- (21) Name and seal of architect, engineer, or land surveyor preparing the site plan.
- (22) All site plans shall be drawn to an appropriate scale on a sheet or sheets whose dimensions do not exceed **twenty-four (24) inches** by **thirty-two (32) inches**.
- (23) There shall be a key map showing the location of the property reference to government survey section lines and major streets.
- (24) Site plans for residential lots in Zoning Classifications can be exempted from the requirement for preparation under a professional seal, but they shall be suitable for the purpose intended and as determined by the Director of Economic Development and Planning.

(D) **Site Plan to Conform with City Codes.** All features and elements of the site plan required by this Section shall in all respects conform to all applicable provisions of the Codes and Ordinances of the City of Belleville. **(Ord. No. 6138; 05-01-00)**

(E) **Refuse Disposal Enclosures.** All refuse, grease containers and compacting equipment shall be stored within a designated refuse enclosure. The container lids shall be kept closed at all times. The enclosure shall be used strictly for the confinement of refuse, grease containers and compacting equipment and shall not be used for the outside storage of any other materials or equipment. The gate shall be maintained in the closed position, except when the enclosure contents are removed and replaced. Maintenance of the enclosure shall be the responsibility of the owner of the property. All new disposal enclosures shall require a permit. Disposal enclosures shall be required for all multi-family residential buildings containing **four (4)** or more dwelling units, all buildings in the commercial districts and all buildings in the industrial districts. Said enclosures shall be required for only new construction and for properties on which the building size has been increased by **fifty percent (50%)**. In the event that **three (3) citations** are issued for a nuisance for any dumpster, within any **one (1) year** period, the owner of the property on which the dumpster is located shall comply with the requirement set forth in **Section 60-10-16(E)** within **one (1) year** of the date of the citation was issued. **(Ord. No. 7527; 10-03-11)**

(1) **Enclosure Specifications.**

- (a) A site plan prepared in accordance with the provisions outlined in **Section 60-10-16** of this Code, as well as enclosure plans and specifications and a building permit application shall be required to be approved before the construction of a new disposal enclosure.
- (b) All enclosures shall screen from view on **three (3) sides** all refuse disposal areas. Construction of the enclosure shall be of low-maintenance sight-proof materials such as a solid commercial grade wood, composite wood, stone, brick, vinyl or other approved material as determined by the Building Commissioner or his or her designee. The materials of which the enclosure is constructed shall conform to the primary building materials of the principal building on the lot. The materials of which the enclosure is constructed shall conform to the primary building materials of the principal building on the lot. **(Ord. No. 7200; 11-03-08)**

- (c) On the fourth side a gate shall be constructed so that all containers may easily be removed and replaced when emptied. The gate shall be secured with a post that inserts into a pipe embedded into the pavement to ensure the gate's stability and proper placement when closing. The gate shall be constructed of low maintenance sight proof materials such as vinyl, composite wood, chain link vinyl/composite wood slats added to effectively screen the dumpster.
  - (d) The enclosure walls shall not exceed **seven (7) feet** nor be less than **six (6) feet** in height. The minimum size and/or minimum number of refuse enclosures shall be sufficient to hold all refuse and recycling containers of **two (2) cubic yards** in volume or more, and grease containers of any size.
  - (e) There shall be three **four (4) inch** concrete bollards, minimum **thirty-six (36) inches** in height placed inside the back wall of the enclosure to ensure that the enclosure is not damaged by the placement of the dumpster too near the wall. **See Exhibit A. (Ord. No. 7527; 10-03-11)**
  - (f) There shall be **four (4)** latch pin receivers located so that the gate is able to be held in the open and closed position. **See Exhibit A.**
  - (g) The enclosure shall be constructed on a concrete pad **four (4) inches** thick and large enough to extend **six (6) feet** beyond the enclosure to allow the wheels of the collection vehicle to rest upon a stable surface for service which shall be a minimum of **six (6) inches** thick concrete, and to prevent damage to the lot. **(Ord. No. 7527; 10-03-11)**
  - (h) The minimum access required shall be the amount of road area needed for a standard size disposal truck to gain access to and from the disposal area.
  - (i) Any existing enclosure that becomes damaged to an extent determined by the building commissioner or his or her designee must be replaced in conformance with the provisions of this Section.
- (2) Dumpsters, trash receptacles, and other containers utilized for food waste shall be emptied twice weekly cleaned (sanitized and deodorized) regularly. Odor complaints shall be handled as a nuisance under **Section 26-1-2** of this Code.
  - (3) Roll-off trash or compactor type trash receptacles may be utilized for commercial establishments within strip or shopping center developments and shall be placed within

service areas of the property that are restricted to delivery and service vehicle traffic. Such containers shall not be required to be enclosed. However, they shall be visually screened at grade from adjoining properties utilizing materials such as a densely planted hedge, berm complete with landscape plantings, or screening wall.

- (4) Roll-off trash receptacles or dumpsters utilized during active construction or demolition of structures and which are limited to the duration of the project shall be exempt from enclosure/screening requirements.
- (5) Enclosures shall be of adequate size to allow for removal and replacement of refuse containers by a trash hauler.
- (6) The enclosures shall not be located in any front yard or public right-of-way or obscure visibility of vehicles entering or exiting the subject property or immediately adjacent property. Dumpsters located on a corner lot shall be placed behind the building line of subject property and the immediate adjacent property.
- (7) Enclosures shall be maintained and structurally sound, free of deterioration, and shall be kept in a sanitary condition so as not to pose a threat to the health and safety of the public. Any enclosure surface or screening component that is damaged, deteriorated, decaying, disintegrating, or which has otherwise lost its capability to effectively enclose/screen, shall be replaced or repaired.

**(Ord. No. 7174; 08-18-08)**

ARTICLE XI

SPECIAL USE PERMITS

**60-11-1 SPECIAL USE PERMITS.** This Code divides the City into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the Council. Any special-use permit approved expires in **one (1) year** unless substantial development (in excess of **eighty percent (80%)**) has been completed. **(Ord. No. 6338; 10-01-01)**

**60-11-2 APPLICATION.** Every applicant for a special use permit shall submit to the Administrator, in narrative and/or graphic form, the items of information enumerated below. The Administrator shall prepare an advisory report on every request for a special use permit. He shall promptly transmit the completed application and his advisory report to the Zoning Board of Appeals.

Items of Information

- (A) name and address of the applicant;
- (B) name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) area and dimensions of the site for the proposed structure or uses;
- (F) existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (G) existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) height and setbacks of the proposed structure;
- (I) number and size of proposed dwelling units, if any;
- (J) location and number of proposed parking/loading spaces and access ways;
- (K) identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) any other pertinent information that the Administrator may require.

**60-11-3**     **PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

- (A)             by registered mail to the applicant and to all parties whose property abuts the proposed special use; and
- (B)             by publication in a newspaper published within this municipality.
- (C)             by placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement. **(Ord. No. 7537; 10-03-11)**

**60-11-4**     **ADVISORY REPORT, FACTORS CONSIDERED.** Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit their advisory report to the Council. In deciding what their advice should be, the Zoning Board of Appeals shall consider the following factors:

- (A)             whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (B)             whether the proposed special use is consistent with this municipality's comprehensive plan;
- (C)             the effect the proposed special use would have on the value of neighboring property and on this municipality's overall tax base;
- (D)             the effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and
- (E)             whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

**60-11-5**     **ACTION BY COUNCIL.** The Council shall act on every request for a special use permit at their next regularly scheduled meeting following submission of the Zoning Board of Appeals advisory report. Without further public hearing, the Council may approve or disapprove a special use permit by an ordinance passed by simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the Council shall state their findings of fact, and indicate their reasons for approving (with or without conditions) or denying the request for a special use permit.

**60-11-6**     **APPLICATIONS.**

(A)             **Withdrawal of Application.** A Petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit Petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the City Code in the same manner as any other new application.

(B)             **Repeated Application.** Where an application for a Special Use Permit has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the City, shall be filed as to the same property within a period of **six (6) months** following final action by the City Council subject to all applicable fees. **(Ord. No. 7215; 01-05-09)**

**ARTICLE XII**

**BOARD OF APPEALS**

**DIVISION I - ADMINISTRATION**

**60-12-1 BOARD OF APPEALS ESTABLISHED.** The Zoning Board of Appeals of this municipality is established in accordance with Illinois law. (**Ill. Comp. Stats., Ch. 65; Sec. 5/11-13-3**)

**60-12-2 MEMBERSHIP, APPOINTMENT, COMPENSATION.** The Board of Zoning Appeals shall consist of **seven (7) members**, all of whom shall reside within this municipality. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. Each Board member shall serve without compensation.

**60-12-3 TERM OF OFFICE, VACANCIES.** Every member of the Board of Zoning Appeals shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the City Council, the Mayor may remove any member of the Board of Zoning Appeals for cause, after a public hearing. Vacancies on the Board of Zoning Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

**60-12-4 MEETINGS, QUORUM.** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board Meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board may select such officers as they deem necessary. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board Action.

**60-12-5 RECORDS.** The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote of abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board shall be filed immediately in the Board's office, and shall be a public record.

**60-12-6 RESERVED.**

DIVISION II - APPEALS

**60-12-7** APPEALS. Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law [Ill. Comp. Stats., Ch. 65; Sec. 5/11-13-12] and the provisions of this section.

**60-12-8** FILING, RECORD TRANSMITTAL. Every appeal shall be made within **fifteen (15) days** of the matter complained of by filing with the Administrator and the Board of Appeals, a written notice specifying the grounds for appeal.

Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case.

**60-12-9** STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

**60-12-10** PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) by registered mail to all parties whose property abuts the property affected by the appeal; and
- (B) by publication in a newspaper published within this municipality.
- (C) by placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement. **(Ord. No. 7537; 10-03-11)**

**60-12-11** ADVISORY REPORT, FINDINGS OF FACT. Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit their advisory report to the Council. The report shall state the Board of Appeals recommendations regarding the appeal.

**60-12-12** ACTION BY COUNCIL. The Council shall act on every appeal at their next regularly scheduled meeting following submission of the Board of Appeals advisory report. Without further public hearing, the Council may approve or deny the appeal by simple majority vote of all the members then holding office.

**60-12-13** RESERVED.

**DIVISION III - VARIANCES**

**60-12-14 VARIANCES.** A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment, and may be granted only as provided for in Section 60-12-18. Any area/bulk or use variance approved expires in **one (1) year** unless substantial development (in excess of **eighty percent (80%)**) has been completed. **(Ord. No. 6338; 10-01-01)**

**60-12-15 APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application, together with any advice he might wish to offer, to the Board of Appeals. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following:

- (A) name and address of the applicant;
- (B) brief description of the variance requested;
- (C) location of the structure use for which the variance is sought;
- (D) relationship of said structure/use to existing structures/uses on adjacent lots;
- (E) specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (F) any other pertinent information that the Administrator may require.

**60-12-16 PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) by registered mail to the applicant and to all parties whose property abuts the property on which the proposed variance is located; and
- (B) by publication in a newspaper published within this municipality.
- (C) by placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement. **(Ord. No. 7537; 10-03-11)**

**60-12-17 ADVISORY REPORT, FINDINGS OF FACT.** Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit their advisory report **to** the Council. The report shall state the Board of Appeals' recommendations regarding the proposed variance. The Board of Appeals shall not recommend any variance unless, based upon the evidence presented to them, they determine that:

- (A) the proposed variance is consistent with the general purposes of this Code (See Section 60-1-1); and
- (B) strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
- (C) the proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (D) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (E) the peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (F) the variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of this municipality's comprehensive plan.

**60-12-18 ACTION BY COUNCIL.** The Council shall act on every proposed variance at their next regularly scheduled meeting following submission of the Board of Appeals advisory report. Without further public hearing, the Council may approve or disapprove any proposed variance by simple majority vote of all the members then holding office.

**60-12-19 APPLICATIONS.**

(A) **Withdrawal of Application.** A Petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit Petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the City Code in the same manner as any other new application.

(B) **Repeated Application.** Where an application for a Variance has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the City, shall be filed as to the same property within a period of **six (6) months** following final action by the City Council subject to all applicable fees. **(Ord. No. 7215; 01-05-09)**

**DIVISION IV - AMENDMENTS**

**60-12-20 AMENDMENT PROCEDURE.** The Council may amend this Code in accordance with State Law [III. Comp. Stats., Ch. 65; Sec. 5/11-13-14] and the provisions of this section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Council, the Administrator, the Board of Appeals, the Planning Commission, or any party in interest.

**60-12-21 FILING.** Every proposal to amend this Code shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said proposal, together with any comments or recommendation he may wish to make, to the Board of Appeals for a public hearing.

**60-12-22 PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) by publication in a newspaper published within this municipality; and
- (B) when the amendment involves a rezoning, not a text amendment, by registered mail to all parties whose property abuts the property for which rezoning is requested.
- (C) by placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement. **(Ord. No. 7537; 10-03-11)**

**60-12-23 ADVISORY REPORT, FINDINGS OF FACT.** Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit their advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding adoption of the proposed amendment, and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- (A) existing use(s) and zoning of the property in question;
- (B) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) suitability of the property in question for uses already permitted under existing regulations;
- (D) suitability of the property in question for the proposed use;

(E) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and

(F) the effect the proposed rezoning would have on implementation of this municipality's comprehensive plan.

**60-12-24 ACTION BY COUNCIL.** The Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Board of Appeals advisory report. Without further public hearing, the Council may pass any proposed amendment or may refer it back to the Board of Appeals for further consideration, by simple majority vote of all the members then holding office.

**EXCEPTION: The favorable vote of at least two-thirds of all the members of the Council is required to pass an amendment to this Code when the proposed amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered. (Ill. Comp. Stat., Ch. 65, Sec. 5/11-13-14)**

**60-12-25 APPLICATIONS.**

(A) **Withdrawal of Application.** A Petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit Petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the City Code in the same manner as any other new application.

(B) **Repeated Application.** Where an application for an Amendment has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the City, shall be filed as to the same property within a period of **six (6) months** following final action by the City Council subject to all applicable fees. **(Ord. No. 7215; 01-05-09)**