

# CITY OF FAIRVIEW HEIGHTS

## PROPOSED ZONING ORDINANCE

<b>ARTICLE I.</b>	<b>GENERAL PROVISIONS &amp; DEFINITIONS</b>
<b>ARTICLE II.</b>	<b>ZONING DISTRICTS</b>
<b>ARTICLE III.</b>	<b>RESIDENTIAL DISTRICTS</b>
<b>ARTICLE IV.</b>	<b>BUSINESS DISTRICTS</b>
<b>ARTICLE V.</b>	<b>CONSERVATION DISTRICT</b>
<b>ARTICLE VI.</b>	<b>INDUSTRIAL DISTRICT</b>
<b>ARTICLE VII.</b>	<b>USE STANDARDS</b>
<b>ARTICLE VIII.</b>	<b>SITE DEVELOPMENT STANDARDS</b>
<b>ARTICLE IX.</b>	<b>OFF-STREET PARKING AND LOADING</b>
<b>ARTICLE X.</b>	<b>LANDSCAPING</b>
<b>ARTICLE XI.</b>	<b>SIGN REGULATIONS</b>

**ARTICLE XII. TELECOMMUNICATIONS SERVICES  
AND FACILITIES**

**ARTICLE XIII. SUBDIVISION DEVELOPMENT  
STANDARDS**

**ARTICLE XIV. ADMINISTRATION AND  
APPROVAL**

**ARTICLE XV. PLANNED DEVELOPMENT**

**ARTICLE XVI. NONCONFORMING USES**

# **ARTICLE I. GENERAL PROVISIONS & DEFINITIONS**

- 14-01-01. TITLE**
- 14-01-02. INTENT AND PURPOSE**
- 14-01-03. ANNEXED TERRITORY**
- 14-01-04. EXISTING ANNEXATION AGREEMENTS AND PLANNED UNIT DEVELOPMENTS**
- 14-01-05. EXISTING PERMITS**
- 14-01-06. EXISTING RESTRICTIONS**
- 14-01-07. VESTED RIGHTS**
- 14-01-08. COMPLETION PERMITTED**
- 14-01-09. REPEAL OF CONFLICTING REGULATIONS**
- 14-01-10. SEPARABILITY**
- 14-01-11. DISCLAIMER OF LIABILITY**
- 14-01-12. RULES AND DEFINITIONS**

---

# **ARTICLE II. ZONING DISTRICTS**

- 14-02-01. ZONING DISTRICT INTENT AND PURPOSE**
- 14-02-02. ZONE DISTRICT MAP AND BOUNDARIES**

---

# **ARTICLE III. RESIDENTIAL DISTRICTS**

- 14-03-01. PURPOSE STATEMENTS**
- 14-03-02. PERMITTED AND SPECIAL USES**
- 14-03-03. BULK AND YARD STANDARD**
- 14-03-04. GENERAL STANDARDS**

---

# **ARTICLE IV. BUSINESS DISTRICTS**

- 14-04-01. PURPOSE STATEMENTS**
- 14-04-02. PERMITTED AND SPECIAL**
- 14-04-03. BULK AND YARD STANDARDS**
- 14-04-04. GENERAL STANDARDS**

---

# **ARTICLE V. CONSERVATION DISTRICT**

- 14-05-01. PURPOSE STATEMENTS
- 14-05-02. PERMITTED AND SPECIAL USE
- 14-05-03. BULK AND YARD STANDARDS
- 14-05-04. GENERAL STANDARDS

---

## **ARTICLE VI. INDUSTRIAL DISTRICT**

- 14-06-01. PURPOSE STATEMENTS
- 14-06-02. PERMITTED AND SPECIAL USE
- 14-06-03. BULK AND YARD STANDARDS
- 14-06-04. GENERAL STANDARDS

---

## **ARTICLE VII. USE STANDARDS**

- 14-07-01. PURPOSE
- 14-07-02. AMBULATORY SERVICES ESTABLISHMENT
- 14-07-03. ARCADE VIDEO GAMING AND BILLIARDS ESTABLISHMENTS
- 14-07-04. ASSISTED AND SUPPORTIVE LIVING FACILITIES
- 14-07-05. BED AND BREAKFAST
- 14-07-06. CAMPING PARKS
- 14-07-07. CAR WASH
- 14-07-08. CHILD DAY CARE HOMES AND CHILD DAY CARE CENTERS
- 14-07-09. CHURCHES AND PLACES OF FORMAL WORSHIP, GOVERNMENTAL BUILDINGS, LIBRARIES, HOSPITALS, AND SIMILAR BUILDINGS
- 14-07-10. COMMUNITY RESIDENCE, GROUP
- 14-07-11. DWELLING UNIT, BUSINESS RELATED
- 14-07-12. GARAGES: REPAIR
- 14-07-13. GASOLINE SERVICE STATIONS
- 14-07-14. FUNERAL CHAPEL
- 14-07-15. FRATERNAL OR CIVIC ORGANIZATIONS, PRIVATE LODGES, OR CLUBS
- 14-07-16. HOSPITALS AND SANITARIUMS
- 14-07-17. KENNEL
- 14-07-18. MOBILE HOME SALES
- 14-07-19. OUTDOOR SEATING AREAS
- 14-07-20. PLANT NURSERIES AND
- 14-07-21. GREENHOUSES PUBLIC BUILDINGS
- 14-07-22. PUBLIC UTILITY STATIONS, EXCHANGES, AND ESSENTIAL
- 14-07-23. SERVICES RECYCLING CENTER, MINOR
- 14-07-24. OUTDOOR STORAGE
- 14-07-25. RIDING STABLES
- 14-07-26. TAVERN/NIGHT CLUB
- 14-07-27. SELF-STORAGE OR MINI-WAREHOUSE
- 14-07-28. HOME OCCUPATION

**ARTICLE VIII. SITE DEVELOPMENT STANDARDS**

**14-08-01. PURPOSE AND CODE ADOPTION**

**USE OF LAND AND BUILDINGS**

- 14-08-02. BUILDING: MAXIMUM HEIGHT AND EXCEPTIONS**
- 14-08-03. BUILDING: ONE PRINCIPAL BUILDING PER LOT; YARDS**
- 14-08-04. BUILDING: USE AND BULK**
- 14-08-05. LOT: CORNER AND THROUGH**
- 14-08-06. LOT: CONTIGUOUS PARCELS**
- 14-08-07. LOT: DIVISION OF**
- 14-08-08. LOT: CREATION OF FLAT LOTS**
- 14-08-09. YARDS: EXCEPTIONS; MINIMUM REQUIREMENTS**
- 14-08-10. YARDS: EXISTING BUILDING REQUIREMENTS**
- 14-08-11. YARDS: LOCATION, REQUIRED OPEN SPACE**
- 14-08-12. YARDS: MAINTENANCE OF COURTS AND OTHER OPEN SPACES**
- 14-08-13. YARDS: MAINTENANCE OF COURTS AND OTHER OPEN SPACES**

**DEVELOPMENT STANDARDS**

- 14-08-14. DWELLING, MINIMUM BUILDING**
- 14-08-15. PERMANENT FOUNDATIONS**
- 14-08-16. SLOPE**
- 14-08-17. SIDEWALKS**
- 14-08-18. STORMWATER MANAGEMENT PLAN**
- 14-08-19. LIGHTING CONTROLS**
- 14-08-20. FENCING**

**APPEARANCE STANDARDS**

- 14-08-21. APPEARANCE STANDARDS FOR SINGLE-FAMILY HOMES EXTERIOR OF**
- 14-08-22. MULTI-FAMILY BUILDINGS**
- 14-08-23. EXTERIOR BUILDING MATERIAL AND DESIGN; BUSINESS DISTRICTS**

**ACCESSORY USES AND STRUCTURES**

- 14-08-24. ALL CONSERVATION AND RESIDENTIAL DISTRICTS**
- 14-08-25. ALL BUSINESS DISTRICTS**
- 14-08-26. BUILDING: ACCESSORY**
  
- 14-08-27. BUILDING: BULK OF**
- 14-08-28. BUILDING: EMERGENCY AND TEMPORARY OCCUPANCY**
- 14-08-29. HOME OCCUPATIONS**
- 14-08-30. PARABOLIC OR DISH-TYPE ANTENNAS**
- 14-08-31. SWIMMING POOLS**
- 14-08-32. CHRISTMAS TREE SALES**
- 14-08-33. CHARITY COLLECTION FACILITIES**

## **ARTICLE IX. OFF-STREET PARKING AND LOADING**

- 14-09-01. PURPOSE**
- 14-09-02. APPLICABILITY & GENERAL PROVISIONS**
- 14-09-03. ACCESSIBLE PARKING**
- 14-09-04. COMPUTATION**
- 14-09-05. CONSTRUCTION**
- 14-09-06. JOINT PARKING FACILITIES**
- 14-09-07. LOCATION OF OFF-STREET PARKING FACILITIES**
- 14-09-08. DESIGN STANDARDS, ACCESS AISLE, AND SPACE REQUIREMENTS**
- 14-09-09. STACKING SPACES FOR DRIVE-THROUGH FACILITIES**
- 14-09-10. OFF-STREET PARKING REQUIREMENTS**
- 14-09-11. OTHER PARKING USES**
- 14-09-12. OFF-STREET LOADING**
- 14-09-13. BICYCLE PARKING**
- 14-09-14. PARKING AND ACCESSORY USE RESTRICTIONS**

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## **ARTICLE X. LANDSCAPING**

- 14-10-01. PURPOSE**
- 14-10-02. LANDSCAPE PLAN**
- 14-10-03. SELECTION, INSTALLATION AND MAINTENANCE OF PLANT**
- 14-10-04. MATERIALS LANDSCAPE DESIGN STANDARDS**
- 14-10-05. BUILDING FOUNDATION LANDSCAPING**
- 14-10-06. PARKING LOT LANDSCAPING**
- 14-10-07. PARKING LOT PERIMETER LANDSCAPE**
- 14-10-08. YARD INTERIOR PARKING LOT**
- 14-10-09. LANDSCAPING BUFFER YARDS**
- 14-10-10. ILLUSTRATION OF LANDSCAPING AND SCREENING REQUIREMENTS**
- 14-10-11. SCREENING REQUIREMENTS**

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## **ARTICLE XI. SIGN REGULATIONS**

- 14-11-01. PURPOSE**
- 14-11-02. SEVERABILITY**
- 14-11-03. SCOPE**
- 14-11-04. SIGN PERMIT REQUIRED**



- 14-11-05. GENERAL REQUIREMENTS
- 14-11-06. CLASSIFICATION OF SIGNS
- 14-11-07. SIGNS PERMITTED IN ANY DISTRICT
- 14-11-08. PROHIBITED SIGNS
- 14-11-09. RESIDENTIAL AND CONSERVATION DISTRICT REGULATIONS
- 14-11-10. BUSINESS DISTRICT REGULATIONS
- 14-11-11. INDUSTRIAL DISTRICT REGULATIONS
- 14-11-12. NEW ZONING DISTRICTS

---

## **ARTICLE XII. TELECOMMUNICATIONS SERVICES AND FACILITIES**

- 14-12-01. PURPOSE
- 14-12-02. DEFINITIONS
- 14-12-03. APPLICABILITY
- 14-12-04. GENERAL REQUIREMENTS
- 14-12-05. PERMITTED USES
- 14-12-06. ADMINISTRATIVELY APPROVED USES
- 14-12-07. SPECIAL USE PERMITS
- 14-12-08. TELECOMMUNICATIONS SUPPORT FACILITIES
- 14-12-09. REMOVAL OF ABANDONED ANTENNAS AND
- 14-12-10. TOWERS DECISIONS

---

## **ARTICLE XIII. SUBDIVISION DEVELOPMENT STANDARDS**

- 14-13-01. PURPOSE
- 14-13-02. JURISDICTION OUTSIDE CORPORATE BOUNDARIES
- 14-13-03. ALLEYS
- 14-13-04. BLOCKS
- 14-13-05. EASEMENTS, UTILITY, AND DRAINAGE
- 14-13-06. EROSION AND SEDIMENTATION CONTROL
- 14-13-07. EROSION EXEMPTIONS
- 14-13-08. EROSION CONTROL: DEVELOPMENT PLANS
- 14-13-09. LANDSCAPE PLAN
- 14-13-10. LOTS
- 14-13-11. LOT CONVEYANCE
- 14-13-12. PUBLIC UTILITY ENGINEERING REQUIREMENTS
- 14-13-13. PUBLIC OPEN SPACE DEDICATION
- 14-13-14. FIRE HYDRANTS
- 14-13-15. SIDEWALKS
- 14-13-16. BIKE PATHS AND TRAILS
- 14-13-17. SIDEWALK VARIANCE
- 14-13-18. STREET STANDARDS

- 14-13-19. STREET IMPROVEMENT STANDARDS
- 14-13-20. STREET NAMING AND NUMBERING SYSTEM FOR NEW STREETS
- 14-13-21. STREETLIGHTS
- 14-13-22. TELEPHONE AND ELECTRIC
- 14-13-23. UTILITIES DRAINAGE, STORM
- 14-13-24. SEWERS REFERENCE MONUMENTS
- 14-13-25. TREE PRESERVATION

**SUBDIVISION PROCEDURES**

- 14-13-26. SUBDIVISION APPLICATION, MINOR SUBDIVISIONS
- 14-13-27. SUBDIVISION APPLICATION, PRELIMINARY PLAT
- 14-13-28. SUBDIVISION APPLICATION, FINAL PLAT
- 14-13-29. PUBLIC IMPROVEMENTS REQUIREMENTS
- 14-13-30. SUBDIVISION PROCEDURES, PRELIMINARY PLAT
- 14-13-31. SUBDIVISION PROCEDURES, FINAL PLAT
- 14-13-32. LAND SUBDIVISION IMPROVEMENTS NOT INSTALLED AT THE TIME OF FILING FINAL PLAT
- 14-13-33. SUBDIVISION VARIATION, PRELIMINARY AND FINAL PLAT
- 14-13-34. PLAN COMMISSION, CORPORATE AUTHORITY ACTION

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## **ARTICLE XIV. ADMINISTRATION AND APPROVAL**

- 14-14-01. PURPOSE
- 14-14-02. DECISION-MAKING BODIES
- 14-14-03. APPLICATION REQUIREMENTS
- 14-14-04. APPLICATION PROCESSING
- 14-14-05. NOTICE AND PUBLIC HEARINGS
- 14-14-06. SITE PLAN REVIEW PROCEDURE
- 14-14-07. MAP (REZONING) AND TEXT AMENDMENT
- 14-14-08. PROCEDURE PLANNED DEVELOPMENT REVIEW
- 14-14-09. PROCEDURE SPECIAL USE PERMIT PROCEDURE
- 14-14-10. SPECIAL USE PERMIT AMENDMENT PROCEDURE
- 14-14-11. APPEAL PROCEDURE
- 14-14-12. VARIANCE PROCEDURE
- 14-14-13. INTERPRETATION PROCEDURE
- 14-14-14. OCCUPANCY PERMIT
- 14-14-15. PERMIT REVOCATION-EXPIRATION
- 14-14-16. NONCONFORMING USES
- 14-14-17. APPLICABILITY OF THIS SECTION
- 14-14-18. SCHEDULE OF FEES

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## **ARTICLE XV. PLANNED DEVELOPMENT**

- 14-15-01. PURPOSE STATEMENT
  - 14-15-02. GENERAL PROVISIONS
-

- 14-15-03. STANDARDS FOR REVIEW
- 14-15-04. SITE DEVELOPMENT STANDARDS
- 14-15-05. PROCEDURES
- 14-15-06. APPLICATION REQUIREMENTS
- 14-15-07. EFFECT OF APPROVAL OR DENIAL
- 14-15-08. AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENT PERMITS
- 14-15-09. GUARENTEE OF IMPROVEMENTS

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## **ARTICLE XVI. NONCONFORMING USES**

- 14-16-01. PURPOSE
- 14-16-02. GENERAL STANDARDS
- 14-16-03. CONTINUATION OF A NONCONFORMING USE
- 14-16-04. NONCONFORMING STRUCTURES
- 14-16-05. NONCONFORMING LOTS OF RECORD
- 14-16-06. ABANDONMENT OR DISCONTINUANCE
- 14-16-07. DAMAGE OR DESTRUCTION



# ARTICLE I. GENERAL PROVISIONS & DEFINITIONS

<b>14-01-01.</b>	<b>TITLE</b>
<b>14-01-02.</b>	<b>INTENT AND PURPOSE</b>
<b>14-01-03.</b>	<b>ANNEXED TERRITORY</b>
<b>14-01-04.</b>	<b>EXISTING ANNEXATION AGREEMENTS AND PLANNED UNIT DEVELOPMENTS</b>
<b>14-01-05.</b>	<b>EXISTING PERMITS</b>
<b>14-01-06.</b>	<b>EXISTING RESTRICTIONS</b>
<b>14-01-07.</b>	<b>VESTED RIGHTS</b>
<b>14-01-08.</b>	<b>COMPLETION PERMITTED</b>
<b>14-01-09.</b>	<b>REPEAL OF CONFLICTING REGULATIONS</b>
<b>14-01-10.</b>	<b>SEPARABILITY</b>
<b>14-01-11.</b>	<b>DISCLAIMER OF LIABILITY</b>
<b>14-01-12.</b>	<b>RULES AND DEFINITIONS</b>

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## **14-01-01. TITLE**

This Chapter shall be known as the City of Fairview Heights, Illinois Development Code.

## **14-01-02. INTENT AND PURPOSE**

It is the intent and purpose of this Development Code to assist in the achievement of a balanced community. The City requires an approach to the use, administration and enforcement of development regulations that protects existing property owners in equity and social experience and recognizes developers' problems, yet maintains high community standards. This Development Code consolidates and revises existing development regulations to meet the needs of a balanced community through the implementation of the Comprehensive Plan, and in that respect is designed:

- A. To promote and protect the public health, safety, morals, comfort and general welfare of the people;
- B. To serve as an implementing tool of comprehensive planning;
- C. To fix reasonable standards to which buildings or structures shall conform;
- D. To encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits of the City of Fairview Heights.
- E. To provide adequate light, air, privacy and safe, convenient access to property;
- F. To divide the City into zoning districts restricting and regulating the location, erection, construction, reconstruction, alteration, and use of buildings, structures and land for residential, business, manufacturing and other specified land uses;
- G. To provide for the location, width, manner of grading and improvement, access points

and design of existing and future streets;

- H. To establish the extent to which water, sewer, storm water and other utility and community services are to be provided;
- I. To provide for the planning and operating of mobile home parks;
- J. To establish minimum requirements and standards for development and redevelopment within the area of the City's jurisdiction to achieve reasonable initial costs and to reduce future maintenance costs of public and private improvements and services;
- K. To conserve the taxable value of land and buildings throughout the municipality.
- L. To govern the design, construction, alteration, enlargement, equipment, repair, demolition, removal, conversion, maintenance of all buildings and structures and declare and establish fire limits in the City;
- M. To establish safe and practical standards for the installation, alteration, and use of electrical equipment in the City;
- N. To establish safe and practical standards for the installation, alteration, and use of plumbing, drainage and gas piping equipment in the City.

### **14-01-03. ANNEXED TERRITORY**

The Corporate Authority shall determine the zone district of any territory hereafter annexed to the City at the time of annexation. A map of the annexed territory shall be provided and the zoning amendment requirements and procedures of this Code shall be followed.

### **14-01-04. EXISTING ANNEXATION AGREEMENTS AND PLANNED UNIT DEVELOPMENTS**

Any planned unit development granted under a legal permit prior to the adoption of this Code shall comply with the regulations then applicable, the approved site plan, and the conditions granted with the permit. The development regulations of this Code shall not apply to previous permits for planned unit developments during the legally effective time of the annexation agreement.

### **14-01-05. EXISTING PERMITS**

This Code is not intended to abrogate or annul any building permits, certificates of occupancy, variances or other lawful permits issued before the effective date of this Code; however, any requested change in any permit shall follow the procedures and requirements of this Code.

### **14-01-06. EXISTING RESTRICTIONS**

- 1. Where this Code imposes a greater restriction upon land, building or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Code shall govern except for the legally effective terms and conditions of an

annexation agreement as provided in Section 14-1-4.

#### **14-01-07. VESTED RIGHTS**

Nothing in this Chapter shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, density, Zone District or permissible activity therein. All land, buildings, structures, uses and designations are hereby declared to be subject to such subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety and welfare.

#### **14-01-08. COMPLETION PERMITTED**

Any building or structure for which a building permit has been issued prior to the date of enactment of this Code may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, provided construction commences within one hundred eighty (180) days of passage of this Code and is diligently pursued to completion. The Administrative Official may certify one specified extension period not to exceed one hundred eighty (180) days where practical difficulty can be shown.

#### **14-01-09. REPEAL OF CONFLICTING REGULATIONS**

All regulations in conflict with this Code are hereby repealed.

#### **14-01-10. SEPARABILITY**

If any part or provision of this Code or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this Code or the application thereof to other persons, property or circumstances. The corporate authority hereby declares that it would have enacted the remainder of this Code even without any such part, provision, section, or application.

#### **14-01-11. DISCLAIMER OF LIABILITY**

Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the City 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," Ill. Comp. Stats., Ch. 745; Secs. 10/1-101.)

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

## 14-01-12. RULES AND DEFINITIONS

In the application of this Code, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise. The following shall apply whenever a conflict occurs in any instance.

- A. **Rules.** Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural, the singular. The word “shall” is mandatory and not discretionary; the word “lot” shall include the words “plot”, “piece”, and “parcel”. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “occupied for”, and “maintained for”. The word “City” shall refer to and be interpreted to mean Fairview Heights, Illinois. Section numbers shall be and include all subsection designations of that numerical sequence. The following words and terms, wherever they occur in this Code, shall be interpreted as herein defined.

B. **Definitions.**

**“ABANDONMENT”**. An action to give up one's rights of interests in property.

**“ABUTTING”**. Having property or district lines in common.

**“ACCESS”**. A way of approaching or entering a property.

**“ACCESSORY BUILDING OR USE”**. A building or use which:

1. **is subordinate to and serves a principal building or principal use and which is located on the same lot as the principal building or principal use;**
2. is subordinate in area, extent, or purpose to the principal building or principal use served;
3. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.

**“ADDITION”**. Any construction which increases the size of a building or intensity of use such as a porch, attached garage or carport, or a new room or wing.

**“ADMINISTRATIVE OFFICIAL”**. The person or persons designated by the City to enforce and administer the provisions of this Code or their duly appointed representative(s).

**“ADULT USE”**. The following words, terms and phrases shall be considered an “adult use”:

**(1) Adult Bookstore.** A public or private establishment which has a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphases on matter depicting, describing or relating to “specified sexual activities”, or “specified anatomical areas”, or an establishment that holds itself out to the public as a purveyor of such materials

DEVELOPMENT CODE 14-4-25

based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.

**(2) Adult Entertainment Cabaret.** A public or private establishment or facility which features: (a) topless dancers, strippers, erotic male/female dancers; (b) entertainers, employees or patrons which display "specified anatomical areas"; (c) conduct performed in a manner which is designed primarily to appeal to the sexual interest of the patron; or (d) entertainers, employees or patrons who engage in explicit simulation of "specified sexual activities".

**(3) Adult Entertainment Facility.** A public or private striptease club, facility or establishment, or pornographic movie theater which offers its patrons the dissemination, or distribution of sexually explicit material, live shows, or other forms of exhibitions, or an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, videos or other live or taped exhibitions.

**(4) Adult Theater.** An enclosed building routinely used for presenting material by motion picture or video, and having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" for observation by patrons, employees or members therein

**"AGRICULTURAL"**. All uses commonly classified as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, nursery operation, dairy farming, livestock raising, animal and poultry breeding, raising and feeding, forestry operations, together with the operations of machinery or vehicles.

**"ALLEY"**. A public access way which provides a secondary means of access to abutting property and is not intended for general traffic circulation.

**"ALTERATIONS"**. As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height, or the moving from one location or position to another.

**"ALTERATIONS, STRUCTURAL"**. A change in the supporting members of a building such as bearing walls, columns, beams or girders.

**"AMBULATORY SERVICES ESTABLISHMENT"**. A facility that support the provision of medical care on an outpatient basis, including diagnosis, observation, treatments, and rehabilitation.

**"ANIMAL, DOMESTIC"**. A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated

animals are household pets, and are inclusive of animals, fowl, reptiles and fish such as dogs, cats, parakeets, goldfish and painted turtles.

**“ANIMAL FARM”**. Farm animals are those which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products. This definition is inclusive of all farm animals, fowl, reptiles and fish, such as horses, cattle, rabbits, sheep, geese, chickens, ducks, snakes, and catfish.

**“ANIMAL HOSPITAL”**. Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**“ANIMAL, WILD”**. Wild animals are those animals, fowl, reptiles and fish of the North American Continent not domesticated, such as bears, raccoons, squirrels, alligators, etc.; animals, fowl, reptiles and fish from other continents shall automatically be considered wild.

**“APARTMENT”**. A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

**“APARTMENT HOUSE”**. A multi-family dwelling used or occupied by four (4) or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for a continuous period ordinarily of six (6) months or more.

**“ARCADE VIDEO GAMING”**. The operation of coin-operated video gaming machines as either a primary or secondary use.

**“AREA/BULK”**. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and including the following:

1. size and height of buildings;
2. location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
3. gross floor area of buildings in relation to lot area (floor area ratio);
4. all open spaces allocated to the building;
5. amount of lot area per dwelling unit;
6. required parking areas.

**“AREA, GROSS”**. The entire area within the boundary lines of the territory proposed for development, including the area to be dedicated for street and alley rights-of-way and public use.

**“AREA, NET”**. The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for streets, alley rights-of-way and public use.

**“AREA OF ZONING LOT”**. The total square footage of a tract of land within the lines of a lot, excluding public streets and alleys, meeting the district requirement of this Code.

**“ASSISTED AND SUPPORTIVE LIVING FACILITIES”**. An assisted or supportive living facility with the approved capacity to provide thirteen (13) to twenty (20) adults with foster care, excluding the licensee and staff.

**“ATTACHED BUILDING”**. A building attached to another building by a common wall (such wall being a solid wall, with or without doors) and a common roof.

**“AUDITORIUM”**. A room, hall or building made a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

**“AUTOMOBILE AND AGRICULTURAL IMPLEMENTS, SALES AND SERVICES”**. The operation of a facility dedicated to the sale, display, repair, maintenance, or deconstruction of automobiles, combines, tractors, etc., or parts thereof.

**“AUTOMOBILE PARKING AREA”**. A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges.

**“AUTOMOBILE SALES AREA”**. A parcel of land used for the display, sale, and repair of new or used automobiles.

**“AUTOMOBILE REPAIR”**. The operation of a facility dedicated to the repair, maintenance, or deconstruction of automobiles or parts thereof.

**“AUTOMOBILE WRECKING YARD”**. Any place where two (2) or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.

**“BAKERY, RETAIL (ONSITE PRODUCTION AND SALE)”**. A facility used for the creation of baked goods to be sold on-site to public customers.

**“BAKERY, COMMERCIAL”**. A facility used for the processing and production of bakery products primarily for distribution to retail bakeries as opposed to individual public consumers.

**“BARRIER (NATURAL OR ARTIFICIAL)”**. Any street, highway, river, pond, canal, railroad, levee, embankment, screening by a fence or hedge, or similar obstruction.

**“BASEMENT.”** A story having more than one-half its height below the average level of the adjoining ground.

**“BED AND BREAKFAST”**. The use of a residential structure for rental to overnight guests for sleeping accommodations and the provision of a morning meal.

**“BILLIARD PARLORS”**. A facility with more than two (2) billiards tables in which pool or

billiards is considered a primary activity, possibly along with other parlor games or means of entertainment.

**“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 a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or corporate boundary lines.

**“BOARDING HOUSE.”** A building other than a hotel or restaurant where meals are provided for compensation to three (3) or more persons, but not more than ten (10), who are not members of the keeper's family, but not open on a daily, overnight or per-meal basis to transient guests.

**“BOWLING ALLEY.”** A facility that includes an alley or collection of alleys used for bowling, including complementary activities such as food service and other means of entertainment.

**“BUILDABLE AREA.”** The space remaining on a zoning lot after the minimum setback requirements of this Code have been complied with.

**“BUILDING.”** A structure of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity. Temporary structures, such as tents, are not buildings, but houses, garages, factories, barns, etc. are. A building shall not be considered to include a trailer as defined in Illinois Compiled Statutes, Chapter 625, Section 5/1-209, as hereafter amended or renumbered. Definition for **BUILDING** needs to be addressed

**“BUILDING CODE.”** The regulations and standards adopted by the City of Fairview Heights in Chapter 15 Revised Code of Ordinances of Fairview Heights, Illinois to govern the construction and maintenance of buildings and structures.

**“BUILDING HEIGHT.”** The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

**“BUILDING LINE.”** See “**SETBACK LINE.**”

**“BUILDING, PRINCIPAL.”** A non-accessory building in which the principal use of the zoning lot is conducted.

**“BULK.”** See “**AREA/BULK.**”

**“BUSINESS, PROFESSIONAL AND TECHNICAL SCHOOL OR UNIVERSITY.”** A facility dedicated to the provision of advanced education for the purposes of attaining a professional degree, including supporting amenities, facilities, uses, and activities, and potentially including residential facilities for students, faculty and staff.

**“BUSINESS OR PROFESSIONAL SERVICE.”** The use of a property for the delivery of professional services, with the sale of goods or merchandise permitted as a secondary activity to the

primary service.

**“BUSINESS RELATED DWELLING UNIT.”** A dwelling unit within a structure that serves as a secondary use to the primary business use, and houses a proprietor or employee of the business, or family thereof.

**“CAMPER/CAMPING TRAILER.”** See "Recreational Vehicles".

**“CAMPER PARKS.”** A defined area designed for and used primarily for the short-term and non-permanent accommodation of campers and camping trailers.

**“CAR WASH, SELF-SERVICE OR AUTOMATIC.”** A facility that includes enclosed or open-air bays or queue lines used for the washing of automobiles, including supporting amenities such as offices, storage, and other minor automobile service instruments.

**“CATERING ESTABLISHMENT.”** An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for service and consumption.

**“CEMETERIES AND MAUSOLEUMS.”** A facility or grounds dedicated to the interment of deceased persons in graves, structures or other means, including facilities related to property maintenance and management.

**“CHILDCARE FACILITY.”** Any person, group of persons, agency, association or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents in any facility as defined in the Childcare Act of 1969 (**225 ILCS Sec. 10**).

**“CHURCH.”** A religious association providing worship services on a regular schedule.

**“CLEANING AND DRY CLEANING PLANT.”** A facility uses for laundry and/or dry cleaning services typically conducting large-volume services and receiving and distributing products in large quantities, and generally not catering to the service of individual customers.

**“CLINIC.”** A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with board or room, nor kept overnight on the premises.

**“CLUB.”** A non-profit association of persons who are bonafide members organized for some purposes and paying regular dues not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**“COLD STORAGE.”** A facility used for the refrigeration and storage of various goods.

**“COMMERCIAL USES.”** Any use or establishment wherein services are rendered or goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

**“COMMISSION.”** The Plan Commission of the City of Fairview Heights.

**“COMMON AREA”**. Any area or space designed for joint use of tenants or owners occupying a planned unit development or other development.

**“COMMUNITY CENTER, PUBLIC FACILITY”**. A facility hosting events, activities, or programs generally oriented toward education, performing arts, culture, etc., and generally accessible to the public or such events or activities.

**“COMMUNITY RESIDENCE, FAMILY (7 OR FEWER PERSONS)”**. A dwelling structure occupied by a group of **four (4) to six (6)** unrelated persons with disabilities, plus paid resident support staff provided by a sponsoring agency, who live together in a family-like environment on a long-term basis. The support staff of the sponsoring agency, whether one (1) person or two (2), shall be a member of the household and an occupant of the residence, but is not counted among total adults.

**“COMMUNITY RESIDENCE, GROUP (8 OR MORE PERSONS)”**. A dwelling structure occupied by a group of seven (7) or more, but not more than twelve (12), unrelated persons with disabilities, plus paid resident support staff provided by a sponsoring agency, who live in a family-like environment on a long-term basis. The support staff of the sponsoring agency shall be a member of the household and an occupant of the residence, but is not counted among total adults.

**“COMPREHENSIVE PLAN”**. The plan or any portion thereof adopted by the City for the coordinated physical development, including among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the City.

**“CONSUMER INSTALLMENT LOAN BUSINESS”** as defined in Chapter 8 “Business Regulations” of the Fairview Heights Revised Code of Ordinances.

**“CONTRACTOR’S EQUIPMENT AND MATERIAL STORAGE”**. A facility used for the storage of building materials, machinery, and other construction-related inventory for the purposes of access by a contractor or group of contractors, but not for the retail sale of such materials, machinery or related inventory.

**“CONVENIENCE/GASOLINE SERVICE STATION”**. A building or, premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

**“CONVENIENCE FOOD STORE”**. A facility used for the sale of convenience goods and services to include pre-prepared food, alcoholic beverages not for on-site consumption, tobacco products, packaged groceries, produce, and other items, but not in conjunction with another significant use such as a gasoline service station, automotive repair facility, car wash, etc.

**“COVERAGE”**. Total square footage of ground floor area expressed as square footage. (See **“LOT COVERAGE”**.)

**“CREAMERIES AND DAIRIES”**. A facility used for the storage, processing, and/or distribution

of milk and milk products.

**“CUL-DE-SAC”**. A local street having only one end open for vehicular traffic and the other permanently terminated by a turn-around for vehicles.

**“CURRENCY EXCHANGE”**. A facility that provides consumer services related to cash checking, short-term loans, and the transfer of United States currency.

**“DAIRY PRODUCTS OR ICE CREAM STORE”**. A facility used for the retail sale of milk and milk-related products, and/or the processing of milk or milk-related products for the on-site retail sale to customers.

**“DAY CARE CENTER, CHILD”**. Any childcare facility which regularly provides day care for less than twenty-four (24) hours per day for more than eight (8) children in a family home or more than three (3) children in a facility other than a family home.

**“DAY CARE HOME, CHILD”**. Family homes that receive more than three (3) and up to a maximum of twelve (12) children for less than twenty-four (24) hours per day. The maximum of twelve (12) children includes the family’s natural, foster or adopted children and all other persons under the age of twelve (12) years. The term does not include facility that receives only children from a single household.

**“DEDICATION”**. The transfer of ownership of a street or other facility to the City or other public entity.

**“DENSITY”**. The average number of families, persons, or housing units per unit of land; usually density is expressed “per acre”.

**“DENTAL LABORATORIES”**. A facility used for the processing and/or analysis of dental samples, data, tests, or other procedures, but not for the provision of patient services.

**“DESIGN”**. The arrangement of uses on the land and use of land for easements, lots and rights-of-way, including materials, alignment, grade, and width of these elements.

**“DISTRIBUTION CENTER”**. A site, warehouse, or other specialized building used for the receiving or distribution of raw materials, processed goods, or other objects between manufacturers, wholesalers, retailers, or consumers.

**“DISTRICT”**. A portion of the territory of the City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Code.

**“DRIVE-IN THEATER”**. A facility used for the showing of movies in which patrons view the movie from their car, including supporting facilities such as management and ticketing offices, concession stands, etc.

**“DRIVEWAY”**. A minor private way used for the parking of vehicles or for vehicular travel.

**“DRIVING RANGE”**. A facility used for golf practice, including related amenities such as a management office, vehicle and supplies storage, etc.

**“DRY CLEANER, RETAIL”**. A retail limited processing dry cleaner primarily serving individual public consumers.

**“DRY CLEANER, WHOLESALE”**. A business primarily processing dry cleaning for other businesses as opposed to the individual public.

**“DUMP”**. A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**“DWELLING, MULTI-FAMILY”**. A building or portion thereof, designed or altered for occupancy by three (3) or more families each living as an independent housekeeping unit.

**“DWELLING, SINGLE-FAMILY”**. A detached principal building designed for or used as a dwelling exclusively by **one (1) family** as an independent housekeeping unit.

**“DWELLING, TWO-FAMILY”**. A detached principal building designed for or used as a dwelling exclusively by two (2) families each living as an independent housekeeping unit.

**“DWELLING UNIT”**. A room, group of rooms, or other continuous designated space within a building designed for complete independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and approved utilities.

**“EASEMENT”**. A vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

**“ENCLOSED BUILDING”**. A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or common walls, with openings only for windows and doors, and covered by a permanent roof.

**“ENTERTAINMENT USE SERVING FOOD OR ALCOHOL”**. A facility used for the performance of theater, movies, or other performing arts, and serving food and alcohol prepared on-site.

**“ESCROW AGENT”**. The Finance Director of Fairview Heights, Illinois.

**“ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES”**. The erection, replacement, construction, alteration, or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings.

**“EXCAVATION”**. Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include

the conditions resulting therefrom.

**“EXISTING GRADE”**. The vertical location of the existing ground surface prior to excavation or filling.

**“FAMILY”**.

1. A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or
2. A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or
3. a group of not more than three (3) unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

**“FILL”**. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

**“FINANCIAL INSTITUTION, EXCLUDING DRIVE-THROUGH”**. An office establishment or business that primarily accepts deposits (or share deposits) and lends funds from these deposits. Financial Institutions shall also include establishments primarily engaged in one or more of the following:

1. underwriting securities issues or making markets for securities and commodities;
2. acting as agents (i.e., brokers) between buyers and sellers of securities and commodities;
3. providing securities and commodity exchange services;
4. providing other services, such as managing portfolios of assets; providing investment advice; and trust, fiduciary, and custody services; and
5. performing central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government). Uses include banks; savings associations; savings and loan institutions; investment banking; brokerage for securities or commodities; credit reporting services; certified financial planning; accounting; auditing; bookkeeping; credit service offices, including credit unions; holding and investment services; savings and loans association offices; and consumer and mercantile credit reporting services. Financial Institution does not include consumer installment loan businesses or pawn shops (as defined herein).

**“FINANCIAL INSTITUTION, INCLUDING DRIVE-THROUGH”**. A financial institution as defined herein, and including one or more drive-thru bays for the provision of teller or automatic teller machine services.

**“FISHING LAKES”**. A body of water used for recreational fishing, including related amenities

such as docks, piers, boat launches, etc.

**“FLOOD AREA”**. All land subject to periodic inundation by water as defined by a soils analysis or other appropriate means and includes the overflow of natural waterways, interior ponding and flooding of or resulting from drainage runoff.

**“FLOOR AREA RATIO”**. The ratio of total floor area, in square feet, of all buildings on a lot to total lot area, in square feet, excluding basements.

**“FORESTRY”**. The practice of planting, managing, and caring for forests.

**“FRATERNAL OR CIVIC ORGANIZATION”**. An organization wherein a group of members are bound together for the purposes of advancing their educational, social or other benefits.

**“FRUIT OR VEGETABLE SHOP OR STAND/PRODUCE STAND”**. A temporary or seasonal structure used to sell fresh produce to consumers, possibly as an accessory to a primary use.

**“FUNERAL CHAPEL”**. A facility used for the preparation of the deceased for burial or cremation, and the hosting of services and gatherings related to the death of a person.

**“GARAGE - PARKING, PRIVATE”**. A building or portion of a building used or intended to be used for the parking of one or more vehicles for persons living on the lot on which the building is situated.

**“GARAGE - PARKING, PUBLIC”**. A building or portion of a building used or intended to be used by the public for the storage or parking of motor vehicles for compensation or otherwise.

**“GARAGE REPAIR”**. A service business whose primary function is the repair and service of vehicles, boats, appliances and similar articles, or where more than **two (2) vehicles** are under repair simultaneously.

**“GASOLINE SERVICE STATION”**. A building or premises, or portion thereof, used for the retail sale of gasoline, oil or other fuel, automotive parts, supplies, or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but not including liquefied petroleum gas distribution facilities.

**“GOLF COURSE”**. A facility used for the playing of golf, including supporting amenities such as a clubhouse, driving range, maintenance and storage facility, restaurant, concession stand, etc.

**“GOVERNMENTAL USE AND FACILITY, CITY OF FAIRVIEW HEIGHTS”**. A facility operated by the City of Fairview Heights for the purposes of providing services to residents, maintaining other City services or facilities, and administering the rules and regulations of the City.

**“GOVERNMENTAL USE AND FACILITY, OTHER THAN CITY OF FAIRVIEW HEIGHTS”**. A facility operated by a public agency or form of government other than the City of Fairview Heights for the purposes of providing services to residents, maintaining other services or

facilities, and administering the rules and regulations of the agency or governmental entity.

**“GRADING”**. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

**“GREENHOUSES”**. A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use and/or for subsequent sale; a greenhouse may or may not be a permanent structure.

**“GROCERY OR SUPERMARKET”**. A facility focusing on the self-service retail of foods, basic household merchandise, pharmaceutical medications, and other basic needs.

**“HILLSIDE AREA”**. An area with an average slope of twenty percent (20%) or more.

**“HOME OCCUPATION”**. Any activity which is considered to be consistent with the nature of home and family life which is not deleterious to the residential aspect of a district or neighborhood.

**“HORTICULTURE”**. The practice of garden cultivation and management.

**“HOSPITAL”**. Any building or portion thereof used for diagnosis, treatment and care of human ailments including sanitariums, but not including clinics, rest homes, convalescent homes or nursing homes.

**“HOTEL”**. A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least six (6) guest rooms where a general kitchen and dining room may be provided, but where there are no cooking facilities in any guest room.

**“ICE AND ROLLER SKATING RINK”**. A permanent or seasonal recreational facility used for ice skating or roller skating, and possibly including supporting amenities such as a management office, concessions, lockers, etc.

**“IMPROVEMENT”**. Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

**“IMPROVEMENT PLANS”**. The engineering plans showing types of material and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision.

**“INDOOR/OUTDOOR STORAGE, NON-RETAIL E.G. STAGING YARDS, BULK MATERIAL STORAGE”**. A site or facility used for the storage of materials not for retail sale.

**“JUNK YARD”**. Any area where scrap, metal, paper, rags, rubber products, plastic or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building salvage yards.

**“KENNELS”**. Any structure or lot on which four (4) or more domesticated animals over four (4) months of age are kept.

**“LABORATORY, TESTING OR EXPERIMENTAL”**. A facility used for the on-site harvesting and analysis of medical samples related to other medical procedures or analysis.

**“LAND USE PLAN”**. The long-range plan for the desirable use of land in the City as officially adopted-and as amended from time to time by the corporate authority or appropriate authority.

**“LAUNDROMAT”**. A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

**“LIQUOR STORE”**. A facility specializing in the sale of packaged and unopened alcoholic beverages for consumption off-site.

**“LOADING SPACE”**. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**“LODGING OR ROOMING HOUSE”**. A building with more than **three (3) guest spaces** where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per-meal basis to transient guests.

**“LOT”**. A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories together with such yards as are required under the provisions of this Code having not less than the minimum area, width and depth required by this Code for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this Code. The minimum owner-ship in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot.

**“LOT AREA”**. See **“AREA OF ZONING LOT”**.

**“LOT, CORNER”**. A lot abutting upon **two (2) or more streets** at their intersection or upon two parts of the same street. The point of intersection of the street lines is the **“corner”**.

**“LOT COVERAGE”**. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**“LOT, DEPTH”**. The mean horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

**“LOT, DOUBLE FRONTAGE”**. See **“LOT, THROUGH”**.

**“LOT, FLAG”**. A lot with two distinct portions; 1) the “pole” portion which provides narrow access to the public street and whose width is less than the required lot width for its zoning district, and 2)

the “flag” portion which sits to the rear of another lot and whose lot width conforms to the required lot width for its zoning district.

**“LOT, INTERIOR”**. A lot whose side lines do not abut upon any street.

**“LOT LINE, FRONT”**. The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is no less than the average setback of existing buildings.

**“LOT LINE, REAR”**. The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

**“LOT LINE, SIDE”**. Any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a “street side lot line”. A side lot line separating a lot from another lot is called an “interior side lot line”.

**“LOT OF RECORD”**. A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Recorder of St. Clair County, Illinois.

**“LOT, THROUGH”**. A lot having frontage on two (2) parallel or approximately parallel streets.

**“LOT, WIDTH”**. The mean horizontal width of the lot measured at right angles to its depth.

**“MACHINE AND EQUIPMENT RENTAL, SALES, AND SERVICE”**. A facility used for the retail sale, rental and repair of small home appliances and machinery.

**“MANAGEMENT”**. The person who owns or has charge, care or control of the mobile home park.

**“MANUFACTURED HOME”**. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the federal Manufacturing, Housing Construction and Safety Standards Act of 1974 (42 USC 5401, at sequence), which became effective June 15, 1976.

**“MANUFACTURING AND PROCESSING FACILITIES, INVOLVING FLAMMABLE OR EXPLOSIVE MATERIALS, LIQUIDS OR GASES”**. A facility used for the manufacturing, processing, and/or distribution of goods and materials that may pose a risk to the health or safety of employees or the occupants of surrounding uses.

**“MEAT MARKET”**. A facility specializing in the retail sale of meat and meat-related products including the on-site processing of meat products, but not the on-site slaughtering of animals.

**“MEDICAL LABORATORIES”**. A facility used for the processing and/or analysis of medical samples, data, tests, or other procedures, but not for the provision of patient services.

**“MEDICAL OR DENTAL OFFICE”**. A facility used for the provision of medical or dental patient services.

**“MEMBERSHIP CLUB OR WHOLESALE ESTABLISHMENT.”** A retail use providing wholesale or discount merchandise through a membership format.

**“MINIATURE GOLF”.** A recreational facility that includes miniature golf, including related amenities such as a management office, customer service area, maintenance and storage area, and concession stand.

**“MOBILE HOME”.** See **“Manufactured Home”**

**“MOBILE HOME PARK”.** An area of land under unified ownership and/or control on which five (5) or more occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park, includes courts, developments, communities.

**“MOBILE HOME SALES AREA”.** A parcel of land used for the display, sale and repair of new or used mobile homes.

**“MODULAR HOME”.** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site that it is built in compliance with the building codes adopted by the City and is certified by the Illinois Department of Public Health.

**“MOTELS”.** A series of attached, semi-attached, or detached sleeping or living units for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**“MOVIE THEATERS”.** A facility dedicated to the showing of movies in one or more areas of assembly, including supporting amenities such as concessions, ticketing windows, etc.

**“MUSEUM”.** A building or site used to house, maintain, repair, and/or display objects or places of historical, scientific, artistic, or cultural significance or interest.

**“NOISOME AND INJURIOUS SUBSTANCES, CONDITIONS, AND OPERATIONS”.**

1. Creation of unreasonable physical hazard by fire, explosion, radiation, or other cause to persons or property.
2. Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground so as to contaminate any water supply including underground water supply.
3. Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.
4. Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety or welfare of any persons.
5. Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of

the premises on which the aforesaid fly ash or dust is created or caused.

6. Creation or causation of any unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.
7. Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting, or reflective material at or beyond any property line of the premises on which the aforesaid reflection or direct glare is created or caused.
8. Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

**“NON-COMMERCIAL RECREATION”**. Recreational facilities not operated by private entities for the purposes of generating revenue.

**“NONCONFORMING BUILDING”**. A building or structure or portion thereof conflicting with the provisions of this Code applicable to the district in which it is situated.

**“NONCONFORMING USE”**. A use of a building or land legally existing at the time of adoption of this Code or any amendment thereto and which does not conform with the regulations of the district in which located.

**“NURSERY SCHOOL”**. (See Daycare Center)

**“NURSING HOME OR ASSISTED LIVING FACILITY”**. An establishment for the care of the aged or infirmed or a place to rest for those suffering bodily disorders. Such home does not contain equipment for surgical care of or for the treatment of disease or injury. Care shall include, but not be limited to, common dining facilities and maid services.

**“OFFICE, PROFESSIONAL”**. An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers, and others who, through training, are qualified to perform services of a professional nature and where there is no storage, sale, or display of merchandise on the premises.

**“OFFICE, SERVICE”**. An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who, through training, are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

**“PARABOLIC OR DISH-TYPE ANTENNA”**. As used herein, means any concave, circular or dish-shaped device designed for receiving communications or television signals.

**“PARCEL”**. A lot or contiguous group of lots in single ownership.

**“PARKING AREA, PRIVATE”**. An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, or occupants of the building or buildings for which the parking area is developed and is accessory.

**“PARKING AREA, PUBLIC”**. An open, hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public, whether for a fee or free for clients or customers.

**“PARKING LANE”**. A lane of a street used primarily for vehicular parking.

**“PARKING SPACE, AUTOMOBILE”**. Space with a public or private parking area exclusive of access drives or aisles, ramps, columns, or office and work areas for the storage of a passenger automobile or a commercial vehicle under one and one-half ton capacity.

**“PAWN SHOP”** as defined in Chapter 8 “Business Regulations” of the Fairview Heights Revised Code of Ordinances.

**“PAWNBROKER”** as defined in Chapter 8 “Business Regulations” of the Fairview Heights Revised Code of Ordinances.

**“PERMITTED USE”**. Any use which is specifically authorized in a particular zoning district.

**“PERSON”**. Any agent, individual, firm, association, partnership or corporation or similar entity.

**“PERSONAL SERVICES ESTABLISHMENT-BARBER SHOP, BEAUTY SALON, ETC.”** A facility used to provide personal services to patrons on-site.

**“PHARMACEUTICAL PRODUCTS, COMPOUNDING ONLY”**. A facility dedicated to the processing of pharmaceuticals for the purposes of creating necessary medications, but not the retail sale or distribution of pharmaceuticals directly to consumers.

**“PLANNED DEVELOPMENT”**.

**“PLANS”**. All of the drawings including plats, cross sections, profiles, working details and specifications, which the applicant prepares, or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the appropriate officials of the City for consideration, approval or disapproval.

**“PLAN, SIDEWALK”**. A plan approved by the Corporate Authority identifying the location of a pedestrian walk for public and private streets.

**“PLACE OF WORSHIP”**. A structure or place where individuals or groups congregate to perform acts of devotion, veneration, or religious study.

**“PLAT”**. Any map, plan or chart of a city, town, section or subdivision, indicating the location and boundaries of the individual properties, public improvements, utility locations and which meets the requirements of this Code.

**“PLAT, FINAL”**. A plat drawn in ink upon tracing cloth and conforming to the requirements of this Code.

**“PLAT, PRELIMINARY”**. The first plat prepared designating generally the methods, dimensions and conditions of land subdivision and the improvements proposed on a specific parcel of land.

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

**“PREFABRICATED, HOME”**. See **Modular Home**

**“PREMISES”**. A lot together with all the buildings and uses thereon.

**“PRINCIPAL USE”**. The primary use of land or structures as distinguished from a secondary or accessory use. A house is a principal use in a residential area; a garage or pool is an “accessory use”.

**“PRIVATE LODGES, CLUBS, OR CAMPS”**. A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

**“PROFESSIONAL STUDIO”**. A facility used for the creation, processing or development of consumer goods or products, but not used for interaction with clients.

**“PROFESSIONAL STUDIO-DANCE, ATHLETIC, ARTS INSTRUCTION, PHOTOGRAPHY, ETC.”**. A facility where individuals or small groups can receive instruction or be provided a service related to performing arts, visual arts, athletics, etc.

**“PROPERTY LINE”**. A recorded boundary of a plot or plat.

**“PUBLIC LIBRARY”**. A facility that is owned and operated by a public agency, district, or municipal department, is generally open to the public, and contains a collection of books, periodicals, films, and other print and digital media as a resource for public users. A public library may also include supporting amenities such as computer labs, meeting spaces, reading rooms, viewing rooms, etc.

**“PUBLIC OPEN SPACE”**. Any publicly-owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

**“PUBLIC SYSTEM (WATER AND SEWER)”**. A system which is owned and operated by a local governmental authority or by an established public utility company. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of this State.

**“RECREATIONAL VEHICLE”**. Camping trailers, motor homes, mini-motor homes, travel-trailers, truck-campers, van-campers, camper shells or any vehicle used for recreational, avocational or competitive purposes on land, sea or air.

**“RECREATIONAL VEHICLE SALES”**. The sale of campers, trailers, boats, and other vehicles used for recreation.

**“RECYCLABLE MATERIALS”**. Solid waste that can be returned to the economic mainstream in the form of raw materials or products. Recyclable material includes, but is not limited to: newspaper, cardboard, aluminum, office paper, junk mail, tin and steel cans, textiles, plastic and electronic goods

**“RECYCLING CENTER, MINOR”** A facility designed and operated to receive, store or process recyclable materials within enclosed building(s), with a total capacity equal to or less than two hundred (200) tons of recyclable materials for all buildings combined, but not used for the salvaging and/or processing of heavy recyclable materials or retail sales of any materials.

**“REFUSE”**. Garbage (food waste) and trash, but not sewage or industrial waste.

**“RESIDENCE”**. A stationary principal building designed for or used as a dwelling as distinguished from a mobile (dwelling) home.

**“RESTAURANT, SIT-DOWN”**. A food preparation and service facility that accommodates customers with on-site seating.

**“RESTAURANT, WITH DRIVE-THROUGH FACILITIES”**. A food preparation and service facility that may or may not include on-site seating, but includes a drive-thru facility for customers in vehicles.

**“RETAIL SALES ESTABLISHMENT”**. A facility that provides goods for sale on-site.

**“RETAIL SALES ESTABLISHMENT, OUTDOOR STORAGE-E.G. CEMENT PRODUCTS, LUMBER YARD, ETC”**. A facility that provides goods for sale on-site that, do to the nature of the goods, includes outdoor storage of inventory available for purchase by consumers.

**“REZONING”**. An amendment to or a change in the Zoning Code.

**“RE-SUBDIVISION”**. See “SUBDIVISION”.

**“RIDING STABLES”**. A facility that supports the raising of horses, including related amenities such as riding tracks and supply storage.

**“ROAD, COUNTY”**. A term denoting a tract of land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the right-of-way. This tract of land must have been presented to and accepted by the County Superintendent of Highways.

**“ROADBED”**. The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

**“ROADWAY”**. The entire improved portion of the street, including shoulders, parking lanes, travel ways, and curbs and gutters, which lies between the right-of-way lines.

**“ROOF”**. The external upper covering of a building.

**“ROOF LINE”**. A horizontal line parallel to the average ground level of the structure along the front of the building designating the highest point of a flat roof, or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, that line of demarcation separating the roof and the vertically structured facade, or a line along the front of the building delimiting the roof line between eaves and ridge for gable, hip and gambrel roofs.

**“ROOM”**. An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches and the like.

**“RULES AND REGULATIONS”**. The rules and regulations adopted pursuant to the “Rules and Regulations for Mobile Home Parks” of the State of Illinois as issued and in force by the State of Illinois Department of Public Health, unless otherwise specified.

**“SCHOOL, ELEMENTARY AND SECONDARY”**. An educational facility containing grades generally ranging from Kindergarten through 8<sup>th</sup> grade (elementary schools) and ninth through twelfth grades (secondary schools).

**“SERVICE BUILDING”**. A structure housing toilet, lavatory, laundry and such other facilities as

may be required or permitted by this Code.

**“SERVICE EQUIPMENT”**. The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply of power to that mobile home or building.

**“SETBACK LINE”**. The distance in linear feet measured on a on a horizontal plane from the center line of a street and/or from a lot line to a building or structure on the lot.

**“SEWER CONNECTION”**. The sewer connection consists of all pipes, fittings, and appurtenances from the drain outlet of the building or structure or mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the building or structure.

**“SEWER RISER PIPE”**. That portion of the sewer lateral which extends vertically to the ground surface and terminates at each lot.

**“SHOPPING CENTER”**. A commercial or retail facility consisting of more than one tenant and typically sharing access points, parking lots, signage, etc.

**“SHOOTING RANGE”**. A facility used for the controlled shooting of guns or other weaponry for the purposes of practice.

**“SIGN”**. Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed or constructed and displayed in any manner whatsoever out-of-doors for advertising, identification or announcement purposes.

**“SINGLE-FAMILY DWELLING”**. A permanent structure placed on a permanent foundation, having one (1) or more rooms with provisions for living, sanitary and sleeping facilities, arranged for the use of one (1) or more individuals. These dwellings shall include site-build, manufactured and modular homes.

**“SITE”**. A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**“SLOPE”**. The degree of natural inclination of the existing ground.

**“SLOPE, STEEP”**. Lands with a slope of twelve percent (12%) or greater and those lands with a seven percent (7%) to twelve percent (12%) slope which are especially susceptible to soil erosion.

**“SMALL ENGINE REPAIR”**. A facility used for the on-site repair of motor engines, but not used for deconstruction, salvaging, rebuilding, or more substantial repairs.

**“SPECIAL EVENTS”**. Any outdoor tent sale, warehouse sale, sidewalk sale, craft fair, picnic, contest, game, sporting event, holiday observance, rodeo, or similar promotion event located upon that portion of a property otherwise designated for a specific use, such as, but not limited to, a parking

lot or sidewalk.

**“STREET”**. A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court, or as otherwise designated, but excluding an alley or a way for pedestrian use only.

**“STREET, ARTERIAL”**. A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic continuous route with intersections at grade and which may direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

**“STREET, COLLECTOR”**. A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

**“STREET, LOCAL”**. A street serving limited amounts of residential traffic and for access to abutting property.

**“STREET, LOCAL COLLECTOR”**. A street used primarily to collect limited amounts of residential traffic and for access to abutting properties, providing for minimum speeds and traffic volumes.

**“STREET, MARGINAL ACCESS”**. A local street providing access to abutting properties.

**“STRUCTURE”**. Anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground, but not including poles, lines, cables, and other transmission or distribution facilities of public utilities.

**“SUBDIVIDE”**. See “SUBDIVISION”.

**“SUBDIVIDER”**. Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

**“SUBDIVISION”**. The division of land into two (2) or more lots or parcels except in the following instances:

1. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less one (1) acre in any recorded subdivision does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;

4. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.

**“SUBDIVISION, MINOR”**. A division of land into two (2), but not more than six (6) lots, all of which front upon an existing street, does not involve any streets or other rights-of-way, easements and improvements, or other provisions for public areas and facilities.

**“TRADE WORKSHOPS”**. Facilities used for the storage, processing, and manipulation of wood, metal, or other raw materials through the use of machinery and/or tools for the purpose of creating goods for delivery to consumers.

**“TRAILER”**. Non-motorized vehicle used for transporting persons or property, excluding pole trailers, and which are designed so that no part of its weight rests upon the towing vehicle.

**“TRANSIT CENTER”**. A facility that hosts transit vehicles, shelters, and other activities related to transit such as ticketing and information booths for the purpose of providing transit services through public or private service providers.

**“TRAVEL WAY”**. That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**“TRUCK”**. Every motor vehicle designed, used or maintained primarily for the transportation of property.

**“USE”**. The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

**“USE, SPECIAL”**. A use allowed in the particular zoning district upon the issuance of a special use permit by the Planning Commission in accordance with the provisions of this chapter.

**“UTILITY SUBSTATION”**. Any electrical substation, communications switch facility, central heating and cooling plant, or similar infrastructure facility used by public or private service providers for the purposes of delivering essential services to consumers.

**“VACATE”**. To terminate the legal existence of a right-of-way or subdivision, and to so note on the

final plat recorded with the St. Clair County Recorder of Deeds.

**“VARIANCE”**. A device which grants relief from a provision and/or provisions of the Zoning Code when, because of the particular physical surroundings, shape, or topographic conditions of the property, a hardship exists in using the property in compliance with the Zoning restrictions.

**“VETERINARY SERVICES ESTABLISHMENT”**. A facility dedicated to the medical examination and treatment of animals.

**“VEHICLE”**. Devices by which persons or property may be transported. Not included are devices moved by human power, used on stationary rails or tracts, and snowmobiles.

**“VIDEO GAMING PARLOR”**. An establishment whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act (230 ILCS 40/5) and in which alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises which is subsidiary to the operation of the video gaming terminals. In determining whether an establishment’s primary purpose is video gaming, the considerations include but are not limited to: A seating area for video gaming terminals being greater than the seating area for food and beverage service or merchandise sales, the absence of a full service kitchen, an estimated net revenue of at least 40% or more derived from video gaming terminals, and an overall size of 1,500 square feet or less.

**“WAREHOUSING”**. The practice of storing goods or materials in a large building.

**“WATER CONNECTION”**. The water connection consists of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

**“WATER RISER PIPE”**. That portion of the water supply system serving a development which extends vertically to the ground surface and terminates at a designated point at each lot.

**“YARD”**. An open space not occupied or obstructed by any structure or portion of a structure, except fences as regulated and otherwise expressly provided for herein.

**“YARD, FRONT”**. A yard extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

**“YARD, REAR”**. A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

**“YARD, SIDE”**. A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

**“ZONING BOARD OF APPEALS”**. An appellate, interpretive and advisory body designated to assist in the administration of the zoning provisions of this Code.

**“ZONING MAP”**. The zoning map or maps of the City of Fairview Heights, together with all amendments subsequently adopted.

## ARTICLE II. ZONING DISTRICTS

14-02-01. ZONING DISTRICT INTENT AND PURPOSE

14-02-02. ZONE DISTRICT MAP AND BOUNDARIES

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### 14-02-01. ZONING DISTRICT INTENT AND PURPOSE

For the purposes of this Code, the entire City of Fairview Heights is hereby divided into the following zoning districts:

**A. Residential Districts.**

- R-1 Single-family, Low Density
- R-2 Single-family, Low Density
- R-3 Single-family, Medium Density
- R-4 Single-family, Medium Density
- R-5 Single-family, Small Lot
- MH Single-family
- MF Multi-family

**B. Business Districts**

- B-1 Neighborhood Business
- B-2 Regional Business
- B-3 General Business
- B-4 Office Business
- MXD Mixed Use Overlay

**C. Conservation District.**

- C Conservation

**D. Industrial District**

- I Industrial

## 14-02-02. ZONE DISTRICT MAP AND BOUNDARIES

The boundaries of the zoning districts are established as shown on the Fairview Heights Zone District Map. The zoning districts and boundaries are hereby adopted and established as shown on the Zone District Map, together with all notations, references, data, district boundaries and other information thereof, and are made a part of the Developmental Code by reference. The zoning map properly attested shall remain on file in the office of the Administrative Official. Zone district boundaries shall be as follows:

- A. **Center Lines.** Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, the center lines of alleys, or the center lines of highways, such district boundaries shall be construed as being the center line of that street, alley or highway.
- B. **Lot Lines.** Where district boundaries are indicated approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. **Railroad Lines.** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.
- D. **Bodies of Water.** Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the City unless otherwise indicated.
- E. **Section Lines.** Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines or survey and claim lines, such lines shall be construed to be such boundaries.
- F. **Ancillary Uses.** Any area shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which it is located.
- G. **Public Ways.** Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- H. **Lacking District Designation.** Where any land or territory within the jurisdiction of the City is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.

# ARTICLE III. RESIDENTIAL DISTRICTS

- 14-03-01. PURPOSE STATEMENTS
  - 14-03-02. PERMITTED AND SPECIAL USES
  - 14-03-03. BULK AND YARD STANDARD
  - 14-03-04. GENERAL STANDARDS
- 

## 14-03-01. PURPOSE STATEMENTS

### A. R-1. Single – family, Low Density.

The R-1 Single Family District is a legacy district consisting of existing areas that are low density developments with lots originally developed without central sanitary sewer system. Any future development within the existing R-1 designated District must comply with all requirements of the City of Fairview Heights Code of Ordinances and the St. Clair County Public Health Department rules and regulations for individual sewage systems. The zoning of new R-1 properties outside of existing areas of the R-1 district is prohibited.

### B. R-2. Single-family, Low Density.

The R-2 Single Family District consists primarily of large lot, single-family detached homes and related recreational and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

### C. R-3. Single-family, Medium Density.

The R-3 Single Family District is a legacy district consisting of medium sized lots. Any future development within the existing R-3 designated District must comply with all requirements of the City of Fairview Heights Code of Ordinances and the St. Clair County Public Health Department rules and regulations for individual sewage systems. The zoning of new R-3 properties outside of existing areas of the R-3 district is prohibited.

### D. R-4. Single-family, Medium Density.

The R-4 district provides for medium density development on smaller lots than is provided for in the low-density district, while securing such characteristics as outlined in the R-2 district.

### E. R-5. Single-family, Small Lot.

The R-5 district is a legacy district which accommodates single-family detached homes on small lots. Any future development within the existing R-3 designated District must comply with all requirements of the City of Fairview Heights Code of Ordinances and the St. Clair County Public

Health Department rules and regulations for individual sewage systems. The zoning of new R-5 properties outside of existing areas of the R-5 district is prohibited.

**F. MH, Manufactured Home, Single-family**

The “MH” District accommodates the manufactured homes as a single-family dwelling on individual lots. In this district, single-family dwellings and manufactured homes may be permitted, subject to the requirements herein. Manufactured homes shall be permitted only in the “MH” District.

**G. MF, Multi-family.**

The MF district provides for medium to high population density in two-family and multi-family dwellings. Related recreational and educational facilities are also permitted. This district is generally located adjacent to the commercial districts and permits a transition to other, less intense residential districts. The maximum height allowed within the MF district is slightly higher than that of other residential districts.

**14-03-02. PERMITTED AND SPECIAL USES**

Figure 14-03(A): Residential Districts – Permitted and Special Uses lists permitted and special uses for the residential districts. A “P” indicates that a use is considered permitted within that district as of right. An “S” indicates that a use is permitted as a special exception in that district upon approval from the Plan Commission as required in Section 14-14-09 (Plan commission procedures, special-use permit and amendment). A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

**Figure 14-03(A): Residential District – Permitted and Special Uses**

P = Permitted Use S = Special Use

USE	R-1	R-2	R-3	R-4	R-5	MH	MF	Reference
<b>RESIDENTIAL</b>								
<b>Household Living</b>								
Dwelling, single-family	P	P	P	P	P	P	P	14-08-14, 21
Dwelling, two-family				S			P	
Dwelling, multi-family							P	14-08- 22
<b>Group Living</b>								
Community residence, family (7 or fewer persons)	P	P	P	P	P	P	P	14-07-10
Community residence, group (8 or more persons)	S	S	S	S	S	S	S	14-07-10
Nursing home or assisted living facility							S	14-07-04
<b>RURAL</b>								
<b>Agriculture</b>								
Agriculture	S	S						
<b>INSTITUTIONAL</b>								
<b>Government and Education</b>								
Governmental use or facility, City of Fairview Heights	P	P	P		P	P	P	

USE	R-1	R-2	R-3	R-4	R-5	MH	MF	Reference
Government use or facility, other than City of Fairview Heights	S	S	S	S	S	S	S	14-07-09
School, elementary and secondary	S	S	S	S	S	S	S	14-07-27
<b>Cultural</b>								
Community center, public facility	P	P	P	P	P	P		
Place of worship	P	P	P	P	P	P	P	14-07-09
Cemeteries and mausoleums	S	S	S	S	S	S	S	
Private lodge, club, or camp							S	14-07-15
Fraternal or civic organization							P	14-07-15
Public Library	P	P	P	P	P	P	P	14-07-09
<b>Professional Services</b>								
Daycare home, child	P	P	P	P	S	S	P	14-07-08
Daycare center, child	S	S	S	S	S	S	S	14-07-08
<b>COMMERCIAL</b>								
<b>Lodging</b>								
Bed and Breakfast	S						S	14-07-05

### 14-03-03. BULK AND YARD STANDARDS

- A. Figure 14-03(B): Residential District Bulk and Yard Regulations establishes bulk and yard regulations for the residential zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a specific use.

Table 14-03(B): Residential District Bulk and Yard Standards

BULK AND YARD	R-1	R-2	R-3	R-4	R-5	MH	MF
<b>LOT STANDARDS</b>							
Lot Area (min.)	20,000 sf	15,000 sf	10,000 sf	8,000 sf	6,000 sf	6,000 sf	10,000 sf
Lot Width (min.)	100 ft	100 ft	100 ft	70 ft	50 ft	50 ft	Under 10 d.u.: 10 d.u. or more: 10 ft per d.u. over 2 units
Mean Lot Depth (min.)	125 ft	125 ft		100 ft	100 ft	100 ft	100 ft
<b>SETBACKS</b>							
Front (min.) <sup>1</sup>	40 ft	35 ft	25 ft				
Rear Yard (min.)	25 ft						
Side Yard (min.) <sup>2</sup>	10 ft	10 ft	7.5 ft	7.5 ft	5 ft	5 ft	5 ft
Total for both Side Yards (min.)	25 ft	25 ft	20 ft	20 ft	15 ft	15 ft	15 ft
<b>INTENSITY</b>							
Building Height (max.) <sup>3</sup>	2 1/2 stories or 35 ft						
Floor Area Ratio (max.)	0.5	0.5	0.5	0.5	0.5	0.5	1
Intensity of Use (max.) <sup>4</sup>	1 d.u. per lot	-					

NOTES:

1. As measured from front lot line.
2. Where the side lot line is adjacent to public right-of-way, the minimum shall be 25 ft.
3. Whichever is less.
4. Unless as approved by special use.

## 14-03-04. GENERAL STANDARDS

- A. **Use Standards.** See Article 14-07: Use Standards for standards such as minimum building size and permitted accessory uses and structures.
- B. **Site Development Standards.** See Article 14-08: Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.
- C. **Off-Street Parking.** See Article 14-09: Off-Street Parking and Loading for standards governing off-street parking and loading.
- D. **Landscaping.** See Article 14-10: Landscaping for standards governing landscaping and screening.

## ARTICLE IV. BUSINESS DISTRICTS

- 14-04-01. PURPOSE STATEMENTS
  - 14-04-02. PERMITTED AND SPECIAL USES
  - 14-04-03. BULK AND YARD STANDARDS
  - 14-04-04. GENERAL STANDARDS
- 

### 14-04-01. PURPOSE STATEMENTS

**A. B-1. Neighborhood Business**

The B-1, Neighborhood Business district provides for local retail and service facilities and access to day-to-day goods and services for surrounding residential neighborhoods. This district is intended to allow commercial development which can be carried out in a harmonious manner with a minimum of disruption and undesirable impact upon the adjacent residential uses.

**B. B-2. Regional Business**

The B-2, Regional Business district provide areas for more intensive retailing and service uses that serve both the needs of local residents as well as draw customers from areas beyond the city limits. Generally, retail establishments that require large lots and outdoor display/storage as well as distribution and storage land uses are permitted in this district. This district is designed to accommodate commercial areas that are not compatible with residential neighborhoods.

**C. B-3. Corridor Business**

The B-3, Corridor Business district provides for a mix of standalone development, community-scale retail centers, and professional office space. Corridor Business district properties frequently abut residential areas and appropriate setbacks, screening, and landscaped buffers are required to minimize disruption and undesirable impact upon the adjacent residential uses. Corridor Business areas must be carefully located so as not to constrict, impede, or reduce the normal flow of traffic, provide for safe access and egress, and safe and convenient pedestrian travel.

**D. B-4. Office Business District**

The B-4, Office-Business District is designed to encourage the location of office, research and development, employment centers and compatible business uses in areas of high visibility and access from major roadways. This district(s) is located in an area characterized by related sites for a compatible office-business use relationship. Non-office uses should be of low intensity and complementary scale.

**E. MXD. Mixed Use Overlay**

The MXD, Mixed Use Overlay district accommodates innovative development concepts consisting of areas for both residential and business uses in a vertical mixed-use building with retail, services, and other uses on the ground floor and residential units on the floors above or horizontal mixed-use combining single-use buildings on distinct parcels in a range of land uses in one block. The MXD, Mixed-Use District encourages pedestrian-oriented development, unified design characteristics and a traditional “main street” shopping district.

## 14-04-02. PERMITTED AND SPECIAL USES

Figure 14-04(A): Business Districts – Permitted and Special Uses lists permitted and special uses for the business districts. A “P” indicates that a use is considered permitted within that district as of right. An “S” indicates that a use is permitted as a special exception in that district upon approval from the Plan Commission as required in Article 14 (Plan commission procedures, special-use permit and amendment). A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

**Figure 14-04 (A): Business District – Permitted and Special Uses**

P = Permitted Use S = Special Use

USE	B-1	B-2	B-3	B-4	MXD
<b>RESIDENTIAL</b>					
<b>Household Living</b>					
Dwelling, Multi-Family		P	S		P
Business related dwelling unit		S			P
Live-work uses <sup>2</sup>					P
<b>Group Living</b>					
Community residence, family (7 or fewer persons)					S
Community residence, group (8 or more persons)	S	S	S		S
Assisted and supportive living facilities		S	S		S
<b>INSTITUTIONAL</b>					
<b>Government and Education</b>					
Governmental use and facility, City of Fairview Heights	P	P	P	P	P
Governmental use and facility, other than Offices	S	S	S	S	S
Governmental office	S	S	P	P	P
Business, professional and technical school or university		P	S	S	S
<b>Cultural</b>					
Place of worship	S	S	S	S	S
Funeral chapel	S	P	S		
Museum	P	P	P	S	S
Private lodge, clubs, or camps		S	P		
Public library		P	P		S

**FINAL DRAFT**

<b>USE</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>MXD</b>
<b>Professional Services</b>					
Day Care Home, Child <sup>1</sup>					
Day Care Center, Child	P	S	S	S	S
<b>USE</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>MXD</b>
<b>COMMERCIAL</b>					
<b>Eating and Drinking Establishments</b>					
Catering establishment	S	P	S		
Dairy products or ice cream store	P	P	P		S
Restaurant, sit-down	S	P	P	P	P
Restaurant, with drive-through facilities		S	S		
Tavern/bar/nightclub		S	S	S	S
Entertainment use serving food or alcohol		S	S	S	S
<b>Entertainment and Spectator Sports</b>					
Adult Use		S	S		
Billiard parlors	S	S	S		S
Bowling alley		P	S		S
Driving range		S			
Golf course <sup>2</sup>		S			
Ice and roller skating rink		P	S		
Miniature golf		P	S		
Movie theaters		P	S		S
Shooting range			S		
Video gaming parlor		S	S		S
<b>Financial Services</b>					
Consumer installment loan business		S	S	P	
Currency Exchange		S	S		
Financial institutions, excluding drive-through facilities	P	P	P	P	P
Financial institutions, including drive-through facilities	S	P	S	S	S
Pawn Shops		P	S		
<b>Food and Beverage Retail Sales</b>					
Bakery, retail (onsite production and sale)	P	P	P		P
Convenience food store	P	P	P		P
Fruit or vegetable shop or stand	P	P	P		P
Grocery or supermarket	P	P	P		S
Liquor store	P	P	P		P
Meat market	P	P	P		S
<b>Lodging</b>					
Bed and Breakfast	S		S		S
Hotels		S	S	S	S
Motels		S	S	S	S
<b>Medical Services</b>					
Ambulatory services establishment		S			
Hospital	P	S	P		
Laboratory, testing or experimental		P	P	P	
Medical or dental office	P	P	P	P	P
Veterinary services establishment <sup>3</sup>		P	S		

**FINAL DRAFT**

<b>USE</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>MXD</b>
<b>Professional Office &amp; Services</b>					
Professional studio	S		S	P	
Business or professional service	P	P	P	P	P
Office buildings, public and private	P	P	P	P	P
<b>USE</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>MXD</b>
<b>Retail Sales &amp; Personal Services</b>					
Car wash, self-service or automatic		S	S		
Cannabis dispensary		S	S		S
Dry cleaners, retail	P	P	P		P
Fitness center		P	P		S
Kennel		S	S		
Laundromat	S	P	P		P
Massage therapy		S	S		S
Membership club or wholesale establishment		P			
Personal services establishment – barber shop, beauty salon, etc.	P	P	P		P
Professional studio – dance, athletic, arts instruction, photography, etc.		P	S		P
Repair service establishment, retail	P	P	P		S
Repair service establishment, construction and building		P	P		
Retail sales establishment	P	P	P	S	P
Retail sales establishment, outdoor storage – e.g. cement products, lumber yard, etc.		S	S		
Shopping center	P	P	P		S
Tattoo Shop		P	P		
<b>Storage</b>					
Electronic Data Storage Facility			S	S	
<b>Transportation</b>					
Transit Center		S	S	S	S
<b>Vehicle and Equipment, Sales and Service</b>					
Automobile and agricultural implements, sales and services		S	S		
Automobile repair		S	S		
Automobile service station, including self-service		S	S		S
Machine and equipment rental, sales, and service		S	S		
Motor vehicle accessory customization		P	S		
Recreational vehicle sales		P	S		
Small engine repair		S	S		

NOTES:

1. As regulated by Ord. No. 1080-02; 02-06-02.
2. Par 3 golf courses only.
3. When conducted entirely within an enclosed building.
4. Provided screening is included as approved by the Zoning Administrator.

## 14-04-03. BULK AND YARD STANDARDS

Figure 14-04(B): Business District Bulk and Yard Regulations establishes bulk and yard regulations for the business zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a specific use.

**Figure 14-04(B): Business District Bulk and Yard Standards**

<b>BULK AND YARD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>MXD</b>
<b>LOT STANDARDS</b>					
Lot Area (min.)	10,000 sf	20,000 sf	20,000 sf	20,000 sf	
Lot Width (min.)	80 ft	100 ft	100 ft	100 ft	
Mean Lot Depth (min.)	100 ft	150 ft	150 ft	150 ft	
<b>SETBACKS</b>					
Front	25 ft min.	20 ft min.	10 ft min.	25 ft min.	12 ft min – 20 ft max
Rear Yard (min.)	20 ft	20 ft	20 ft	20 ft	20 ft*
Side Yard (min.)	5 ft	10 ft	10 ft	10 ft	Interior side yard adjacent a: Residential District - 10 ft MXD District - 0 ft ** Other: 5 ft
<b>INTENSITY</b>					
Building Height (max.)	25 ft	45 ft	35 ft	35 ft	55 ft
Floor Area Ratio (max.)	0.5	2.5	1.0	2.5	Mixed-use: 2.0
Intensity of Use (max.)	Floor area of unit not to exceed 2,500 sq ft	-	-	-	1 residential unit per 2,900 sf of lot area

**NOTES:**

\* See Section

\*\*Except within MXD, Mixed-use District, where the side lot line is adjacent to public right-of-way, the minimum side yard setback shall be 25 ft.

## 14-04-04. MIXED USE OVERLAY ZONE STANDARDS

Sections:

- A. Mixed use overlay zone (MU).
- B. Superimposed nature of mixed use overlay zone.
- C. Special focus area
- D. Mixed use in other areas.
- E. Uses permitted.
- F. Uses permitted subject to a conditional use permit.
- G. Uses prohibited.
- H. Property development standards.
- I. Design principles.

**A. Mixed use overlay zone (MU).**

The mixed use overlay zone is intended to allow greater flexibility of development alternatives, especially attractive higher density residential development and live-work buildings, in appropriate areas of the city. More specifically, the intent of the mixed use overlay zone is to accomplish the following objective:

1. To encourage mixed use projects that combine residential with nonresidential uses in the same building or building site area as a means to create an active street life, enhance the vitality of businesses, and reduce the need for automobile travel;
2. To provide a meaningful blend of residential and non-residential uses that enhances and builds upon the city’s commercial base; the mixed use overlay zone is not intended to simply act as a loophole in the zoning code for residential development;
3. To provide additional housing options for people, including but not limited to, young professionals and older people, who want to live near their workplace and/or near retail and other non-residential uses;
4. To encourage consolidation of small parcels into viable, block-size mixed use development in designated areas;
5. To ensure on-site compatibility of residential and non-residential uses; and
6. To ensure compatibility of mixed use projects with surrounding uses and development patterns.

**B. Superimposed nature of mixed use overlay zone.**

The mixed use overlay zone shall be in the nature of an overlay zone. Land classified in the mixed use overlay zone shall also be classified in one or more underlying zones. Property so classified shall be identified on the zoning map by both the underlying zone and the mixed use overlay zone. The regulations set forth in this chapter of the mixed use overlay zone shall be in addition to those regulations set forth in the underlying zone. In the event of a conflict between the provisions of the mixed use overlay zone and the provisions of the underlying zone, the provisions of the mixed use overlay zone shall prevail when a mixed use project is being developed. If the mixed use overlay zone is silent in relation to any development standard, the development standard identified in the underlying zone shall prevail.

**C. Special focus areas.** 

With application of the mixed use overlay zone, the city seeks to take advantage of development opportunities in key areas of the city, each of which faces unique opportunities and constraints. The City has identified the area surrounding the MetroLink Station as a key area.

**D. Mixed use in other areas.**

Applications may be made to place the mixed use overlay zone on other properties in the city in accordance with the procedures set forth in Article XIV. The planning commission and city council shall consider whether a mixed use development is appropriate in its context with adjacent land uses and serves the needs of residents in an attractive and functional manner.

**E. Uses permitted.**

The following uses shall be permitted in the mixed use overlay zone:

1. All mixed use development in accordance with the provisions of this section requires site plan review pursuant to the standards of this title. Site plans shall be subject to planning commission review and approval in accordance with Article XV.
2. If property is developed solely in accordance with provisions of the underlying zoning district, uses permitted or conditionally permitted in the underlying zoning district shall be allowed. Site plan review shall not be required for such development unless required by another provision of this title.
3. If property is developed with a mix of residential and nonresidential uses<sup>1</sup> within the same project area in accordance with the provisions of this section:
4. Live-work:
  - a. Professional, administrative, and business uses;
  - b. Repair services (excluding auto related repair services);
  - c. Retail sales and service;
  - d. Studios (art, photography, copywriter, film/video).
5. Accessory:
  - a. Parking lots or structures,
  - b. Public or private recreational facilities,
  - c. Mechanical and utility equipment.

**F. Uses permitted subject to a special use permit.**

The uses identified in Figure 14-04 (a) may be permitted in a mixed use development under a special use permit in accordance with the procedures set forth in Article 14.

**E. Uses prohibited.**

1. Massage establishment in a live-work unit.
2. Any project consisting solely of residential uses.

**F. Property development standards.**

The property development standards set forth in this section shall apply to all land and buildings built within the mixed use overlay zone, when a property owner chooses to provide housing in association with non-residential uses in accordance with the provisions of said zone.

1. Lot dimensions: Minimum lot width at street frontage of eighty feet with curb cuts along building frontage, fifty feet without curb cuts along building frontage. No minimum or maximum lot depth.
2. Minimum project area<sup>3</sup>:
  - i. One acre minimum, with the following exceptions:
    - a) Parcels that cannot be consolidated to satisfy the minimum project area because they are bordered on all sides by property that is not zoned with the mixed use overlay zone;
    - b) Parcels that cannot be consolidated because they are bordered on three or more sides by roadways; or
    - c) Parcels that cannot be consolidated because adjacent property is not zoned with the mixed use overlay.
  - ii. Lots across public roadways may be consolidated to create larger project areas.
  - iii. The Land Use and Development Director must be consulted before the review of

projects that cause an orphaned parcel condition. An orphaned parcel condition exists if the group of consolidated parcels that comprise the minimum project area of one acre results in an adjacent isolated or orphaned parcel that will be unable to meet the minimum project area. The involvement of the community development director ensures that adequate effort has been made to negotiate between the project and adjacent orphaned parcel. In addition, in the event that the orphaned parcel is not included in the adjacent development for reasons such as its recent date of development, the involvement of the community development director will ensure that compatibility exists between the orphaned parcel's existing condition and the adjacent project's current development.

3. Density and intensity:

- i. Floor area ratio (FAR)<sup>4</sup>: nonresidential intensity shall be a maximum of 0.5 FAR as calculated over the portion of the project area devoted to such use, including when such use is part of a vertical development.
- ii. Residential as a part of a mixed use project: the maximum residential density shall be fifteen units per acre, calculated over the portion of the project area devoted to such use, including when such use is part of a vertical development.
- iii. Projects may develop both the maximum FAR for nonresidential development and maximum density for residential development within the same project area, provided all other standards in this section are met.
- iv. Site coverage: Not to exceed eighty percent.

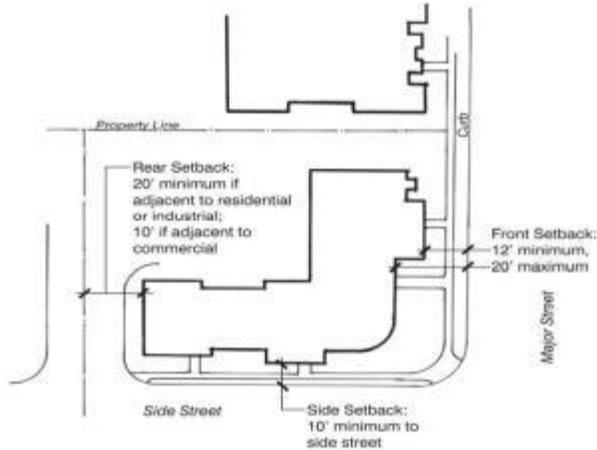
4. Maximum Building Height. The following height standards apply to individual buildings within a project area<sup>5</sup>:

- i. Thirty-five feet, or forty feet with architectural projections if<sup>6</sup> adjacent to one-story residential uses; ~~or~~
- ii. Forty feet, or forty-five feet with architectural projections if adjacent to two-story residential uses; or
- iii. Fifty-five feet, or sixty feet with architectural projections if adjacent to three-story or greater residential uses; or adjacent to commercial or other nonresidential uses.

5. Yards:

- i. Front: a minimum of twelve feet from front property line and a maximum of twenty feet from front property line;
- ii. Side: ten feet from property line if adjacent to residential or industrial zone, or adjacent to side street; no setback is required if adjacent to other zones (if any setback is proposed, a minimum standard of ten feet applies);
- iii. Rear: twenty feet from property line abutting a residential or industrial zone; ten feet from property line if adjacent to commercial zones (or edge of alley easement);
- iv. Building to building: Structures less than or equal to thirty-five in height: ten feet if adjacent to all other structures,

6. Accessory buildings: an accessory building, including garage, may be constructed within five feet of rear and side property line (or edge of alley right-of-way) when located in the rear one-third of the lot. Garages fronting on public streets shall maintain a minimum eight-foot setback from the property line.



**Diagram of yard setbacks.**

7. Live/work standards: Live/work units and buildings are subject to the following standards:

- i. Work on the premises of a live/work unit shall be limited to persons who live in the live/work unit. Living and working spaces shall not be rented or sold separately. The owner/occupant of a live/work unit shall notify the City of any change in use or occupancy. Any change of use or occupancy shall comply with the uses identified in this Section and will require a new Certificate of Occupancy. The commercial square footage initially approved for live-work areas within a unit shall remain commercial in nature and shall not be converted to residential use with subsequent owners.
- ii. Off-street loading will be accomplished by the temporary use of planned parking spaces, or in parking spaces limiting a vehicle's permitted parking time (e.g., parking stalls designated with twenty-minute parking limits).
- iii. Live/work units and buildings must comply with any requirements imposed by the building, fire, community development, police, and public works departments intended to protect the public health, safety and welfare.
- iv. An administrative approval or conditional approval of the commercial/work component of the live/work units shall be granted to the owner of the unit. Approvals of commercial uses may not be transferred between units. A copy of all conditions of the approval of the project shall be provided to all future owners/occupants of the building prior to their execution of a lease or purchase agreement for the live/work unit. Project conditions are required to be recorded with the County Recorder's Office prior to exercise of entitlement.
- v. Businesses using commercial vehicles are prohibited.

8. Usable open space<sup>7</sup>:

- i. Residential uses: a minimum of seventy-five square feet of outdoor usable common and private open space shall be provided per dwelling unit, including in the form of a fenced yard, patio, deck or balcony, with at least fifty percent in common open space.
- ii. Live/work uses: a minimum of fifty square feet of either outdoor usable common or private open space shall be provided for each live/work unit.
- iii. The usable common open space requirements of residential mixed use and live/work units can be combined into one or more large spaces to satisfy the usable common open space requirements, so long as the space is located along or directly accessed and visible from perimeter or interior streets.

9. Off-street parking: the provisions of Article IX shall apply, with the following exceptions:
- i. Shared parking is allowed subsequent to a shared parking analysis, prepared by an independent traffic engineer, at the developer’s expense, and approved by the community development director;
  - ii. Due to variations in parking demand and needs of mixed use projects, vehicle parking requirements and the design of the parking areas, including ingress and egress, may be reduced or modified as part of the site plan review process, by the planning commission, based upon information contained in a parking demand study prepared by an independent traffic engineer, at the developer’s expense;
10. Circulation and access: All lots and project sites that abut existing alleys shall take primary vehicular access (parking, deliveries, loading and unloading) from alley. Project sites or lots shall dedicate a minimum twenty-four-foot-wide easement, or at dimensions specified by the fire protection district, for alleyway purposes. This requirement may be waived as part of the site plan review process if it is determined that lot dimensions or external physical constraints preclude extension of alley.
11. Service, trash and loading areas, and mechanical equipment:
- i. Service and loading areas shall be oriented away from public view and provided with ornamental screening;
  - ii. Exterior on-site facilities and mechanical equipment, including sewer, gas, water, electric, telephone, and communications equipment, shall be installed underground where feasible. Transformers and other mechanical equipment that must be above ground shall be screened in accordance with Article X, and incorporated into the landscape wherever possible;
  - iii. Trash enclosures shall be screened in accordance with Article X. In addition, they shall be enclosed within the building envelope or architecturally integrated with the overall design theme of the development. Trash enclosures should be planted with vines if located adjacent to or within a landscaped area.

1  
Mixed use development can be horizontally or vertically integrated. Horizontal mixed use development consists of two or more attached or detached buildings of differing use categories (e.g., residential and commercial) within the same project area. Such buildings do not need to be on the same parcel or even on the same block, but must be within the same project area. Vertical mixed use development consists of one or more different uses placed over another use within the same building (e.g., residential over commercial).

2  
Covenants, conditions and restrictions for individual live-work projects may further restrict and prohibit uses. In addition, a Home Occupancy Permit shall be required.

3  
Project area: A project area may encompass a single parcel or multiple parcels, planned and constructed as one, coordinated and unified project.

4

Floor area ratio (FAR): The maximum FAR is calculated as the total square feet of nonresidential building (excluding areas used exclusively for parking), divided by the number of square feet within the project area (excluding areas designated for public roadways, as measured from curb to curb).

5

Depending on location of buildings with respect to adjacent uses, it is possible for each building within a project area to have a different height limit. If a building abuts multiple roadway classifications and/or uses, the most restrictive standard shall apply.

6

Architectural projections are building elements (e.g., towers, cupolas) that are added to buildings to provide architectural interest without adding interior floor area. The maximum height of any architectural projection is ten feet unless approved by the community development director following site plan review.

7

Usable open space may include plazas, and accessible hardscape or landscape areas. Usable open space shall not include: sidewalks or paved pathways; slope areas exceeding five percent; areas within public rights-of-way; storage areas; or any portion of open and enclosed parking areas, garages, streets, driveways, or automobile turning aisles.

## **14-04-05. General Standards**

- A. **Use Standards.** See Article 14-07: Use Standards for standards such as minimum building size and permitted accessory uses and structures.
- B. **Site Development Standards.** See Article 14-08: Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.
- C. **Off-Street Parking.** See Article 14-09: Off-Street Parking and Loading for standards governing off-street parking and loading.
- D. **Landscaping.** See Article 14-10: Landscaping for standards governing landscaping and screening.

# ARTICLE V. CONSERVATION DISTRICT

- 14-05-01. PURPOSE STATEMENTS
  - 14-05-02. PERMITTED AND SPECIAL USES
  - 14-05-03. BULK AND YARD STANDARDS
  - 14-05-04. GENERAL STANDARDS
- 

## 14-05-01. PURPOSE STATEMENT

### A. C. Conservation.

The C district consists of areas within which natural topography creates practical difficulty for urban development. Site location for buildings may be difficult on small tracts, adequate and safe traffic circulation system are problematic, engineering of utility systems and storm water drainage entail special circumstances and difficulties, and erosion can become a significant consideration. This can result in disproportionate or burdensome expenditures of public funds for the provision of necessary supporting roads and public facilities. It is the purpose of this district to provide for appropriate densities to preserve and enhance the natural conditions of such areas and to reduce the disproportionate cost of public facilities, by providing for appropriate uses and density patterns.

## 14-05-02. PERMITTED AND SPECIAL USES

Figure 14-02 (A): Conservation Districts – Permitted and Special Uses lists permitted and special uses for the residential districts. A “P” indicates that a use is considered permitted within that district as of right. An “S” indicates that a use is permitted as a special exception in that district upon approval from the Plan Commission as required in Section 14-14-XX (Plan commission procedures, special-use permit and amendment). A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

**Figure 14-05(A): Conservation District – Permitted and Special Uses Table**

P = Permitted Use S = Special Use

<b>USE</b>	<b>C</b>
<b>RURAL</b>	
<b>Agriculture</b>	
Agriculture	P
Horticulture	P
Forestry	P
Greenhouses	P
Temporary Produce Stand	P
<b>RESIDENTIAL</b>	
<b>Household Living</b>	
Dwelling, single-family	P
<b>Group Living</b>	
Community residence, family (7 or fewer persons)	P
Community residence, group (8 or more persons)	S
<b>INSTITUTIONAL</b>	
<b>Government and Education</b>	
Governmental use or facility, City of Fairview Heights	S
Government use or facility, other than City of Fairview Heights	S
School, elementary and secondary	S
<b>Cultural</b>	
Community center, public facility	S
Place of worship	S
Cemeteries and mausoleums	S
Private lodge, club, or camp	S
Fraternal or civic organization	S
<b>Professional Services</b>	
Daycare home, child	P
<b>Recreation &amp; Open Space</b>	
Camping Parks	S
Fishing Lakes	P
Golf Courses	P
Non-commercial Recreation	P
Riding Stables	S
<b>COMMERCIAL</b>	
Kennels	S

### 14-05-03. BULK AND YARD STANDARDS

Figure 14-05(B): Conservation District Bulk and Yard Regulations establishes bulk and yard regulations for the conservation zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a specific use.

**Table 14-05(B): Conservation District Bulk and Yard Standards**

<b>BULK AND YARD</b>	<b>C</b>
<b>LOT STANDARDS</b>	
Lot Area (min.)	3 acres
Lot Width (min.)	250 ft
Mean Lot Depth (min.)	250 ft
<b>SETBACKS</b>	
Front (min.) <sup>1</sup>	50 ft
Rear Yard (min.)	25 ft
Side Yard (min.) <sup>2</sup>	10 ft
Total for both Side Yards (min.)	25 ft
<b>INTENSITY</b>	
Building Height (max.)	35 ft
Floor Area Ratio (max.)	0.5
Intensity of Use (max.)	1 d.u. per 3 acres

**NOTES:**

1. As measured from front lot line.
2. Where the side lot line is adjacent to public right-of-way, the minimum side yard setback shall be 25 ft.

### 14-05-04. GENERAL STANDARDS

- A. **Use Standards.** See Article 14-07: Use Standards for standards such as minimum building size and permitted accessory uses and structures.
- B. **Site Development Standards.** See Article 14-08: Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.
- C. **Off-Street Parking.** See Article 14-09: Off-Street Parking and Loading for standards governing off-street parking and loading.
- D. **Landscaping.** See Article 14-10: Landscaping for standards governing landscaping and screening.

# ARTICLE VI. INDUSTRIAL DISTRICT

- 14-06-01. PURPOSE STATEMENTS
  - 14-06-02. PERMITTED AND SPECIAL USES
  - 14-06-03. BULK AND YARD STANDARDS
  - 14-06-04. GENERAL STANDARDS
- 

## 14-06-01. PURPOSE STATEMENTS

### A. I. Industrial.

The I Industrial district is intended to accommodate warehousing, wholesaling and other light industrial development activity that has an assembly nature. This district is designed to protect residential and less intensive commercial uses by locating industrial uses in locations removed from such residential or commercial development. Supportive services for light industry that are generally of a non-retail or personal services character should be encouraged to locate in this district, in addition to the open storage of equipment and supplies.

## 14-06-02. PERMITTED AND SPECIAL USES

Figure 14-02(A): Industrial Districts – Permitted and Uses lists permitted and special uses for the residential districts. A “P” indicates that a use is considered permitted within that district as of right. An “S” indicates that a use is permitted as a special exception in that district upon approval from the Plan Commission as required in Article 14-Administration and Approval. A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

**Figure 14-06 (A): Industrial District – Permitted and Special Uses**

P = Permitted Use S = Special Use

USE	I	Reference
<b>INSTITUTIONAL</b>		
<b>Government and Education</b>		
Governmental use and facility	S	14-07-09
<b>Cultural</b>		
Place of worship	S	14-07-09
<b>Food and Beverage Retail Sales</b>		
Bakery, Commercial	P	
Creameries and Dairies	S	
<b>Professional Office &amp; Services</b>		
Business or professional service	P	
Research Facilities and Laboratories	P	
Cleaning and Dry Cleaning Plants	P	
<b>Transportation/Utility</b>		
Telecommunications Facility	S	
Utility Substation	S	14-07-22
<b>Vehicle and Equipment, Sales and Service</b>		
Automobile repair	S	
Recreational vehicle sales	S	14-07-13
Service stations, self-service	S	
<b>INDUSTRIAL</b>		
<b>Light Manufacturing</b>		
Manufacturing and Processing Facilities	P	
Manufacturing and Processing Facilities, involving flammable or explosive materials, liquids or gases	S	
Recycling Center, Minor	P	14-07-23
Trade Workshops	P	
<b>Warehousing and Storage Facilities</b>		
Cold Storage	S	
Contractors' Equipment and Material Storage	P	
Distribution center	P	
Self-service Storage	P	
Warehousing	P	
<b>Medical Service</b>		
Dental Laboratories	P	
Medical Laboratories	P	
Pharmaceutical Products, Compounding Only	P	

### 14-06-03. BULK AND YARD STANDARDS

Figure 14-02 (B): Industrial District Bulk and Yard Regulations establishes bulk and yard regulations for the industrial zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a specific use.

**Figure 14-06 (B): Industrial District Bulk and Yard Standards**

<b>BULK AND YARD</b>	<b>I</b>
<b>LOT STANDARDS</b>	
Lot Area (min.)	20,000 sq ft
Lot Width (min.)	100 ft
Mean Lot Depth (min.)	150 ft
<b>SETBACKS</b>	
Front (min.) <sup>1</sup>	<b>25 ft</b>
Rear Yard (min.)	20 ft
Side Yard (min.) <sup>2</sup>	25 ft
Total for both Side Yards (min.)	50 ft
<b>INTENSITY</b>	
Building Height (max.)	45 ft
Floor Area Ratio (max.)	1.0

**NOTES:**

As measured from front lot line.

Where the side lot line is adjacent to public right-of-way, the minimum side yard setback shall be 25 ft.

### 14-06-04. GENERAL STANDARDS

- A. **Use Standards.** See Article 7-Use Standards for standards such as minimum building size and permitted accessory uses and structures.
- B. **Site Development Standards.** See Article 8-Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.
- C. **Off-Street Parking.** See Article 9-Off-Street Parking and Loading for standards governing off-street parking and loading.
- D. **Landscaping.** See Article 10-Landscaping for standards governing landscaping and screening.

## **ARTICLE VII. USE STANDARDS**

- 14-07-01. PURPOSE**
- 14-07-02. ADULT USES**
- 14-07-03. AMBULATORY SERVICES ESTABLISHMENT**
- 14-07-04. ASSISTED AND SUPPORTIVE LIVING FACILITIES**
- 14-07-05. BED AND BREAKFAST**
- 14-07-06. CAMPING PARKS**
- 14-07-07. CAR WASH**
- 14-07-08. CHILD DAY CARE HOMES AND CHILD DAY CARE CENTERS**
- 14-07-09. CHURCHES AND PLACES OF FORMAL WORSHIP, GOVERNMENTAL BUILDINGS, LIBRARIES, HOSPITALS, AND SIMILAR BUILDINGS**
- 14-07-10. COMMUNITY RESIDENCE, GROUP**
- 14-07-11. DWELLING UNIT, BUSINESS RELATED**
- 14-07-12. GARAGES: REPAIR**
- 14-07-13. GASOLINE SERVICE STATIONS**
- 14-07-14. FUNERAL CHAPEL**
- 14-07-15. FRATERNAL OR CIVIC ORGANIZATIONS, PRIVATE LODGES, OR CLUBS**
- 14-07-16. HOME OCCUPATION**
- 14-07-17. HOSPITALS AND SANITARIUMS**
- 14-07-18. KENNEL**
- 14-07-19. MOBILE HOME SALES**
- 14-07-20. OUTDOOR SEATING AREAS**
- 14-07-21. PLANT NURSERIES AND GREENHOUSES**
- 14-07-22. PUBLIC BUILDINGS**
- 14-07-23. PUBLIC UTILITY STATIONS, EXCHANGES, AND ESSENTIAL SERVICES**
- 14-07-24. RECYCLING CENTER, MINOR**
- 14-07-25. OUTDOOR STORAGE**
- 14-07-26. RIDING STABLES**
- 14-07-27. SCHOOLS, SECONDARY AND ELEMENTARY**
- 14-07-28. SELF-STORAGE OR MINI-WAREHOUSE**
- 14-07-29. TAVERN/NIGHT CLUB**
- 14-07-30. VIDEO GAMING PARLOR**

## **14-07-01. PURPOSE**

The purpose of this Article is to establish regulations and standards that apply to uses throughout Fairview Heights. These standards are intended to ensure that the use is compatible with the surrounding area.

These regulations shall be applied as follows:

- A. For uses not identified as a “special use” for the district of a given property but identified in this Article, the use shall conform to the regulations established in this Article as well as the regulations of the property’s zoning district.
- B. For uses identified as a “special use” for the district of a given property, the use shall conform to the regulations established in this Article as well as the regulations of the property’s zoning district, and shall require approval of a Special Use Permit as described in Article 14-14-09 of this code.

## **14-07-02. ADULT USES**

General Restrictions. Adult uses shall be permitted within the City limits subject to the following restrictions:

- A. An adult use shall not be permitted or allowed within one thousand (1,000) feet of any premises upon which an establishment or business is licensed to sell, dispense or deliver alcoholic beverages.
- B. An adult use shall not be permitted or allowed within five hundred (500) feet from the nearest property line of all Residential Districts and Conservation zoning district, and all variations of such districts, as hereinafter amended.
- C. An adult use shall not be permitted or allowed within one thousand (1,000) feet of a school, public park, playground, day care center or facility, public housing property, church or other religious facility or institution, government building, institution of higher education or cemetery.
- D. The location of adult oriented businesses is limited to within retail shopping centers wherein such activities will have their only frontage upon enclosed malls or malls isolated from their direct view from public streets, parks, schools, churches or residentially zoned property.

## **14-07-03. AMBULATORY SERVICES ESTABLISHMENT**

Ambulatory service establishments shall, upon application for approval, submit a traffic management plan that identifies preferred routes for emergency responsiveness for review by the City Engineer.

#### 14-07-04. ASSISTED AND SUPPORTIVE LIVING FACILITIES

All assisted or supportive living facility shall be licensed by the State of Illinois under the Illinois Nursing Home Care Act (210 ILCS 45), Nursing Home Administrators Licensing and Disciplinary Act (225 ILCS 70), Assisted Living and Shared Housing Act (210 ILCS 9) or other applicable Illinois statute and shall meet all county and state health department requirements pertaining to facilities, equipment, and other features as well as complying with all applicable regulations of the city.

#### 14-07-05. BED AND BREAKFAST

Bed and breakfast facilities shall be subject to the following requirements:

- A. **Principal Residence of Owner.** The detached single-family dwelling in which the Bed and Breakfast operates shall be the principal residence of the owner/operator and the owner/operator shall live on the premises when the Bed and Breakfast is in operation.
- B. **Exterior Appearance.** The structure shall maintain an exterior appearance that is in character with surrounding residential uses.
- C. **Guest Rooms.** The number of guest rooms is limited to one (1) less than the total number of bedrooms in the dwelling unit, not to exceed five (5) guest rooms total. Maximum occupancy is limited to two (2) per guest room.
- D. **Maximum Stay.** Length of stay for a lodger shall not exceed fourteen (14) consecutive days and not more than 30 days in one (1) calendar year.
- E. **Separate Cooking Prohibited.** No separate cooking facilities shall be provided.
- F. **Special Events.** A Bed and Breakfast establishment may be used for an event where non-guests of the bed and breakfast are allowed to gather on the premises. Food and drink may be served to non-guests at an approved event. Such events shall occur no more than four (4) times within a calendar year, with a maximum duration of two (2) days per occurrence. Sufficient parking shall be provided for each event and occupancy shall be determined by the Fire Department and/or Building Official with proper safeguards for places of assembly in force. A temporary use permit shall be obtained in compliance with Section 14-14-14 except that duration of each occurrence as specified in this provision shall apply.

#### 14-07-06. CAMPING PARKS

Camping parks shall be subject to the following requirements:

- A. Camping parks shall have a minimum lot size of 10 acres.
- B. Each designated camping station shall have a minimum of 5,000 square feet of designated area in order to accommodate tents, personal and recreational vehicles, and other amenities provided by the owner of the camping park or occupant.

- C. Camping parks shall provide a minimum buffer of 100 feet against any abutting residential zoning district. The buffer shall include dense vegetation, and shall not include designated vehicular circulation, trails, camping amenities, or other active uses.

**4-07-07. CAR WASH**

All car wash facilities, whether as a stand-alone use or as a secondary use to another use, shall be subject to the following regulations:

- A. All car wash bays shall be located outside of all required setback and landscape areas.
- B. In addition to any other off-street parking requirements or drive-through stacking requirements, the lot shall contain adequate space to allow a minimum of three (3) cars to stack at each bay in a line for car wash services without using or obstructing any portion of an adjacent public sidewalk or right-of-way.
- C. Where a car wash is adjacent to a residential use or Zone District, the hours of operation shall be limited to 8 a.m. through 9 p.m.
- D. Car Wash facilities shall not be located closer than 2,000 feet from another car wash facility, regardless of the jurisdiction in which the facility is located. The Distance shall be measured from property line to property line.
- E. Car wash facility shall not be located within three hundred (300) feet of a residential district, regardless of the jurisdiction in which the facility is located. The Distance shall be measured from property line to property line.

**14-07-08. CHILD DAY CARE HOMES AND CHILD DAY CARE CENTERS**

In addition to all underlying zoning regulations, licensing requirements, and other building regulations, Child Day Care Homes and Centers shall conform to the following requirements:

- A. Day Care Homes shall have received a license from the State of Illinois under the Child Care Act of 1969 (225 ILCS 10/0) from the Department of Children and Family Services.
- B. In a residential district, no structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences.
- C. The site must be landscaped in a manner compatible with adjacent residences.
- D. All yards containing equipment, amenities, or objects used by clientele for operation of the Child Day Care facility shall be enclosed in an opaque fence with a minimum height of six (6) feet. No such equipment, amenities, or objects shall be located or stored in the front yard.
- E. Fencing or appropriate enclosure of outdoor play area without equipment, amenities or

objects shall be required when children are permitted outdoors.

### **14-07-09. CHURCHES AND PLACES OF FORMAL WORSHIP, GOVERNMENTAL BUILDINGS, LIBRARIES, HOSPITALS, AND SIMILAR BUILDINGS**

Each principal building shall be located at least twenty-five (25) feet from all property lines or shall meet the zoning district yard and setback requirements, whichever is greater.

### **14-07-10. COMMUNITY RESIDENCE, GROUP**

The group community residence shall be licensed by the State of Illinois under the Community Living Facilities Act (210 ILCS 35) or other applicable Illinois statute and shall meet all county and state health department requirements pertaining to facilities, equipment, and other features as well as complying with all applicable regulations of the city.

### **14-07-11. DWELLING UNIT, BUSINESS RELATED**

Business-related dwelling units shall conform to the following:

- A. **Space Limitations.** The commercial portion shall remain ancillary to the primary residential use. Not more than one-third (1/3) of the usable area of the dwelling may be devoted to a non-residential use. No part of an accessory structure, either attached or detached shall be used.
- B. **Direct Access.** There shall be direct access between the working and living spaces within the live-work unit.
- C. **Residency.** At least one full-time employee of the business activity occupying the live-work unit shall also reside in the unit; conversely at least one of the persons living in the residence portion shall work in the work portion.
- D. **No Separate Leases.** The working space shall not be leased separately from the living space; conversely the living space shall not be leased separately from the working space.
- E. **Multiple Live-Work Units.** Where there are multiple live-work units within a single structure, each unit shall be physically separated from other units and uses within the structure, and access to individual units shall be from a common open space, corridor, hallway, or other common access area.

### **14-07-12. GARAGES: REPAIR**

In repair garages, all repair work, servicing and storage of parts and equipment concerning vehicles, boats, auto body, radiator and appliance repair and similar use shall be done completely within an enclosed building.

### **14-07-13. GASOLINE SERVICE STATIONS**

In districts where gasoline service stations are permitted, the establishment of such uses shall be subject to the following requirements:

- A. All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least twenty-five (25) feet from any street right-of-way line or side or rear lot line.
- B. All devices for dispensing or selling milk, cold drinks, and the like shall be located within the principal building.
- C. Whenever a gasoline service station has been abandoned, all underground storage tank closures and removals shall be carried out in accordance with appropriate State of Illinois regulatory agencies. A gasoline service station shall be considered abandoned when the owner, tenant, or lessor has not sought to continue the use for a period exceeding twelve (12) months.
- D. All waste and trash receptacles in excess of 7 cubic feet shall be in a screened enclosed area.

### **14-07-14. FUNERAL CHAPEL**

Funeral chapels or similar mortuary and interment uses must adequately accommodate parking and queuing for services and processions originating from the business. As part of the special use permitting process, the applicant must submit a traffic management plan that identifies how traffic will be directed to and from the facility during processions.

### **14-07-15. FRATERNAL OR CIVIC ORGANIZATIONS, PRIVATE LODGES, OR CLUBS**

It is permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests is allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

### **14-07-16. HOME OCCUPATION**

A home occupation may be conducted as a permitted accessory use in any residential zone of the city subject to the following regulations:

- A. A home occupation shall be a permitted use if it:
  - 1. Is carried on exclusively by a family member residing in the dwelling unit; and
  - 2. Is conducted entirely within the structures on the site, without any significant outdoor activity; and

**FINAL DRAFT**

3. Uses no heavy equipment, power tools or power sources not common to a residence; and
  4. Has no pickup or delivery by business related commercial vehicles which exceed 20,000 pounds gross vehicle weight (except for the U.S. mail and standard UPS/FedEx sized delivery vehicles); and
  5. Creates no noise, dust, glare, vibration, odor, smoke or other impact adverse to a residential area beyond that normally associated with residential use; and
  6. Does not include any employees outside of the family members residing at the residence, including but not limited to persons working at or visiting the subject property; and
  7. Complies with all performance criteria; and
  8. Does not park or store more than one commercial vehicle or any commercial vehicle over 1 ton licensed gross vehicle weight per dwelling unit.
- B. A home occupation which does not meet one or more of the requirements of subsection (A) of this section may be approved as a Special Use Permit (Type II decision) if the home occupation will not harm the character of the surrounding neighborhood as evidenced by meeting all of the following criteria:
1. Such use shall be conducted entirely within a dwelling and carried on by not more than **two (2)** individuals, one of whom is the principal occupant; and
  2. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof; and
  3. The total area used for such purposes shall not exceed the equivalent of **one-fourth (1/4)** of the floor area, in square feet, of the main floor of such dwelling unit; but, in no event, may the home occupation be allowed or conducted in more than **three hundred (300) square feet**; and
  4. There shall be no advertising, display or other indications of a home occupation on the premises, except as provided in Article XI; and
  5. There shall not be conducted on the premises the business of selling merchandise, supplies or products, provided that incidental retail sales may be made in connection with a permitted home occupation; and
  6. There shall be no exterior storage on the premises of material used in the home occupation, nor of any highly explosive or combustible material; and
  7. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line; and

8. A home occupation, including studios or rooms for instruction, shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation of not less than **two (2)** parking spaces, plus the parking spaces required for the dwelling unit. Such parking shall be provided on the same lot as the home occupation; and
9. Does not include visits from customers in excess of one vehicle per hour; and
10. Does not include visits from customers between the hours of 9:00 p.m. and 8:00 a.m. ; and
11. No parking or storage is provided for more than one commercial vehicle or any commercial vehicle over 10,000 pounds licensed gross vehicle weight per dwelling unit.

### **14-07-17. HOSPITALS AND SANITARIUMS**

In any district where hospitals and sanitariums are permitted, the following requirements shall be met:

- A. The minimum site for any hospital or sanitarium shall be five (5) acres.
- B. All principal buildings shall be located at least twenty-five (25) feet from all lot lines.
- C. The site shall have a minimum length and width dimension of two hundred (200) feet.
- D. Hospitals shall, upon application for approval, submit a traffic management plan that identifies preferred routes for emergency responsiveness for review by the City Traffic Engineer.

### **14-07-18. KENNEL**

When a kennel abuts a residentially zoned property, the following requirements shall apply:

- A. No portion of any primary structure, secondary structure, or outdoor storage of supplies shall be located within 25' of a residential lot line.
- B. No portion of any exterior area used for animal recreation or treatment shall be within 50' of a residentially zoned lot line, and such an area shall be enclosed by an opaque fence not less than 6' in height.

### **14-07-19. MOBILE HOME SALES**

A mobile home may be parked for inspection and sale on any mobile home or camping trailer sales lot, but mobile homes shall not be parked for inspection and sales to the general public within any mobile home park.

### **14-07-20. OUTDOOR SEATING AREAS**

Outdoor seating areas are permitted in the Business and MXD Districts according to the following requirements:

- A. **Ancillary Use.** Outdoor seating areas shall be permitted as an ancillary use to a permitted primary use such as a restaurant, café or similar establishment.
- B. **Site Plan and Photographs.** A site plan shall be submitted that includes the location and dimensions of the outdoor seating area; site dimensions of the building; and existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters. Photographs of the area shall be included.
- C. **Pedestrian Space.** A minimum pedestrian clear width of five (5) feet is required along all public walkways at all times.
- D. **Trash Receptacles.** Trash receptacles related to outdoor seating areas shall be maintained and shall be located outside of the public right-of-way during non-business hours.
- E. **Dining Areas.** Outdoor dining areas shall be designed so as to be architecturally compatible with existing structures on the subject property.
- F. **Protection.** Outdoor seating areas shall have bollards with a diameter of not less than six (6) inches, four (4) feet in height, spaced no further than six (6) feet apart adjoining a parking area and six (6) inch barrier curb adjoining drive aisles.

## **14-07-21. PLANT NURSERIES AND GREENHOUSES**

In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

- A. No open air piles of fertilizer, compost, manure or other dust producing substances shall be allowed.
- B. Bulk materials such as rocks, dirt, and mulch shall not be within 50 ft. of property line and stored so as not to allow erosion of material by water.
- C. Greenhouses shall be setback from all property lines according to the setback requirements of the district.
- D. Greenhouse exhaust mechanical vents shall not be located within 25 feet of a dwelling unit on another lot.

## **14-07-22. PUBLIC BUILDINGS**

In any zone district where publicly-owned office or governmental buildings, other than the City of Fairview Heights are permitted, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment) unless in an enclosed building or enclosed within a live planting screen and fenced as approved by the Administrative Official. Such storage areas, maintenance yards, or storage warehouses shall be

located at least fifteen (15) feet from any property line.

### **14-07-23. PUBLIC UTILITY STATIONS, EXCHANGES, AND ESSENTIAL SERVICES**

Electrical substations, gas regulator stations, telephone exchange facilities, sewage treatment plants, water storage facilities or similar facilities in any Residential Zone District shall meet all the following requirements and in other zone districts shall meet all requirements except (A), (E), and may be required to meet (G). A special-use permit shall be required.

- A. No public office, or principal repair or storage facilities shall be maintained in connection with such substations or exchanges.
- B. The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.
- C. The area on which the facility is located shall be landscaped and a landscaping plan shall be submitted.
- D. Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot shall be as follows:
  - 1. Lot width shall not be less than the total width of the building, plus the total of the minimum required side yards;
  - 2. Lot depth shall not be less than the depth of the building, plus the minimum required front yard, plus the five (5) foot minimum rear yard.
- E. Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than fifteen (15) feet to any side or rear lot line.
- F. If transformers are exposed, there shall be provided an enclosing fence or wall at least six (6) feet in height.
- G. All parcels or lots on which substations, exchanges, equipment or transformers are located shall meet the following minimum landscaping standards:
  - 1. A planting screen of at least ten (10) feet in depth and expected to reach a height of at least ten (10) feet shall be provided and maintained.
- H. All utilities shall file a letter of intent for maintenance schedules and procedures at the time of application.

### **14-07-24. RECYCLING CENTER, MINOR**

Minor recycling centers are permitted according to the following requirements:

- A. The receiving and recycling of regular household byproducts (including but not limited to

plastic bottles, glass bottles and jars, metal cans, and other small-scale plastic, glass or metal refuse) and plastic or glass materials already harvested from other products are permitted.

- B. The facility may have a total capacity equal to or less than two hundred (200) hundred tons of recycled materials, but may not including building materials or motorized vehicles.
- C. All recycling and processing operations must occur in an enclosed building.
- D. The resale of products received or processed on-site is prohibited.
- E. The operator must demonstrate that any external nuisances related to noise, vibration, light, odor, traffic, or other impacts that could negatively impact other permitted uses will be mitigated through buffers, screening, building design, or other appropriate measures.

## **14-07-25. OUTDOOR STORAGE**

Outdoor storage of inventory or goods for sale is permitted based on the following requirements:

- A. In the MXD District, the outdoor display of inventory is permitted so long as:
  - 1. Inventory includes regular merchandise generally provided by the primary use.
  - 2. The overall area of outdoor inventory does not exceed 100 square feet.
  - 3. The location of racks, bins or other means of display does not inhibit pedestrian mobility and ADA accessibility.
  - 4. Inventory and its means of display is moved into the primary structure during hours when the business is not open.
- B. In the B Districts, the outdoor display of inventory is permitted so long as:
  - 1. Inventory includes regular or seasonal merchandise generally provided by the primary use.
  - 2. The overall area of outdoor inventory does not exceed 100 square feet or as permitted by a Special Use Permit or Development Plan Approval.
  - 3. The location of racks, bins or other means of display does not inhibit pedestrian mobility and ADA accessibility.
  - 4. Inventory is maintained in an orderly manner and is arranged each business day to appear in good condition.
- C. For any retail or non-retail outdoor storage or inventory display, the following shall apply:
  - 1. All materials and inventory shall be enclosed in fencing with a minimum height of 6' and a minimum opacity of 50%.

2. Any signage is prohibited from being placed along or on the required fencing.

### **14-07-26. RIDING STABLES**

The minimum site area for riding stables and their related riding areas shall be 10 acres. Any facilities used for the feeding, cleaning, grooming or treatment of animals shall be at least 100' from any abutting residentially zoned lot lines.

### **14-07-27. SCHOOLS, SECONDARY AND ELEMENTARY**

In any district where secondary & elementary schools are permitted, the following additional requirements shall be met:

- A. The site shall have a minimum of four (4) acres in residential districts.
- B. Each principal building shall be located at least fifty (50) feet from all property lines.

### **14-07-28. SELF-STORAGE OR MINI-WAREHOUSE**

All self-storage or mini-warehouse facilities shall;

- A. Be screened from abutting development by an opaque fence that is not less than 8 feet in height.
- B. Not adjoin single family residential district.
- C. Conform to all regulations of the zone district in which located.

### **14-07-29. TAVERN/NIGHT CLUB**

A permit for a use that includes a tavern or nightclub shall not be issued if there is already in existence four or more such similar uses within 2,000 feet of the boundaries of the site of the proposed regulated use.

### **14-07-30. VIDEO GAMING PARLORS**

In districts where gaming parlors are allowed by special use permit the determination of whether an establishment's primary purpose is video gaming, the considerations include but are not limited to:

- A. No such establishment shall be located closer than 2,000 feet from another video gaming parlor, regardless of the jurisdiction in which the facility is located.
- B. No such establishment shall be located within 500 feet of any area zoned for residential use, properties containing residential unit(s), religious worship activity, nursery school, day care facility, educational facilities, any public or non-profit recreation or amusement

**FINAL DRAFT**

and any public or private school regardless of the zoning district in which located and shall be measured from the property lines(s) containing such regulated use.

# **ARTICLE VIII. SITE DEVELOPMENT STANDARDS**

## **14-08-01. PURPOSE AND CODE ADOPTION**

### USE OF LAND AND BUILDINGS

- 14-08-02. BUILDING: MAXIMUM HEIGHT AND EXCEPTIONS**
- 14-08-03. BUILDING: ONE PRINCIPAL BUILDING PER LOT; YARDS**
- 14-08-04. BUILDING: USE AND BULK**
- 14-08-05. LOT: CORNER AND THROUGH**
- 14-08-06. LOT: CONTIGUOUS PARCELS**
- 14-08-07. LOT: DIVISION OF**
- 14-08-08. LOT: CREATION OF FLAG LOTS**
- 14-08-09. YARDS: EXCEPTIONS; MINIMUM REQUIREMENTS**
- 14-08-10. YARDS: EXISTING BUILDING REQUIREMENTS**
- 14-08-11. YARDS: LOCATION, REQUIRED OPEN SPACE**
- 14-08-12. YARDS: MAINTENANCE OF COURTS AND OTHER OPEN SPACES**
- 14-08-13. YARDS: MAINTENANCE OF COURTS AND OTHER OPEN SPACES**

### DEVELOPMENT STANDARDS

- 14-08-14. DWELLING, MINIMUM BUILDING SIZE**
- 14-08-15. PERMANENT FOUNDATIONS**
- 14-08-16. SLOPE**
- 14-08-17. SIDEWALKS**
- 14-08-18. STORMWATER MANAGEMENT PLAN**
- 14-08-19. LIGHTING CONTROLS**
- 14-08 20. FENCING**

### APPEARANCE STANDARDS

- 14-08-21. EXTERIOR OF SINGLE-FAMILY HOMES**
- 14-08-22. EXTERIOR OF MULTI-FAMILY BUILDINGS**
- 14-08-23. EXTERIOR BUILDING MATERIAL AND DESIGN; BUSINESS DISTRICTS**

### ACCESSORY USES AND STRUCTURES

- 14-08-24. ALL CONSERVATION AND RESIDENTIAL DISTRICTS**
- 14-08-25. ALL BUSINESS DISTRICTS**
- 14-08-26. BUILDING: ACCESSORY**
- 14-08-27. BUILDING: BULK OF**
- 14-08-28. BUILDING: EMERGENCY AND TEMPORARY OCCUPANCY**
- 14-08-29. HOME OCCUPATIONS**
- 14-08-30. PARABOLIC OR DISH-TYPE ANTENNAS**
- 14-08-31. SWIMMING POOLS**
- 14-08-32. CHRISTMAS TREE SALES**
- 14-08-33. CHARITY COLLECTION FACILITIES**

**14-08-01. PURPOSE AND CODE ADOPTION**

The purpose of this Article is to define general development regulations that apply in all zoning districts and in other development areas where applicable. These regulations apply to all development within the appropriate jurisdiction of the City of Fairview Heights.

**USE OF LAND AND BUILDINGS**

**14-08-02. BUILDING: MAXIMUM HEIGHT AND EXCEPTIONS**

The height limitations of zoning districts shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, nor for chimneys, ventilators, skylights, water tanks, silos, parapet walls, cornices without windows, antennas or necessary mechanical appurtenances usually carried above the roof which may exceed height limitation of zoning district in which it is located by not more than 25%.

**14-08-03. BUILDING: ONE PRINCIPAL BUILDING PER LOT; YARDS**

No part of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with the provisions of this Code shall be included as an area, frontage or yard for another lot, building or use. Except as otherwise specifically provided in this Code, only one principal building shall be permitted on a lot.

**14-08-04. BUILDING: USE AND BULK**

No building, structure, or premises shall be used or occupied, and no buildings or parts thereof or other structures shall be constructed, erected, raised, moved, placed, reconstructed, extended, enlarged, or altered; and no building shall be occupied by more families and/or persons than prescribed for such building, structure or premise for the district in which it is located and as otherwise regulated herein, except in conformity with this Code.

**14-08-05. LOT: CORNER AND THROUGH**

For any through lot or corner lot, all frontages that abut a public right-of-way shall comply with the front yard requirement of the district in which it is located.

**14-08-06. LOT: CONTIGUOUS PARCELS**

When two (2) or more parcels of land, each of which lacks adequate area and/or minimum

dimensions to qualify for a permitted use under the requirements of the district in which they are located, are contiguous and are held in one ownership, they shall be used as one (1) zoning lot for such use.

**14-08-07. LOT: DIVISION OF**

No zoning lot shall hereafter be divided into two (2) or more zoning lots unless all zoning lots resulting from such division conform to all the applicable regulations of the zoning district in which the property is located.

**14-08-08. LOT: CREATION OF FLAG LOTS PROHIBITED**

The existing zoning lot or lots shall not be subdivided or combined in such a way that they create a flag lot.

**14-08-09. YARDS: EXCEPTIONS; MINIMUM REQUIREMENTS**

Subject to the requirements that there be a minimum distance of ten(10) feet between any point of a roof or eaves on a principal building and any point on any principal building on an adjacent lot, the following exceptions shall apply:

- A. Cornices, chimneys, planters, or other similar architectural features may extend two (2) feet into a required yard.
- B. Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than six (6) feet.
- C. Fire escapes may extend into a required yard not more than four (4) feet.
- D. Patios extending into required rear yards may be covered by a roof, but shall not be enclosed by walls.
- E. Canopies, eaves, roof overhangs or other similar features not included in the foregoing parts of this section may extend into a required yard not more than four (4) feet.

**14-08-10. YARDS: EXISTING BUILDING REQUIREMENTS**

Except as otherwise provided in this section, in all R Residential Districts where lots comprising fifty percent (50%) or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, the average front yard of such buildings shall be the minimum required, provided such an average requirement is not less than twenty (20) feet or more than thirty-five (35) feet.

**14-08-11. YARDS: LOCATIONS, REQUIRED OPEN SPACE**

No yards now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of the Code for equivalent new construction except as otherwise specifically provided for herein.

**14-08-12. YARDS: MAINTENANCE OF COURTS AND OTHER OPEN SPACES**

The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the owner of the property on which it is located if the building is vacant. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

**14-08-13. YARDS: CALCULATING SETBACKS FOR IRREGULARLY SHAPED LOTS**

- A. The minimum required lot width at the front setback line shall be that required for the Zone District, as measured at the setback between the two (2) side lot lines.
  
- B. If the minimum lot width at the front setback line cannot be met, the minimum setback line shall be moved further into the lot to the point at which the minimum lot width is met.

**DEVELOPMENT STANDARDS**

**14-08-14. DWELLING, MINIMUM BUILDING SIZE**

For each residentially zoned district, the following minimum size of a detached single family dwelling unit's gross floor area [computed as being the sum of the areas enclosed by the outside faces of all exterior walls surrounding each floor used for dwelling purposes, exclusive of any area used for an attached garage] shall apply:

- R-1 1,800 square feet
- R-2: 1,800 square feet
- R-3 1,500 square feet
- R-4: 1,500 square feet
- R-5: 1,400 square feet

MF: 1,200 square feet

## **14-08-15. PERMANENT FOUNDATIONS**

All structures except temporary structures shall be placed on and attached to a permanent foundation as required by the Building Code, except as specifically exempted by this Code.

## **14-08-16. SLOPE**

In any district where the slope of any lot exceeds twelve percent (12%) within fifty (50) feet of any wall of the principal building, the following additional requirements shall be met:

- A. A site plan shall be drawn to scale not more than fifty feet equals one inch (50' = 1") for small areas or less than two hundred feet equals one inch (200' = 1") for larger areas with contour intervals of two (2) feet and the location of all buildings and structures and their required minimum yard requirements shall be indicated. The principal use of the lot shall be indicated.
- B. Adequate evidence must be presented to show that undue erosion will not result from development and use of the lot. Structural, mechanical and/or natural cover measures shall be taken to prevent and protect any building from hillside slippage.
- C. A stable angle of recline for the properties of soil on the lot may be required by the Administrative Official.
- D. Significant changes in the natural flow of water courses shall be prohibited or a drainage plan shall be provided.
- E. Adequate consideration shall be given to access to the property and to emergency vehicle access and turn-around to the principal building.
- F. Structural and mechanical devices shall be installed to provide reasonable protection against undue hazards created or caused by the development, such as fences along steep slopes and six (6) inch vertical curbs on access drives for slopes of twelve percent (12%) and over.
- G. In no case shall any development be detrimental to adjacent properties.
- H. Before any building permit or Certificate of Occupancy shall be issued for any such lot, the Administrative Official shall review the site plan and determine that all conditions imposed hereunder have been complied with.

## **14-08-17. SIDEWALKS**

Where pedestrian sidewalks have been identified on the approved Sidewalk Plan with the City, the developer shall provide, at the time of issuance of a building permit, plans for pedestrian sidewalk for the frontage of the platted lot to the satisfaction of the City Engineer. A copy of said plan is on file with the City Clerk's office.

## **14-08-18. STORM WATER MANAGEMENT PLAN**

A Storm Water Management Plan shall be required for all subdivisions, commercial, industrial, institutional, multiple-family and utility development or redevelopment. The required Storm Water Management Plan shall identify means for controlling the storm water runoff from the development and provide appropriate detention for excess storm water runoff. All computations, plans and specifications must be prepared by a Registered Professional Engineer of the State of Illinois and reviewed by the City Engineer.

The redevelopment of property with previously approved Storm Water Management Plan shall show that said plan is adequate for the development under consideration.

If any plan thereafter shall fail to adequately provide for storm water drainage as determined by the City Engineer, the owner(s) of the property shall be required to remedy and/or improve the plan so as to properly function.

## **14-08-19. LIGHTING CONTROLS**

The following standards shall apply to all proposed exterior light fixtures within the City. This Section does not apply to public street lighting.

- A. The light from any lighting fixture shall be shaded, shielded or directed to prevent direct light from being cast upon any adjacent property and public right-of-way and to prevent glare and other objectionable problems to surrounding areas.
- B. No light fixture shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, nor shall any beacon lights be permitted.
- C. Neither the direct, or reflected light from any light fixture shall create a disabling glare causing traffic hazards to motor vehicle operators on public thoroughfares.
- D. Any off-street parking or loading area shall contain a system of lighting to provide an adequate standard of at least one (1) foot-candle of illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and focus lights

away from adjacent properties, including public rights-of-way and shall be designed so as not to create more than one (1) foot-candle of illumination at any property boundary abutting a residential zoning district. Lighting on any property shall not have an illumination greater than twenty (20) foot-candles at any point on the property.

- E. Exceptions for specified outdoor recreational uses.
  - 1. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields and tennis courts are exempted from the exterior lighting standards of subsection (D) above. These outdoor recreational uses must meet all other requirements of this Section and of this Chapter.
  - 2. The outdoor recreational uses specified shall not exceed a maximum permitted post height of eighty (80) feet.
  - 3. The outdoor recreational uses specified above shall be shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the interior buffer-yard line shall not exceed two (2) foot-candles.
- F. Notwithstanding any other provision of this Section to the contrary, light sources or luminaries shall not be located within buffer-yard areas except on pedestrian walkways.
- G. Measurement.
  - 1. **Metering Equipment.** Lighting levels shall be measured in foot-candles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read with an accuracy of plus or minus five percent (5%). It shall have been tested, calibrated and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.
  - 2. **Method of Measurement.** The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.
- H. **Exterior Lighting Plan.** At the time any exterior lighting is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the City of Fairview Heights in order to determine whether the requirements of this Section have been met.

## **14-08-20. FENCES**

- A. No permanent fence, retaining wall, or obstruction shall be constructed or erected within any public street or alley right-of-way or drainage easement. Fences and walls placed

**FINAL DRAFT**

within other easements are at the risk of owner.

- B. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed, and in the event of necessity for removal of such fence for maintenance or other purposes, removal and/or replacement of such fence or other improvement shall be the responsibility of the owner of the fence or retaining wall.
- C. Fences and walls may be located within the front, rear and side yard setback areas. Fences and walls shall not exceed eight (8) feet in height above grade within the side and rear yards. Fences and walls shall not exceed thirty six (36) inches in height above grade and shall be open in at least thirty per cent (30%) along the vertical surface plane in a required front yard on residentially zoned property.
- D. Where lots have reverse frontage on a public street or alley, fences and walls may have a height of eight (8) feet or less along the rear property line.
- E. Corner lots which have rear yards back-to-back may have fences and walls of eight (8) feet or less within the side yard abutting a street. When a side entry garage exists or rear yard abuts side yard, then fences or walls may not exceed a height of thirty six (36) inches in height within the required side yard abutting a street.
- F. A fence or wall shall be constructed with a finished side facing out ward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.
- G. Fences shall be constructed of wood, wrought iron, square tubing and/ or metal tubing, vinyl or similar approved materials.
- H. A fence required for safety and protection from hazard or nuisance may be exempt from the height limitations of this subsection. Approval to exceed maximum height limitations requires Area/Bulk Variance as determined by the Zoning Board of Appeals.
- I. A building permit for the construction fencing and walls shall be obtained from the administrative official or designee. Fence and wall repair or reconstruction of less than fifty per cent (50%) of the linear length of the entire existing fence shall not require a building permit but shall be of like materials.

## **APPEARANCE STANDARDS**

### **14-08-21. EXTERIORS OF SINGLE-FAMILY HOMES**

- A. Single family residential infill construction shall be similar in character, context, mass, height and appearance to the surrounding dwellings of the area.
- B. Single family residential infill development shall have similar roof overhang, roof materials, roof pitch and exterior siding materials that are compatible with surrounding neighborhood.
- C. New single family residential development (as of the effective date of revised zoning code) shall have exterior siding of brick, wood clapboard, stone/stone veneer in either natural or synthetic materials, and stucco as the primary material and shall occupy not less than 40% of the front façade area.

### **14-08-22. EXTERIOR OF MULTI-FAMILY BUILDINGS**

- A. The design of a multi-family structure shall have a shape and form that is compatible with surrounding neighborhood.
- B. New multi-family development consisting of several multi-family structures or accessory structures shall use a consistent architectural style in terms of materials, building components, and details.
- C. Multi-family buildings shall be oriented toward public streets and shared internal spaces such as courtyards, open spaces, trails, gardens, and parks.
- D. To the extent possible, external stair cases shall be enclosed or screened by walls that use primary materials consistent with the façade of the primary building.
- E. Exterior siding of brick, stone/stone veneer or other masonry materials as may be approved by the Planning Commission shall be used as the primary material and shall occupy not less than 50% of each building side.
- F. Exterior Insulation Finishing Systems (EIFS), faux stone, vinyl siding, fiber cement siding and other composite materials may be used as a secondary material.
- G. All refuse containers shall be enclosed on at least three sides by decorative walls that use material consistent with the primary building façade with the fourth side to be accessible by an opaque gate. A man gate or shielded entry way shall be also provided.

### **14-8- 23 EXTERIOR BUILDING MATERIAL AND DESIGN;**

**BUSINESS DISTRICTS.** Any building as defined in the Building Code, as adopted by **Article III**, which is located in a business district, shall have exterior finished walls and architectural design in accordance with the requirements of this Section.

**A. Design Guidelines.**

- 1) Building scale should reflect the particular use of the building with its size and massing compatible with existing, adjacent buildings.
- 2) Buildings shall be similar in character, context, mass, height and appearance to the neighboring properties.
- 3) Architectural design should create visual interest through textures, complimentary colors and attractive facades.
- 4) Where large structures are required, mass should be broken up through setbacks, building effects, varied heights and other design techniques.
- 5) Monotony of design in single and multiple building projects should be avoided.
- 6) Architectural treatments (e.g. building materials, colors, façade design, roof lines and screening) shall be consistent and compatible on all sides. The design of walls in a single color with little detailing or completely blank is discouraged.
- 7) Exterior mechanical, electrical, rooftop equipment, generators and other exterior equipment shall be screened.

**B. Construction Materials and Exterior.**

- 1) All exterior walls shall consist of a minimum of fifty percent (50%) glass and/or masonry materials including brick, natural clay, natural stone and architectural concrete units (such as split faced or fluted), synthetic stone, architectural precast concrete, and wood, natural or composite.
- 2) Other materials allowed include synthetic or cast stone, metal for detailing, copper slate and E.F.I.S.
- 3) Other materials may be allowed upon review.
- 4) Vinyl, plywood, oriented strand board, T1-11, asphalt siding, wood shake siding and shingles, treated lumber, non-architectural metal siding and smooth face block concrete block are prohibited as exterior finish materials unless the architect can demonstrate that the materials are appropriate to the design of the building.

**C. Exceptions.**

- 1) Accessory buildings if otherwise permitted by Ordinance and approved by the Planning Commission;

- 2) Buildings specifically exempt from such requirement under provisions of a special permit as granted by the Council;
- 3) Any buildings for which a building permit has been legally issued prior to the effective date of this Ordinance, or any alterations and expansion thereof provided the architectural style and exterior materials remain the same or similar, or any reconstruction thereof if reviewed by the Planning Commission and approved by City Council.

## **ACCESSORY USES AND STRUCTURES**

### **14-08-24. ALL CONSERVATION AND RESIDENTIAL DISTRICTS**

- A. Accessory uses are those clearly associated with and supplementary to the principal use of the lot or tract of land including:
  1. Home occupations.
  2. Horses: Keeping of horses for private purposes only, and not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling, provided that at least one (1) acre is allocated for each animal, and provided further that all buildings for housing such animals shall be subject to all requirements for accessory buildings in the “R1”, “R-2” & “R-3” District, and that such buildings are located at least one hundred (100) feet from the nearest existing principal building on an adjacent lot, or fifty (50) feet from the nearest side lot line, whichever is greater.
  3. Private: Greenhouses, tool sheds, garages, carports, tennis courts, patios, swimming pools, shelters.
  4. Recreational Vehicles: The parking of not more than one (1) recreational vehicle in the rear yard or in the side yard per the provisions of Section 14-09-08(G) Surfacing of this Zoning Ordinance, kept in good repair and have a current year’s license or registration.
  5. Temporary Storage Units (TSU) used in association with an active building permit or renovation. TSU may not exceed 200 square feet of area and may be placed in front yard on driveway.
- B. Any attached accessory building or structure shall be considered as a part of the principal building.
- C. The maximum heights of any accessory buildings shall not exceed the height of the principal building or twenty-five (25) feet, whichever is less. Other accessory structures shall not exceed twenty-five (25) feet in height.
- D. An accessory structure shall be:
  1. A minimum distance of ten (10) feet from the principal building.
  2. A minimum distance of twenty-five (25) feet from a side lot line that is adjacent to a

street.

3. A minimum distance of five (5) feet from the side lot line and seven and one-half (7 ½) feet from the rear lot line.
  4. A minimum distance of sixty (60) feet from the front lot line.
- E. The number of accessory buildings or structures shall not exceed two (2) per lot except by Special-use Permit. Docks in pond/lakes are not limited by this paragraph.
- F. Carport. Carport means structure open on two or more sides and shall be considered an accessory building or a structure attached to a dwelling unit, designed, arranged, used or intended to be used for the storage of motor vehicles of the occupants of the premises. Carports in all residential districts must conform to the following criteria:
- 1) Carports may not be located in front of the primary or principal structure unless it is a permanent structure.
  - 2) Temporary Carports may only be located in the side or rear yard.
  - 3) Detached Carports must meet all of the setback requirements of an accessory structure.
  - 4) Attached Carports must meet all of the setback requirements of the principal structure.
  - 5) Carports may not be made of vinyl or membrane material. They must be made of wood or metal. If the structure is attached to the principal structure it must match the roof covering or material of the existing structure, i.e. if the existing structure has asphalt shingles, the carport would be required to have asphalt shingles of the same or similar color.
- G. Accessory Structure Appearance Standards
- 1) No plastic, canvas or vinyl tarps shall be used in the construction of an accessory building.
  - 2) All buildings over one hundred twenty (120) square feet shall have a similar or compatible exterior to the principal structure and be homogeneous in design.
  - 3) Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners.
  - 4) All buildings that are one hundred twenty (120) square feet or less may be metal sided and shall have a pitched roof.
- H. Storage of firewood shall be meet the setback requirements as set forth paragraph D.

**ACCESSORY STRUCTURES AND USES CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USES, AS DETERMINED BY THE VILLAGE COUNCIL.**

**14-08-25. ALL BUSINESS DISTRICTS**

- A. Accessory structures and uses customarily incidental to the approved uses of Business Districts, as determined by the Administrative Official.
- B. The maximum height of any accessory building shall be twenty-five (25) feet.
- C. An accessory structure shall be:
  - 1. A minimum distance of twelve (12) feet from the principal building.
  - 2. A minimum distance of twenty-five (25) feet from a side lot line adjacent to a street except in Business districts where none is required.
  - 3. A minimum distance of twenty (20) feet from the rear lot line except when a buffer or planting screen is required, additional footage shall be required to allow at least a twelve (12) foot open space for rear access.
  - 4. A minimum of twenty-five (25) feet from the front lot line and in no case in front of the principal structure.

**14-08-26. BUILDING: ACCESSORY**

No accessory building shall be used for residential purposes, except as otherwise provided in this Code.

**14-08-27. BUILDING: BULK OF**

All buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances and/or codes of the City.

**14-08-28. BUILDING: EMERGENCY AND TEMPORARY OCCUPANCY**

No temporary structure (including 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.

**14-08-29. RESERVED**

**14-08-30. PARABOLIC OR DISH-TYPE ANTENNAS**

Parabolic or dish-type larger than one meter (39.37 inches) antennas located outside of the business or residence shall meet the following requirements:

- A. Maximum number per business lot or residence lot shall be one (1).
- B. The parabolic or dish-type antenna shall be located in the rear yard, except that when the main building is on a corner lot, the parabolic or dish-type antenna cannot be closer to the adjoining side street than the main building is permitted to be located.
- C. The parabolic or dish-type antenna shall be placed in the rear yard except that if a usable satellite signal cannot be obtained from the rear yard, the antenna may be located on the side yard of the property, subject to the approval of the Code Administrator and subject to the other requirements of this Section.
- D. In the event that a usable satellite signal cannot be obtained from the rear or side yard of the property, such antenna may be placed on the roof of a structure subject to the approval of the Code Administrator and subject to the other requirements of this section.
- E. Screening shall be as deemed necessary by the Code Administrator for commercial installations.
- F. All parts of the parabolic or dish-type antenna structure must be a minimum of five (5) feet from all property lines of the lot.
- G. The parabolic or dish-type antenna shall be mounted on a steel pipe support embedded in a concrete foundation, and the parabolic or dish-type antenna when turned perpendicular to the ground, together with the base, shall not extend more than fifteen (15) feet above the ground. In the event that a usable signal cannot be obtained at a height of fifteen (15) feet, then the pole may be raised to the minimum height necessary to obtain a clear signal for the installation. The main diameter of the parabolic or dish-type antenna shall not exceed eleven (11) feet.
- H. The base assembly shall be adequately anchored to the steel pipe support so as not to constitute a hazard in winds of one hundred twenty miles per hour (120 M.P.H.) velocity. Structural design for the parabolic or dish-type antenna base assembly, steel pipe support and concrete foundation shall conform to the applicable provisions of the Building Code. All plans, computations and specifications required for such design work shall be

**FINAL DRAFT**

prepared by an architect or engineer, or said structural design shall be warranted by the manufacturer or installer, and shall be reviewed and approved by the City Engineer.

- I. All petitions for relief from the provisions of this Section shall be heard by the Zoning Board of Appeals.
- J. Observance of safe distances between the parabolic or dish-type antenna, appendages thereto, and public utility wires in accordance with public utility requirements shall be mandatory. Polar mount and drive motor systems shall conform to the City Electric Code requirements in existence at the time of application for a permit.
- K. A building permit shall be required prior to erection of any such parabolic or dish-type antenna.
- L. No parabolic or dish-type antenna shall be roof-mounted, unless the dish is four (4) feet or less in diameter and is mounted on the rear portion of the roof.
- M. This Section shall not apply to any existing parabolic or dish-type antennae which have been installed prior to the effective date of this Section.
- N. No parabolic or dish-type antenna shall be used or serve as a sign for the purpose of advertisement by a business or commercial unit. All such businesses or commercial units must comply with Chapter 24, Article VII of the Revised Code of Ordinances and all ordinances and resolutions promulgated to interpret said Code.
- O. Any violation of this Section is hereby declared to be a nuisance. In addition to any other relief provided by this Code, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

**14-08-31. SWIMMING POOLS**

A public or private swimming pool in any zone district shall not be located in any required front yard, nor less than ten (10) feet to a side lot line adjacent to a street. All swimming pools shall be constructed in accordance with the adopted Building Codes of the City of Fairview Heights.

**14-08-32. CHRISTMAS TREE SALES**

Christmas tree lots shall be permitted B-2 and B-3 Districts and are subject to the following requirements:

- A. Lots cannot be set up prior to Thanksgiving of each year and all materials and stock must be completely removed by January 7th of each year.
- B. Temporary structures (up to 100 square feet) may be permitted to protect employees from the elements.

- C. Lighting controls shall be permitted provided an electrical permit is obtained and in accordance with Section 14-08-24 of this Code.
- D. Only one (1) sign permitted per Christmas tree lot. This sign shall be no larger than thirty-two (32) square feet and printed in a professional manner.
- E. Ample off-street parking must be provided. Ingress and egress must be approved by the Director of Public Works or Director of Land Use and Development.
- F. Vendors of Christmas tree lots must provide the City of Fairview Heights with a tax number to insure collection of sales tax. If vendors do not have a sales tax number or a tax exempt number, a bond of Five Hundred Dollars (\$500.00) must be posted with the City Clerk's office.
- G. Heat sources, e.g., kerosene stoves, electric heaters must be properly vented and approved by the Fire Chief.

This Section does not apply to existing retail facilities which sell trees as a seasonal item and in accordance with the permitted accessory uses within their Zone District.

### **14-08-33. CHARITY COLLECTION FACILITIES**

Upon issuance of a permit as provided herein and subject to the regulations of such permit, non-profit and charitable organizations residing in the City may locate or maintain **(2) two** boxes on site of residence for the collection of donated goods for use by such organizations. Application for such a permit shall be made to the City Clerk on forms provided by the City Clerk pursuant to the 12 conditions attached hereto as outlined by the Plan Commission. The City Clerk shall forward the applications to the corporate authorities for consideration. The corporate authorities shall deny such application for permit or grant it.

#### **A. Conditions.**

1. A site plan and drawing/rendering shall accompany all permit applications.
2. The container must not be visible from the street or residential area and must be located near the main building, away from the street.
3. The container must not block any public road or sidewalk.
4. The container must not block any access way, drive aisle, and/or required parking spaces.
5. The container must not impede motorists' "line of sight" view.
6. The container shall have an internal capacity no larger than three hundred (300) cubic feet.
7. The container shall be anchored to the ground in such a manner that it cannot be tipped or blown over.
8. The container shall be kept freshly painted; at least every two (2) years and no rust shall be allowed to show.

**FINAL DRAFT**

9. The container shall be equipped with a lid and/or door that will close automatically after the articles are deposited into the container.
10. The following information will be clearly stenciled onto the exterior of the container: Identification of the owner, applicable contact information, pick-up schedule, items accepted for collection and the name of the “Not-for-Profit” organization benefiting from the donations.
11. No donated articles shall be permitted to accumulate outside the container. The container itself and a 10 foot radius surrounding it shall be kept clean and completely free of trash and debris.
12. No flammable or hazardous materials, or perishable items are to be placed in said container.
13. Receipt of three documented/City verified complaints within a 12 month period will result in the revocation of the permit. Owners may re-apply for a renewed permit pending Code compliance approval.

# ARTICLE IX. OFF-STREET PARKING AND LOADING

14-09-01.	PURPOSE
14-09-02.	APPLICABILITY & GENERAL PROVISIONS
14-09-03.	ACCESSIBLE PARKING
14-09-04.	COMPUTATION
14-09-05.	CONSTRUCTION
14-09-06.	JOINT PARKING FACILITIES
14-09-07.	LOCATION OF OFF-STREET PARKING FACILITIES
14-09-08.	DESIGN STANDARDS, ACCESS AISLE, AND SPACE REQUIREMENTS
14-09-09.	STACKING SPACES FOR DRIVE-THROUGH FACILITIES
14-09-10.	OFF-STREET PARKING REQUIREMENTS
14-09-11.	OTHER PARKING USES
14-09-12.	OFF-STREET LOADING
14-09-13.	BICYCLE PARKING
14-09-14.	PARKING AND ACCESSORY USE RESTRICTIONS

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## 14-09-01. PURPOSE

The purpose of this Article is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put. For all buildings and structures erected and all land uses established after the effective date of this Code, accessory parking and loading facilities shall be provided as required by this Code. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this Code shall be included as a part of an off-street parking or loading space similarly required for another building or use.

## 14-09-02. APPLICABILITY & GENERAL PROVISIONS

### A. Existing Structures and Facilities.

1. All uses established after the effective date of this Code shall provide off-street parking and loading space in accordance with the standards set forth in this chapter.

2. Uses existing on the effective date of this Code that are in compliance with the parking and loading requirements under which said uses were established shall be deemed to be legally nonconforming.
- B. **Damage or Destruction.** When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities shall be restored or maintained in an amount equivalent to that at the time of such damage or destruction. However, it shall not be necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this Article.
- C. **Change in Use.** When the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. Additional parking or loading spaces shall be required in the amount by which the requirements for the new use exceed the requirements for the existing use.
- D. **Change in Intensity of Use.**
1. Any expansion or change of use shall require conformance with respect to surfacing requirements for all parking, loading and driveways.
  2. A change of use or a minor expansion of a use (i.e., costing less than 50% of the value of the structure or increasing the area of the use by less than 20%) shall require additional parking and loading for the new or expanded portion of the use. Any existing legal nonconformity in quantity of off-street parking and loading requirements, as described in Paragraph A above, may be extended as a matter of right.
  3. A substantial expansion of a use (i.e., costing more than 50% of the value of the structure or more than 20% increase in area) shall require conformance with all provisions of this chapter.
- E. **Temporary Encroachments.** Temporary encroachment into required parking spaces for seasonal sales display area may be authorized by the Zoning Administrator for up to 90 days during a year based upon a determination that adequate parking is available to meet the demand during the period of encroachment.
- F. **Provision of Additional Spaces.** Nothing in this Article shall be deemed to prevent the voluntary establishment of additional off-street parking or loading facilities, provided that all regulations governing the location, design and control of such facilities are in accordance with this Article.

### 14-09-03. ACCESSIBLE PARKING

- A. **ADA Compliance.** All parking lots must comply with the “ADA Accessibility Guidelines for Buildings and Facilities” regulations issued by federal agencies under the Americans with Disabilities Act of 1990 (ADA) for the amount and design of accessible

vehicle parking spaces required in parking lots and structures.

- B. **Required Spaces.** With the exception of single-family, two-family and townhouse dwellings, in all off-street parking facilities where parking is provided for employees, visitors or both, parking spaces for disabled persons shall be provided. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the Illinois Accessibility Code, as amended from time to time, and all additional governing codes and applicable laws.
- C. **Dimensions and Design.** Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Code, provided that in no instance shall the width of any one (1) space be less than **sixteen (16) feet**, nor the length less than **twenty (20) feet**. Such spaces shall be identified by a sign and pavement markings indicating parking for the disabled only. Such spaces shall be the spaces closest to the entrance of the building or structure, and shall be connected by a paved surface designed to provide safe and easy access. Such spaces shall otherwise be in accordance with the Illinois Vehicle Code. **(Ord. No. 1151-03; 09-02-03)**

#### 14-09-04. COMPUTATION

The total number of required parking and loading spaces shall be based upon the requirements for the principal use of the lot. However, when more than one (1) use occupies the same lot, the number of required spaces shall be the sum of the separate requirements for each use. In computing the number of off-street parking or loading spaces required by this Article, the following standards for computation shall apply:

- A. Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space shall not be used to satisfy the replacement for any off-street loading space or portion thereof.
- B. When determination of the number of off-street parking and loading spaces required by this Article results in a requirement of a fractional space, a fraction of **one-half (1/2) or less** may be disregarded, and a fraction in excess of **one-half (1/2)** shall be counted as one (1) parking space. When determining of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction shall be interpreted as one (1) loading space.

## 14-09-05. CONSTRUCTION

All off-street parking and loading facilities required by this Article shall be completed prior to the issuance of the certificate of occupancy of the structure they serve.

- A. **Temporary Certificate of Occupancy.** Pursuant to this Article, a temporary certificate of occupancy may be issued for a use for which the required parking or loading spaces have not been provided if a performance bond in a form acceptable to the city attorney and in an amount equal to the projected costs of the improvements is received as assurance that the required facilities will be constructed in a time frame and manner agreed to by the Zoning Administrator and the administrative services department. Nothing in this Section shall be interpreted as barring any other remedy available for enforcement of this title.

## 14-09-06. JOINT PARKING FACILITIES

The Zoning Administrator may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Shared parking shall be subject to the location requirements of section 541.250 and the following conditions:

- A. **Computation.** The number of shared spaces for two (2) or more distinguishable land uses shall be determined by the following procedure:
1. Multiply the minimum parking required for each individual use, as set forth in Figure 14-09 (E): Off-street Parking Required by Use, by the appropriate percentage indicated in Figure 14-09 (A): Joint Parking Calculations, for each of the six (6) designated time periods;
  2. Add the resulting sums for each of the six (6) columns;
  3. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations;
  4. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.
- B. **Other Uses.** If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in Figure 14-09 (A): Joint Parking Calculations, as determined by the Zoning Administrator, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Zoning Administrator shall determine the appropriate shared parking requirement, if any, for such uses.

- C. **Process.** An application for shared parking shall be submitted on a form approved by the Zoning Administrator, as specified in Article 14: Administration.

**FIGURE 14-09 (A): JOINT PARKING CALCULATION**

GENERAL LAND USE CLASSIFICATION	WEEKDAYS			WEEKENDS		
	1:00am-7:00am	7:00am-6:00pm	6:00pm-1:00am	1:00am-7:00am	7:00am-6:00pm	6:00pm-1:00am
Office	5%	100%	5%	0%	15%	0%
Retail sales and services	0%	100%	80%	0%	100%	60%
Restaurant (not 24 hour)	20%	70%	100%	30%	75%	100%
Residential	100%	60%	100%	100%	75%	95%
Theater	0%	60%	100%	0%	80%	100%
Hotel						
Guest rooms						
Restaurant lounge (in hotel)	100%	55%	100%	100%	55%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%

- D. **Joint Parking Agreement.** No joint use of parking spaces shall be permitted unless:
1. A written agreement, in a form approved by the City Attorney, is executed by the parties requesting a sharing of off-street parking spaces and filed with the application for a certificate of zoning compliance;
  2. Approval is obtained from the Zoning Administrator that confirms that the use of such facility by each user does not take place at the same hours during the same days of the week.
  3. All other requirements of this Article are otherwise met.
  4. Any subsequent change in ownership or use shall require proof that the minimum parking requirements, per this Article, have been met for each use. The owner of an existing building or use shall have one-hundred eighty (180) days within which to accommodate all required off-street parking or to apply for a variation. If the owner is unable to accommodate the parking or fails to apply for a variation, then the occupancy permit shall be revoked with respect to the use for which the separate parking was required. The occupancy permit shall be reinstated when all applicable provisions of this Article are complied with. As an alternative to a variation, a new alternate shared parking agreement may be arranged in accordance with this Article.

## 14-09-07. LOCATION OF OFF-STREET PARKING FACILITIES

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances shall be walking distances from a main entrance of the use served to the nearest point of the parking facility.

- A. **Off-Site Parking Facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory.
1. No such off-site parking facilities shall be authorized and no building permit or occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Administrative Official has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building, providing the off-site parking facilities are within **five hundred (500) feet** of the main entrance with walkways provided. This Section is not applicable for residential uses.
- B. **Parking Easements and Tracts.** Parking may be located in the front, rear and side yard setbacks. In commercial centers either the required parking spaces shall be located on the same lot as the use, or all parking, access, and maneuvering areas shall be available for all users on the commercial center through the use of easements or tracts.
1. The easement or tract shall be established by a recorded statement on the plat that the easement or tract is to be used and maintained by all the lot owners within the commercial center. An easement may be established pursuant to a grant of easement or other appropriate recorded document.
  2. For attached dwelling units, parking, access and maneuvering areas may be provided in a tract. The tract shall be established by the recorded plat, with a statement on the plat that the tract is to be used and maintained by all the lot owners within the development.
- C. **Residential Uses.** The following standards apply to the location of parking spaces for residential uses:
1. All required parking spaces for residential uses shall be located on the same lot as the building or use served.
  2. Parking spaces and may be located in any yards except required front yards, but shall be permitted in that portion of the front yard coterminous with the side yard

wherein the driveway is located.

3. For single-family and two-family dwellings, parking shall be permitted in private driveways, but no such parking may encroach onto the public right-of-way. However, such driveway parking shall not be considered as satisfying the off street parking requirements for such single-family and two-family dwellings.
4. When **two (2) or more** parking spaces are required, there shall be an unobstructed parking space for each vehicle, such as double garage, double driveway or separate parking stalls. Tandem parking is permitted, however a parking space that is blocked by a tandem parking space shall not count toward fulfilling off-street parking requirements
5. Off-street parking facilities accessory to residential use and developed in any residential district shall be used solely for the parking of passenger automobiles or the vehicles owned or operated by the occupants of the dwelling structures.

D. **Non-Residential Uses.** The following standards apply to the location of parking spaces for non-residential uses:

1. All required off-street parking spaces for non-residential uses shall be located on the same lot as, or within **five hundred (500) feet** of the building or use served, except that spaces accessory to dwelling units shall be within **three hundred (300) feet** of the use served. However, no parking spaces accessory to a use in a Business District or Industrial District shall be located in a Residential District, except that private, free, off-street parking accessory to uses, and municipal parking lots, may be allowed by special-use permit within **five hundred (500) feet** of and adjacent to any Business or Industrial District.
2. Off street parking spaces are permitted within the rear, interior side or corner side yard and setback, subject to buffer yard standards of Article 10: Landscaping of this Code, in all non-residential districts except the B-1 District. No parking is permitted in the front yard of the B-1 District. No required off street parking spaces are permitted within a required front setback.

## **14-09-08. DESIGN STANDARDS, ACCESS AISLE, AND SPACE REQUIREMENTS**

Design requirements are as follows:

A. **Parking Dimensions.**

1. Except for parking spaces serving single-family and two-family dwellings, dimensions of parking spaces and maneuvering areas shall be provided as shown in the Figure 14-09(A).
2. Parking spaces for single-family and two-family dwellings shall be a minimum of **eight (8) feet wide by eighteen (18) feet long**.
3. All parking spaces shall have a minimum vertical clearance of **seven (7) feet six (6) inches**.

B. **Ingress and Egress.** All parking areas shall be designed or arranged such that no vehicle can have direct access to or egress from any off-street parking space directly from a public right-of-way. In any instance stated in this section, ingress to and egress from a parking space shall be from an aisle, driveway, or similar arrangement by forward motion of the vehicle.

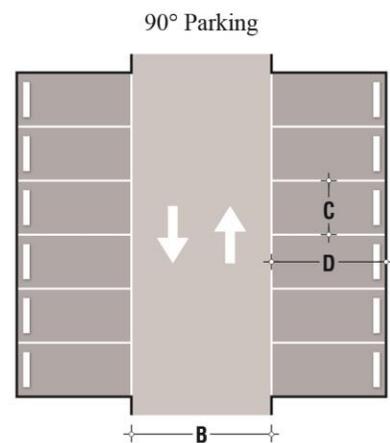
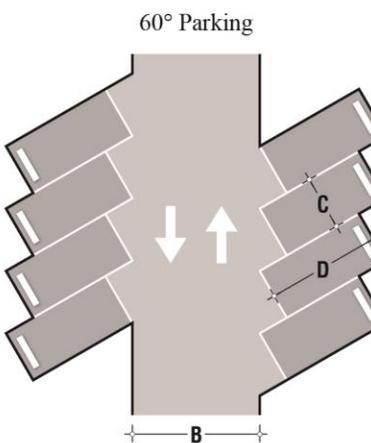
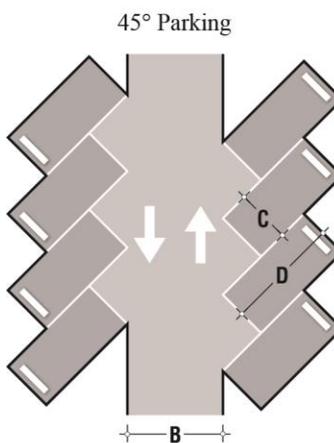
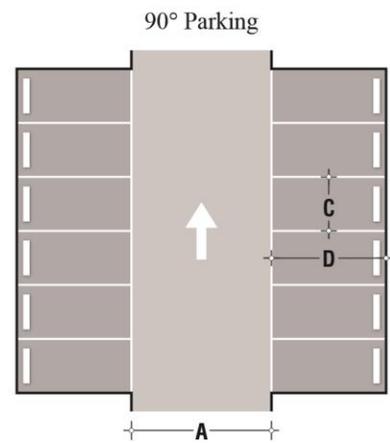
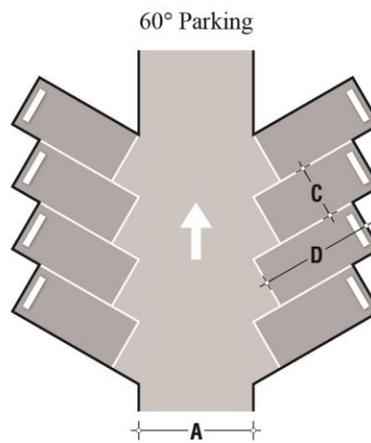
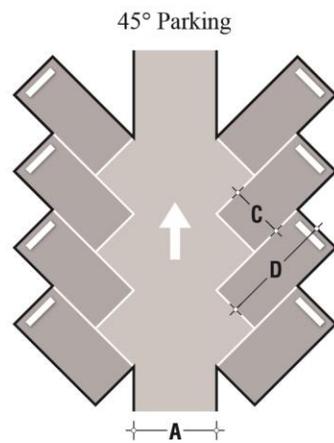
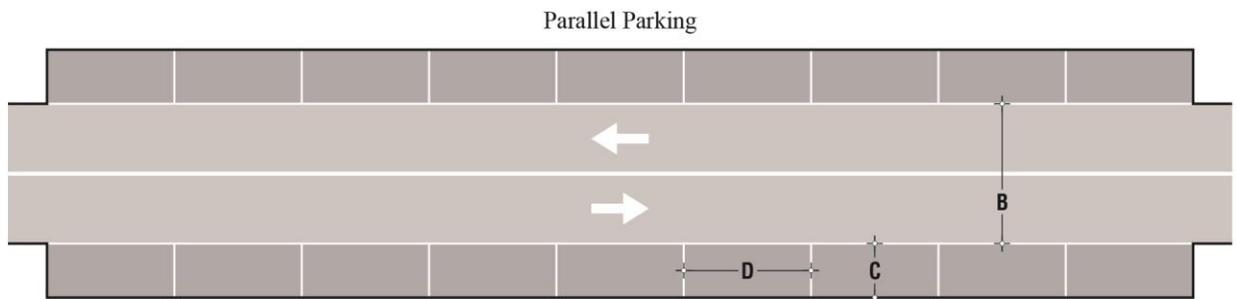
1. **Access Ways.** Off-street parking shall be provided with vehicular access ways to a street, alley, or cross-access connection.
  - a. **Residential Access.** Within all Residential zoning districts access ways shall be a minimum of **ten (10) feet** wide except as follows:
    - (i) If a driveway is longer than **one hundred (100) feet** or serves more than the required parking for **four (4)** dwelling units, the minimum width shall be **twenty (20) feet**.
    - (ii) **Two (2)** one-way drives, each **twelve (12) feet wide** may be provided in lieu of **one (1) twenty (20) foot** driveway.
  - b. **Non-Residential Access.** Within all non-Residential zoning districts, access drives shall be a minimum width of **twenty-four (24) feet** or **two (2)** separate driveways each **twelve (12) feet wide**.
  - c. Except in unusual circumstances, no access way from a public street shall exceed **thirty-five (35) feet** in width.
  - d. **Location.** No access way or lane shall be within **one hundred (100) feet** of any corner formed by the intersection of the right-of-way of **two (2)** or more streets as measured from curb line to center line of access. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and in such manner so as not to cause or increase traffic hazard or undue congestion.

**(Ord. No. 1151-03; 09-02-03)**

- e. **Alignment.** The alignments of access ways shall be at right angles and offsets are not to exceed **twenty degrees (20°)**.
  - f. **Curb Cuts.** Location, design and width of any driveway that intersects with a public street shall be in accordance with the City's curb cut regulations. Commercial curb cuts into local residential streets shall be prohibited. A local residential street is defined as a street which serves primarily residential traffic and is developed primarily with residential uses. **(Ord. No. 1003-00; 05-02-00)**
2. **Drive Aisles.** Within off-street parking lots, one-way traffic aisles shall be at least eleven (11) feet in width and two-way traffic aisles shall be at least twenty (22) feet in width. Furthermore, all aisles shall be provided as shown in the Figure 14-09 (A) Parking Dimensions by Angle.

FIGURE 14-09(B): PARKING DIMENSIONS BY ANGLE

	0° (PARALLEL)		45°		60°		90°	
	typical	compact	typical	compact	typical	compact	typical	compact
A - Width of Aisle: One-Way	11	11	14	14	18	18	20	20
B - Width of Aisle: Two-Way	22	22	22	22	22	22	24	24
C - Width of Space	9	8	9	8	9	8	9	8
D - Depth of Space	22	20	19	17	20	18	18	16



- C. **Public Right-of-Way.** All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way. Parking spaces and loading spaces shall be so arranged that no part of any vehicle overhangs the public right-of-way. Parking or maneuvering areas located within the public right-of-way shall not be used to meet off-street parking or off-street loading requirements.
- D. **Backing Across Property Lines.** No parking space shall be permitted where the maneuvering vehicle must be backed across any property line adjacent to a public right-of-way except for one-family or two-family dwellings.
- E. **Parking Structure or Garage.** Parking or maneuvering areas located inside a structure or garage shall be provided as shown on Figure 14-09(A) of this Article. A garage where the doors providing vehicular access are adjacent to a public right-of-way shall be required to have a minimum setback of ten feet from such right-of-way or meet the zone district minimum setbacks, whichever is greater.
- F. **Compact Spaces.** A maximum of 10 percent of all provided parking spaces may be compact spaces. Dimensions for compact spaces are shown on Figure 14-09(A) of this Article. Compact spaces shall be designated as such.
- G. **Surfacing.** The surface of all parking spaces, drive aisles, maneuvering and vehicular display or storage areas shall be improved with a compacted stone base of not less than **six (6) inches** thick, and surfaced paved with either asphalt or an approved material with comparable construction. Semi-pervious materials, such as grass-crete and pervious pavers may also be used, subject to the approval of the City Engineer.  
**(Ord. No. 1151-03; 09-02-03)**
  - 1. If a paved driveway is available or provided, a gravel driveway will not be permitted. The owner must maintain an allowed gravel parking area or driveway in a manner so that its permitted use will not endanger the health, safety and welfare of the general public, or damage any public improvement, water meter, sidewalk, curb, drainage ditch, culvert, drainpipe, gutter or any appurtenance.
    - a. **Gravel Parking Areas.** If a property has an existing gravel parking area, no part of which has been previously paved, it may be maintained as such unless:
      - (i) The building structure on the property is enlarged, or removed.
      - (ii) The property is rezoned.
      - (iii) The use requires additional parking.

- (iv) The parking area is not sufficiently screened from adjacent uses and the public right-of-way or does not meet the screening and buffering requirements set forth in Article 10: Landscaping.
- b. **Gravel Driveways.** If a property has an existing gravel driveway, no part of which has been previously paved, it may be maintained as a gravel driveway not to exceed 12 feet in width unless:
  - (i) The building structure on the property is enlarged, or removed.
  - (ii) The property is rezoned.
  - (iii) The use requires additional parking.
- H. **Drainage.** Off-street parking areas and driveways shall be constructed to dispose of all surface water without crossing sidewalks and without adverse effect upon adjacent property;
- I. **Striping.** Except for parking spaces for one-family or two-family dwellings, all parking spaces shall be clearly delineated or striped as required by Code and restored as often as necessary to be readily discernible. **(Ord. No. 950-99; 02-16-99)**
- J. **Perimeter Enclosures, Curbing or Wheel Stops.**
  - 1. Except for parking areas provided for one-family or two-family dwellings, the perimeter of all parking, maneuvering, driveways and vehicular display or storage areas shall be enclosed by a permanent wall, fence, curb, wheel or bumper barrier. The barrier must be a minimum of six inches in height. A discontinuous barrier may be used as long as the separation between barriers does not exceed four feet.
  - 2. Bumper stops, wheel stops or curbing shall be provided to prevent vehicles from damaging or encroaching upon any adjacent parking or loading space, sidewalk, landscaped area or parking lot island, fence, wall or building.
- K. **Lighting.** Lights used for illumination of parking areas and driveways shall be directed away from adjacent properties and rights-of-way so as to confine direct rays to the site;

L. **Drive-through Stacking Lanes.**

1. Automobile stacking lanes for drive-through uses shall be provided according to the following:
  - a. Restaurants shall provide 80 feet behind each order and pickup window, or if the functions are separated, 30 feet behind an order board, and 50 feet behind the pickup window;
  - b. Financial institutions or financial transactions facilities (i.e., bill payment window) shall provide 50 feet behind each window or transfer facility. Where more than one window or transfer facility is provided, the stacking lanes may be distributed in 20-foot increments among the various lanes as long as no lane is less than 30 feet in length;
  - c. A carwash shall provide 40 feet behind each bay or stall;
  - d. Drive-through stacking lanes for uses not specifically mentioned shall provide 30 feet behind the pickup location;
  - e. The minimum width of a drive-through lane shall be eight feet;
  - f. Required drive-through stacking lanes shall not intersect with pedestrian access to a public entrance of a building;
  - g. Each drive-through lane shall be striped, marked or otherwise distinctly delineated;
  - h. Drive-through stacking lanes shall not be located in parking space maneuvering aisles.

M. **Tandem Parking.** Except for parking spaces for single-family or two-family dwellings, a parking space that is blocked by a tandem parking space shall not count toward fulfilling off-street parking requirements. A tandem parking space is a parking space located such that it abuts the second space and access to that second space can only be made through the abutting (tandem) space.

N. **Repair Bays.** Repair bays within an automobile service station, repair garage, or other similar use shall not be counted as part of the required off-street parking spaces.

O. **Self-storage or Mini-warehouse Facilities.**

1. A driveway aisle for mini-warehouse or self-storage facilities shall be a minimum width of 20 feet. A driveway aisle where access to storage units is only on one side of the aisle shall be 16 feet in width.

2. No off-street parking spaces are required for these facilities. Off-street parking as indicated in Section 14.09.11 shall be provided for any accessory use (i.e., office, dwelling) of the mini-warehouse or self-storage facility.

P. **Landscaping and Screening.**

1. All sides of open off-street parking areas shall be screened from any adjoining residentially zoned lot by a solid and opaque fence, wall, berms, dense evergreen hedge, or effective equivalent having a height of not less than **six (6) feet**. Such fence, wall, berm, hedge or effective equivalent, shall be maintained in good condition.
  - a. When walls or fences are utilized they shall be of brick, stone or pre-cast concrete, or combination thereof.
2. All parking lots shall be landscaped in accordance with Article 10: Landscaping.

Q. **Display or Storage Areas.** Required parking, maneuvering, or access areas for vehicular sales uses shall not be used for display or storage of vehicles. Display or storage areas shall be delineated on required plans. For determining compliance with this Article, every 250 square feet of area used for display or storage for automobile sales uses shall represent one parking space. Striping shall not be required for automobile display or storage areas.

## **14-09-09. STACKING SPACES FOR DRIVE-THROUGH FACILITIES**

- A. Every drive-through facility shall provide a minimum of two (2) stacking spaces per bay, unless otherwise required by Table 14-09 (D): Required Off-Street Parking or this Code. Stacking spaces provided for drive-through uses shall be:
1. A minimum of nine (9) feet in width, as measured from the outermost point of any service window to the edge of the driveway, and eighteen (18) feet in length. (See Figure 14-09 (C): Measurement of Drive-Through and Figure 14-09 (D): Stacking Spaces)
  2. Placed in a single line behind the drive-through facility.
  3. Located such that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.
  4. Located such that the first space begins behind the vehicle parked at a last point of service, such as a window or car wash bay.

## 14-09-10. OFF-STREET PARKING REQUIREMENTS

The minimum number of off-street parking spaces shall be provided for the uses identified in Figure 14-09 (E): Off-Street Parking Required By Use. Figure 14-09 (E) lists parking requirements for the generic uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this Section and do not indicate whether such uses are either a permitted or special use within any district. Certain general uses listed within the districts do not have parking requirements and are not listed within Figure 14-09 (E). (Ord. No. 1151-2003; 10-13-03)

- A. **Employee Parking.** Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. When employee parking is required, it shall be provided on the basis of **one (1) space for each one and one-half (1.5) employees.**

FIGURE 14-09 (E): OFF-STREET PARKING REQUIRED BY USE			
USE	MINIMUM OFF-STREET PARKING SPACES REQUIRED	GUIDING ORDINANCE	
<b>Residential</b>			
One-family dwelling	2 per dwelling unit		
Two-family dwelling units:	2 per dwelling unit		
Multiple-family dwelling (2 or more bedrooms)	2 per dwelling unit		
Multi-family efficiency and multi-family one bedroom	1.25 per dwelling unit		
Assisted and supportive living facilities	1 space per staff person working largest shift, plus 1 space per 4 residents		
Community Residences	1 space per 4 beds, plus 1 space per employee		
Mobile home park or court	2 per mobile home		
Private clubs, lodges and dormitories with sleeping facilities for guests	1 per lodging room; in dormitories, each 100 square feet is a lodging room. Employee parking required		
<b>Commercial</b>			
Automobile Car Washes, self-service	2 stacking spaces on approach per stall; 1 stacking space on exit per stall	(Ord. No. 1151-03; 09-02-03)	
Automobile Car Washes, automatic and others	Stacking area per stall to accommodate 5 times capacity of car wash	(Ord. No. 1151-03; 09-02-03)	
Automobile service or repair		(Ord. No. 1151-03; 09-02-03)	
Bakeries	4 spaces per 1,000 square feet;		

Barbershops, Beauty Salons	2.5 per chair	(Ord. No. 1151-03; 09-02-03)
Bed and Breakfast	1 space per guest unit and 1 space per employee	
Business, professional and governmental offices	3 per 1,000 square feet of gross floor area	
Catering Establishments	4 spaces per 1,000 square feet of floor area	
Convenience Food Stores	5 spaces per 1,000 square feet of gross floor area	
Currency Exchange	4 parking spaces per 1,000 square feet of floor area	
Construction Contractor Storage/Staging Yards	1 per 1,000 square feet of indoor or outdoor storage area	
Dairy Products or Ice Cream Stores	5 spaces per 1,000 square feet	
Day Care Centers, Child	2 spaces per 1,000 square feet	
Day Care Homes, Child	1 space per 6 children	
Dry Cleaners, Retail		
Extended Stay Hotels	1.5 or 1.75 per dwelling unit	
Fitness Centers	5 spaces per 1,000 square feet of exercise area	
Financial Institutions	3 per 1,000 square feet of gross floor area	
Fruit or Vegetable Shop or Stand	4 spaces per 1,000 square feet of retail floor area but none required if less than 100 square feet	
Furniture and Appliance Stores, Household Equipment or Furniture Repair Stores	3 per 1,000 square feet of gross floor area	(Ord. No. 1151-03; 09-02-03)
Grocery Stores	5 spaces per 1,000 square feet of floor area	
Home Occupations	Maximum of one space in addition to dwelling unit requirements.	
Insurance agencies and brokerages	3.5 per 1,000 square feet	
Laundromat	4 spaces per 1,000 square feet of floor area	
Liquor Stores	4 spaces per 1,000 square feet of floor area	
Meat Market	4 spaces per 1,000 square feet of floor area	
Membership Club or Wholesale Establishment	2 spaces per 1,000 square feet	
Motels	1 per dwelling unit or lodging room; Employee parking required	
Motor Vehicles Sales and Machinery Sales	3.25 per 1,000 square feet of gross floor area	
Retail Stores for Commercial/Service	4 per 1,000 square feet of gross floor area	(Ord. No. 1151-03; 09-02-03)
Outdoor Storage	1 spaces for every 10,000 square	

	feet of land devoted to outside storage		
Professional Studios – Dance, Athletic, Arts Instruction, Photography, etc.	3.5 spaces per 1,000 square feet		
Repair Service Establishments	2.5 spaces per 1,000 square feet		
Restaurants	<b>Sit down:</b> 1.25 per 4 seats; <b>Drive-thru:</b> 8 per 1,000 square feet of gross floor area, Plus 3 stacking spaces per drive-thru lane	(Ord. No. 1151-03; 09-02-03)	
Retail Sales establishment	4 per 1,000 square feet of gross floor area.		
Self-Storage Facilities	Minimum of 5 spaces or 1 space per 100 storage units, whichever is greater		
Shopping Centers	4 spaces per 1,000 square feet of gross floor area		
Undertaking Establishments, Funeral Parlors	1 per 4 seats of capacity		
<b>Industrial</b>			
Manufacturing and Processing Facilities	1 space for each 10,000 square feet of gross floor area		
Research Facilities and Laboratories	4 spaces per 1,000 square feet		
Utility Facilities	1.5 spaces per 1,000 square feet of floor area, plus 1 space for each vehicle used by the establishment		
Warehousing and Storage Facilities	1 space for each 1,000 square feet of floor area		
<b>Health Services</b>			
Ambulatory Services	1 space per ambulance plus 1 per employee on the largest shift		
Hospitals	1 per bed up to 100 beds, Plus 1 per every 2 beds in excess of 100 beds up to 200 beds, Plus 1 per every 4 beds thereafter.		
Laboratory, Testing or Experimental	4 spaces per 1,000 square feet		
Medical and Dental Offices	3.5 spaces per 1,000 square feet		
Assisted and Supportive Living Facilities	1 per 4 beds, plus parking for employees (other than staff doctors), plus 1 per doctor assigned to the staff		
Veterinary Services Establishment	5 spaces per 1,000 square feet of gross floor area		
<b>Entertainment And Recreation</b>			
Billiard Parlors	4.5 spaces for each 1,000 square feet		

	of gross floor area, plus restaurant and bar seating requirements, as applicable		
Bowling alleys	4 per alley; plus additional spaces for affiliated uses (i.e. bars, restaurants)		
Driving Ranges	1.75 spaces per tee		
Golf Courses	50 spaces per 18 holes		
Ice and Roller Skating Rinks	10 spaces for each 1,000 square feet of skating area, plus 1 space for each 3 spectator seats		
Miniature Golf Courses	1 space per hole, plus 1 space per employee on the largest work shift		
Movie Theaters	1 per 4 seats		
Recreation Facilities – Outdoors	10 spaces per 1,000 square feet		
Taverns/Bars/Nightclubs	1 space per 4 seats		
<b>Civic, Educational, Institutional</b>			
Business, Professional, or Technical Schools	.5 per student		
Churches and Auditoriums	1 per 4 seats for the largest seating area		
Colleges or Universities	1 parking space per each 4 students		
Elementary or junior high schools	2 per classroom		
Libraries and Museums	2 per 1,000 square feet of gross floor area		
Municipal Buildings	3 per 1,000 square feet of gross floor area		
Municipal or Privately-Owned Recreation Building or Community Centers	1.5 spaces per 1,000 square feet of gross floor area		
Senior high schools	5 per 1,000 square feet of classroom area; Employee parking required		

## 14-09-11. OTHER PARKING USES

For commercial uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Administrative Official. Parking spaces shall not be used for any other purpose except by special-use permit. (Ord. No. 1151-03; 09-02-03)

## 14-09-12. OFF-STREET LOADING

Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Such access way shall be at least **twelve (12) feet** in width.

- A. **Loading Space Area.** Loading space for vehicles over **two (2) ton** capacity shall not be closer than **fifty (50) feet** to any property in a **Residential District** unless completely enclosed by building walls, a solid fence, wall or landscaped buffer not less than **ten (10) feet** in height and width. Overnight parking of mechanical trailers in operation shall be prohibited within **one hundred (100) feet** of a residential area.
- B. **Dimensions.** The minimum dimensions of an off-street loading space are **ten (10) feet** wide by **forty (40) feet** long, with a minimum vertical clearance of 14 feet, or as determined by the Administrative Official such greater distances as are needed to accommodate vehicles so that no vehicle overhangs into the public right-of-way or interferes with internal circulation.
  - 1. A minimum maneuvering aisle width of 24 feet shall be provided for the off-street loading space;
- C. **Location.**
  - 1. Off-street loading spaces required for any use shall be located on the same zoning lot as the use or building and shall not project into a public right-of-way.
  - 2. Off-street loading spaces shall be located at least **fifty (50) feet** from the intersection of any **two (2) streets**.
  - 3. No off-street loading space shall be located in a front or corner side yard.
  - 4. All off-street loading spaces shall be located a minimum of fifty (50) feet from the lot line of any lot in a residential district, unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than **six (6) feet** in height.

- D. **Not For Parking.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- E. **Special Use, Other Uses.** For special uses and uses other than prescribed for in this Code, loading spaces, adequate in number and size to serve such use shall be provided as determined by the Plan Commission.
- F. **Surfacing.** All open, off-street loading space shall be improved with a compacted stone base not less than **seven (7) inches** thick, surfaced with not less than **two (2) inches** of asphalt or some comparable material with comparable construction.  
**(Ord. No. 1151-03; 09-02-03)**
- G. **Loading Spaces Required.** For the uses listed in the following table, off-street loading space shall be provided on the basis of gross floor area of a building or portions thereof devoted to such uses in the amounts shown herein:

<b>FIGURE 14-09 (F): REQUIRED OFF-STREET LOADING SPACES</b>	
<b>TOTAL OF GROSS FLOOR AREA PER BUILDING (SQ. FT.)</b>	<b>LOADING SPACES REQUIRED</b>
<b>Commercial, Office, and Industrial Uses</b>	
Up to 2,999	Administrative Review
3,000 to 19,999	Administrative review
20,000 to 49,999	Administrative Review
50,000 to 100,000	Plan Commission Review
Above 100,000	Plan Commission Review
<b>Hospitals, Institutions, and Similar Uses</b>	
Up to 9,999	Administrative Review
10,000 to 49,999	Administrative Review
50,000 to 100,000	2
Above 100,000	Plan Commission Review

- H. **Below Minimum Floor Area.** Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum for which such facilities are required shall be provided with adequate receiving facilities as determined by the Plan Commission.

## 14-09-13 BICYCLE PARKING

For properties within Business zoning districts, except MXD, designated bicycle parking spaces should be provided at a rate of one (1) bicycle space per twenty (20) vehicle parking spaces with a minimum of 5 spaces and a maximum of 10 spaces. Bicycle facilities should be of high quality and reflect the architecture of the primary structure. Parcels over 5 acres are exempt from this requirement. Should the property owner be unable to provide the required number of bicycle parking spaces or believe this requirement to be inappropriate, they may request a waiver or relief of this requirement from the Zoning Administrator.

## 14-09-14. PARKING AND ACCESSORY USE RESTRICTIONS

- A. **Commercial Vehicles in Residential Districts.** The following restrictions shall apply to the parking or storage of commercial vehicles on property within residential districts.
1. No commercial vehicle of **one (1) ton** capacity or more shall be parked on any residentially-zoned private property or public right-of-way in a residential district, except for vehicles engaged in loading or unloading, or vehicles in connection with current work being performed on the adjacent premises.
  2. Only **one (1)** commercial vehicle of less than **one (1) ton** capacity, which is used on a regular basis and is the owner's principal means of transportation to and from his employment, may be stored or parked outdoors overnight on residentially-zoned private property.
  3. Permitted commercial vehicles, as described in Paragraph 2 above, shall include such vehicles that are owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in the permitted parking area for that dwelling. Such permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
  4. No stored or parked commercial vehicle shall be occupied or used for human habitation.
  5. All other non-standard sized commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, limousines, tow trucks, panel truck, construction vehicles, or other large commercial and non-standard sized livery vehicles are not permitted to be stored or parked outside overnight on residentially zoned property.
  6. A special-use permit shall be required for a commercial or related use in a residence district for required parking on an adjacent lot or a lot across the street, but not more than **two hundred (200) linear feet** from the use served. Such use shall meet the requirements of Section 14-09-08 of this Article. **(Ord. No. 1151-03; 09-02-03)**

- B. **Recreational Vehicles in Residential Districts.** In any residential zoned district, it shall be unlawful to park a recreational vehicle anywhere other than as permitted by the "permitted accessory uses" in the district where the recreational vehicle exists.  
**(Ord. No. 943-99; 01-05-99)**
- C. **Utility Trailers.** The parking of not more than **one (1)** utility trailer [not exceeding **eight feet wide by twenty feet long (8' x 20')**] in the side or rear yard or driveway only is hereby permitted, provided that no living quarters or businesses shall be maintained in any such utility trailer and shall comply with the yard requirements for accessory buildings of the zone district in which it is located.
- D. **Vehicle Repair Work.** No motor vehicle repair work shall be permitted in conjunction with accessory off-street parking spaces or loading areas provided in a Residential District for a commercial or industrial use. The sale of gasoline and motor oil, when permitted in conjunction with accessory off-street parking areas, shall be located with respect to residential properties so as not to create a nuisance.

## ARTICLE X. LANDSCAPING

14-10-01.	PURPOSE
14-10-02.	LANDSCAPE PLAN
14-10-03.	SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS
14-10-04.	LANDSCAPE DESIGN STANDARDS
14-10-05.	BUILDING FOUNDATION LANDSCAPING
14-10-06.	PARKING LOT LANDSCAPING
14-10-07.	PARKING LOT PERIMETER LANDSCAPE YARD
14-10-08.	INTERIOR PARKING LOT LANDSCAPING
14-10-09.	BUFFER YARDS
14-10-10.	ILLUSTRATION OF LANDSCAPING AND SCREENING REQUIREMENTS
14-10-11.	SCREENING REQUIREMENTS

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### 14-10-01. PURPOSE

- A. **Purpose.** The purpose of the landscape requirements is:
1. To promote the beautification of the city and to enhance its aesthetic quality.
  2. To promote reasonable preservation and replenishment of valued trees.
  3. To aid in establishing the ecological balance by contributing to air purification and oxygen regeneration.
  4. To break up large expanses of pavement for appearance and reduce summer heat gain within parking and paved areas.
- B. **Applicability.** These requirements shall apply to paved areas for off-street parking, vehicular access and vehicular maneuvering when said combined areas have a minimum of 2,500 square feet of pavement. An exception from the number of trees required will be allowed for new and used car dealers. However, these requirements do not apply to one-family or two-family dwellings.

## **14-10-02. LANDSCAPE PLAN**

- A. **Site Plan Requirements.** A site plan showing the development of the property shall be submitted to the city for review and approval with a building permit application. The following items related to parking lot landscaping must be shown on the plan.
1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the Zoning Administrator.
  2. The location, type and size of landscaping. The location, quantity, size, name and condition, both botanical and common, and estimated mature height of all existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.
  3. The location, quantity, size, name and condition, both botanical and common, and estimated mature height of all existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.
  4. The location, quantity, size and name, both botanical and common, and estimated mature height of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials and turf.
  5. Dimensions of planters and type of six-inch barrier enclosing the planter.
  6. The existing and proposed grading of the site indicating contours at one (1) foot intervals. Proposed berm(s) shall be indicated using one (1) foot contour intervals.
  7. Elevations of all proposed fences, steps, stairs, retaining walls both fixed (cast concrete, unitized walls) and any natural rock outcroppings on the site.
  8. Elevations, cross-sections, and other details as determined necessary by the Zoning Administrator.
  9. Watering system.

- B. **City's Issuance of a Certificate of Occupancy.** Prior to the city's issuance of a certificate of occupancy for a building or use of the off-street parking and maneuvering areas, all landscape requirements must be complete.
- C. **Relief.** Requests for relief from any requirement of this Article based on practical difficulty shall be submitted to the Planning Commission in accordance with **Article 14-15 (Application & Approval Process)**.
- D. **Minor Changes to Approved Landscape Plans.** Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Zoning Administrator. Changes to the size and amount of plant materials of an approved landscape plan shall not be considered a minor change. Major changes shall be approved by the body granting approval of the landscape plan initially.
- E. **Forestry Study.** When deemed appropriate due to the nature of the existing vegetation area, the Planning Commission or Zoning Administrator may require a landscape or forestry study by an independent Urban Forester, an Illinois Landscape Architect, or a Missouri Landscape Architect.

**14-10-03. SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS**

- A. **Selection.** Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions.
  - 1. All planting materials used shall be of good quality and meet American Nursery & Landscape Association (ANLA) standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of southwestern Illinois, as well as the individual site microclimates.
  - 2. The use of species native southwestern Illinois shall be encouraged.
  - 3. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.
  - 4. Where appropriate, the use of drought tolerant plant material is preferred.

5. Trees shall be maintained in a living condition.
- B. **Plant Material Selection and Quality.** The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.
- C. **Installation.** All landscaping materials shall be installed in accordance with the current planting procedures established by the ANLA. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.
1. Trees shall be planted in a location to ensure that they will reach their intended size at normal maturity and no closer together than the spacing requirements of section 86-23.
- D. Landscaping location and species should allow for good visibility so as not to obstruct driver vision at turns or pedestrian crossings.
1. Minimum tree sizes at time of planting shall be as follows:
    - a. Shade trees shall be not less than 2 (1 1/2) inches in caliper. Caliper shall be measured six inches above ground level. Each tree shall be planted in a pervious area not less than six feet in diameter.
    - b. Evergreen trees shall be not less than six feet in height above ground level.
    - c. Ornamental trees shall be not less than one inch in caliper.
    - d. Every five shrubs shall be planted in a pervious area not less than 80 square feet with any one side no less than four feet.
    - e. Ground covers within the planters are required to prevent dust, maintain moisture and facilitate growth of trees. Acceptable ground covers are grass or sod, bark, and decorative rock. Living ground covers and low-growing shrubs such as sedum, English ivy, vinca and certain junipers are also acceptable when placed in sufficient quantities. The ground cover to be used must be noted on the site plan.

- E. **Required Element.** Landscape materials depicted on landscape plans approved by the City shall be considered to be required site plan elements in the same manner as buildings, parking and other improvements. As such, the owner of record, or in some instances the homeowner’s association, shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscaping elements over the entire life of the development.
  
- F. **Maintenance.** All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris.
  - 1. Any dead, unhealthy or missing plants shall be replaced within **six (6) months** of notification by the City or the next reasonable available growing/planting season.
  - 2. All fences, steps, retaining walls and similar landscaping elements required within the landscaping plan shall be maintained in good repair.
  - 3. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas.
  - 4. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

**14-10-04. LANDSCAPE DESIGN STANDARDS**

Landscape plans, as described above, shall be prepared by a licensed Landscape Architect, registered in the State of Illinois, and evaluated and approved based on the following design criteria.

- A. **Shade Trees.** All deciduous shade trees shall have a minimum trunk size of two (2) inches in caliper at planting, unless otherwise specified.
  
- B. **Evergreen Trees.** Evergreens trees shall have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.

- C. **Ornamental Trees.** Single stem ornamental trees shall have a minimum trunk size of three (3) inches in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight (8) feet at planting, unless otherwise specified.
  
- D. **Shrubs.** Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18) inches at installation.
  - 1. Large shrubs shall be considered to be those shrubs that reach five (5) or more feet in height at maturity.
  - 2. Small shrubs shall be considered to be those shrubs that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty (30) inches.
  
- E. **Softening of Walls and Fences.** Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.
  
- F. **Planting Beds.** Planting beds may be mulched with shredded hardwood, granite mulch, river rock, feather rocks or similar materials. Lava rock is not permitted.
  
- G. **Approved Species List.** All new and replacement plantings shall be native and/or drought-resistant species. All trees and ornamental species used within parking lots shall be taken from the approved species list maintained by the Fairview Heights Land Use and Development Department. All trees and ornamental species within **five (5) feet** of existing or proposed rights-of-way shall be taken from the approved species list maintained by the Fairview Heights Public Works Department.
  
- H. **Irrigation.** Landscape design pursuant to the requirements of this Section shall recognize the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. For instance, whether there is a permanent means available to water plant material, such as hose bibs, shall be a consideration. All irrigation systems shall be designed to minimize the use of water.

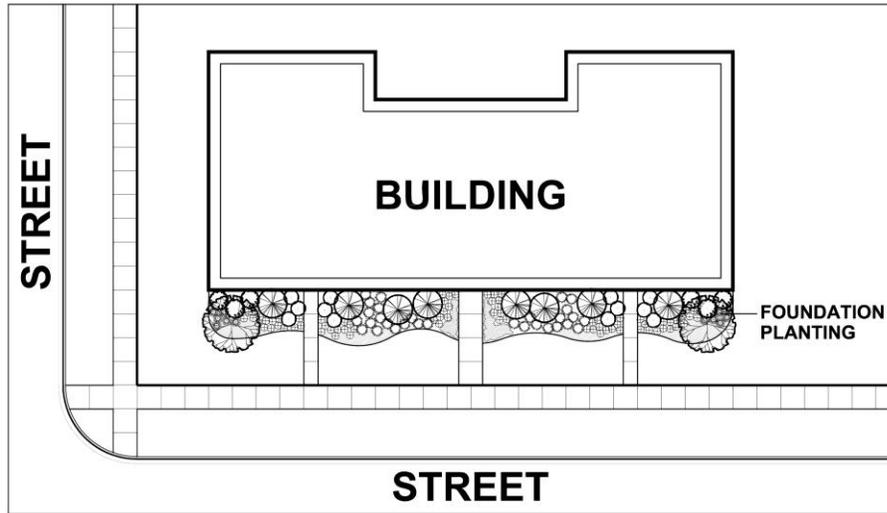
1. Required landscaping shall be irrigated by one of the following methods:
  - a. An underground sprinkling system;
  - b. A drip system; or
  - c. An outside hose attachment within 100 feet of all landscaped areas.
  
- I. **Species Diversity.** Diversity among required plant material is encouraged not only for visual interest, but to reduce the risk of losing a large population of plants due to disease.
  
- J. **Berming.** Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.
  
- K. **Turf Required.** All areas within yards that are unpaved shall be landscaped primarily with turf (seed or sod) or live groundcover. Artificial turf is prohibited.
  
- L. **Parking Areas.** All landscaped areas shall be protected with six-inch curbs or equivalent barriers.
  
- M. **Fences.** All fences shall be installed in accordance with the requirements identified in Article 8: Site Development Standards.

## 14-10-05. BUILDING FOUNDATION LANDSCAPING

If a multi-family residential or non-residential development within a Business or Industrial Districts maintains a front and corner side yard (i.e., is not built at the property line), building foundation landscaping is required. However, during site plan review, the Planning Commission or Zoning Administrator may decide that such landscaping is not appropriate for the development and may waive this requirement. Building foundation plantings shall be required in accordance with the requirements below.

- A. **Function.** Foundation plantings shall work in concert with buffer yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details. Foundation plantings shall respond to the materials and the form of a building. The body granting approval of the landscape plan shall determine compliance with this intent as part of the review.
- B. **Planting Width.** The minimum width of the area provided to accommodate foundation plantings is as follows:
  - 1. **Five (5) feet** of planting area width adjacent to building walls having an eave height of up to **twenty (20) feet**.
  - 2. **Ten (10) feet** of planting area width adjacent to building walls having an eave height of **twenty (20) feet** or more.
- C. **Coverage and Composition.** Foundation plantings shall be planted in accordance with the requirements below:
  - 1. Foundation plantings shall be installed across **seventy-five percent (75%)** of the length of the front façade of the building, except where walkways and driveways are located. (See Figure 14-10 (A): Foundation Planting)
  - 2. Foundation plantings may consist of a mix of trees, shrubs and perennials. Shade, evergreen or ornamental trees shall be spaced **one (1) tree** for every **twenty-five (25) feet**. These trees may be grouped within wider foundation planting areas, but the total number of trees planted shall be no less than the amount required by a linear planting spaced **twenty-five (25) feet** apart.

**FIGURE 14-10 (A): FOUNDATION PLANTING**



**14-10-06. PARKING LOT LANDSCAPING**

- A. **Parking Lot Landscaping Design Guidelines.** All parking lots of ten (10) or more spaces are subject to site plan review and a landscape plan as a condition of obtaining a building permit. Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot that abuts the public right-of-way, excluding alleys. Interior parking lot landscaping is required for those lots of ten (10) or more spaces. Nothing in this section shall be deemed to prevent the applicant’s voluntary installation of additional interior parking lot landscaping, so long as parking space requirements and parking lot design requirements are complied with.
  
- B. **Existing Parking Lots.** For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:
  - 1. A new principal building or building addition is constructed, or exterior remodeling of the principal building occurs.
  - 2. Over fifty percent (50%) of the total area of an existing parking lot is reconstructed. Resealing or re-striping of an existing parking lot, which does not entail paving or resurfacing by replacement of the asphalt or concrete, shall not be subject to this requirement.
  - 3. When an existing parking lot less than ten thousand (10,000) square feet in area

is expanded by fifty percent (50%) or more in total surface area.

4. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.
5. When an existing parking lot is required by Paragraph 1 above to provide landscaping, which would result in creating a parking area that no longer conforms to the parking regulations of the Article and this Code, such existing parking lot shall not be required to install all or a portion of the required landscaping. The applicant shall be required to show that landscaping cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Zoning Inspector shall make the determination that all or a portion of required landscaping does not have to be installed.

#### **14-10-07. PARKING LOT PERIMETER LANDSCAPE YARD**

Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot that abuts the public right-of-way, excluding alleys.

1. **Applicability.** The landscape treatment shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. All perimeter parking lot screening areas shall be protected with raised concrete curbs. Landscaped areas outside of shrub and tree masses shall be planted in turf or other groundcover.
2. **Width of Perimeter Landscape Yard.** When abutting existing or proposed rights-of-way or developed property, the perimeter parking lot landscaping area shall be at least ten (10) feet in width, as measured from the lot line to the back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size. When abutting undeveloped commercial property, the perimeter parking lot landscaping area shall be at least five (5) feet in width, as measured from the lot line to the back of curb.

3. **Required Landscaping.**

- a. **Trees.** One tree from the approved species list or two ornamentals from the approved species list shall be provided for every 2,500 square feet of paved area. The minimum amount of trees and shrubs required by this section shall not be located in the right-of-way. Trees or allowed shrubs must be located in areas that are bounded on at least two sides by the paved areas or within six feet of the paved area.
  
- b. **Shrubs or Pedestrian Wall.** One (1) shrub, measuring a minimum of eighteen (18) inches at planting and not to exceed three (3) feet at maturity, shall be planted for every three (3) feet of landscaped area length, spaced linearly to adequately screen vehicles. Alternatively, a low pedestrian wall the height of which provides effective screening to a maximum height of three (3) feet may be used instead of shrubs. Where feasible, where a low pedestrian wall has been selected, plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.

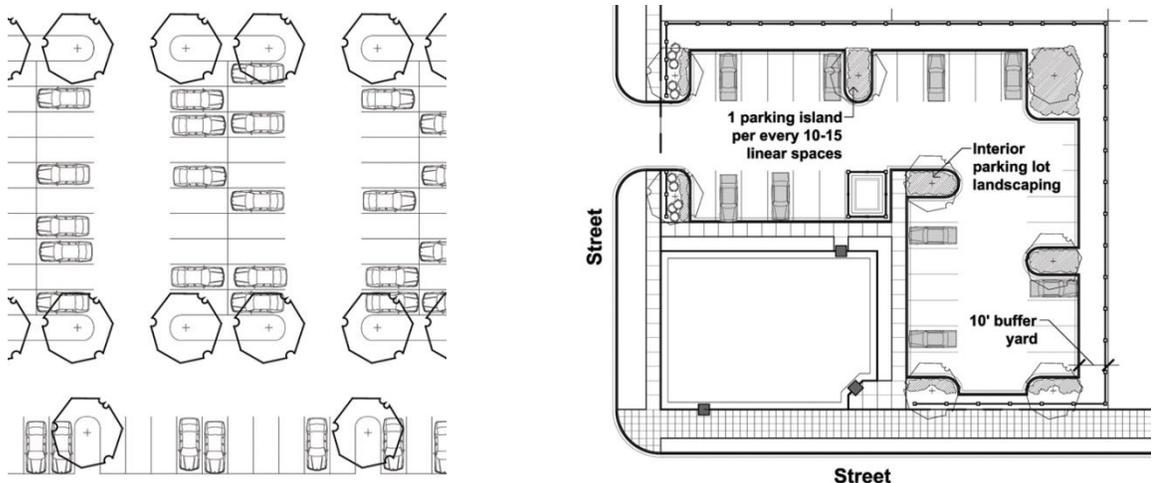
**14-10-08. INTERIOR PARKING LOT LANDSCAPING**

For parking lots consisting of ten (10) or more spaces, interior parking lot landscaping shall be required.

- A. **Amount.** One (1) parking lot island shall be provided between every fifteen (15) contiguous parking spaces at a minimum. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount one (1) island for every fifteen (15) spaces. All rows of parking spaces shall be terminated by a parking lot island or landscaped area.
  
- B. **Design of Planting Areas.** Parking lot islands or landscaped areas shall be at least **six (6) feet** in width, at least **one-hundred (100) square feet** in area, and at least **six (6) inches** above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of storm water. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.

1. Double landscaped islands of **two hundred ten (210) square feet** are required at the end of each double row of parking. No surface parking space shall be further than **fifty (50) feet** from a tree.
  2. Trees may be required on structured parking depending on the visibility of the parking surface from the surrounding areas.
  3. The Director of Land Use and Development shall be authorized to allow the clustering of interior parking area landscaping in order to enhance the aesthetic appeal of the parking area, to encourage flexibility in design, and to moderate the heat gained by asphalt parking areas.
- C. **Type of Landscape Material.** Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings, but shall not create visibility conflicts for vehicles and pedestrians.
- D. **Quantity of Landscape Material.** A minimum of one (1) shade tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) shade trees shall be provided.
- E. **Groundcover.** A minimum of seventy-five percent (75%) of every parking lot island shall be planted in turf or other live groundcover, perennials or ornamental grasses.

**Figure 14-10 (B): INTERIOR PARKING LOT LANDSCAPING**



## **14-10-09. BUFFER YARDS**

Requirements are set forth in this Section for the provision of buffers between certain adjacent land uses to ameliorate nuisances between those land uses. The separation of land uses is intended to eliminate or minimize potential nuisances, such as dirt, litter, noise, light and glare, unsightly buildings, signs or parking areas. Buffers provide visual relief to enhance the appearance of the City, thereby improving its image.

- A. This section establishes standards for the dimensions and improvement requirements of buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section shall be deemed to prevent the applicant's voluntary installation of buffer yards to these design specifications where they are not required.
- B. Buffer yards are required in the following situations:
  - 1. Where a Multi-Family District abuts a R-1, R-2, R-3 or MH District.
  - 2. Where a Business or Industrial district abuts a Residential District.
  - 3. Where a non-residential use is located within a residential district.
  - 4. However, a buffer yard is not required where the rear wall of a commercial building is located ten feet or less from the rear property line or on the rear property line or where an alley is located between a commercial use and a residential use provided that the area between the rear wall and property line is considered buffer yard with required plantings and no other use other than required emergency egress is permitted.
- C. Buffer yards shall be provided in interior side and rear yards. Buffer yards may be located within required setbacks, and shall be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces are permitted within the buffer yard area.
- D. All plantings in the buffer yard shall be in accordance with the design standards of this Section. The minimum size and improvement of buffer yards shall be as follows:
  - 1. A buffer yard shall be a minimum of ten (10) feet in width, except where the following conditions exist, then the buffer shall be a minimum of twenty (20) feet in width:
    - a. A property in the I Industrial District abuts a property in an R Residential District

- b. Heavy commercial uses that generates significant amounts of noise or traffic or other adverse impacts including the following; that abuts a residential district, ~~at the discretion of the administrative official.~~

Heavy Commercial Uses include:

Restaurants.

Freestanding taverns, lounges, nightclubs, etc. with maximum allowable occupancies (per applicable fire codes) of **fifty (50) persons** or more.

Amusement parks, including go-cart race tracks.

Financial institutions with drive-thru facilities.

“Convenience” stores.

Wholesale business and accessory storage facilities.

Building material sales and accessory permanent outdoor storage (lumber and home improvement supply stores and similar businesses with outdoor storage areas).

Gasoline sales and service stations.

Car washes and detailing shops.

Repair and body shops for automobiles, trucks, buses, mobile homes, recreational vehicles, travel trailers, boats, motorcycles, farm equipment, etc., including emergency road services.

Repair shops for lawnmowers, small engines, etc.

Emergency services (for-profit or nonprofit) such as police, fire, ambulance, rescue services, etc.

Commercial vehicle garages (for taxis, limousines, buses, etc.) in which all maintenance and mechanical work is done indoors so that the effects of noise and exhaust fumes upon surrounding properties will be minimal.

Outdoor boat and/or recreational vehicle storage facilities.

Sales and/or rentals of new or used automobiles, trucks, buses, mobile homes, recreational vehicles, travel trailers, boats, motorcycles, farm equipment, etc.

Recreational vehicle and travel trailer parks.

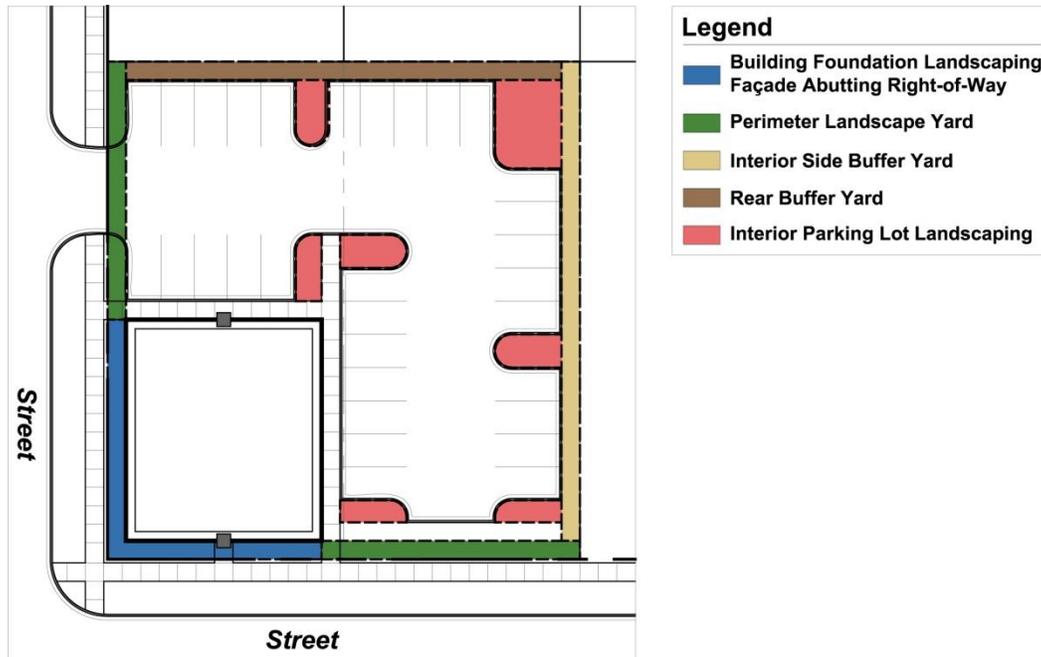
- 2. Shade trees shall be planted on an average of one (1) tree for every twenty-five (25) linear feet of yard length. Trees may be spaced at various intervals based on specific site requirements or design scheme, but the total number of trees planted will be no less than the amount required by a linear planting spaced twenty-five (25) feet apart.
- 3. An opaque masonry wall (stone, stucco or brick), solid screen fence or dense evergreen hedge, at least six (6) feet in height, shall be erected along one hundred percent (100%) of the yard length.

4. Shrubs shall be planted on an average of one (1) shrub for every three (3) feet of yard length.
  5. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.
- E. **Ownership of Buffers.** Buffers may remain the property of the original owner and assigns of a development. Buffers may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district, the City of Fairview Heights, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the buffer for the purposes of this Code.
- F. **Use of Buffers for Passive Recreation.** A buffer shall be required between potentially incompatible adjoining land uses.
1. Buffers may be used for some forms of passive recreation and may contain pedestrian or bike trails provided that:
    - a. No plant material is eliminated;
    - b. The total width of the buffer is maintained; and
    - c. All other regulations of the Code are met.
  2. Playfields, stables, swimming pools, tennis courts or similar active recreation uses shall not be allowed within buffers.
  3. A required buffer may include a storm water retention area if written permission is obtained from the City Engineer.
- G. **Landscape Considerations.** Landscaping shall be designed taking into consideration the site's soil conditions, topography and natural resources. Native vegetation shall be used for landscaping and buffering unless the applicant demonstrates that the use of non-native, drought-resistant plants would best serve the site.
- H. **Solar Access.** If the development on an adjoining property exists, planned or deed-restricted for solar access, under-story trees may be substituted for canopy trees where canopy trees would reduce said solar access.

### 14-10-10. ILLUSTRATION OF LANDSCAPING AND SCREENING REQUIREMENTS

Figure 14-10 (C): Landscaping and Screening Requirements provides a sample illustration of the landscaping and screening requirements of this Article of the Code.

Figure 14-10 (C): Landscaping and Screening Requirements



### 14-10-11. SCREENING REQUIREMENTS

- A. **Refuse Disposal Dumpsters and Refuse Storage Areas.** All multi-family residential and non-residential properties shall visually screen and physically cover and enclose all refuse containers and containers utilized for the collection of recyclable materials which are located on the outside of any building on their premises.

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1. All refuse containers shall be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or brick) or principal structure wall six (6) feet in height and the enclosure shall be gated.
2. The materials used for screening, including the enclosure, shall complement the architecture of the principal structure or as reviewed and approved by the Director of Land Use and Development.
3. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six (6) foot height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.
4. Enclosures shall be of adequate size to allow for removal and replacement of refuse containers by the trash hauler.
5. All screening materials shall be of materials compatible with that of the principle structure
6. Enclosures shall be maintained structurally sound, free of deterioration and shall be sanitary so as not to pose a threat to health and safety. Any surface that is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired.

B. **Loading Berths.** Where feasible, loading berths shall be located and oriented so as not be visible from the street and adjacent properties, while still allowing access to the use it is serving. In addition, loading berths in all zoning districts shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan.

1. Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least six (6) feet in height.

- C. **Outdoor Storage and Display Areas.** All outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six (6) feet in height. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the required fence or wall.
1. When the rear or interior side yard of an outdoor display area abuts a residential district, or the rear yard is separated from a residential district by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six (6) feet in height.
  2. All outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.
  3. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-of-way meeting the requirements of Paragraph 2 above, but such plantings may be clustered. However, the screening may consist of small shrubs and/or a low pedestrian wall of no less than three (3) feet in height, rather than shade or evergreen trees, to optimize the view of motor vehicles for sale.
  4. Growing areas for nursery stock located in the front or corner side yard shall be considered to meet screening requirements.
- D. **Drive-Through Facility.** Drive aisles of drive-through facilities shall be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge at least six (6) feet in height. Plant materials shall be installed along the fence or wall to provide a softening effect.

# **ARTICLE XI. SIGN REGULATIONS**

<b>14-11-01.</b>	<b>PURPOSE</b>
<b>14-11-02.</b>	<b>SEVERABILITY</b>
<b>14-11-03.</b>	<b>SCOPE</b>
<b>14-11-04.</b>	<b>SIGN PERMIT REQUIRED</b>
<b>14-11-05.</b>	<b>GENERAL REQUIREMENTS</b>
<b>14-11-06.</b>	<b>CLASSIFICATION OF SIGNS</b>
<b>14-11-07.</b>	<b>SIGNS PERMITTED IN ANY DISTRICT</b>
<b>14-11-08.</b>	<b>PROHIBITED SIGNS</b>
<b>14-11-09.</b>	<b>RESIDENTIAL AND CONSERVATION DISTRICT REGULATIONS</b>
<b>14-11-10.</b>	<b>BUSINESS DISTRICT REGULATIONS</b>
<b>14-11-11.</b>	<b>INDUSTRIAL DISTRICT REGULATIONS</b>
<b>14-11-12.</b>	<b>MIXED USE PROJECTS</b>
<b>14-11-13.</b>	<b>NEW ZONING DISTRICTS</b>

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## **14-11-01. PURPOSE**

The purpose of this Article is to regulate the size, height, number, location, illumination and construction of signs permitted in the various districts of the City. These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following objectives:

- A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- B. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway;
- C. To eliminate conflicts between traffic control signs and signals and various private signs resulting in vehicular and pedestrian safety problems.
- D. To allow the use of signs to provide communication.
- E. To promote the use of signs which are aesthetically pleasing, of appropriate scale and integrated with surrounding buildings and provide the ability of the public to

safely and quickly interpret the intended message

**14-11-02 SEVERABILITY**

If any word, sentence, section, chapter or any other provision or portion of this Code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

**14-11-03. SCOPE**

The regulations of this Article shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the City intended to be viewed from any street, sidewalk or public or private common open space. Any sign not expressly permitted by these regulations shall be prohibited. The regulations of this Article relate to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the City Code applicable to the construction and maintenance of signs. Regulations concerning the use and termination of nonconforming signs appear in Article 14-17 of this Code.

**14-11-04. SIGN PERMIT REQUIRED**

- A. **Sign Permit.** Except as expressly provided in Subsection 14-11-07 hereof, no sign shall be erected, enlarged, expanded, altered, relocated or maintained unless a Sign Permit evidencing the compliance of such work with the provisions of this Section and other applicable provisions of this Code shall have first been issued in accordance with the provisions of Article XI of this Code; provided, however, that routine sign maintenance, changing of parts designed to be changed or changing the content of a sign in any manner does not change the functional classification of the sign and shall not, standing alone, be considered an alteration of the sign requiring the issuance of a Sign Permit hereunder.
  
- B. **Additional Application Requirements.** In addition to the information and documents required by Article 14-15 of this Code, every application for a Sign Permit for a sign shall be accompanied by:
  - 1. Plans and specifications showing the location on the lot or building face and the method of construction, illumination and support of such sign;
  - 2. A scale drawing showing sign faces, exposed surfaces and the proposed message

- and design, accurately represented as to size, area, proportion and color;
3. A landscape plan showing plantings proposed for the area within three feet of the base of a monument sign per Section 14-11-05 below;
  4. Photographs of the adjacent sides of public rights of way of the property in question, showing all existing signs on the property;
  5. A calculation of the total amount of sign area presently existing on the property;
  6. The applicant's attestation that the sum of the areas of the requested sign or signs and the existing signs does not exceed the maximum allowed by the provisions of this Code; and,
  7. Sign installation and landscaping must be completed within one (1) year following issuance of a sign permit.

## **14-11-05. GENERAL REQUIREMENTS**

The following general requirements shall apply to all signs.

### **A. Illumination.**

1. **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than eighteen (18) inches from the face of the sign or building to which it is attached; provided, however, that a receptacle or device housing a permitted light source for a sign may be located more than eighteen (18) inches from the face of the sign if such light source is ground mounted, locked in place, and cannot be redirected.
2. **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed one-hundred seventy-five (175) foot-candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such sign face. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets. Illumination resulting from any internal or external artificial light source shall not exceed 0.5 foot candles as measured at the property line of the Subject Property. Illumination levels for electronic message center signs shall be prescribed in Paragraph 7 of this Section.
3. **Flashing Lights Prohibited.** No sign shall have blinking, flashing, or intermittent lights, or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted. This Section is

not intended to prevent signs showing time and temperature exclusively.

4. **Light Fixture Screening.** Light fixtures placed along the base of the sign shall be screened from view by site grading or evergreen shrubs. No unscreened light sources are permitted. Temporary holiday displays, which contain lights, are exempt from these provisions.
5. **External Illumination.** External illumination shall be provided by steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from shining directly onto adjacent properties or rights of way.
6. **Internal Illumination.** Internal illumination shall be provided by interior white lighting of reasonable intensity with primary and secondary images lit or silhouetted (i.e., backlit) on an opaque background. The background of all signs must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
7. **Additional Lighting Standards.** The following are additional lighting standards for specific sign types:
  - a. **Signs Without Permits.** Signs permitted pursuant to Section 14.11.08 of this Section shall be illuminated only as permitted in that Section.
  - b. **Awning and Canopy Signs.** Shall be illuminated using a direct light source. Direct illumination shall be aimed at the exterior of the awning/canopy, not the underside.
  - c. **Monument Signs.** Monument signs shall be backlit, directly-lit, or internally illuminated. All letters must be individually affixed. Any direct light source shall be concealed from view from the right-of-way.
  - d. **Wall Signs.** Letters shall be individually affixed to walls of a building and be either internally illuminated or backlit.
  - e. **Electronic message center signs.**
    - (i) All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign’s brightness based on ambient light conditions.
    - (ii) No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measure using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

**Table 14-11-05 (a) Ambient Light Measurement Distance by Sign Area**

Area of Sign (sf)	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
Measurement Distance (ft)	32	39	45	50	55	59	63	67	71	74	77	81	84	87	89	92	95	97	100

- B. **Landscaping.** The base of all permanent ground signs shall be effectively landscaped and maintained in good condition at all times. The minimum landscaped area shall extend at least three (3) feet beyond all sign faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, architectural metal, or wood. Landscaping must be maintained in a manner that prevents the screening or blocking of addresses and other information provided on the monument sign.
- C. **Electrical Elements.** All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall meet the following requirements:
1. **UL Specifications.** Any and all electrical signs shall be manufactured to meet UL Specifications and be UL labeled. Alternate equivalent specifications may be accepted as approved by the Building Official.
  2. **City Building & Electric Codes.** Electric signs shall meet all the requirements of the City Building and Electric Codes.
  3. **Water Tight.** Electric signs shall be watertight, with service holes to provide access to each compartment with fitted waterproof covers.
  4. **Interference Not Permitted.** Any electrical equipment or apparatus of a sign which causes interference with radio or television reception shall not be permitted.
- D. **Structural Elements.** The construction and structural components of all signs shall be in accordance with the standards and regulations of the City Code. All permanent signs shall be constructed of fire-resistant materials and shall be capable of withstanding wind pressures of at least an 80 mile an hour wind load and of receiving dead loads based on the actual weight of the structure.
- E. **Minimum Elevation of Certain Signs.** The bottom of every awning, canopy, marquee, wall and pylon sign shall be elevated at least eight (8) feet above grade.
- F. **Obstruction of Access Ways.** No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required access way.
- G. **Obstruction of Window Surface.** No sign shall project over, occupy or obstruct any window surface required for light or ventilation by any applicable provision of the Municipal Code.
- H. **Traffic Safety.**

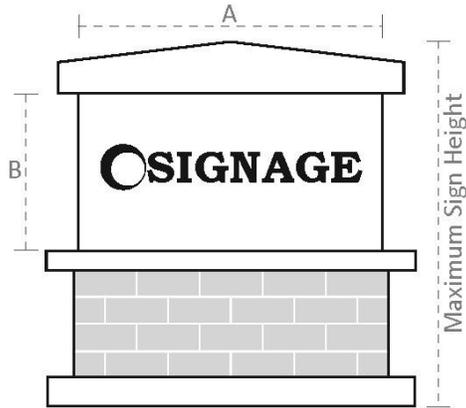
1. **Confusion With Traffic Signals.** No sign shall be maintained at any location where, by reason of its position, size, shape, content, color, or illumination, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic.
  2. **Corner Visual Clearance.** At all intersections, at a point of twenty-five (25) feet in any direction from the point of intersection of the street right-of-way, no sign, nor any part of a sign other than a supporting pole or brace no greater than eighteen (18) inches in width or diameter shall be located lower than eight (8) feet from grade or otherwise that would block visibility.
- I. **Signs in Rights-of-Way.** Except as provided in this Paragraph, no sign except governmental signs authorized in this Section shall be placed in or extend into or over any public property or right-of-way. Temporary signs advertising civic functions may extend into or over a public right-of-way upon the specific prior approval of the Zoning Administrator on the basis of need and impact on pedestrian and vehicular traffic, and impact on surrounding properties.
- J. **Sign Maintenance.** The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in compliance with this Code and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The premises around ground and pylon signs shall be kept clean and free of all rubbish and weeds.
- K. **Sign Measurement.**
1. **Area to be Included.** The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Where a sign has more than one display face.
  2. **Area of Signs With Backing.** The area of all signs with backing shall be measured by computing the area of the sign backing.
  3. **Area of Signs Without Backing.** The area of all signs without backing shall be measured by computing the area of the smallest regular geometric figure that can encompass all words, letters, figures, emblems and other elements of the sign message.
  4. **Area of Signs With and Without Backing.** The area of all signs formed by a combination of elements with and without backing shall be measured by counting the area of such elements measured in accordance the foregoing subparagraphs.

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5. **Signs on Lots With Multiple Users.** Where more than one user occupies a zoning lot, the owner of the lot shall be responsible for allocating permitted signage among such users.
6. **General Safety.** Notwithstanding any other provision of this Section, no sign shall be located in any area or in any manner so as to create a nuisance or a threat to the public safety and welfare.

**Figure 14-11-05 (b) Sign Measurement Illustrations**

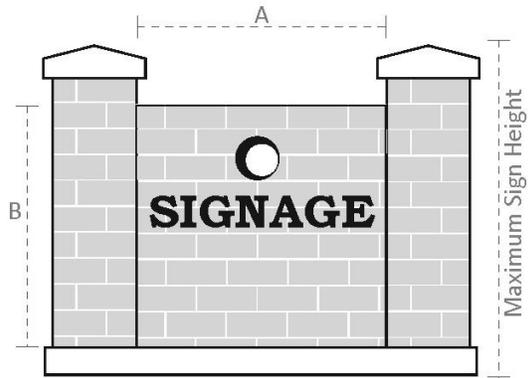
**Ground Sign**



A = Width of Sign Face  
B = Height of Sign Face

Sign Area = A x B

**Ground Sign**



A = Width of Sign Face  
B = Height of Sign Face

Sign Area = A x B

**Wall and Window Signs**



A = Width of Sign Face  
B = Height of Sign Face

Sign Area = A x B

## 14-11-06. CLASSIFICATION OF SIGNS

- A. **Functional Types.** For purposes of this Code, signs shall be classified as follows according to function:
1. **Attention-getting Device.** A sign designed to attract attention by means of flashing or moving parts, bright color or light, or movement of any kind. Examples of such signs include pennants hung in series, whirligigs, spinners, streamers, flashing lights, search lights and balloons.
  2. **Commercial Sign.** A sign, wording, logo, picture, transparency, mechanical device or other representation that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.
  3. **Drive-Through Sign.** A sign that facilitates the operation of a drive-through facility by aiding with the pick-up, drop-off, ordering or service of such a facility. It includes, but is not limited to, such signs as changeable copy menu boards.
  4. **Governmental Signs.** A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.
  5. **Holiday Decorations.** Signs in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
  6. **Off-premises Sign.** A sign which is located off the lot on which such building, business, development or establishment is located.
  7. **On-site Informational Sign.** A sign commonly associated with information and directions necessary or convenient for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, rest rooms, pick-up and delivery areas and the like.
  8. **Private Warning Sign.** A sign limited in content to messages warning, caution or danger.
- B. **Structural Types.** For purposes of this Code, signs shall be classified as follows according to structure:
1. **Awning, Canopy or Marquee Sign.** A sign that is mounted or painted on or attached to an awning, canopy or marquee that is otherwise permitted by this Code. No such sign shall project above, below, or beyond the physical dimensions of such awning, canopy or marquee.
  2. **Banner Sign.** A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners.
  3. **Box Sign.** A sign that is self-enclosed in a typically square or rectangular structure with or without internal lighting. A box sign can be single-or double-

sided. Internally illuminated channelized lettering, logo, or groupings of letters and/or logos, not providing any additional sign face, shall *not* be considered a box sign.



Example: Box Sign



Example: Not a Box Sign

4. **Electronic Message Center / Manual Changeable Copy Sign.** (Does not apply to Gas/Service Stations or to that portion of a sign dedicated to time and/or temperature) Is a sign or portion thereof designed to accommodate frequent message changes composed of characters, or letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.
5. **Freestanding Sign.** A sign on a frame, pole or other support structure not attached to any building.
6. **Mobile or Vehicle/Trailer Sign.** A sign that is attached to or painted on a vehicle or trailer that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.
7. **Monument Sign.** A freestanding sign defined by a solid support structure (other than support poles) with equal to or greater width than the faceplate.
8. **Moving or Animated Sign.** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement or rotation.
9. **Paint on Wall Sign.** A sign painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.
10. **Portable Sign.** A sign that is not permanently affixed to a building, a structure or the ground, but not including customary identification lettering on vehicles and advertising posters on buses and taxicabs.
11. **Projecting Sign.** A sign that is wholly or partially dependent upon a building for support and that projects more than twelve (12) inches from such building.
12. **Pylon Sign.** A freestanding sign in excess of eight feet in height that is detached from a building and is supported by one or more structural elements which are architecturally similar/compatible to the design of the principal structure and equal to or greater than 25 % of the face plate.
13. **Roof Sign.** A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest

point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.

14. **Sandwich Board Sign.** A movable sign not secured or attached to the ground or surface upon which it is located.
15. **Temporary Sign.** A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time.
16. **Wall Sign.** A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than eighteen (18) inches from such building or structure, twenty-four (24) inches shall be permitted subject to a special use permit.
17. **Window Sign.** A sign that is applied or attached to the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure.

## **14-11-07 SIGNS PERMITTED IN ANY DISTRICT**

Signs listed in this Section shall be permitted in any zoning district or as indicated on private property, shall not require a permit, but are subject to the general requirements of this Article.

### **14-11-07.1**

- A. **Property under construction or development.** During the construction period a maximum of **two (2) signs** with a combined total maximum sign area not to exceed **sixty-four (64) square feet** in area. In no case shall any one sign be in excess of **thirty-two (32) square feet** in area. The sign shall be removed within **fourteen (14) days** after substantial completion of the construction, as determined by the City Building Official.
- B. **Flag Poles.** In all zoning districts, the property owner shall be permitted to construct and maintain not more than **three (3) flag poles** within the buildable area or the required front yard, in all cases flag poles shall be located not less than **ten (10) feet** from any property line and when **fifteen (15) feet** in height or greater shall not be erected or constructed without first obtaining building permit pursuant to the Building Code.
- C. **Flags and Emblems.** Such signs may be displayed on flag poles and when so displayed shall not exceed **twenty-four (24) square feet** in area. Such signs may also be displayed in the form of a wall sign and when so displayed shall not exceed **three (3) square feet** in area.
- D. **Integral.** Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or other permanent type construction and made an integral part of the structure are permitted.
- E. **Private Warning Signs.** Such signs shall be no more than **two (2) square feet** in area

each; shall be limited to the number necessary to accomplish the intended purpose and shall be illuminated only as required to accomplish such purpose.

- F. **Temporary Signs Displayed During the Election Period.** Temporary signs displaying any variety of noncommercial constitutionally protected speech may be displayed without a sign permit during the election period defined as that period of time prior to and through any primary, general or special election and may be freestanding or mounted on a building wall. The maximum cumulative display area for temporary signs during the election period is **50 square feet** and shall be no more than **five (5) feet** in height when freestanding. This subsection does not authorize private parties to place temporary signs on city property or the public right-of-way
- G. **Public Signs.** Signs in the public interest erected on the order of a public officer in the performance of their public duty, such as safety signs, danger signs, trespassing signs, traffic signs and the like shall be permitted.
- H. **On-site Informational / Directional Signs.** Signs directing traffic movement onto a premise or within a premise, shall be limited to wall or freestanding signs of not more than **six (6) square feet** in area; shall be, if a freestanding sign, not more than **four (4) feet** in height; and shall be illuminated only as necessary to accomplish their intended purpose. Horizontal signs on and flush with paved areas are exempt from these standards.
- I. **Window Signs, Temporary.** The aggregate area of all such signs shall not exceed thirty percent (30%) of the area of the window in which they are exhibited nor block any window area required for light, ventilation or emergency exit by any applicable Code nor exceed twenty one (21) consecutive days per calendar quarter. No such sign shall be illuminated.
- J. **Temporary Signs Displayed on Property for sale, rent or lease.**
  - 1. In commercial and industrial districts temporary signage on property for sale, lease, or rent is limited to one (1) single or double-faced, non-illuminated sign per zoning lot, except a maximum of two (2) signs will be permitted on corner lots, not to exceed **twelve (12) feet** in length and **five (5) feet** in height and not to have an area in excess of **sixty (60) square feet** per sign face.
  - 2. In residential and conservation districts temporary signage on property for sale, lease, or rent is limited to one (1) single or double-faced, non-illuminated sign per zoning lot, except a maximum of two (2) signs will be permitted on corner lots, not to exceed **twelve (12) square feet** in area, **five (5) feet** in height and if wall mounted, shall be flush-mounted and shall not project above the roof line.

## **14-11-07.2 Number of Signs.**

The number of signs described in this section shall be limited to one (1) sign per street frontage per message conveyed, but in no event shall more than one (1) of the same sign per street frontage be displayed.

## **14-11-08. PROHIBITED SIGNS**

The following signs, as well as all other signs not expressly permitted by this Section, are prohibited in all districts and shall not be erected, maintained or, except as provided for elsewhere in this code, permitted to continue in any district:

- A. Commercial signs (except as permitted in Section 14.11.10 & 14.11.11).
- B. Attention-getting devices.
- C. Banner Signs (except as approved by City Sign Permit)
- D. Moving or animated signs.
- E. Off-premises signs.
- F. Portable signs.
- G. Roof signs.
- H. Temporary signs, except as expressly authorized in this Section and when approved in connection with temporary uses.
- I. Mobile or vehicle/trailer signs.
- J. Any sign that advertises, identifies or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located. Such signs shall be removed within ninety (90) days following cessation of the relevant activity.
- K. Any sign on a tree or utility pole, whether on public or private property.
- L. Any sign on public property, except governmental signs authorized in this Section.
- M. Any sign painted directly on a wall, roof or fence.
- N. Any signs not otherwise permitted in this Article, painting, writing, inscription, affixing or placement of any materials designed to advertise, promote or attract attention to any business, product, service, job openings, political candidate or issues or any event upon fences, rocks, other stationary objects or devices, either man-made or natural, or private property without prior approval by the City and prior consent of the owner of said property or, if within a public right-of-way, without the prior approval by the appropriate governing agency. Unauthorized signs on public rights-of-way shall be considered a nuisance as stated in **Section 33-3-1 Encroachments**.

## **14-11-09. RESIDENTIAL AND CONSERVATION DISTRICT REGULATIONS**

In addition to those signs identified in Section 14-11-06, signs shall be permitted in the R-1, R-2, R-3, MH, MF, and C Districts as follows:

- A. **Number of Signs Permitted Per Lot .** One sign not exceeding **two (2) square feet** in area to be placed in any of the following locations: on the front of every residence; on each side of an authorized United Postal Service mailbox. One sign not exceeding **five (5) square feet** in area on one post which measures no more than **forty-eight (48) inches** in height above ground elevation.
- B. **Subdivision Entrance Signs - Non-Commercial.** Entrance to subdivisions are allowed signs not exceeding **twelve (12) feet** in length and **five (5) feet** in height and not to have an area in excess of **sixty (60) square feet**, shall be mounted and so located as not to create a safety hazard at intersections may be permitted.
- C. **Church And Government Use Signs.** Church and government property in residential and conservation districts shall be limited to **one (1) sign** with an allowable sign area of **fifty (50) square feet**, including marquee. All such signs shall be at least **ten (10) feet** back from public right-of-way lines, except in the case of a corner lot, in which case, the sign shall be set back **thirty-five (35) feet** from the corner.

## **14-11-10. BUSINESS DISTRICT REGULATIONS**

In addition to those signs identified in Section 14-11-07, signs shall be permitted in the B-1, B-2, B-3 and MXD Districts as follows:

- A. **Functional Types Permitted.**
  - 1. **Drive-Thru Sign.**
  - 2. **On-site Informational Signs.**
  - 3. **Commercial Sign.**
  - 4. **Governmental Signs.**

- 5. **Holiday Decorations.**
- 6. **Private Warning Signs.**

**B. Structural Types Permitted.**

- 1. **Awning and Canopy Signs.**
- 2. **Electronic Message Center / Manual Changeable Copy Sign.** Only if the following conditions is met:
  - a. Such a sign is incorporated into a permitted monument or pylon sign.
  - b. Copy shall not be changed more than once every 5 seconds and shall be limited to one color.
- 3. **Monument Signs.**
- 4. **Pylon Sign.** Only when located in the B-2, B-3 and Industrial districts.
- 5. **Projecting Signs.** Only when located in the MXD district.
- 6. **Sandwich Board Signs.** Only when located in the MXD district.
- 7. **Temporary Signs.**
  - a. As authorized in Section 14.11.07 of this Section.
  - b. Temporary signs located on a commercial property shall be permitted for periods of up to ten (10) consecutive calendar days but not more frequently than once every three (3) month quarter in a calendar year, except in the instance of a Special Event as allowed per Section 8-21-1. Said signage shall not exceed 32 square feet when attached to a wall and 2 ground affixed signs not exceeding 6 square feet each.
  - c. Such signs being displayed during grand openings for new businesses shall be not be counted against the quarterly frequency as previously identified and provided they are within the parameters of what is explained under Prohibited Signs (See Section 14-11-08), but only for periods of up to ten (10) consecutive calendar days.
  - d. Signs may be displayed for periods of up to sixty (60) days, during store closing or “Going Out of Business” sales provided that the appropriate filing with the City Clerk’s Office has been completed plus up to an additional fifteen (15) days with the City Clerk’s approval of a request for an extension in this amount, provided that they are within the parameters of what is explained under Prohibited Signs (See Section 14-11-08).
- 8. **Wall Signs.**

- C. **Number of Signs Permitted Per Lot.** All signs permitted Section 14.11.07 of this Article; plus:
1. One (1) monument or pylon sign per street frontage for zoning lot frontage that is less than five hundred (500) feet in length, and up to two (2) monument or pylon signs per street frontage for zoning lot frontage that is five hundred (500) feet or more in length. Monument and pylon signs must be spaced at least three-hundred (300) feet apart on a zoning lot when a zoning lot contains two (2) such signs per street frontage, and the sign must be a joint identification sign; plus
  2. One (1) electronic message center / manual changeable copy sign per zoning lot frontage. Such signs are only permitted if incorporated into a permitted monument sign.
  3. Unlimited wall signs not to exceed total area limitation of paragraph D; plus
  4. One (1) on-site directory sign per zoning lot frontage; plus
  5. One (1) projecting sign; plus
  6. One (1) sandwich board sign; plus

D. **Maximum Gross Surface Area of Signs Permitted.**

1. **Individual Sign Area Limitations.** The following individual sign area limitations shall apply to all signs.
  - a. **Awning and Canopy Signs.** Not to exceed fifty (50) square feet per sign face. No sign identifying an individual tenant of a multi-tenant building shall cover more than five percent (5%) of the canopy to which it is affixed.
  - b. **Electronic Message Center / Manual Changeable Copy Signs.** Not to exceed **thirty-two (32) square feet or 30% of the gross surface area** of the monument sign face within which such a sign is incorporated as regulated in Paragraph e Projecting Sign below, whichever is less.
  - c. **Monument Signs.** Not to exceed one-hundred (120) square feet per sign face, nor more than two-hundred forty (240) square feet total for lots in the B-2 and B-3 districts. Not to exceed eighty (80) square feet per sign face, nor more than one hundred sixty (160) square feet total for lots in the B-1 and MXD districts.
  - d. **Pylon Sign.** Sign area shall be calculated at a rate of seventy-five hundredths of one square foot of signage per linear foot of street frontage and shall not exceed 150 square feet. (Ex: 100 foot frontage x 0.75 = 75 square foot sign.)

- e. **Projecting Signs.** Not to exceed twenty (20) square feet per sign face, nor more than forty (40) square feet total for lots in the B-1 and MXD districts.
- f. **Sandwich Board Signs.** Not to exceed twelve (12) square feet per sign face, nor more than twenty-four (24) square feet total for lots in the B-1 and MXD districts.
- g. **Wall Signs.** Not to exceed three-hundred (360) square feet per sign, or exceed covering more than ten percent (10%) of the wall to which it is affixed, whichever is less, for lots in the B-2 and B-3 districts. Not to exceed one-hundred (100) square feet per sign, or not to exceed covering more than five percent (5%) of the wall to which it is affixed, whichever is less, for lots in the B-1 and MXD districts. Wall signs on inline store fronts shall be spaced minimum of two feet apart.

**E. Maximum Height of Signs Permitted.**

- 1. **Signs Without Permit.** As provided in Section 14.11.07 of this Article for signs permitted pursuant to that Section.
- 2. **Awning and Canopy Signs.** Twenty (20) feet; all awning and canopy signs shall be at least eight (8) feet above grade. Awning and canopy signs for individual tenants of a multi-tenant building shall be at the same height on the building to which they are affixed.
- 3. **Electronic Message Center / Manual Changeable Copy Sign.** No electronic message center / manual changeable copy sign shall extend beyond the sign face of the monument sign within which such a sign is incorporated by more than four inches (4") and therefore, shall not exceed a height of said monument as regulated in paragraph 5.
- 4. **Monument Signs.** A maximum height of twelve (12) feet is permitted for the B-3 district. A maximum height of twenty-four (24) feet is permitted for the B-2 district. A maximum height of eight (8) feet is permitted for B-1 and MXD districts.
- 5. **Pylon Signs.** A maximum height of thirty (24) feet is permitted for the B-2 district. A maximum height of twelve (12) feet is permitted for the B-3 District.
- 6. **Projecting Signs.** No projecting sign shall extend more than six (6) feet from the building and shall provide at least eight (8) feet clearance from the bottom of the sign to the ground. Projecting signs shall be erected only on the signable area of the structure and shall not project over the roofline or parapet wall elevation of the structure.
- 7. **Sandwich Board Signs.** No sandwich board sign shall exceed a height of four (4) feet when on display.
- 8. **Wall Signs.** No wall sign shall extend beyond the roof line or parapet of the building to which it is affixed. No wall sign shall cover any architectural features

(architectural features shall include, but not be limited to: pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or tile inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed. No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure, with the exception of building parapets which have been designed and integrated into the building's architecture and which are in line with and not set back from the perimeter façade of the building. For multiple story-buildings, the maximum height for wall signs is thirty (30) feet.

- F. **Minimum Setback Required.** As provided in Section 14.11.07 of this Article for signs permitted pursuant to that Section.
  - 1. **Electronic Message Center / Manual Changeable Copy Sign.** Electronic message center / manual changeable copy signs shall adhere to the setback requirements established for the permitted monument sign within which they are incorporated as regulated in paragraph 2 below.
  - 2. **Monument and Pylon Signs.** Ten (10) feet from any public right-of-way and six (6) feet from all other lot lines. All monument and pylon signs shall be perpendicular to the street and corner visual clearance shall be maintained.
  - 3. **Sandwich Board Signs.** Cannot be located more than three (3) feet from the building. All sandwich board signs shall be perpendicular to the street and “sight triangles” shall be maintained. All sandwich board signs are to be displayed during business hours only.
- G. **Church Signs.** The provisions of this Section shall apply to all churches in all Business Zoning Districts.

## **14-11-11. INDUSTRIAL DISTRICT REGULATIONS**

In addition to those signs identified in Section 14-11-06, signs shall be permitted in the I-1 District as follows:

- A. **Functional Types Permitted.**
  - 1. **Commercial Signs.**
  - 2. **On-site Directory Signs.**
  - 3. **Temporary signs** on property for sale, lease, or rent limited to one (1) single or double-faced, non-illuminated sign per zoning lot, not to exceed **twelve (12) feet** in length and **five (5) feet** in height and not to have an area in excess of **sixty (60) square feet** per sign face.
- B. **Structural Types Permitted.**
  - 1. **Awning and Canopy Signs.**

2. **Electronic Message Center / Manual Changeable Copy Sign.** Only if the following conditions is met:
    - c. Such a sign is incorporated into a permitted monument sign.
    - d. Copy shall not be changed more than once every 5 seconds.
  3. **Monument Signs.**
  4. **Pylon Signs.**
  5. **Temporary Signs.** Only as authorized in Section 14.11.07 of this Section.
  6. **Wall Signs.**
- C. **Number of Signs Permitted Per Lot.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district.
- D. **Maximum Gross Surface Area of Signs Permitted.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district, except the maximum total sign area shall not exceed **two hundred (200) square feet.**
- E. **Maximum Height of Signs Permitted.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district.
- F. **Minimum Setback Required.** For signs permitted in Industrial zoning districts, requirements shall be the same as those established for the B-3 zoning district.

## **14-11-12 MIXED USE PROJECTS**

Applicability of rules to mixed-use projects.

In any land use designation where both residential and nonresidential land uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use are as follows: residential uses are treated as if they were located in a residential land use designation where that particular residential use would be allowed as a matter of right, and nonresidential uses are treated as if they were located in a nonresidential land use designation where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or other discretionary process.

## **14-11-13. NEW ZONING DISTRICTS**

**FINAL DRAFT**

The sign standards of this Article shall be regulated by zone districts as shown on the City Zoning District Map(s).

- A. **New Zoning Districts.** If this Code is amended to include a zoning district not presently included in this Code, no sign shall be permitted unless:
  - 1. Additional sign regulations for the new zoning district are included in the amendment.
  - 2. Signs identified in Section 14-11-07 of this Article may be permitted in any zoning district.

# ARTICLE XII. TELECOMMUNICATIONS SERVICES AND FACILITIES

14-12-01.	<b>PURPOSE</b>
14-12-02.	<b>DEFINITIONS</b>
14-12-03.	<b>APPLICABILITY</b>
14-12-04.	<b>GENERAL REQUIREMENTS</b>
14-12-05.	<b>PERMITTED USES</b>
14-12-06.	<b>ADMINISTRATIVELY APPROVED USES</b>
14-12-07.	<b>SPECIAL USE PERMITS</b>
14-12-08.	<b>TELECOMMUNICATIONS SUPPORT FACILITIES</b>
14-12-09.	<b>REMOVAL OF ABANDONED ANTENNAS AND TOWERS</b>
14-12-10.	<b>DECISIONS</b>

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## 14-12-01. PURPOSE

- A. The purpose of this Section is to establish regulations for antennas and towers. The goals of this Article are:
- a. To protect residential area and land uses by minimizing adverse impacts of towers, antennas and telecommunications facilities;
  - b. To encourage the location of telecommunications facilities, towers and antennas in nonresidential areas and to ensure that they are located in areas that minimize adverse impacts;
  - c. To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
  - d. To promote, encourage and require, as appropriate, the shared use/collection of telecommunications facilities and towers as a primary option, rather than construction of additional single-use structures and to encourage the attachment of antennas to existing structures;
  - e. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
  - f. To ensure telecommunications facilities, towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
  - g. To avoid potential damage to property caused by telecommunications facilities, towers and antennas by insuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or are determined to be structurally unsound;

**FINAL DRAFT**

- h. To ensure that telecommunications facilities, towers and antennas are compatible with surrounding land uses; and
  - i. To ensure that telecommunications facilities, towers and antennas do not compromise public safety communications.
- B. In furtherance of these goals, the City shall give due consideration to its comprehensive plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of these facilities.

**14-12-02. DEFINITIONS**

**“ALTERNATIVE TOWER STRUCTURE”** will mean clock towers, bell steeples, light poles and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflages or conceals, the presence of antennas and/or towers. This term also includes any antenna or antenna array attached to the alternative tower structure.

**“ANTENNA”** shall mean any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. For purposes of this Article, except as to antennas located or proposed to be located in a historic preservation district, the term antenna excludes any antenna under twelve (12) feet in total height.

**“BACKHAUL NETWORK”** shall mean the lines that connect a provider’s tower/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**“FAA”** shall mean Federal Aviation Administration.

**“FCC”** shall mean Federal Communications Commission.

**“GUY TOWER”** shall mean a tower that is supported in whole or in part by guy wires and ground anchors.

**“LATTIC OR SELF-SUPPORTING TOWER”** shall mean a tower that has open-framed supports on three (3) or four (4) sides and is constructed without guy wires and ground anchors.

**“MONOPOLE”** shall mean a tower consisting of a single-pole constructed without guy wires or ground anchors.

**“TELECOMMUNICATIONS FACILITIES”** shall mean the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, telecommunications support facilities, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

**FINAL DRAFT**

**“TELECOMMUNICATIONS SERVICE”** shall mean the providing or offering for rent, sale or lease or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

**“TELECOMMUNICATIONS SUPPORT FACILITIES”** shall mean support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

**“TOWER”** shall mean any structure designed and constructed primarily for the purpose of supporting one (1) 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, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure. For purposes of this Article, except as to towers located or proposed to be located in a historic preservation district, the term tower excludes any tower under twelve (12) feet in total height.

**“TOWER HEIGHT”** shall mean, when referring to a tower or other alternative tower structure, the distance measured from the lowest point on the ground within ten (10) feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna.

**14-12-03. APPLICABILITY**

- A. **New Towers and Antennas.** All new towers or antennas in the City shall be subject to these regulations, except pre-existing towers and antennas.
- B. **Pre-Existing Towers or Antennas.** Pre-existing towers and pre-existing antennas in place prior to (date of adoption), shall not be required to meet the requirements of this Article.

**14-12-04. GENERAL REQUIREMENTS**

- A. **Principal or Accessory Use.** Telecommunications facilities, towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same zoning lot shall not preclude the installation of an antenna or tower on such lot.
- B. **Lot Size.** For purposes of determining whether the installation of telecommunications facilities, towers and antennas complies with this Article, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire zoning lot shall control.

## FINAL DRAFT

- C. **Inventory of Existing Sites.** Every applicant shall provide to the zoning administrator an inventory of its existing telecommunications facilities, towers and antennas, or sites which have been approved for telecommunications facilities, towers and antennas, or for which applications or petitions for approval have already been filed, that are either within the jurisdiction of the City or within one (1) mile of the border thereof, including specific information about the location, height and design of each telecommunications facility, tower and antenna. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this Article or other organizations seeking to locate telecommunications facilities within the jurisdiction of the City, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. **Aesthetics.** Antennas and towers shall meet the following requirements:
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness.
  2. At a tower site, the design of the accessory buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural and built surroundings.
  3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- F. **State or Federal Requirements.** All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications facilities.
- G. **Building Codes; Safety Standards.** To ensure the structural integrity of telecommunications facilities, towers and antennas, the owner shall ensure that they are maintained in compliance with standards contained in applicable state or local building codes and the applicable standards published in the National Electrical Code, as amended from time to time.
- H. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
- I. **Not Essential Services.** Telecommunications facilities, towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities, or private utilities.

**FINAL DRAFT**

- J. **Franchises.** Owners and/or operators of telecommunications facilities shall certify that all franchises required by law for the construction and/or operation of telecommunications services with the City have been obtained and shall file a copy of all required franchises with the Administrative Official.
- K. **Signs.** No signs shall be allowed on an antenna or tower, except as otherwise required by this Article.
- L. **Affidavit for Collocation.** This Article also requires the applicant to submit an affidavit stating that space on the proposed tower will be made available to future users when technically possible.

**14-12-05. PERMITTED USES**

- A. **Generally.** The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
- B. **Permitted Uses.** Telecommunications facilities, towers or antennas located on property owned, leased or otherwise controlled by the City are specifically permitted in any zoning district provided a license or lease authorizing such telecommunications facilities, towers or antennas has been approved by the City, except not in any public right-of-way within five hundred (500) feet of any residential zoning district.

**14-12-06. ADMINISTRATIVELY APPROVED USES**

- A. **Generally.** The following provisions shall govern the issuance of administrative approval for telecommunications facilities, towers and antennas.
  - 1. The directors of Land Use and Development and Public Works (“the administrative panel”) may administratively approve the uses listed in this Section.
  - 2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information required and a non-refundable fee as set by resolution of the City Council from time to time and maintained in Chapter 16 of the City Code, to reimburse the City from time to time for the costs of reviewing the application. An application shall not be reviewed nor otherwise acted upon until all required information is completed and delivered to the Administrative Official.
  - 3. The administrative panel shall review the application for administrative approval and shall determine if the proposed use complies with this Article.
  - 4. The administrative panel shall respond to each such application in writing within sixty (60) days after receiving it by either approving or denying the application. Failure to respond to the applicant within such sixty (60) days, shall result in the application being deemed to be denied.

**FINAL DRAFT**

5. In connection with any such administrative approval, the administrative panel may administratively waive any zoning district setback or separation requirements in subsection (B)(2) below, Article 3-6, Figure 14-12(B) only, by up to fifty percent (50%).
6. In connection with any such administrative approval, the administrative panel may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
7. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Article 14 prior to filing any appeal that may be available under the Zoning Code.

**B. List of Administratively Approved Uses.** The following uses may be approved by the administrative panel, after conducting an administrative review:

1. Alternative tower structures.
2. Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.
  - a. **Antennas on Existing Structures.** Any antenna which is not attached to a tower may be approved by the administrative panel as an accessory use, excluding residentially zoned R-1 through and including R-5 and M-2 properties, provided:
    - i. The antenna does not extend more than fifteen (15) feet above the highest point of the structure;
    - ii. The antenna complies with all applicable FCC and FAA regulations;
    - iii. The antenna complies with all applicable building codes; and
    - iv. The antenna is set back from any existing or planned off-site residentially zoned property, a distance of no less than one hundred (100) feet.
  - b. **Antennas on Existing Towers.** To encourage the maximum use of existing towers, an antenna, which is attached to an existing tower may be approved provided the height of the tower is not increased. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
    - i. **Type.** A tower, which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the administrative panel allows reconstruction as a monopole.

**FINAL DRAFT**

ii. **Height.**

- a. An existing tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
- b. The height change referred to in subsection a. above may only occur one (1) time per tower.
- c. The additional height referred to in subsection a. above shall not require an additional distance separation as set forth in section 19-71. The tower's pre-modification height shall be used to calculate such distance separations.

iii. **On-Site Location.**

- a. A tower, which is being rebuilt to accommodate the collocation of an additional antenna, may be moved onsite within thirty (30) feet of its existing location.
- b. A bond in the amount of Twenty-Five Thousand Dollars (\$25,000.00) shall be required at time of filing of application for relocation under this Section to ensure removal of an existing tower. After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site, and the existing tower shall be removed in any event no later than six (6) months after the newly relocated tower is functioning.
- c. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Article 14. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Article 14.
- d. The onsite relocation of a tower, which comes within the separation distances to residential units or residentially zoned lands as established in Article 14 shall only be permitted when approved by the administrative panel.

- 3. **Alternative Technology.** Installing a microcell network through the use of multiple low-powered transmitters/ receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
- 4. **Educational Uses.** Towers or antennas on school property to be used for educational purposes only.

## 14-12-07. SPECIAL USE PERMITS

A. **Generally.** The following provisions shall govern the issuance of special use permits for telecommunications facilities, and antennas:

1. If the telecommunications facilities, towers and antennas are not a permitted use, or permitted to be approved administratively pursuant to Article 14, then a special use permit shall be required in all zoning districts.
2. Applications for special use permits under this Section shall be subject to the procedures and requirements of the Development Code, except as modified in this Section.
3. In granting a special use permit, the Planning Commission, or City Council, as the case may be, may impose conditions to the extent they conclude such conditions are necessary to minimize any adverse effect of the proposed telecommunications facilities, towers and antennas, including but not limited to extension façade materials and design, on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
5. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as set by resolution of the City Council from time to time to reimburse the City for the costs of reviewing the application.

B. **Towers and Antennas.**

1. **Information Required.** In addition to any information required for applications for special use permits pursuant to the Development Code, applicants for a special use permit may be required to submit all, or a portion of, the following information depending upon the requested use and site:
  - a. The name, address and telephone number of the owner and lessee of the parcel of land as well as for the owner and operator of the telecommunications facility which is the subject of the application. If the applicant is not the owner of the parcel of land, the written consent of the owner shall be evidenced in the application.

## FINAL DRAFT

- b. A scaled site plan clearly indicating the location, type and height of the proposed facility, on-site land uses and zoning, adjacent land uses and zoning (including when located in other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection (B)(5) below, adjacent roadways, proposed means of access, setbacks from property lines, elevation plan drawn to scale in blueprint form and other supporting blueprints of the proposed facility and any other structures, topography, parking, and other information deemed by the Administrative Official to be necessary to assess compliance with this Article.
- c. Legal description of the parent tract and leased parcel (if applicable).
- d. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned (or planned) properties.
- e. A landscape plan showing specific landscape materials.
- f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with Article 14, this Article, and all applicable federal, state or local laws.
- h. Current radio frequency coverage prediction maps showing the area served both prior to and after construction of the proposed telecommunications facility and technical performance goals for the desired signal strength.
- i. Drive test results, which confirm or refute the areas shown on coverage maps used in planning the system used by the telecommunications provider.
- j. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- k. A description of the unsuitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower, including information regarding the number of calls dropped and failed hand-offs between existing call sights within two (2) miles of the City.
- l. A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

**FINAL DRAFT**

- m. An affidavit by the owner of the parent tract (if the location is leased) agreeing to the terms relating to removal of the facility, as described in Article 14
- n. Identification of the entities providing the backhaul network for the telecommunications facility described in the application and other cellular sites owned or operated by the applicant in the City, on at least an annual basis, and the method of providing backhaul, wired or wireless.
- o. A notarized statement by a licensed structural engineer attesting to the structural integrity of the telecommunications facility and for its proposed use.
- p. A written statement from an engineer(s) that the construction and placement of the telecommunications facility, tower or antenna will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and nonresidential properties.
- q. Color photo simulations showing the proposed site of the telecommunications facility, tower or antenna with a photo-realistic representation of the proposed facility as it would appear viewed from the closest residential property or other adjacent land use.

2. **Factors Considered in Granting Special Use Permits.** In addition to any standards for consideration of special use permit applications pursuant to Article 14 of the Development Code, the Planning Commission, or City Council, as the case may be, shall consider the following factors in determining whether to issue a special use permit, although they may waive or reduce the burden on the applicant of one (1) or more of these criteria if they conclude that the goals of this Article are better served thereby:

- a. Height of the proposed telecommunications facility, tower or antenna;
- b. Proximity of the telecommunications facility, tower or antenna to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the telecommunications facility, tower or antenna with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress; and

**FINAL DRAFT**

- h. Availability of suitable existing telecommunications facilities, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection (B)(3) below.

3. **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.**

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission, or City Council, as the case may be, that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission, or City Council, as the case may be, related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area, which meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements and cannot be enlarged sufficiently to meet their needs.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

**FINAL DRAFT**

- 4. **Setbacks.** The following setback requirements shall apply to all telecommunications facilities, towers and antennas for which a special use permit is required; provided, however, that the Planning Commission, or City Council, as the case may be, may reduce the standard setback requirements if the goals of this Article would be better served thereby:
  - a. Telecommunications facilities, towers and antennas must be set back a distance equal to at least seventy-five percent (75%) of the height of the facility from any adjoining lot line, except that the setback for monopoles shall be equal to fifty percent (50%) of its height.
  - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements, including the provision of transitional yards, if required.
  
- 5. **Separation.** The following separation requirements shall apply to all telecommunications facilities, towers and antennas for which a special use permit is required; provided, however, that the Planning Commission, or City Council, as the case may be, may reduce the standard separation requirements if the goals of this Article would be better served thereby.
  - a. **Separation From Off-Site Uses/Designated Areas.**
    - (i) Tower separation from off-site uses/ designated areas shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Figure 14-12(A), except as otherwise provided in Figure 14-12(A).
    - (ii) Separation requirements for towers shall comply with the minimum standards established in Figure 14-12(A).

**Figure 14-12(A): Tower Separation from Certain Uses and Zones**

Off-Site Use/Designated Area	Separation Distance
Single or Two-Unit Dwellings	750 Feet
Vacant Platted or Unplatted Residentially Zoned Land	750 Feet
Existing multi-family residential units	750 Feet
Non-residentially Zoned Lands with Non-Residential Uses	None; only setbacks apply

**b. Separation Distances Between Towers.**

- (i) Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Figure 14-12(B).

**Figure 14-12(B): Minimum Separation between Towers (in feet)**

Proposed Tower Type	Existing Towers-Types			
	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole less than 75 feet in height
Lattied	2,500	2,500	1,500	1,000
Guyed	2,500	2,500	1,500	1,000
Monopole 75 feet in height or greater	1,000	1,500	1,000	1,000
Monopole less than 75 feet in height	1,000	1,000	1,000	750

- 6. **Security Fencing.** Telecommunications facilities shall be enclosed by security fencing or walls not less than **six (6) feet** in height and shall also be equipped with an acceptable anti-climbing device or design; provided, however, that the Planning Commission, or City Council, as the case may be, may waive such requirements, as they deem appropriate.
- 7. **Landscaping.** The following requirements shall govern the landscaping surrounding telecommunications facilities for which a special use permit is required; provided, however, that the Planning Commission, or City Council, as the case may be, may waive such requirements if the goals of this Article would be better served thereby.
  - a. Telecommunications facilities, towers and antennas shall be landscaped with a buffer of plant materials that effectively screens the view of the facilities from property used for residences. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the facility.
  - b. In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived.
  - c. Existing mature tree growth and natural land forms on the site shall be

preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. No tower or other telecommunications facility shall be located on a wetland as designated by local, state or federal authorities.

## 14-12-08. TELECOMMUNICATIONS SUPPORT FACILITIES

A. **Antennas Mounted on Structures or Rooftops.** The telecommunications support facilities used in association with such antennas shall comply with the following:

1. The telecommunications support facilities shall not contain more than four hundred fifty (450) square feet of gross floor area or be more than fifteen (15) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related telecommunications support facilities if over one hundred fifty (150) square feet of gross floor area or ten (10) in height, shall be located on the ground and shall not be located on the roof of the structure, unless alternative architecturally acceptable screening is utilized.
2. If the telecommunications support facilities are located on the roof of a building, the area of the telecommunications support facilities and other equipment and structures shall not occupy more than twenty-five percent (25%) of the square footage of the roof area.
3. Telecommunications support facilities shall comply with all applicable building codes.

B. **Antennas Mounted on Utility Poles or Light Poles.** The telecommunications support facilities used in association with such antennas shall be located in accordance with the following:

1. In residential districts, the telecommunications support facilities may be located:
  - a. In a side yard provided the telecommunications support facilities are no greater than four (4) feet in height or twenty-four (24) square feet of gross floor area and the telecommunications support facilities are located a minimum of six (6) feet from all lot lines. The telecommunications support facilities shall be screened by an evergreen hedge with an ultimate height of at least forty-two (42) to forty-eight (48) inches and a planted height of at least thirty-six (36) inches.

**FINAL DRAFT**

- b. In a rear yard, provided the telecommunications support facilities are no greater than six (6) feet in height or two hundred forty (240) square feet in gross floor area. The telecommunications support facilities shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.
- 2. In commercial or industrial districts the telecommunications support facilities shall be no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The telecommunications support facilities shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, telecommunications support facilities shall be screened from view of all residential properties that abut or are directly across the street from the telecommunications support facilities by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.
- C. **Antennas Located on Towers.** The telecommunications support facilities shall not contain more than two hundred forty (240) feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
- D. **Modification of Building Size Requirements.** The requirements of subsections (A)-(C) above may be modified by the administrative panel in the case of administratively approved uses, or by the Planning Commission, and City Council in the case of uses permitted by special use, to facilitate collocation or alternative methods of screening or housing such facilities.

**14-12-09. REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

- A. Any telecommunications facility, tower, or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of such facility.
- B. If upon inspection by the Zoning Administrator it is determined that a telecommunications facility, tower, or antenna is abandoned, or, upon receipt by the City of the owner's notice to the FCC of intent to cease operations, the Zoning Administrator shall send a written notice of such abandonment to the owner of the telecommunications facility, tower, or antenna and the owner of the property if such owner is different from the owner of such facility. Such notice shall be mailed by certified mail, return receipt requested.
- C. The owner of the telecommunications facility, tower, or antenna and the owner of the property if such owner is different from the owner of such facility, shall have sixty (60) days after receipt of the notice to remove all of such facility, including any and all footings and foundation.

## FINAL DRAFT

- D. If such telecommunications facility, tower, or antenna is not removed within sixty (60) days after receipt of notice from the City notifying the owners of such abandonment, the City may remove such facility and file a lien against the property for the costs of removal.
- E. The City may pursue any and all available legal remedies to insure that an abandoned telecommunications facility, tower, or antenna is removed.
- F. Any delay by the City in taking action to enforce the removal of an abandoned telecommunications facility, tower, or antenna against the owner of the telecommunications facility, tower, antenna and the owner of the property if such owner is different from the owner of such facility, shall not waive the City's right to take any action at a later time.
- G. The City may seek to have the telecommunications facility, tower, or antenna removed regardless of the owners' or operator's intent to operate such facility, and regardless of any permits, federal, state or otherwise, which may have been issued or granted.
- H. If the owner of an abandoned telecommunications facility, tower, or antenna wishes to use such an abandoned facility, the owner shall first apply for and receive all applicable permits and meet all of the conditions of this Article as if such telecommunications facility, tower, or antenna were a new facility.

### **14-12-10. DECISIONS**

Any decision rendered upon an application to locate, construct, or install a telecommunications facility, tower, antenna, or for a special use for any such facility shall be written and shall include findings of fact supported by substantial evidence in a written record.

# ARTICLE XIII. SUBDIVISION DEVELOPMENT STANDARDS

- 14-13-01. PURPOSE
- 14-13-02. JURISDICTION OUTSIDE CORPORATE BOUNDARIES
- 14-13-03. ALLEYS
- 14-13-04. BLOCKS
- 14-13-05. EASEMENTS, UTILITY, AND DRAINAGE
- 14-13-06. EROSION AND SEDIMENTATION CONTROL
- 14-13-07. EROSION EXEMPTIONS
- 14-13-08. EROSION CONTROL: DEVELOPMENT PLANS
- 14-13-09. LANDSCAPE PLAN
- 14-13-10. LOTS
- 14-13-11. LOT CONVEYANCE
- 14-13-12. PUBLIC UTILITY ENGINEERING REQUIREMENTS
- 14-13-13. PUBLIC OPEN SPACE DEDICATION
- 14-13-14. FIRE HYDRANTS
- 14-13-15. SIDEWALKS
- 14-13-16. BIKE PATHS AND TRAILS
- 14-13-17. SIDEWALK VARIANCE
- 14-13-18. STREET STANDARDS
- 14-13-19. STREET IMPROVEMENT STANDARDS
- 14-13-20. STREET NAMING AND NUMBERING SYSTEM FOR NEW STREETS
- 14-13-21. STREETLIGHTS
- 14-13-22. TELEPHONE AND ELECTRIC UTILITIES
- 14-13-23. DRAINAGE, STORM SEWERS
- 14-13-24. REFERENCE MONUMENTS
- 14-13-25. TREE PRESERVATION

## SUBDIVISION PROCEDURES

- 14-13-26. SUBDIVISION APPLICATION, MINOR SUBDIVISIONS
- 14-13-27. SUBDIVISION APPLICATION, PRELIMINARY PLAT
- 14-13-28. SUBDIVISION APPLICATION, FINAL PLAT
- 14-13-29. PUBLIC IMPROVEMENTS REQUIREMENTS
- 14-13-30. SUBDIVISION PROCEDURES, PRELIMINARY PLAT
- 14-13-31. SUBDIVISION PROCEDURES, FINAL PLAT
- 14-13-32. LAND SUBDIVISION IMPROVEMENTS NOT INSTALLED AT THE TIME OF FILING FINAL PLAT
- 14-13-33. SUBDIVISION VARIATION, PRELIMINARY AND FINAL PLAT
- 14-13-34. PLAN COMMISSION, CORPORATE AUTHORITY ACTION

## 14-13-01. PURPOSE

The purpose of this Article is to establish minimum standards to: protect life and property, prevent the despoliation of the environment and to regulate the design, construction and quality of materials in land subdivision and where applicable in any development.

The standards presented in this Article are mandatory, unless, through the application of proper procedures, better site design results, improved construction methods and materials are used and/or new technologies become available and are approved. Guides for development are also included within this Article and are recommended for inclusion in development plans.

- A. **Subdivision, Land Suitability.** Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation or any other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the City, establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.
- B. **Subdivision Official Map Conformity.** In the event that an area to be subdivided includes lands proposed to be used for parks or schools as shown on an Official Map of the City of Fairview Heights, such subdivision shall be subject to such ordinances as adopted by the Corporate Authority.

## 14-13-02. JURISDICTION OUTSIDE CORPORATE BOUNDARIES

The provisions of the Code shall also apply to all developments, construction and improvements, whether residential, commercial, industrial or otherwise in nature, whether or not a subdivision is created under this Code or by Illinois law or under the ordinances of any other governmental body or agency having jurisdiction or control, it being the intent to apply the provisions of this Code to all types of development, both within the City Limits of the City and to all areas lying within one and one-half (1 1/2) miles of the corporate limits of the City. The procedures for those subdivisions located outside the corporate authority boundaries, but within one and one-half (1 1/2) miles of the City Limits shall be as follows:

- A. The subdivider shall submit the proposed preliminary subdivision plat to the appropriate authorities of St. Clair County.
- B. The subdivider shall also submit the requisite number of copies of the proposed preliminary subdivision plat determined by and to the Administrative Official of the City. Said preliminary subdivision plat shall comply with this article.
- C. The proposed preliminary subdivision plat shall follow the procedure for preliminary subdivisions as contained in the appropriate sections of this Code.
- D. The procedure for review and approval of the proposed final subdivision plat shall be the same as those contained in the Development Code.

- E. After the Corporate Authority has approved the final plat, including the appropriate improvement plans and specifications shall proceed to recording the final subdivision plat as provided for in the Development Code.

### **14-13-03. ALLEYS**

Alleys provided shall be at least twenty (20) feet wide and shall be constructed according to City Standards. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designated to permit safe vehicular movement. A dead-end alley shall have an adequate turnaround facility at its termination. Alleys shall be prohibited in single-family districts. Alleys may be required in multiple-family districts and commercial or industrial districts unless other definite and assured provision(s) is made for service access, such as off-street loading, unloading and parking consistent and adequate for the use proposed.

### **14-13-04. BLOCKS**

The intent of this Section is to provide for the review of any creation of a City block to insure adequate transportation circulation, pedestrian movement, to provide access points for emergency services and to reduce unnecessary expenditures for initial construction and maintenance of streets.

- A. **Shapes Of Blocks.** The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, transportation needs, access, safety and convenience, however, no block should be longer than one thousand four hundred (1,400) feet or less than five hundred (500) feet in length. No block width shall be less than the minimum required to meet the applicable provisions of this Code governing lot depth.
- B. **Crosswalks.** All blocks, whenever it is deemed essential to provide access to schools, playgrounds, shopping centers, and other community facilities, shall have a crosswalk with a right-of-way of at least ten (10) feet in width near the center of the block or where deemed necessary.
- C. **Adjoining Arterial Streets.** Where a subdivision adjoins an arterial or collector street, all ingress or egress points shall be designed to minimize traffic conflict and to maximize traffic safety.
- D. **Ingress/Egress.** All subdivisions with more than 20 residences or an overall site area of 4.5 acres or greater shall provide at least two means of ingress and egress.

## 14-13-05. EASEMENTS, UTILITY, AND DRAINAGE

Easements of not less than **ten (10) feet** in width shall be provided at all rear lot lines, and alongside lot lines where necessary for public/private utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities, or where both water and sewer lines are located in the same easement. A two (2) foot easement shall be required on one side of and adjacent to an alley to accommodate power lines.

- A. **Easement, Storm Drainage.** Adequate easements or drainage rights-of-way for storm water drainage shall be established along any natural drainage channel and in any other location(s) as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be determined by the City Engineer.
- B. **Easement, Slope.** Where a cut or fill for a street extends beyond the limits of the right-of-way, the developer shall provide a slope easement as determined by the City Engineer to be of sufficient area and limits to permit the construction and maintenance of the slope.
- C. **Easement Obstruction.** No tree, shrub or building shall be placed or erected in any easement for utility or drainage purposes or within the right-of-way of any street. The property owner shall bear all costs for demolition, removal or reconstruction of objects placed by a property owner or tenant in any easement.

## 14-13-06. EROSION AND SEDIMENTATION CONTROL

The following standards apply to any development or redevelopment within the City or its subdivision jurisdiction. Before land is excavated, cleared, graded, transported, or otherwise disturbed by the movement of earth for purposes including, but not limited to, the construction of buildings, the mining of minerals, including sand, soil and gravel, the development of golf courses, and the construction of roads and streets by any person, partnership, or corporation, a building permit embodying the proposed earth movement shall be obtained from the Administrative Official where development comes under any one or more of the following provisions, unless such development is exempted therefrom by Section 14-13-7 or additional requirements apply.

- A. Excavation, fill or any combination thereof, will exceed two hundred (200) cubic yards.
- B. Fill will exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface.
- C. Excavation will exceed four (4) feet in vertical depth at its deepest point.
- D. Excavation, fill or any combination thereof will exceed an area of five thousand (5,000) square feet.
- E. Plant cover is to be removed from an area exceeding five thousand (5,000) square feet.

Before the building permit is issued by the Administrative Official as stated above, it shall be reviewed by the Plan Commission and approved by the City Council.

### **14-13-07. EROSION EXEMPTIONS**

The standards of Section 14-13-6 shall not be required in the following cases:

- A. Excavations below finished grade for septic tanks and drain fields, tanks, vaults, tunnels, equipment basements, swimming pools, cellars, or footings of buildings or structures for which a building or subdivision permit shall have been issued by the City unless part of a development which would otherwise require such a permit.
- B. Excavation or removal of vegetation in public utility easements by public utility companies for the purpose of installing underground utilities.
- C. Engaging in the following, but only if in connection with a farming or other agricultural or conservation enterprise and upon property zoned for conservation purposes and uses:
  - 1. the construction of sod waterways, or
  - 2. the construction of terraces, or
  - 3. the construction of surface water diversions, or
  - 4. the construction of grade stabilization structures, or
  - 5. the tilling of the soil.

### **14-13-08. EROSION CONTROL: DEVELOPMENT PLANS**

The following shall apply to any movement of earth and any sedimentation and erosion control plan and the granting of a permit for the execution of said plan as hereinafter provided.

- A. The smallest practical area of land shall be exposed at any given time during development.
- B. Such minimum area exposure shall be kept to as short a duration of time as is practical.
- C. Temporary vegetation or, where appropriate, mulching or other non-viable cover shall be used to protect area exposed during development.
- D. Sediment basins, debris basins, or silt traps shall be installed and maintained to remove sediment from run-off waters undergoing development.
- E. Provision shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- F. Permanent, final plant covering or structures shall be installed as soon as possible.

- G. The plan of development shall relate to the topography and soils of the site so the lowest potential for erosion is created.
- H. Natural plant covering shall be retained and protected so far as is consistent with developing the site.

### **14-13-09. LANDSCAPE PLAN**

A subdivision landscape plan shall be submitted to the Administrative Official. This plan shall contain types, sizes, and location of all proposed and existing plantings. The developer shall guarantee or insure by escrow agreement or Performance Bond, the completion of the landscaping as shown on the approved landscaping plan.

### **14-13-10. LOTS**

All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design. All remnants of lots below minimum lot area size left over after subdividing of a larger tract shall be added to adjacent lots, rather than allowing them to remain as unusable land, except when designed for utility purposes or accepted for public space for park or other public uses.

- A. **Lot Access.** The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.
- B. **Lot, Sanitary Service.** Lots which cannot be served by a public or private sanitary sewage collection system, and a public or private water distribution system, shall comply with the applicable provisions of Article 8 and Section 14-13-12.

### **14-13-11. LOT CONVEYANCE**

The owners may convey title to lots in the improved portion only of the subdivision; provided that streets, storm, and sanitary sewers, and sewage treatment plants be designed and built to serve the entire area or be initially developed in such a manner that they can easily be expanded or extended, as the case may be, to serve the entire development. No lot in a subdivision as defined herein may be conveyed unless a final plat of the property has been approved according to the requirements and provisions of this Code and recorded in the office of the St. Clair County Recorder of Deeds.

## 14-13-12. PUBLIC UTILITY ENGINEERING REQUIREMENTS

All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the Department of Public Health of the State of Illinois, the Illinois Environmental Protection Agency and the City Engineer, and shall be approved before a plat may be recorded. When a proposed subdivision is reasonably accessible to a public or private sewer system and/or water distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and water distribution system to be connected to the proper public system(s). Each lot shall be provided at the property line with a system connection and all work shall be inspected by the City Engineer.

- A. **Wells.** In the absence of a public water supply, wells shall be constructed or a connection to a private water supply system shall be provided so that an adequate supply of potable water will be available to every lot within the subdivision.
- B. **Sewer System Connection.** Where an approved public or privately owned sanitary sewer is not reasonably accessible, but where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared and are approved by the Illinois Environmental Protection Agency, the developer shall install sewers in conformity with such plans, although a connection to an existing main may not be immediately practicable. In such cases, and until a connection is made with an approved public or privately owned sewer system, the use of a sewage treatment facility will be permitted, provided such disposal facilities are constructed in accordance with the regulations and requirements of the Illinois Environmental Protection Agency and constructed under the observation and inspection of the City Engineer.
- C. **Individual Sewage Disposal Systems.** Individual sewage disposal systems, such as septic tanks and sand filter fields shall not be installed in any subdivision exceeding ten (10) lots or containing more than ten (10) dwelling units as shown on the preliminary plat or as subsequently developed. When individual sewage disposal systems are permitted, lot size shall be determined by the greater of (1) residential zoning district requirements or (2) requirements determined from the detailed soils overlay district. Such individual sewage disposal systems shall comply with this code and the requirements of the Illinois Department of Public Health.

## 14-13-13. PUBLIC OPEN SPACE DEDICATION

All new residential subdivisions shall provide public open space equal to 10% of the total gross area of the lot being subdivided. The open space shall be provided in accordance with the following requirements:

- A. Dedicated open space shall be located such that it is a useful amenity to the residents of the subdivision or surrounding areas. The placement of open space such that it is inaccessible or out of the view of active portions of the subdivision is prohibited.

- B. Natural areas can be counted toward the open space dedication requirement, provided that low-impact trails are provided, and regular access to the trails is provided at logical points on the subdivision.
- C. To the extent possible, trail corridors or sidepaths should be provided as part of public rights-of-way or easements in order to maximize resident access to open spaces.

## 14-13-14. FIRE HYDRANTS

The subdivider shall have fire hydrants installed as part of the water distribution system. Installation of hydrants shall be accomplished in such a manner that each lot is within five hundred (500) feet of a fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be installed on a main smaller than six (6) inches in diameter. Hydrants installed shall be of a kind approved by the City Fire Chief or designated official.

## 14-13-15. SIDEWALKS

Concrete sidewalks not less than four (4) feet in width and four (4) inches in thickness shall be constructed either within the street right-of-way and adjacent to the property line or within private property. The edge of the sidewalk shall be at the property line and sidewalks shall be separated from the curb by a planting strip between the curb and sidewalk. (See Article 8). In certain soils associations, solid bituminous concrete sidewalks are preferred and may be approved on review.

- A. **Reinforcement.** Sidewalks shall be provided in number six (#6) reinforcing mesh across the entire width and breadth of driveway aprons or the concrete shall be at least six (6) inches in thickness.
- B. **Thickness.** Non-residential sidewalks within the non-residential site shall be concrete, four (4) inches thick and four (4) feet in width except at driveways where thickness shall be approved by the City Engineer and shall be adequate for the intended use.
- C. **Grade.** All walks shall be constructed at a grade no steeper than ten percent (10%), unless steps of adequate design with handrails are provided and approved by the City Engineer. (See Article 8)
- D. **Guarantee.** When sidewalks are a required part of the public improvements to be installed, they shall be installed before recording of the final plat or escrow funds shall be deposited or a performance bond shall be posted.
- E. **Location.** Sidewalks are not required in Conservation Districts or when dwelling unit density is below 1.99 dwelling units per net acre.
  - 1. Sidewalks on both sides of the street shall be required when dwelling unit/net density is two (2) or more units per net acre.
  - 2. Sidewalks are required on collector streets, near schools, shopping areas and similar areas.

## 14-13-16. BIKE PATHS AND TRAILS

In addition to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement such as bike paths and nature trails in conjunction with or partially in substitution for sidewalks.

## 14-13-17. SIDEWALK VARIANCE

A variance may be granted by the Corporate Authority after Plan Commission review only if one or more of the following conditions are met:

- A. Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical.
- B. Where the subdivision designed has submitted for review a proposed pedestrian movement plan that provides for more direct and safer movement of pedestrian traffic.

## 14-13-18. STREET STANDARDS

The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and proposed streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The following standards shall apply and the Corporate Authority may require a street to be dedicated to public use in order to provide circulation.

- A. **Plan Conformity Required.** Arrangement of streets shall reasonably conform to the community comprehensive plan.
- B. **Variable Standards.** All streets shall be designed to meet the minimum requirements set forth in this Section. The variable street specification table is designed to provide the maximum allowable flexibility in street construction standards, while at the same time, insuring the protection of the public interest. The widths of right-of-way and pavement are allowed to vary as functions of the type of street and the corresponding intensity of use. Additional right-of-way and pavement variations are possible, subject to a review of a planned development.
- C. **Additional Right-Of-Way.** Any subdivision platted along an existing street shall provide additional right-of-way, as necessary on either side, to meet the width requirements herein set forth. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width shall be provided, measured from the center line of the right-of-way as originally established.
- D. **Slope Easement.** A subdivision plat involving new or existing streets crossing railroad tracks shall provide adequate rights-of-way, including approach rights-of-way and slope easements for construction of an underpass or overpass, unless otherwise specified by the City Engineer.

E. **Access Requirements.** Where, in the opinion of the Plan Commission, it is desirable to provide future street access to adjoining areas, the streets and rights-of-way in the subdivision shall be extended to the property line. If deemed necessary by the Plan Commission, any temporary dead-end street shall be provided with a temporary turnaround. In no case, shall access be denied to any parcel or part of a parcel of ground by the subdividing of land. Streets shall intersect at right angles.

F. **Street Specifications.**

**Figure 14-13(A): Street Specifications**

Street Classification	Right-of-way	Pavement Width Not Including Curb and Gutter	Maximum Cul-de-Sac Length	Maximum Loop Street Length
Marginal Access <sup>1</sup>	44'	20'	300' with smaller turnaround 500' additions on review	600'
Local Residential	50'	28'	500' additions on review	On Review
Local Business	50'	26'	N/A	N/A
Collector Residential	60'	32'	N/A	N/A
Collector Business	60'	40'	N/A	N/A
Arterial	70'	44'	N/A	N/A

<sup>1</sup> Shoulders may be allowed in lieu of curb and gutter on Marginal Access streets if approved by City Engineer; Marginal Access Streets are limited to non-divided or non-intersected cul-de-sac or loop streets.

**Figure 14-13(B): Street Specifications**

Street Classification	Maximum Dwelling Unit/Net Density <sup>3</sup>	Parking	Turn Around
Marginal/Access	0 to 1.99	None	50' Radius Row, 38' Pavement Radii
Local Residential	2 to 4	One Side Only	54' Radius Row, 42' Pavement Radii
Local Business	N/A	None	54' Radius Row, 42' Pavement Radii
Collector Residential	4.1 and above	Both Sides	54' Radius Row, 42' Pavement Radii
Collector Business	N/A	None	N/A
Arterial	N/A	None	N/A

<sup>3</sup>Net Density is obtained by subtracting all lands not required to meet zoning lot requirements from the total acreage of the site

**Figure 14-13(C): Redevelopment Street Typical**

Street Classification	Pavement Width Not Including Parking Allowed	Curb and Gutter No Parking Allowed
Marginal/Access	20'	-
Local Residential	28'	24'
Local Business	-	26'
Collector Residential	32'	26'
Collector Business	40'	27'
Arterial	-	44'

- G. **Arterial Street Considerations.** Where a subdivision abuts or contains an existing or proposed arterial street, the Plan Commission may require frontage or service streets, double frontage lots with screen planting, and non-access strips at the rear of such lots.
- H. **Reserve Strips.** Reserved strips of land which control or limit access at the terminus of streets are prohibited.
- I. **Reverse Curves.** A tangent at least one hundred (100) feet long shall be introduced between reverse curves on local collector and collector streets.
- J. **Existing Street Improvement.** At such time as a subdivision is proposed adjacent to a street that is accepted and maintained by the City, that street shall be improved to handle the increased traffic due to said subdivision, and the additional right-of-way and the cost of improvement of half of the right-of-way adjacent to the proposed subdivision, shall be included in the overall subdivision improvements. The improvements shall be made to current City specifications and standards and shall comply with the transportation plan of the City.
- K. **Curb Radii.** A minimum radius of twenty (20) feet at street right-of-way intersection and minimum radius of thirty-two (32) feet at the back of the curb shall be required. Greater radii may be required at the intersection and at the back of the curb of a street with an arterial street. The City Engineer may permit comparable cut-offs or similar features in lieu of rounded corners.
- L. **Intersections.** All streets intersecting on arterial or collector streets shall be directly opposite existing or other proposed streets or shall be a minimum of three hundred (300) feet distant, as measured between street centerlines. Minor street intersection jogs or discontinuities with centerline off-sets of less than one hundred fifty (150) feet shall be avoided.
- M. **Intersection Improvements.** Where a collector street enters or connects with an arterial street, additional traffic lanes or other traffic safety improvements may be required.

- N. **Local Street Design.** Local streets shall be designed to discourage through traffic.
- O. **Flooding.** The Plan Commission shall not approve streets which are or will be subject to inundation or flooding.

## **14-13-19. STREET IMPROVEMENT STANDARDS**

All new streets and alleys shall be graded and surfaced in conformance with the standards of this Article. Higher construction standards may be required by the City Engineer when necessary due to soils bearing strength problems and similar problems. Adequate drainage shall be provided for all the streets, alleys and public grounds in the entire subdivision, including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street, which lies adjacent to the subdivision. Detention for the streets shall be reviewed and approved by the City Engineer.

- A. **Construction Standards.** All such new streets shall be constructed in accordance with the Standard Specifications for Road and Bridge Construction adopted by the State of Illinois Department of Transportation, as the same are in effect at the time the preliminary plat and plans for such improvement work are submitted for approval.
- B. **Lime Modified Subgrade.** All streets constructed within the jurisdiction of the City shall be built upon twelve (12) inches of lime modified subgrade in accordance with the applicable provisions of the Standard Specifications.
- C. **Curb And Gutter And Stabilized Base.** All streets within the jurisdiction of the City other than state highways and marginal access streets shall be improved with pavements bounded by integral concrete curbs and gutters in accordance with **Figure 14-13(A-C)**. All streets shall have a stabilized base or its equivalent as defined in the specifications adopted by the State of Illinois, Illinois Department of Transportation.
- D. **Maintenance Guarantee.** Subsequent to completion and prior to final acceptance, the subdivider/developer shall post a maintenance bond with the Administrative Official in a form approved by the City Attorney.
  - 1. Said bond shall be in an amount determined by the Administrative Official to be sufficient to guarantee the satisfactory condition of the required improvements for a period of five (5) years.
  - 2. If at any time during the guarantee period, the improvements are found to be defective they shall be repaired or replaced at the subdivider's expense.
  - 3. The subdividers maintenance bond will be released upon final inspection of any repairs deemed necessary by the Administrative Official or designee.
  - 4. It shall be the subdividers responsibility to request a final inspection sixty (60) days and not later than thirty (30) days before the end of guarantee period.

- E. Pavement.** Alleys, marginal access, local and local collector streets shall be constructed in accordance with Figure 14-13(D).

**Figure 14-13(D): Pavement**

Street Classification	Flexible Pavements		Rigid Pavements	
	ALT. # 1	ALT. #2	ALT. #1	ALT. #2
Local Residential (28' Pavement)	4 ½' B.A.M., 2" I-11 Surf	-	6" P.C.C. (15' Jts.)	-
Local Business (26' Pavement)	4" B.A.M., 2" I-11 Bind., 1 ½" I-11 Surf.	-	6" S.R.P.C.C. (40' Dowel Jts.)	6" P.C.C., 4" CR. ST./U.L. (20' Dowel Jts.)
Collector Residential (32' Pavement)	6" B.A.M., 1 ½ I-11 Bind.	10" Cr. St., 3" B.A.M.	7" S.R.P.C.C. (40' Dowel Jts.)	7" P.C.C., 4" Cr. St./U.L.
Collector Business (40' Pavement)	6" B.A.M. 2 ½" I-11 Bind.	8"Cr. St. 4" B.A.M.	8" S.R.P.C.C. (40' Dowel Jts.)	8" P.C.C. 4" Cr. St./U.L.
Arterial Industrial	8" B.A.M., 2" I-11 Bind. 1 ½" I-11 Surf.	8" Cr. St., 5" B.A.M., 2" I-11 Bind. 1 ½" I-11 Surf.	8" S.R.P.C.C. 6" Cr. St.	-

ALT. #2 shall include a fabric underliner as approved by the City Engineer

- NOTE: (1) All pavement types are to be placed on 12" of lime modified subgrade.  
 (2) Bituminous mixtures and Portland cement concrete shall be produced in Illinois plants to the requirements set forth in the attached specifications. (U.L. = Underlayment).

MAS. LIFT THICKNESS: Crushed Stone = 8"  
 B.A.M. = 6"  
 I-11 Binder = 2 ½"  
 I-11 Surface = 2"

## 14-13-20. STREET NAMING AND NUMBERING SYSTEM FOR NEW STREETS

All street naming and numbering is approved through St. Clair County

## 14-13-21. STREETLIGHTS

In a non-residential subdivision or a residential subdivision, a streetlight shall be provided at each intersection of a street within a subdivision, at each intersection of a street with a pedestrian way and at each circular turnaround, but in no event shall there be less than one (1) street light for each four hundred (400) linear feet, or closer than two hundred fifty (250) linear feet, or portion thereof, of street frontage between intersections, or between a street intersection and that terminus of a dead-end street. The proposed location shall be shown on the improvement plans.

- A. **Multiple-Family Areas.** In a multi-family dwelling residential subdivision, lighting shall be provided within parking lot areas at a minimum of one (1) light per each twenty-five (25) parking spaces or any fraction thereof (parking space being 200 square feet in size).
- B. **Lamp Intensity.** Lighting intensity of each streetlight shall be equivalent to a 175-watt lamp or 6800 Mercury or H. P. Sodium Luminaire Lampe and the streetlight posts shall be at least sixteen (16) feet in height. Equivalent or variations to these standards may be proposed and used when reviewed by the Corporate Authority. Unless the Corporate Authority thereafter provides by either ordinance or resolution for other procedures, the developer shall submit to the Administrative Official a maintenance agreement, a trust indenture, or other similar instrument setting forth the person, corporation, trustees, or other agency responsible for the assessment as well as the collection of the monies necessary for the operation of the streetlighting system within the subdivision, and methods of collection for said monies.

## 14-13-22. TELEPHONE AND ELECTRIC UTILITIES

All utility lines for telephone and electric service shall be placed underground entirely throughout a subdivided area; said conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services.

## 14-13-23. DRAINAGE, STORM SEWERS

A drainage plan shall be prepared for the subdivision and drainage ways or enclosed storm sewers shall be connected to an adequate outfall. Catch basins, if required, shall be constructed to the specifications included in the City Code so that surface water is not carried across or around any intersection, nor for a distance of more than eight hundred (800) feet in the gutter or as approved by the City Engineer. The grates of all catch basins shall be bicycle safe.

The design of drainage improvements shall be coordinated to the extent possible with present and probably future improvement so as to form part of an integrated system. The storm water drainage system shall be separate and independent of the sanitary sewer system. The plans and specifications for the disposing of storm water and the construction thereof shall be reviewed by the City Engineer. Drainage improvements and detention shall be installed in conformance with any City drainage plan adopted by the City.

The Drainage Plan shall include a delineation of all stormwater detention areas, and shall describe their capacity, physical characteristics, and long-term maintenance.

#### **14-13-24. REFERENCE MONUMENTS**

- A. **Placement.** Permanent monuments of stone or reinforced concrete with a one-quarter (1/4) inch iron rod case in the center and of suitable size set in such a manner that they will not be moved by frost shall be placed in the field as required by the Illinois Compiled Statutes and are in effect at such time.
- B. **Lot Markers.** All lot corners shall be marked by one-half (1/2) inch iron pins not less than twenty-four (24) inches in length and driven into the ground and shall not protrude above the ground surface more than one and one-half (1 1/2) inches.

#### **14-13-25. TREE PRESERVATION**

- A. **Purpose.** The purposes of this Section are to establish rules and regulations governing the protection of trees and vegetation cover within the City of Fairview Heights, to encourage the protection of healthy trees and vegetation and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment.

The provisions of this Section allow trees located within necessary public rights-of-way and easements to be removed prior to issuance of a building permit. Upon issuance of a building permit, trees within the buildable area of a property may also be removed. All other tree removal requires a tree permit.

- B. **Definitions.** The following definitions shall apply to this Section:
1. **Buildable Area.** That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, drive-way, parking lot, pool, and other construction as shown on the site plan.
  2. **Drip Line.** A vertical line run through the outermost portion of the crown of a tree and extending to the ground.
  3. **Person.** Any corporation, partnership, association or other artificial entity; or any individual; or any agent or employee of the foregoing.
  4. **Specimen Tree.** A tree which has been determined by the City to be of high value because of its type, size, or other professional criteria, and which has been so designated as part of the official records of the City.
  5. **Yard Area.** The front, side and rear yard areas as required under the comprehensive zoning code and the zoning district requirements applicable thereto.
- C. **Applicability.** The terms and provisions of this Section shall apply to real property as follows:
1. All real property upon which any designated specimen is located.
  2. All vacant and undeveloped property.
  3. All property to be redeveloped, including additions and alterations.
  4. The yard areas of all developed property, excluding developed and owner-occupied single-family residential property.
  5. All easements and rights-of-way except those included in a plat approved by City Council shall meet the terms and provisions of this Section.
- D. **Tree Preservation Permit Required.** No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree, or specimen tree situated on property described above without first obtaining a tree permit unless the conditions of Section G.1 & G.2 apply.

- E. **Application.** Permits for removal, or replacement of trees covered herein shall be obtained by making application on a form described by the City to the Director of Land Use and Development. The application shall be accompanied by a preliminary plat showing the exact location, size (trunk diameter and height) and common name of all trees to be removed. The application shall also be accompanied by a written document indicating the reasons for removal or replacement of trees and **two (2) copies** of a legible site plan drawn to the largest practicable scale indicating the following:
1. Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, setback and yard requirements and special relationships.
  2. Existing and proposed site elevations, grades and major contours.
  3. Location of existing or proposed utility easements.
  4. The location of trees on the site to be removed, or replaced.
  5. Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, or replacement.
  6. Application involving developed properties may be based on drawings showing only that portion of the site directly involved, adjacent structures, and landscaping or natural growth incidental thereto.
  7. Aerial photographs, at an appropriate scale, may be substituted, at the discretion of the Director of Land Use and Development, for a site plan if adequate site information is supplied on the aerial photographs.
- F. **Application Review.** Upon receipt of a proper application, the Director of Land Use and Development shall review the application for new subdivisions and platted lots; said review may include a field inspection of the site, and the application may be referred to such departments as deemed appropriate for review and recommendations. If the application is made in conjunction with a site plan submitted for approval, the application will be considered as part of the site plan; and no permit shall be issued without site plan approval. Following the review and inspection, the permit applications will be approved, disapproved, or approved with conditions by the Director of Land Use and Development as appropriate, in accordance with the provisions of this Chapter.

G. **Tree Removal.**

1. No tree or trees shall be removed prior to issuance of a building permit unless one of the following conditions exist:
  - a. The tree is located in a utility or drainage easement or public street right-of-way as recorded on a plat approved by the City Council. In the event that certain trees outside the above areas or trees based partially outside the easement are requested to be removed to allow the operation of equipment, the applicant shall submit a plat and site plan which indicates the exact operation area needed. The Director of Land Use and Development may approve selected removal under this condition.
  - b. The tree is diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations.
  - c. Except for the above, under no circumstances shall there be clear cutting of trees on a property prior to issuance of a building permit.
2. Upon issuance of a building permit developers shall be allowed to remove trees located on the buildable area of the property. Trees located in required yard areas, buffers and open space areas shall be maintained. The buildable area shall include sufficient adjacent area to allow the normal operation of construction equipment.

H. **Replacement.** In the event that it is necessary to remove tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, may be required to replace the tree(s) being removed with comparable trees somewhere within the site.

A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed. Said replacement trees shall be a minimum of three (3) inches caliper and seven (7) feet in height when planted, and shall be selected from the list of approved replacement trees maintained by the Director of Land Use and Development.

At the time of application review, the person responsible for replacement, time of replacement and location will be determined by the Director of Land Use and Development.

- I. **Tree Protection.** During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any tree.

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of tree to remain.

No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

- J. **Exceptions.** In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety, and require immediate removal without delay, authorization may be given by the Director of Land Use and Development and the tree may then be removed without obtaining a written permit as herein required.

During the period of an emergency such as a tornado, storm, flood or other act of God, the requirements of this ordinance may be waived as may be deemed necessary by the City Council. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this Section only in relation to those trees planted and growing on the premises of said license, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

Utility companies franchised by the City may remove trees which endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for one-family use, disposal of such trees shall be at the option of the property owner.

- K. **Exemption.** This ordinance shall not apply to any development which has received final plat approval prior to the effective date of this ordinance.

L. **Specimen Trees.**

**Figure 14-13(E): Large Trees**

Scientific Name	Common Name	Cultivars
Acer Saccharum	Sugar Maple	'Green Mountain' 'Fairview' 'Goldspire'
Alnus incana	Tag Alder	
Celtis occidentalis	Hackberry	
Celtis laevigata	Sugar Hackberry	
Fagus grandifolia	American Beech	
Fagus Sylvatica	European Beech	
Fraxinus americana	White Ash	'Autumn Applause' 'Autumn Purple' 'Champaign County'
Fraxinus pennsylvanica	Green Ash	'Honeyshade' 'Marshall Seedless' 'Summit,
Fraxinus quadrangulata	Blue Ash	
Ginkgo biloba	Ginkgo (male)	
Gymnocladus dioicus	Kentucky Coffee (male)	
Liquidamber styraciflua	Sweetgum	
Liriodendron tulipifera	Tuliptree	
Magnolia acuminata	Cucumber Tree	
Platanus acerifolia	London Plane	
Quercus alba	White Oak	
Quercus bicolor	Swamp White Oak	
Quercus imbricaria	Shingle Oak	
Quercus macrocarpa	Bur Oak	
Quercus Coccinea	Scarlet Oak	
Quercus robur	English Oak	
Quercus rubra	Red Oak	
Quercus shumardii	Shumard Oak	
Quercus muehlenbergii	Chinquapin Oak	
Sassafras albidum	Sassafras	
Taxodium distichum	Bald Cypress	
Tilia americana	Brasswood	
Tilia heterophylla	Beetree Linden	
Tilia cordata	Littleleaf Linden	'Chancellor' 'Greenspire'
Tilia euchlora	Crimean Linden	
Tilia platyphyllos	Bigleaf Linden	
Tilia tomentosa	Silver Linden	
Tilia petiolaris	Pendent Silver Linden	

**Figure 14-13(F): Medium Trees**

Scientific Name	Common Name	Cultivars
Acer Platanoides	Norway Maple	
Acer rubrum	Red Maple	‘Autumn Flame’ ‘October Glory’ ‘Red Sunset’ ‘Schlesinger’ ‘Scarlet Sentinel’ ‘September Song’ ‘Armstrong’ ‘Bowhall’
Alnus glutinosa	Black Alder	
Betula nigra	River Birch	
Carpinus betulus	European Hornbeam	
Cercidiphyllum Japonicum	Katsuratree	
Cladrastic lutea	Yellowwood	
Corylus colurna	Turkish Filbert	
Eucommia ulmoides	Hardy Rubber Tree	
Maclura pomifera	Osage Orange (male)	
Magnolia kobus	Kobus Magnolia	
Nyssa sylvatica	Black Gum	
Phellodendron amurense	Amur Cork Tree	
Prunus sargentii	Sargent Cherry	
Pyrus calleryana	Bradford Pear	‘Aristocrat’ ‘Chanticleer’ ‘Redspire’
Quercus acutissima	Sawtooth Oak	
Sophora japonica	Pagodatree	
Zelkova serrata	Zelkova Tree	

**Figure 14-13(G): Small Trees**

Scientific Name	Common Name	Cultivars
Acer ginnala	Amur Maple (tree form)	
Acer palmatum	Japanese Maple	
Acer Pennsylvanicum	Striped Maple	
Amulanchier canadensis	Shadblow Serviceberry (tree form)	
Amalanchier grandiflora	Apple Serviceberry (tree form)	
Amanchier laevis	Alleghany Serviceberry (tree form)	
Carpinus Caroliniana	American Hornbeam	
Cercidiphyllum japonicum	Katsura Tree	
Cornus florida	Flowering Dogwood	
Cornus Kousa	Japanese Dogwood	
Crataegus sp.	Hawthorn (Thornless) (disease resistant)	
Halesia carolina	Caroline Silverbell	
Koelreuteria paniculata	Goldenrain Tree	
Malus sp.	Flowering Crab	
Ostrya virginiana	Ironwood	
Syringa japonica	Japanese Tree Lilac	

## **SUBDIVISION PROCEDURES**

### **14-13-26. SUBDIVISION APPLICATION, MINOR SUBDIVISIONS**

Minor subdivisions may be exempted from the procedures and requirements for preliminary plats and the subdivider may proceed to filing of the final plat for review.

### **14-13-27. SUBDIVISION APPLICATION, PRELIMINARY PLAT**

The preliminary plat to be provided by the subdivider shall meet and include the following specifications and shall supply all of the information requested in this section.

- A. Copies of prints of the preliminary plat as determined by the Administrative Official.
- B. Proposed name of the subdivision and location.
- C. Small key map showing the relation of the proposed subdivision to section or U. S. survey lines and to platted subdivisions and dedicated streets, including maps of adjacent properties, within three hundred (300) feet of the proposed subdivision.
- D. Names and address of the owner, subdivider, land planning consultant, the licensed engineer and registered land surveyor of Illinois who prepared the preliminary plat. The plat shall be certified with registration numbers and seal affixed to the plat.
- E. Streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification on all existing or proposed streets as to function, such as collector, arterial or local street.
- F. All lot lines adjacent to and abutting the subdivision.
- G. Layout of lots, showing approximate dimensions, numbers, lot area, and zone district classification(s). All lots shall meet the requirements of the zone district in which they are located.
- H. Parcels of land, if any, proposed to be dedicated or reserved for schools, parks, playgrounds or other public, or community purposes and use(s) within the area to be subdivided in compliance with the Comprehensive Plan as adopted by the City, or as desired to be dedicated by the developer.
- I. Easements, existing and proposed, showing locations, widths and purposes.
- J. Building setback line and dimensions.
- K. Location, accessibility and size of existing public utilities and drainageways or facilities within or adjoining the proposed subdivision and the location, accessibility and size of the nearest water trunk mains, interceptor sewer lines and other pertinent utilities.

- L. Location, type and approximate size of utility improvements to be installed.
- M. Tract boundary lines showing dimensions, bearings, angles and references to known land lines.
- N. The gross area and net area acreage of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use.
- O. Topography shall be shown by two (2) foot contour intervals on lands having slopes of zero to four percent (0% to 4%) at five (5) foot intervals on slopes of four to twelve percent (4% to 12%) at ten (10) foot intervals on slopes of twelve percent (12%) and above.
- P. Location of major water courses, ponding area, natural drainageways and flood hazard areas.
- Q. The preliminary plat shall be drawn to a scale necessary for clarity provided the resulting drawing would not be over thirty-six (36) inches square.
- R. North arrow and date.
- S. Whenever a large tract is intended to be developed in stages, and only a part of that tract is to be submitted for final plat approval, a preliminary plat for subdivision of the entire tract shall be submitted.
- T. Additional requirements include:
  - a. general description of the location and size of the tract to be platted;
  - b. the intent as to character type and use of the property and structures to be developed;
  - c. the deed restrictions proposed, if any;
  - d. a statement of mineral rights;
  - e. the extent and character of the improvements to be made by the subdivider;
  - f. the zone district classification(s) of the territory and compliance of the proposed subdivision thereto;
  - g. if appropriate, a description of any unique hardship or difficulty limiting the physical development of the property under consideration and a description of any past history of the property under consideration which is pertinent thereto; and
  - h. an erosion and sedimentation control plan when applicable. (See Section 14-13-6).

## 14-13-28. SUBDIVISION APPLICATION, FINAL PLAT

A final plat to be provided by the subdivider shall meet the following specifications:

- A. The final plat may include all or only a part of the preliminary plat which has received approval.
- B. The plans of the final plat shall be drawn on new linen tracing cloth or polyester base film, with waterproof black ink to a scale not greater than one hundred feet to one inch (100' to 1"); provided that the resulting drawing would not be greater than thirty-six (36) inches square. Four (4) cloth or polyester base film positives of the final plat shall be provided to the City by the subdivider at the time of final plat application.
- C. All dimensions shall be shown in feet and decimals of a foot.
- D. All surveys for a final plat shall be made under the active and personal direction of a registered land surveyor of Illinois, and the following basic information shall be shown:
  - a. Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than one foot in five thousand feet (1' in 5,000').
  - b. Accurate distances and directions to the nearest established quarter section corner monument. Reference corners shall be accurately described on the final plat.
  - c. All elevations shall be referenced to the established datum and the said reference shall be clearly stated on any plans or drawings showing such datum, provided that bench marks are located within a reasonable distance. Where spot elevations are taken from USGS Map as the datum used for a bench mark, it shall be so shown on the plat.
  - d. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract, shown by heavy solid lines.
  - e. Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.
  - f. Name and right-of-way width for each street or other right-of-way.
  - g. Location, dimensions and purposes of any easement, shown by light, dashed lines.
  - h. Number to identify each lot or site.
  - i. Purpose for which sites, other than residential lots, are dedicated or reserved.
  - j. Lot dimensions and areas of each lot and building setback lines and dimensions.
  - k. Location, type, material, and size of all monuments and lot markers.

- l. Restrictions of all types which will run with the land and become covenants in the deeds for lots. Restriction lines should be shown by medium, dashed lines.
- m. Title or name of subdivision, Section, Township and Range numbers in which the subdivision is located; and north arrow, scale and date.
- n. Certification by registered Illinois Land Surveyor with registration numbers and seal affixed to all final documents of the final plat.
- o. Certificate of dedication of all public areas.
- p. Certificate that all taxes due have been paid.

## 14-13-29. PUBLIC IMPROVEMENTS REQUIREMENTS

All improvements in the proposed subdivision or part thereof intended to be dedicated to the City for maintenance and operation shall be constructed and/or installed within two (2) years of the date of final plat approval in accordance with the requirements of Article 14 and such improvements shall not be considered as completed until officially approved and accepted by the City Council.

- A. **Construction Plans.** Construction plans and specifications for such improvements shall be provided by the subdivider at the time that the final plat is submitted to the Administrative Officer or in accordance with Article 14. The plans and profiles of all streets, storm and sanitary sewers, water lines and drainage structures, together with drainage area, shall be prepared on standard plan and profile sheets and shall bear the seal and signature of the registered professional engineer responsible for their preparation. A cross section of the proposed streets shall be included showing the widths of roadways, locations and width of sidewalks and the location of utilities. The plans shall show the lines of all proposed sidewalks and the location of all proposed street lights. The plans shall list standards and specifications followed, citing volume, section, page, or other reference. The plans, cross sections and specifications for the proposed improvements shall be submitted to the Administrative Official for review and comment by the City Engineer prior to submission to the City Council with the final plat. Four (4) black or blue linen prints of the approved documents shall be included with the final plat submission. After the completion of the construction of the improvements, a set of reproducible cloth or polyester base film positives showing the as-built details and changes, if any, shall be filed with the City.
- B. **Construction Inspections.** All public improvements proposed to be made under the provisions of this Code shall be inspected during the course of construction by the City's duly designated representative. The subdivider shall inform the Administrative Official prior to the construction of, and upon completion of, each phase of construction of said public improvement(s). All fees and costs connected with such inspections and tests, and in reviewing the plans and specifications for such improvement shall be paid by the subdivider at a rate to be determined by the City Engineer and as approved by the City Council.

## 14-13-30. SUBDIVISION PROCEDURES, PRELIMINARY PLAT

The Plan Commission shall review the preliminary plat within thirty (30) days from the date of application or the filing by the subdivider of the last item of required supporting data, whichever date is later, provided that such date of application and/or filing is not less than twenty (20) days prior to a regularly scheduled meeting of the Commission, otherwise the Commission shall review the preliminary plat within sixty (60) days from the date of application and/or filing, unless such time is extended by written Plan Commission consent, and shall determine whether the preliminary plat shall be approved as submitted, or shall be disapproved.

- A. **Plan Commission Action.** The Commission shall furnish written notice of such action to the applicant setting forth the findings of fact and reasons for approval, disapproval or conditional approval and specifying with particularity the aspects in which the preliminary plat fails to conform to this Code or related ordinances including the Official Map. The Plan Commission shall notify the Corporate Authority upon approval.
- B. **Corporate Authority Action.** The Corporate Authority shall accept or reject said preliminary plat within thirty (30) days after its next regularly scheduled meeting following the action granting approval of the preliminary plat by the Commission, unless such time is extended by written mutual agreement of the Corporate Authority and the applicant, or such preliminary plat will be deemed as approved. The Corporate Authority shall issue, by resolution, whether the preliminary plat is approved or disapproved as submitted.
- C. **Resolution Required.** A certified copy of the resolution of approval or disapproval by the Corporate Authority shall be attached to the preliminary plat and shall be filed with the City Clerk, one (1) such copy shall be filed with the Administrative Official, and one (1) copy shall be returned to the subdivider. Approval of the preliminary plan shall not qualify the preliminary plat for recording with the County Recorder of Deeds.
- D. **Approval Conditions.** Preliminary plat approval shall confer upon the subdivider the following rights and privileges:
  - 1. That the preliminary plat approval will remain in effect for a one (1) year period. The applicant may, during this period, submit all of or parts of said preliminary plat for final plat approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Corporate Authority, have final approval of parts of the plat delayed annually for a period not to exceed five (5) years from the date of the preliminary plat approval.
  - 2. That the general terms and conditions under which the preliminary plat approval was granted will not be changed.

## 14-13-31. SUBDIVISION PROCEDURES, FINAL PLAT

The final plat shall be filed with the Administrative Official for transmittal to the City Engineer and appropriate committee of the Corporate Authority. The final plat shall include all plans and specifications and such other documents as may be necessary concerning the form of escrow funds guarantee or performance bond to be used.

- A. **Review.** The City Engineer and Administrative Official shall review the final plat and plans and shall certify whether the final plat is in general compliance with the preliminary plat. Their report shall be submitted to the Corporate Authority within thirty (30) days from the date of filing a completed application. A copy of the advisory report shall be forwarded to the Plan Commission for inspection and review, if necessary, five (5) days prior to the Corporate Authority meeting.
- B. **Minor Plan Changes.** After the final plat has been approved, it shall be a permanent site plan and shall not be modified, nor shall any additions be made thereto except minor changes in a developmental plan may be made upon application to the Administrative Official. Major changes in the developmental plan require total review and reapplication.
- C. **Corporate Authority Action.** The Corporate Authority shall take action on the final plat within sixty (60) days from the date of the subdivider's filing of the last required document or other paper or within sixty (60) days from the date of the subdivider's filing application for approval of the final plat, whichever date is later, unless such time is extended by written mutual consent. If final plat is approved or disapproved by the Corporate Authority, the findings of fact and reason for such action shall be noted in writing by resolution stating the findings of fact and reasons for approval or disapproval specifying with particularity the aspects in which the final plat fails to conform with the City's codes and/or ordinances.
- D. **Plat Approval.** If the final plat is approved by the Corporate Authority, the final plat shall be held by the City Clerk until such time as the subdivider has met the requirements of Section 14-13-32. Upon meeting the requirements of Section 14-13-32, the Mayor shall affix his signature to the final plat and attach thereto a notation that the final plat has received final approval of the Corporate Authority; the Clerk shall attest the signature of the Mayor and affix his seal and attach a certified copy of the Corporate Authority order or resolution of approval to said approved final plat. If the requirements of Section 14-13-32 have not been met by the subdivider within sixty (60) days from the date of approval of the final plat by the Corporate Authority, approval of such final plat shall expire and become null and void. The City Clerk shall retain in the City Clerk files, one (1) copy of the certified final plat and resolution and return one (1) copy of the certified plat and resolution to the applicant.

- E. **Recording.** No subdivision plat or re-plat within the incorporated area of the City or unincorporated lands lying within the area of jurisdiction of the City of Fairview Heights shall be filed for record or recorded in the Office of the Recorder of Deeds of St. Clair County, Illinois, unless and until the approval of the Corporate Authority is certified thereon, and the Mayor's signature is attested by the City Clerk. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the Corporate Authority and filed for record in the Office of the Recorder of Deeds of St. Clair County, Illinois, as herein provided.
- F. **After Recording.** The subdivider shall provide to the City, upon recording of the plat one (1) cloth print or polyester base film positive of the final plat, as approved by the City, bearing the official stamp of the St. Clair County Recorder attesting its recording.

### **14-13-32. LAND SUBDIVISION IMPROVEMENTS NOT INSTALLED AT TIME OF FILING FINAL PLAT**

- A. **Improvements Required Or Bond.** After the improvement plans have been approved, but before recording of the final subdivision plat, the developer shall, within the time limits of Section 14-13-31(D):
1. Complete the improvements in accordance with the approved improvement plans under the observation and inspection of the appropriate inspecting agency, or
  2. Post a performance bond or enter into an escrow agreement in accordance with the provisions hereafter set forth. The performance bond or escrow agreement shall be prepared and executed on forms furnished by the City Clerk and shall be submitted to the Corporate Authority for approval or disapproval. Said forms shall be reviewed by the City Attorney prior to being sent to the Corporate Authority.
- B. **Estimates.** A performance bond shall insure or guarantee, to the extent of the amount specified by the City Engineer in his estimate of the cost thereof, the construction and completion of the improvements shown by the approved improvement plans and such inspection fees as are required.
- C. **Escrow Option.** An escrow agreement shall provide that there shall be deposited with the City Clerk to be held in a special escrow account by the City Treasurer:
1. A cash amount which shall be not less than; or
  2. An irrevocable letter of credit or commitment from a lending institution to the City guaranteeing to the City the availability, from time to time, upon demand, of a sum which shall be not less than; or
  3. Certificates of Deposit, Treasury Bills or other readily negotiable instruments, the type of which has been approved by the City Treasurer, endorsed to the City and the cash value of which shall be in an amount not less than the amount specified by the City Engineer in his estimate of the cost of the improvements as reflected by the approved improvement plans and such inspection fees as are required.

D. **Bond, Escrow, Repository, And Release.** The bond shall remain in effect or the escrowed sum shall be held in the escrow account by the City Treasurer until such time as the City Clerk shall, by written authorization to the City Treasurer release the surety from the obligation of the bond or the City Treasurer from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

1. Authorization to release up to ninety percent (90%) of the escrow or bond amount may be authorized by the City Clerk upon written notification from the City Engineer. Such authorization by the City Engineer shall only be given as improvements are installed equal in value to funds released.
2. The remaining ten percent (10%) may only be released when the City Engineer notifies the Administrative Official, in writing, that all improvements have been completed in a satisfactory manner. The Administrative Officer shall then notify the City Clerk that authorization may be given to release all funds. Whenever improvements are to be dedicated to another authority, school district, township, park district, county or other government, such improvements shall be accepted or approved before the release of all funds.

E. **Bond, Escrow Time Limits.** The term of the Performance Bond or the Escrow Agreement shall not exceed two (2) years in duration, subject to the following:

1. If, at the end of the two (2) year period, all the improvements reflected by the approved improvement plan have not been completed, the Administrative Official may extend the term of the Land Subdivision Bond or the Escrow Agreement for a period not to exceed one (1) additional year if, after review, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage schools, parks, playgrounds, or other public requirements. If said improvements have not been completed at the end of the two (2) year period or as extended, the Administrative Official may:
  - a. Require the surety to perform on the bond and pay to the City such amount as shall be equal to the lesser of the amount required to complete the improvements or the amount of the bond not theretofore released; or
  - b. Require the escrow agent to remit to the City, in cash or negotiable instruments constituting the escrow sum, as the case may be, the balance in the Escrow Account required to complete the improvements and the balance, if any, in the Escrow Account which exceeds such amount shall be returned to the developer; or
  - c. Require the developer to submit a new Performance Bond or Escrow Agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.

2. If the surety fails to perform on the bond within thirty (30) days after written request, the Administrative Official shall direct the City Attorney to take immediate action to require performance by the surety under the bond to secure the amount required.

- F. Sureties. To be eligible, all sureties shall be approved by the City Treasurer. All sureties shall be subject to spot audits by the City under the supervision of the City Treasurer. If the surety fails to comply with any of the provisions of the Performance Bond, the surety shall not thereafter be allowed to act as surety for any subdivision improvement within the jurisdiction of the City for a period of two (2) years.

### **14-13-33. SUBDIVISION VARIATION, PRELIMINARY AND FINAL PLAT**

The Plan Commission may recommend granting a variance from the subdivision provisions of this Code provided, in each case, that three (3) of the following provisions, including (A), and (B) are met:

- A. The subdivider shall apply in writing for such a variance upon filing of the preliminary plat with the City Clerk; and
- B. Any variance granted shall comply with the Intent and Purpose of this Code.
- C. The subdivider shall show that because of topographical or other physical conditions peculiar to the site, the provisions of this Code would cause an unnecessary hardship if strictly adhered to; or
- D. After a design review by the Plan Commission, the variation will afford better site design and land utilization.

### **14-13-34. PLAN COMMISSION, CORPORATE AUTHORITY ACTION**

Variations proposed by the applicant shall be entered in the Plan Commission's minutes stating all conditions requiring the variance and the exact terms of the variances shall be clearly set forth; a copy shall be attached to the plat and forwarded to the Corporate Authority. Any variance authorized by the Corporate Authority shall be made by resolution and a certified copy thereof shall be attached and made a part of the plat.

## ARTICLE XIV. ADMINISTRATION AND APPROVAL

- 14-14-01. PURPOSE
  - 14-14-02. DECISION-MAKING BODIES
  - 14-14-03. APPLICATION REQUIREMENTS
  - 14-14-04. APPLICATION PROCESSING
  - 14-14-05. NOTICE AND PUBLIC HEARINGS
  - 14-14-06. SITE PLAN REVIEW PROCEDURE
  - 14-14-07. MAP (REZONING) AND TEXT AMENDMENT PROCEDURE
  - 14-14-08. PLANNED DEVELOPMENT REVIEW PROCEDURE
  - 14-14-09. SPECIAL USE PERMIT PROCEDURE
  - 14-14-10. SPECIAL USE PERMIT AMENDMENT PROCEDURE
  - 14-14-11. APPEAL PROCEDURE
  - 14-14-12. VARIANCE PROCEDURE
  - 14-14-13. INTERPRETATION PROCEDURE
  - 14-14-14. OCCUPANCY PERMIT
  - 14-14-15. PERMIT REVOCATION – EXPIRATION
  - 14-14-16. NONCONFORMING USES
  - 14-14-17. APPLICABILITY OF THIS SECTION
  - 14-14-18. SCHEDULE OF FEES
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### 14-14-01. PURPOSE

The purpose of this Article is to consolidate all application procedures and processing requirements. The intent is to help those involved in application, submittal, processing and review understand the individual and often multiple steps that applications must follow. A better understanding of what is required should result in greater efficiency and fewer problems in the processing of applications. Any applicant making or submitting an application concerning this Code shall make application to the Administrative Official and shall pay all fees to the City Clerk.

**14-14-02. DECISION-MAKING BODIES**

The following table summarizes the review procedures and responsibilities of the various decision-making bodies responsible for the administration of this Chapter. In addition to the Corporate Authority, Plan Commission, Board of Zoning Appeals, and Administrator Official, there may be other board, commissions, government and non-government agencies asked by the Administrative Official to contribute input to the development review process.

**Figure 14-13(A): Review Procedures & Decision Making Bodies**

	Administrative Official	Zoning Board of Appeals	Plan Commission	Corporate Authority
Site Plan Review	R & D	A	D	
Zoning Amendment	R		H & R	M & D
Planned Development	R		H & R	M & D
Special Use Permit	R		H & R	M & D
Variance	R	H & R		M & D
Administrative Appeal		H & R		M & D
Interpretation	R	H & R		M & D
Sign Variance	R	H & R		M & D

R = Review & Recommend; D = Decision; H = Public Hearing; M = Public Meeting; A = Authority for Appeal

**A. Plan Commission.**

1. **Establishment and Composition.** The plan commission is established and composed as specified in the Code of Ordinances (Chapter 6, Article I).
2. **Meetings and Hearings.** Special or regular meetings shall be determined according to the adopted bylaws of the Plan Commission.
3. **Powers and Duties.**
  - a. General  
The Plan Commission shall:
    - (i) Exercise powers and duties as may be described elsewhere in this ordinance, the plan commission’s bylaws and as permitted by state law;
    - (ii) Establish or amend bylaws as necessary to facilitate the performance of its duties as outlined in the Illinois Municipal Code (65 ILCS 5/11-12-4 et. seq.); and,

**FINAL DRAFT**

(iii) Perform related duties as directed by the Corporate Authority.

b. Recommendations.

The plan commission shall make recommendations regarding the following:

(i) Site Plan Review (Section 14-14-06);

(ii) Map amendments (rezonings) and text amendments (Section 14-14-07);

(iii) Special use permit reviews (Section 14-14-09); and

(iv) Planned Development review (Article 15).

**B. Zoning Board of Appeals.**

1. **Establishment and Composition.** The Zoning Board of Appeals shall consist of seven (7) members appointed by the Mayor with the consent of the City Council. The terms of office shall be five (5) years. The Chairman of the Board shall be appointed by the Mayor with the consent of the City Council and shall hold office for one (1) year.

2. **Meetings and Hearings.** Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman or any two (2) members, or at such times as the Board may determine, except that any application of administrative appeal, variance, or interpretation shall be considered within 30 days of receipt of a complete application and advisory report, if required, by the appropriate official.

3. **Powers and Duties.**

a. General

The board of appeals shall:

(i) Exercise powers and duties as may be described elsewhere in this ordinance, the Board of Appeal's bylaws and as permitted by state law; and

(ii) Establish or amend bylaws as necessary to facilitate the performance of its duties as outlined in the Illinois Municipal Code (65 ILCS 5/11-12-4 et. seq.).

b. Recommendations

The Zoning Board of Appeals shall make recommendations regarding the following:

(i) Administrative appeals (Section 14-14-11);

(ii) Variances (Section 14-14-12);

(iii) Interpretations (Section 14-14-13); and,

(iv) Sign Variances (Article 11).

C. **Administrative Official**

1. **Designation.**

The Administrative Official shall be a person or persons designated by the City to enforce and administer the provisions of this Chapter or their duly appointed representative(s).

2. **Powers and Duties.**

a. **Advisory**

The Administrative Official shall prepare an advisory regarding the following petitions:

- (i) Site Plan Review (Section 14-14-06);
- (ii) Map amendments (rezoning's) and text amendments (Section 14-14-07);
- (iii) Planned Development review (unless otherwise noted in Article 15); and
- (iv) Special use permit reviews (Section 14-14-09);
- (v) Variances (Section 14-14-12); and,
- (vi) Interpretations (Section 14-14-13).

b. **Final Decisions**

The Administrative Official shall make final decisions regarding the following:

- (i) Site Plan Review/ (Section 14-14-06); and,
- (ii) Sign Permits (Article 11).

D. **Corporate Authority**

The Corporate Authority is comprised of the Mayor and ten (10) aldermen.

## 14-14-03. APPLICATION REQUIREMENTS

The applicant shall submit to the Administrative Official one copy of application, provided by the Administrator, for petitions to go before the Zoning Board of Appeals or Planning Commission. The applications shall contain both a graphic and written description of the proposal. If more than one map is submitted, a map index is required. At the discretion of the Administrative Official, projects of less than three (3) acres in total area may not be required to supply the information listed in (A) Preliminary Site Plan Specifications but shall provide all information required in (C) Final Site Plan Specifications.

**A. Preliminary Site Plan Specifications.** The required site plan shall include the following data:

1. Boundary of the entire tract by courses and distances
2. Area of tract.
- 3 Zoning of the tract.
4. Present record owner of the tract.
5. Location of all existing and proposed buildings, structures, utilities, drives, approaches, parking and other prominent physical features on the site.
6. Phasing plan of proposed development.
7. Adjacent streets, alleys, drainage facilities and public utilities.
8. Location and size of existing and proposed storm water facilities including runoff patterns and flows, structures and basins.
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 and arrangement of off-street parking spaces, aisles and drives, pedestrian walks and walkways, light standards, safety islands, curbs and gutters, fencing and screening and landscaping. Dimensional requirements for stall widths and depths, aisle widths, drive widths, sidewalks and walkways, sight lines, setback, etc. shall conform with requirements of the Development Code.
12. The locations, size, layout and type of entrances and driveways including distances from street intersection(s) and adjoining points of access within 150 feet.
13. Building elevations or perspectives to illustrate compatibility with surrounding area and of sufficient detail to ensure building materials requirements are met (for new construction and significant rehabilitation only).

## FINAL DRAFT

14. Floor plan drawn to approximate scale and dimensioned.
15. Fencing, screening, and/or walls to be erected; specifications, locations, dimensions, height of sufficient detail to ensure parking lot landscaping and buffer requirements are met.
16. Topography, existing and proposed, indicating area of excavation, backfill, and grading, slopes to be maintained and earth work specifications.
17. Landscape planting, clearly identified, showing locations, type and size.
18. All proposed setbacks requirements and sight lines.
19. Name and seal of architect, engineer or land surveyor preparing site plan.
20. All site plans shall be drawn to an approximate scale on a sheet or sheets whose dimensions do not exceed twenty-four (24) inches by thirty-two (32) inches.
21. Key map showing the location of the property reference to government survey section lines and major streets.
22. Site plans for residential lots 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 Administrative Official.

**B. Narrative.** The narrative statement to accompany the site plan and other graphics material as part of the application shall contain, at a minimum the following information:

1. Statement describing the proposed development and pertinent details.
2. Development schedule providing guidelines and sequence for the completion of the proposed development.
3. A statement of the present ownership of all land within the subject area and if a Planned Development, an explanation of the method of securing unified development control throughout the Planned Development area, both during and after construction. Unified control after construction shall include homeowner associations, trust indentures, deed restrictions and other building agreements assuring operation and maintenance of common lands and improvements.

**C. Final 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.

## FINAL DRAFT

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. I -.Jj \ (
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.

**FINAL DRAFT**

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 site plan .
22. All site plans shall be drawn to an approximate scale on a sheet or sheets whose dimensions do not exceed twenty-four (24) inches by thirty-two (32) inches.
23. 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 Building Official.

**14-14-04. APPLICATION PROCESSING**

- A. **Application Referrals.** The Administrative Official shall forward one (1) copy of a completed application in each instance to the following

<b>FIGURE 14-13(b): APPLICATION REFERRAL</b>				
	Administrative Official	Zoning Board of Appeals	Plan Commission	Corporate Authority
<b>Variance</b>		X		
<b>Special Use Permit</b>			X	
<b>Rezoning Amendment</b>			X	
<b>Zoning Appeal of Administrative Decision</b>		X		
<b>Zoning Interpretation Request</b>		X		
<b>Sign Variance</b>		X		
<b>Other Application</b>		X		

X – Body receiving a copy of a completed application.

## FINAL DRAFT

- B. Advisory Reports.** The Administrative Official shall submit an advisory report to the Plan Commission and Zoning Board of Appeals concerning each application three municipal working days prior to consideration at the public meeting. Such advisory report shall not contain a recommendation of approval or denial.
- C. Concurrent Applications.**
1. If approved by the applicable review officials, applications for development approvals may be filed and reviewed concurrently; provided, however,
    - a. Any application that also requires a legislative decision shall not be eligible for final approval until the legislative decision has been approved; and
    - b. No site plan shall be approved before any necessary rezoning is approved.
  2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of all related applications.

### 14-14-05. NOTICE AND PUBLIC HEARINGS

After an application has been certified complete as required by Section 14-13-03, the applicable recommending body (Zoning Board of Appeals or Plan Commission) shall first conduct a public hearing of the application or appeal, the date and place of which shall be fixed in advance by the recommending body at any regular meeting. Notice of the time and place of such hearing shall be given in accordance with the laws of the State of Illinois.

**A. Hearings and Meetings.**

1. Special or regular meetings shall be determined according to the adopted bylaws of the recommending body.
2. The recommending body is not required to act on any application received thirty three (33) days or less prior to a regularly scheduled meeting, but shall act on every application within forty (40) days after a hearing.
3. All hearings and deliberations conducted by the Zoning Board of Appeals and Plan Commission shall be open to the public.
4. The Zoning Board of Appeals and Plan Commission shall keep minutes of their proceedings, showing the vote of each member upon each question, or in the absence of or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
5. Findings of fact shall be included in the advisory report of each case and the reason for recommending the denial of such application shall be specified.

## FINAL DRAFT

6. Every recommendation of the Zoning Board of Appeals and Plan Commission shall be transmitted to the Corporate Authority and shall be a public record.
7. The Zoning Board of Appeals and Plan Commission shall adopt their own rules and procedures, not in conflict with this Code or with Illinois Compiled Statutes.

**B. Public Notice.** No action of the Zoning Board of Appeals shall be taken on any case until after notice has been given that a public hearing has been held as follows:

1. A notice of the time and date of said hearing and a brief summary of explanation of the subject matter of the hearing shall be published in a newspaper of general circulation within the City at least fifteen (15) days, but not more than thirty (30) days prior to the hearing date. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following:
  - a. Describe the nature of the request.
  - b. The date and time of the public hearing;
  - c. The location of the public hearing; and
  - d. The general location of the property—and its street address or addresses, the property index number (PIN) or numbers of all parcels of real property contained in the affected area, and if applicable, the legal description of the property if either common address or PIN are not accurate and a short description of the proposed planned development and purpose of the public hearing. State when and where the request will be considered.
  - e. Indicate when and where written comments will be received concerning the request.
2. Said notice in the foregoing paragraph (1) shall be sent by first-class mail to the applicant, owners of property in question at the time the public hearing notice is published, and to all adjacent property owners and/or residents.
3. Notice of the required public hearing shall also be provided by the applicant by posting a sign or signs on the property no less than **seven (7) days** prior to the public hearing. The sign shall be weatherproof and contain such information as is required in Paragraph B1 above. Failure to post such sign(s) and/or the removal or knocking down (by the City or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise affect any planned development permit subsequently granted following such public hearing.
4. Public hearing notices shall also be sent to the presiding officer of the appropriate fire and school district

5. Any party may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

## 14-14-06. SITE PLAN REVIEW PROCEDURE

- A. **Applicability.** A Site Plan submittal shall be required for all developments except the following:
  1. Detached single-family dwellings; and
  2. Projects where interior construction does not increase Gross Floor Area, increase the intensity of use, or effect parking requirements on a site that meets all development and site design standards of this Chapter.
- B. **Initiation.** An owner of land within the city, or such owner's duly authorized agent or representative, may submit an application to the Administrative Official for site plan review.
- C. **Pre-filing Conference.** A prospective applicant, prior to submitting a formal application for site plan review, shall meet for a pre-filing conference(s) with the Administrative Official and any other City official or employee designated by the Administrative Official. The purpose of the conference(s) is to help the applicant understand the City's Comprehensive Plan, this Chapter, the site development allowances, the standards by which the application will be evaluated, and the application requirements. At the conference, the applicant is expected to outline the project in terms of land uses, anticipated building arrangements and site design, and proposed construction timetable.
- D. **Application requirements.** All applications for site plan review shall be submitted in accordance with the minimum submission requirements of Section 14-14-06(A). The site plan shall be drawn a scale of one inch equals one hundred feet (1" = 100') if possible, or a scale necessary for clarity to clearly show the arrangement of the proposed development on the site, and the relationship of the proposed development to surrounding streets, properties and land uses.
- E. **Preliminary review.** Two copies of the site plan along with a site plan application and required fee shall be submitted to the Administrative Official for preliminary review to ensure compliance with all City ordinances. In addition, the preliminary review shall ensure that a complete site plan will be submitted to the Plan Commission for its consideration. The Administrative Official shall have a minimum of 15 business days to review the site plan and provide feedback to the applicant.
- F. **Final review.** After receiving feedback on the preliminary review, the applicant shall supply the Administrative Official with four (4) copies of the revised site plan, two of which shall be signed and sealed by a registered engineer architect or surveyor.
- G. **Action by Administrative Official.** Upon submission of a complete application, the Administrative Official shall review the revised site plan for consistency with the requirements of this Chapter and other applicable City requirements, and make a recommendation. The Administrative Official shall have authority to approve site plans, unless the site plan is part of an application to be reviewed by another decision-making

body as specified elsewhere in this Article.

- H. Approval criteria.** In approving a site plan, the Administrative Official shall consider the following:
1. compliance with all applicable requirements of this Chapter;
  2. compliance with the City’s Comprehensive Plan;
  3. contribution to the essential character of the district in which it is located;
  4. effects on schools, traffic, streets, shopping, public utilities and adjacent properties;
  5. benefits to public convenience at the specified location;
  6. appropriateness of site design and development intensity;
  7. compatibility with surroundings and potential injury to the value of other property in the neighborhood in which it is located; and
  8. protection of public health, safety, and welfare related to proposed design, location, and operation.
- I. Dedication and improvement.** The applicant shall bear the costs of the installation of all on-site improvements as required by this ordinance and other applicable City regulations. The City may require appropriate financial guarantees of required improvements.
- J. Notice of decision.** Official notice of the Administrative Official’s decision shall be transmitted to the applicant and retained on file with Land Use and Development Department.

## **14-14-07. MAP (REZONING) AND TEXT AMENDMENT PROCEDURE**

- A. Applicability.** The corporate authority may, from time to time on its own motion, or on petition of any person or persons in interest, or on initial recommendation of the Plan Commission, amend, supplement, or repeal the regulations and provisions of this Code.
- B. Initiation.** Any application to amend this Code shall be made to the Administrative Official.
1. An application shall be signed by either the freeholder, a contract purchaser, an option to purchase holder, or by their authorized agent. Agent authorization shall be in writing and filed with the application.
- C. Application requirements.** All applications for map (rezoning) or text amendment shall be submitted in accordance with the minimum submission requirements of Section 14-14-03.
- D. Notice and hearing.** Any such proposed amendment or change, when initiated by the

## FINAL DRAFT

Corporate Authority or by individual petition shall be referred to the Plan Commission for an advisory report thereon. When a proposed amendment or change is initiated by the Plan Commission, said advisory report shall accompany that recommendation of the Plan Commission. The Plan Commission shall hold a public hearing on the tentative report, changes, or amendments. All required hearings and notice shall be in accordance with the requirements of Section 14-14-05.

- E. Action by Administrative Official.** The Administrative Official shall draft the appropriate amendment and/or prepare a report that reviews the proposed zoning map amendments (rezoning) or text amendments. Such advisory report shall not contain a recommendation of approval or denial.
- F. Action by Plan Commission.** After completion of the hearing before the Plan Commission, the Plan Commission shall prepare its final report and recommendation, addressing at a minimum, the criteria established in Section 14-14-06 (H). The final report and recommendation shall be submitted to the Corporate Authority within ten (10) municipal working days following approval or denial.
- G. Action by Corporate Authority.** After receiving the recommendations and report of the Plan Commission, the Corporate Authority shall consider any proposed amendment, supplement, change, modification or repeal in a public hearing. The Corporate Authority shall approve, conditionally approve, deny, or table the application.
- H. Zoning amendment protest.** In case of a written protest against any proposed amendments of the zoning regulations or districts, signed and acknowledged 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, if filed with the City Clerk, the amendment shall not be passed, except by a favorable vote of at least two-thirds (2/3) of the Corporate Authority then holding office.
- I. Time limitation.** Applications for amendment, supplement, or change to the same zoning district classification, or a less restricted zoning district classification, on substantially the same parcel of land may not be submitted more often than once a year. A determination, either approving or rejecting such zoning change, must be made by the Corporate Authority within three (3) months after receiving a recommendation from the Plan Commission.
- J. Notice of decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.

### 14-14-08. PLANNED DEVELOPMENT REVIEW PROCEDURE

The procedures for Planned Development review are provided in Article 15 of this Chapter

## 14-14-09. SPECIAL USE PERMIT PROCEDURE

This Code divides the entire City into zoning districts and in each district there are mutually compatible uses which are permitted. It is recognized, however, that other uses may be necessary or desirable, but their potential influence on permitted uses could be harmful. For this reason, they are classed as "special uses" and may be permitted only under certain conditions. These special uses may be public or private uses.

- A. **Applicability.** Special use permit review shall occur in accordance with the provisions of this section.
1. Special uses within each zoning district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Corporate Authority.
  2. A special use permit review shall be required for all special uses as set forth in the use tables contained in Article 3 through Article 6 of this Chapter. A development comprising uses regulated by separate rows on the table (often referred to as a mixed use development) shall be reviewed using the most restrictive process from among the proposed uses.
  3. A special use permit review shall be required for any expansion of a special use involving the enlargement of the buildings, structures, or land area devoted to such use.
  4. Where a use requiring an approval or a special use permit lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use permit review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.
- B. **Pre-filing Conference.** A prospective applicant, prior to submitting a formal application for a special use permit, shall meet for a pre-filing conference(s) with the Administrative Official and any other City official or employee designated by the Administrative Official. The purpose of the conference(s) is to help the applicant understand the City's Comprehensive Master Plan, this Chapter, the site development allowances, the standards by which the application will be evaluated, and the application requirements. At the conference, the applicant is expected to outline the project in terms of land uses, anticipated building arrangements and site design, and proposed construction timetable.
- C. **Application Requirements.** All applications for special use permit review shall be submitted in accordance with the minimum submission requirements Section 14-14-06. Concurrent with a request for a special use permit review, the applicant shall also submit:
1. A statement indicating compliance of the proposed special use with the Comprehensive Plan.
  2. A scaled site plan in accordance with the requirements of Section 14-14-06(A).

## FINAL DRAFT

- D. Notice and hearing.** The Plan Commission shall fix a reasonable time for the hearing of the application for a special use permit. All required hearings and notice shall be in accordance with the requirements of Section 14-14-05.
- E. Action by Administrative Official.** Upon submission of a complete application, the Administrative Official shall review the application for compliance with Paragraph G of this section and other applicable requirements, and prepare a written report. Such advisory report shall not contain a recommendation of approval or denial.
- F. Action by Plan Commission.** After completion of the hearing before the Plan Commission, the Plan Commission shall prepare its final report and recommendation, addressing at a minimum, the criteria established in Section 14-14-06 (H). The final report and recommendation shall be submitted to the Corporate Authority within ten (10) municipal working days following approval or denial. The receipt of the final report shall be noticed in the minutes of the Corporate Authority.
- G. Approval criteria.** In addition to specific standards which may be applicable, the criteria established in Section 14-14-06 (I) shall serve as the basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this chapter.
- H. Action by Corporate Authority.** Upon receipt of the Plan Commission's advisory report, the Corporate Authority shall act according to its legislative procedure; however, any decision of the Corporate Authority contrary to a negative recommendation of the Plan Commission shall require a two-thirds (2/3) majority vote of the Corporate Authority for passage. If the Plan Commission recommended an application and the Corporate Authority denies the application, a two-thirds (2/3) majority vote shall be required to deny the application. Every special use permit granted shall be by Resolution and shall be accompanied by a finding of fact specifying the reason for making such special use permit.
- I. Conditions of approval.** In approving a special use, the Corporate Authority may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions. Any conditions approved by the Corporate Authority shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.
- J. Effect of decision.**
1. If the Corporate Authority denies an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial.
  2. Special use permits, including any conditions of approval, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.

- K. **Notice of decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.

#### 14-14-10. RESERVED

#### 14-14-11. APPEAL PROCEDURE

- A. **Applicability.** Any appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Administrative Official concerning the zoning provisions of this Code.
- B. **Initiation.** An owner of land within the city, or such owner's duly authorized agent or representative, may submit an administrative appeal to the Administrative Official and Zoning Board of Appeals.
- C. **Application requirements.** An administrative appeal shall be made by filing a written notice of appeal specifying the grounds for the appeal. Every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, as the case may be. Such appeal shall be taken within 45 days after the decision by filing.
- D. **Notice and hearing.** All required hearings and notice shall be in accordance with the requirements of Section 14-14-05.
- E. **Action by Administrative Official.** Upon receipt of an administrative appeal, the Administrative Official shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from is taken. The Administrative Official shall also investigate the appeal and submit a report to the Zoning Board of Appeals.
- F. **Action by Board of Appeals.** The Board of Appeals shall have the power to hear and provide recommendations to the Corporate Authority on appeals filed as provided in this article, where it is alleged by the appellant that there is error in any order, requirements, decision, determination, grant or refusal made by the Zoning Administrator or other administrative official in the enforcement and interpretation of the provisions of this chapter. A simple majority vote of members in attendance shall be sufficient to authorize any action of the Board except that an affirmative vote of at least four (4) members shall be necessary to pass motions to recommend appeals from decisions by any Administrative Official.
- G. **Findings of fact.** The Zoning Board of Appeals shall recommend to the Corporate Authority, reversal or affirmation, wholly or partly, or may recommend a modification to the order, requirement, decision or determination applied from to the extent and in the manner that the Zoning Board of Appeals may decide to be fitting and proper to the premises. The Zoning Board of Appeals shall issue an advisory report within ten (10) municipal working days to the Corporate Authority concerning each application it has reviewed.
- H. **Action by Corporate Authority.** Upon receipt of the Zoning Board of Appeals' advisory report, the Corporate Authority shall act according to its legislative procedure;

**FINAL DRAFT**

however, any decision of the Corporate Authority contrary to a negative recommendation of the Zoning Board of Appeals shall require a two-thirds (2/3) majority vote of the Corporate Authority for passage. If the Zoning Board of Appeals recommended an application and the Corporate Authority denies the application, a two-thirds (2/3) majority vote shall be required to deny the application. Every appeal granted shall be accompanied by a finding of fact specifying the reason for granting the appeal.

- I. **Stay of Proceedings.** Any appeal shall stay all proceedings in furtherance of action appealed from, unless the Administrative Official certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him that, by reason of facts stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Circuit Court on application, or notice to the Administrative Official and on due cause shown.
- J. **Notice of decision.** A certified copy of the Corporate Authority’s decision shall be transmitted to the applicant and to the Administrative Official.

**14-14-12. VARIANCE PROCEDURE**

- A. **Applicability.** The Zoning Board of Appeals shall have the power to recommend that the Corporate Authority vary or adapt the strict application of the requirements of the zoning provisions of this Code in the case of irregular, narrow, shallow, or steep lots, or other physical conditions, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In recommending a variance, the Board shall prescribe conditions that it deems to be necessary or desirable for the public interest, convenience or welfare (65 ILCS 5/11-13-5).
- B. **Initiation.** An owner of land within the city, or such owner’s duly authorized agent or representative, may submit a variance application to the Administrative Official and Zoning Board of Appeals.
- C. **Application requirements.** All applications for variation shall be submitted in writing and in accordance with the minimum submission requirements of Section 14-14-03. At a minimum, every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, the matter for which the area-bulk variance is sought, and the grounds on which it is claimed that the variance should be granted, as the case may be.
- D. **Notice and hearing.** All required hearings and notice shall be in accordance with the requirements of Section 14-14-05.
- E. **Action by Administrative Official.** Upon receipt of a variance application, the Administrative Official shall submit an advisory report to the Zoning Board of Appeals within five (5) municipal working days of receiving a complete application. Such advisory report shall not contain a recommendation of approval or denial.
- F. **Action by Board of Appeals.** The Zoning Board of Appeals shall have the power to hear and provide recommendations to the Corporate Authority on variance applications filed

## FINAL DRAFT

as provided in this article. A simple majority vote of members in attendance shall be sufficient to authorize any action of the Board except that an affirmative vote of at least four (4) members shall be necessary to pass motions to recommend variances.

- G. Findings of fact.** The Zoning Board of Appeals shall issue an advisory report within ten (10) municipal working days to the Corporate Authority concerning each application it has reviewed. No variance shall be recommended by the Board of Zoning Appeals unless the board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions fully described in findings of fact apply to the land or buildings for which the area-bulk variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of a reasonable use of such land or building;
  2. That, for reasons fully set forth in the findings, the recommending of the area-bulk variance is necessary for the reasonable use of land or buildings, and that the variance as recommended by the Board is the minimum variance that will accomplish this purpose;
  3. That the recommending of this variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its recommendations shall take into account whether the conditions of the subject premises are peculiar to the lot or tract described in the petition. Should it be determined that the conditions are part of the general condition of the neighborhood, then it shall be so noted and the Board may recommend appropriate corrections to Code.
- H. Action by Corporate Authority.** Upon receipt of the Zoning Board of Appeals' advisory report, the Corporate Authority shall act according to its legislative procedure; however, any decision of the Corporate Authority contrary to a negative recommendation of the Zoning Board of Appeals shall require a two-thirds (2/3) majority vote of the Corporate Authority for passage. If the Zoning Board of Appeals recommended an application and the Corporate Authority denies the application, a two-thirds (2/3) majority vote shall be required to deny the application. Every variance shall be by Ordinance and shall be accompanied by a finding of fact specifying the reason for making such variance.
- I. Notice of decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.
- J. Sign Variance.** Applicants seeking variance to regulations set forth in Article 11 (Sign Regulations) shall adhere to the procedure defined in this section.

## 14-14-13. INTERPRETATION PROCEDURE

- A. **Applicability.** The Zoning Board of Appeals shall, upon an appeal from a decision by any Administrative Official, have the power to recommend to the Corporate Authority any question involving the interpretation of any provision or term of the zoning provisions of this Code, including:
1. The determination of the exact location of any district boundary if there is uncertainty with respect thereto; and
  2. Uses not specifically listed as permitted uses or accessory uses that may be similar to or compatible with the listed permitted uses or accessory uses, as the case may be, in the applicable zoning district.
- B. **Initiation.** An owner of land within the city, or such owner's duly authorized agent or representative, may submit an application for an interpretation to the Administrative Official and Zoning Board of Appeals.
- C. **Application requirements.** All applications for interpretations shall be submitted in writing and in accordance with the minimum submission requirements of Section 14-14-03. At a minimum, every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, the matter for which the area-bulk variance is sought, and the grounds on which it is claimed that the variance should be granted, as the case may be.
- D. **Notice and hearing.** All required hearings and notice shall be in accordance with the requirements of Section 14-14-05.
- E. **Action by Administrative Official.** Upon receipt of an application for an interpretation, the Administrative Official shall submit an advisory report to the Zoning Board of Appeals within (5) municipal working days of receiving a complete application. Such advisory report shall not contain a recommendation of approval or denial.
- F. **Action by Board of Appeals.** The Zoning Board of Appeals shall have the power to hear and provide recommendations to the Corporate Authority on interpretations of any provision or term of the zoning provisions of this Code. A simple majority vote of members in attendance shall be sufficient to authorize any action of the Board except that an affirmative vote of at least four (4) members shall be necessary to pass motions to recommend interpretations of the Provisions of Chapter 14.

**FINAL DRAFT**

- G. Findings of fact.** The Zoning Board of Appeals shall issue an advisory report within ten (10) municipal working days to the Corporate Authority concerning each application it has reviewed.
  - 1. The Zoning Board of Appeals shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the district map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare.
  
- H. Action by Corporate Authority.** Upon receipt of the Zoning Board of Appeals' advisory report, the Corporate Authority shall act according to its legislative procedure; however, any decision of the Corporate Authority contrary to a negative recommendation of the Zoning Board of Appeals shall require a two-thirds (2/3) majority vote of the Corporate Authority for passage. If the Zoning Board of Appeals recommended an application and the Corporate Authority denies the application, a two-thirds (2/3) majority vote shall be required to deny the application. Every approved interpretation shall be accompanied by a finding of fact specifying the reason for making such interpretation.
  
- I. Notice of decision.** A certified copy of the Corporate Authority's decision shall be transmitted to the applicant and to the Administrative Official.

**14-14-14. OCCUPANCY PERMIT**

Hereinafter, no land shall be occupied or used, and no building erected, altered, or extended shall be used or changed in use until an occupancy permit shall have been issued by the Administrative Official stating that the building zoning classification, building location, and proposed use thereof complies with the provisions of this Code. Emergency and temporary occupancy permits shall meet the requirements of Articles 3 through 6 and Article 15. An occupancy permit for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within five (5) municipal working days following an approved final inspection of the premises involved.

**14-14-15. PERMIT REVOCATION - EXPIRATION**

The Corporate Authority may revoke a permit issued under this Article if:

- A.** The proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or
  
- B.** If any condition or requirement included in the permit is not complied with; or
  
- C.** A permit issued under this Article shall expire if the proposal authorized by the permit is not completed within two (2) years of the date of permit issuance.

### **14-14-16. NONCONFORMING USES**

No nonconforming use shall be reinstated, changed or expanded without an occupancy permit having first been issued by the Administrative Official.

### **14-14-17. APPLICABILITY OF THIS SECTION**

Permits shall not be issued until the determination by Administrative Official has been transmitted to the City Council at least **three (3) days** prior to their next regularly scheduled meeting and no objection raised by City Council by the conclusion of its next regularly scheduled meeting. An objection by City Council to the determination shall require a majority vote.

### **14-14-18. SCHEDULE OF FEES, PENALTIES, AND LIENS**

The Corporate Authority shall establish a schedule of fees, penalties, and liens for all matters pertaining to this Chapter. The schedule of fees, penalties, and liens shall be established in Chapter 16 of the City of Fairview Heights Code of Ordinances. The schedule of fees, penalties, and liens shall be filed with the City Clerk and posted in the office of the Department of Land Use and Development. The schedule of fees shall only be amended by the Corporate Authority and shall not require a recommendation from the Plan Commission.

## **ARTICLE XV. PLANNED DEVELOPMENT**

<b>14-15-01.</b>	<b>PURPOSE STATEMENT</b>
<b>14-15-02.</b>	<b>GENERAL PROVISIONS</b>
<b>14-15-03.</b>	<b>STANDARDS FOR REVIEW</b>
<b>14-15-04.</b>	<b>SITE DEVELOPMENT STANDARDS</b>
<b>14-15-05.</b>	<b>PROCEDURES</b>
<b>14-15-06.</b>	<b>APPLICATION REQUIREMENTS</b>
<b>14-15-07.</b>	<b>EFFECT OF APPROVAL OR DENIAL</b>
<b>14-15-08.</b>	<b>AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENT PERMITS</b>

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### **14-15-01. PURPOSE STATEMENT**

- A. The purpose of the regulations, standards, and criteria contained in this chapter is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the Planned Development process is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Fairview Heights Comprehensive Plan and planning policies of the City while departing from the strict application of the use and bulk regulations of the zoning title. The Planned Development is intended to permit and encourage such flexibility and to accomplish the following purposes:
1. To stimulate creative approaches to the commercial, residential and commercial/mixed-use development of land.
  2. To provide more efficient use of land.
  3. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
  4. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
  5. To unify building and structures through design.
  6. Promotion of long term planning pursuant to the Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

## 14-15-02. GENERAL PROVISIONS

- A. To fulfill the intended purpose of this district all developments greater than **three (3) acres** and any development within the MXD overlay district may be developed as a Planned Development in accordance with this Article.
- B. Each Planned Development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a Planned Development upon an already existing Planned Development except to the extent such Planned Development has been approved as part of a development master plan.
- C. The burden of providing evidence and persuasion that any Planned Development is necessary and desirable shall in every case rest with the applicant.
- D. Buildings and uses or combinations of uses within a Planned Development shall be limited solely to those approved as part of a Planned Development permit; provided, however, that any buildings and uses or combinations of uses in compliance with a development master plan approved as part of a Planned Development permit may be approved by the City Council.

## 14-15-03. STANDARDS FOR REVIEW

- A. Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the City only in direct response to the accrual of tangible benefits from the Planned Development to the City or the neighborhood/area in which it would be located. These benefits shall be in the form of exceptional amenities, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a Planned Development, the Planning Commission and/or the City Council, as the case may be, shall be required to make certain findings based on the following standards.
  - 1. **Required Findings.** No application for a Planned Development shall be approved unless all of the following findings are made about the development:
    - a. **Comprehensive Plan.** The Planned Development shall conform to the general planning policies of the City as set forth in the Comprehensive Plan.

- b. **Public Welfare.** The Planned Development shall be so designed, located and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.
- c. **Impact on Other Property.** The Planned Development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
- d. **Impact on Public Facilities and Resources.** The Planned Development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it at the cost of the developer in accordance with Article 14-13: Subdivision Development Standards.
- e. **Archaeological, Historical or Cultural Impact.** The Planned Development shall not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.
- f. **Parking and Traffic.** The Planned Development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties and parking areas, and provide adequate access for emergency vehicles.
- g. **Adequate Buffering.** The Planned Development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
- h. **Signage.** Any signage on the site of the Planned Development shall be in conformity with Article 14-11: Sign Regulations.

2. **Modification Standards.** In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a Planned Development. These standards shall not be regarded as inflexible, but shall be used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.
- a. **Integrated Design.** A Planned Development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
  - b. **Beneficial Common Open Space.** Any common open space in the Planned Development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
    - (i) Areas reserved for the exclusive use or benefit of an individual tenant or owner.
    - (ii) Dedicated streets, alleys and other public rights-of-way.
    - (iii) Vehicular drives, parking, loading and storage area.
    - (iv) Irregular or unusable narrow strips of land less than fifteen feet (15') wide.
  - c. **Functional and Mechanical Features.** Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the Planned Development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
  - d. **Visual and Acoustical Privacy.** The Planned Development shall provide reasonable visual and acoustical privacy for each dwelling unit. Fences, insulations, walks, barriers and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.

- e. **Energy Efficient Design.** A Planned Development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the Planned Development.
  
- f. **Drives, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
  
- g. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

## **14-15-04. SITE DEVELOPMENT STANDARDS**

Notwithstanding any limitations on variations which can be approved as contained elsewhere in this Code, site development allowances, i.e., deviations or variations from the underlying zoning provisions set forth outside this chapter may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this Article, and is necessary for proper development of the site.

## 14-15-05. PROCEDURES

The following steps are provided to assure the orderly review of every planned development application in a timely and equitable manner.

### A. Pre-filing Review and Transmittal of Application.

#### 1. Conference.

- a. **Pre-filing Conference.** A prospective applicant, prior to submitting a formal application for a planned commercial development, shall meet for a pre-filing conference(s) with the City Administrator, the Zoning Administrator and any other City official or employee designated by the City Administrator. The purpose of the conference(s) is to help the applicant understand the Comprehensive Plan, the Development Code, the site development allowances, the standards by which the application will be evaluated, and the application requirements.
- b. **Request for Waiver.** After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed Planned Development. Such request shall be made in writing prior to the submission of the formal application documents.
- c. **Granting of Waiver.** All requests for waiver shall be reviewed within fifteen (15) working days by the City Council. A final determination regarding the waiver shall be given to the prospective applicant following the decision.
- d. **Meeting to Review Residential Impacts.** If deemed appropriate by the Zoning Administrator, the applicant, prior to submitting a formal application for a planned development, will be required to schedule a meeting to discuss the proposed planned development and its impact on area residents. If such a meeting is required, the applicant shall send a written notice of the meeting via certified mail to all taxpayers of record and residents for all property within five hundred (500) feet of the proposed planned development. Such notice shall be mailed not less than fifteen (15) days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the Zoning Administrator. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

2. **Filing of Application.** Following the completion of the pre-filing conference(s), the applicant shall file an application for a planned development in accordance with this Article. The Zoning Administrator shall deliver copies of the application to other appropriate City departments for review and comment.
3. **Deficiencies.** The Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, he/she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.
4. **Report on Compliance.** A copy of the complete application and a written report incorporating the comments of City staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this Article shall be delivered to the Planning Commission prior to the public hearing.
5. **Determination Not Binding.** Neither the Zoning Administrator's determination that an application is complete nor any comment made by the Zoning Administrator or City staff at a pre-filing conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a planned development permit for the proposed planned development, or component part thereof, nor shall be intended or construed as a binding decision of the City, the Planning Commission or any staff member.

**B. Review and Action by the Planning Commission.**

1. Upon receiving the report from the Zoning Administrator, the Planning Commission shall hold at least **one (1)** public hearing on the proposed planned development.
2. Notice of the required public hearing shall be published by the City not more than **thirty (30)**, nor less than **fourteen (14) days** before the scheduled hearing in a newspaper published at least once weekly and having general circulation in the City and shall contain the following information:
  - a. The identification number designation of the application;
  - b. The date and time of the public hearing;
  - c. The location of the public hearing; and
  - d. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed planned development and purpose of the public hearing.

3. Notice of the required public hearing shall also be provided by the applicant by posting a sign or signs on the property no less than **fifteen (15) days** prior to the public hearing. The sign shall be weatherproof and contain such information as is required in Paragraph B2 above. Failure to post such sign(s) and/or the removal or knocking down (by the City or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise affect any planned development permit subsequently granted following such public hearing.
4. Notice of the required public hearing shall also be provided by the Applicant by First-Class U.S. Mail to the taxpayers of record and owners of record of the property which is the subject of the application (if different than the applicant), and the taxpayers of record and residents of all property within **two-hundred (250) feet** of the subject property. Such notice shall contain the information as is required in Paragraph B2 above and shall be mailed not more than **thirty (30)**, nor less than **fourteen (14) days** prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the commercial planned development. Staff reserves the right to extend the mailing notice requirement to properties beyond those properties within 250 feet if the proposed action has the potential to impact property owners beyond the minimum required 250 feet.
5. The Planning Commission shall review the application, the standards and requirements established by this Article, the report of the City Administrator, and any oral and written comments received by the Planning Commission before or at the public hearing. Within **forty-five (45) days** following the close of the public hearing and at a regular meeting, the Planning Commission shall make specific written findings addressing each of the standards set forth in this Article and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the City Council.

**C. Review and Action by the City Council.**

1. Within **sixty (60) days** of receipt of the report and recommendation of the Planning Commission, and without further public hearing, the City Council shall either (a) deny the application; (b) refer the application back to the Planning Commission for further review; (c) postpone further consideration pending the submittal of additional information, including any application requirement previously waived; or (d) adopt an ordinance approving the planned development permit.
2. Any action taken by the City Council pursuant to Paragraph C1 above shall require the concurrence of a majority of all the City Council then holding office.

3. In approving a planned development permit, the City Council may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this Article and to prevent or minimize adverse effects on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the City Council may deem to be in furtherance of the objectives of this Article.

## **14-15-06. APPLICATION REQUIREMENTS**

- A. An application for a Planned Development may only be filed by one who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
- B. Applications for a Planned Development shall be filed with the Zoning Administrator in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the City. Every application shall contain, at a minimum, the following information and related data:
  1. The names and addresses of the owner, or owners if more than one, of the subject property.
  2. A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant.
  3. A survey of, and legal description and street address for the subject property.
  4. A statement indicating compliance of the proposed Planned Development with the Comprehensive Plan; and evidence of the proposed project's compliance in specific detail with each of the "Standards for Review" in Section 14-16-03 for Planned Developments.
  5. A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation and utilities.
  6. A scaled site plan of the proposed Planned Development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.

7. Schematic drawings illustrating the design and character of the building, elevations and types of construction of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and building area of all uses or combinations of uses, and the building area of the entire development.
8. A landscaping plan showing the location, size, character and composition of vegetation and other material.
9. The substance of easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
10. A schedule of development showing the approximate date for beginning and completion of each stage of construction of the Planned Development.
11. A professional traffic study acceptable to the City, may be required, showing the proposed traffic circulation pattern within and in the vicinity of the area of the Planned Development, including the location and description of public improvements to be installed, and any streets and access easements.
12. A professional economic analysis and/or other supporting materials acceptable to the City, as deemed appropriate or necessary by the Zoning Administrator, possibly including the following:
  - a. The financial capability of the applicant to complete the proposed Planned Development;
  - b. Evidence of the project's economic viability; and
  - c. An analysis summarizing the economic impact the proposed Planned Development will have upon the City.
13. Copies of all environmental impact studies as required by law.
14. An analysis setting forth the anticipated demand on all City services.
15. A plan showing off-site utility improvements required to service the proposed Planned Development, and a report showing the cost allocations and funding sources for those improvements.
16. A site drainage plan for the proposed Planned Development.
17. A photometric/lighting plan for the proposed Planned Development.

- C. Every application must be accompanied by the fee as identified in the fee schedule established from time to time by the City Council to defray the costs of providing notice. Additional materials may be required during the review of a proposed Planned Development if determined necessary by the Planning Commission or the City Council.

## **14-15-07. EFFECT OF APPROVAL OR DENIAL**

- A. Approval of the Planned Development permit by the City Council authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the City may require for the proposed Planned Development. The Zoning Administrator shall review applications for these permits for compliance with the terms of the Planned Development permit granted by the City Council. No building permit shall be issued for development which does not comply with the terms of the Planned Development permit.
- B. The City Council shall direct the Zoning Administrator to revise the Official Zoning Map to reflect the existence and boundaries of each Planned Development.
- C. Subject to Paragraph G below, an approval of a Planned Development permit by the City Council shall be null and void if the recipient does not file an application for a building permit relative to the proposed Planned Development within twelve (12) months after the date of adoption of the ordinance approving the Planned Development permit.
- D. Subject to Paragraph G below, an approval of a Planned Development permit by the City Council shall be null and void if construction has not commenced within twelve (12) months, and is not completed within thirty (30) months after the date of adoption of the ordinance approving the Planned Development permit.
- E. Subject to Paragraph G below, an approval of a Planned Development permit with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
- F. An approval of a Planned Development permit with a master development plan shall be null and void if construction has not commenced or is not completed in accordance with the terms and conditions contained in the development master plan.
- G. An extension of the time requirements stated in Paragraphs C, D, and E of this Section may be granted by the City Council for good cause shown by the applicant, provided a written request is filed with the City Clerk at least four (4) weeks prior to the respective deadline.

- H. A Planned Development permit shall be null and void if the use or combination of uses for which the approval was granted ceases for a consecutive period of one year, and said uses are uses that are not identified as “Permitted Use” or “Special Use” in the underlying zoning district. No application for a Planned Development which was previously denied by the City Council shall be considered by the Planning Commission or the City Council if it is resubmitted in substantially the same form and/or content within six (6) months of the date of such prior denial. In this regard:
1. The Zoning Administrator shall review the application for a Planned Development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the City Council to appeal the determination of the Zoning Administrator that the application is substantially the same, provided a petition for appeal is filed in writing with the City Clerk within ten (10) days of the Zoning Administrator’s determination. The City Council shall affirm or reverse the determination of the Zoning Administrator, regarding whether the new application is in substantially the same form, within thirty (30) days of receipt of a petition for appeal.
  2. If it is determined that the new application is not substantially in the same form, then the applicant shall be entitled to continue with the application process and have it reviewed in accordance with the provisions of the this Code.

**14-15-08. AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENT PERMITS**

- A. Except as provided in Paragraph B below, relating to minor changes to the Planned Development permit, any modifications to an approved Planned Development permit or any addition to or expansion of an existing Planned Development permit shall require separate review and approval under the provisions of the this Code.
- B. A minor change is any change in the site plan or design details of an approved Planned Development permit which is consistent with the standards and conditions applying to the Planned Development permit and which does not alter the concept or intent of the Planned Development. A minor change shall not increase the Planned Development's density, increase the height of buildings, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final development agreements, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the City Council in approving the Planned Development permit. Said minor change may be approved by the Zoning Administrator without obtaining separate approval by the City Council. In addition, the City Council may, after reviewing the request for a minor change made by the applicant, direct the Zoning Administrator to process the request other than as a minor

change.

## 14-15-09. GUARANTEE OF IMPROVEMENTS

- A. **Off-site Improvements.** Unless otherwise provided for in the conditions of the ordinance governing a particular Planned Development no building permits, or permits authorizing the occupancy or use of a building, facility, Planned Development establishment, or service concern may be issued until required related off-site improvements are constructed or a performance bond, escrow, or other acceptable instrument is posted covering their estimated cost as determined by the Department of Public Works.
1. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements.
  2. Required related off-site improvements shall include, but not be limited to streets, sidewalks, sanitary and storm sewers, streetlights, and street trees.
- B. **Incremental Development.** If a Planned Development is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.

# ARTICLE XVI. NONCONFORMING USES

14-16-01.	PURPOSE
14-16-02.	GENERAL STANDARDS
14-16-03.	CONTINUATION OF A NONCONFORMING USE
14-16-04.	NONCONFORMING STRUCTURES
14-16-05.	NONCONFORMING LOTS OF RECORD
14-16-06.	ABANDONMENT OR DISCONTINUANCE
14-16-07.	DAMAGE OR DESTRUCTION
14-16-08.	NONCONFORMING SIGNS

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## 14-16-01. PURPOSE

This Article establishes regulations governing lawfully nonconforming uses. A nonconforming use is a use of land or buildings within the City that does not conform (does not meet the regulations of this Code in some way). A nonconforming use may often have a detrimental effect on the land use around it, such as increased traffic on residential streets, not enough parking space, the emission of noxious fumes, the creation of loud noises or a depressing effect on property values. These regulations are intended to minimize the existing and/or potential problems created by nonconforming uses.

## 14-16-02. GENERAL STANDARDS

- A. **Authority to Continue.** Any structure, lot or use that existed as a lawful nonconformity at the time of the adoption of this Code, and any building, structure, lot or use that has been made nonconforming because of the terms of this Code or its subsequent amendments, may continue subject to the provisions of this Chapter so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Chapter remains illegal if it does not conform with each and every requirement of this Chapter.
- B. **Unsafe Conditions.** Nothing in this Section shall be construed to either permit the continued use of a structure that is in violation of housing, building, health and other applicable life safety codes or prevent structures from being restored to a safe condition, in accordance with an order of the Building Official.
- C. **Determination of Conforming Status.** Whether a nonconformity exists shall be determined by the Administrative Official, subject to appeal to the Board of Zoning Appeals. The burden of establishing that nonconformity existed lawfully shall be on the owner or the proprietor.

## 14-16-03. CONTINUATION OF A NONCONFORMING USE

- A. **Definition of a Nonconforming.** Use A nonconforming use is the use of land, structures and lots that do not conform to one or more current requirements of this Zoning Ordinance.
- B. **Repair and Maintenance.** Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted, subject to the limitations of this section.
- C. **Structural Alterations.** No structural alteration shall be made in a building or other structure containing a nonconforming use except in the following situations:
1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety.
  2. When the alteration is for the purpose of bringing about a conforming use.
  3. When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity or increase the bulk of the structure in any manner.
  4. When a building in a residence district containing residential nonconforming uses may be altered in a way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.
- D. **Expansion or Relocation of Use.** A legal nonconforming use of land or a structure may not be expanded, extended, enlarged or increased in intensity Such prohibited activity shall include, without limitation:
1. Expansion of any structure devoted entirely to a nonconforming use.
  2. Expansion, extension or relocation of the use or its accessory uses outside the structure or land area to any land area or structure not currently occupied by such nonconforming use.
  3. Expansion of a use beyond any portion of the structure appropriate by its design and construction for such use.
- E. **Change of Use.** A legal nonconforming use may be replaced by another nonconforming use of the same or lesser intensity, except that residential uses shall not be allowed in a commercial, office, or industrial district. Uses allowed in any specific zoning district shall be interpreted as the same intensity as other uses similarly allowed. The relative intensity of uses allowed in the various zoning districts shall be interpreted as increasing in the order of the establishment of the zoning districts in Articles 3-6.

## 14-16-04. NONCONFORMING STRUCTURES

- A. **Definition of a Nonconforming Structure.** A nonconforming structure is a structure which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance, no longer conforms to applicable dimensional or bulk provisions or other on-site development standards of this Chapter.
- B. **Additions or Enlargements to Structure.** No repair, alteration or enlargement of a legal nonconforming structure shall be allowed that would:
  - 1. Increase either the depth of an encroachment into a required setback or the area of an encroachment by more than 50 percent.
  - 2. Add to or enlarge a nonconforming structure's bulk.
- C. **Relocation.** A nonconforming structure shall not be relocated, in whole or in part, to any other location on the same zoning lot or parcel. A nonconforming structure may be relocated to another zoning lot or parcel if the structure conforms to all regulations of the zoning district in which it is relocated.

## 14-16-05. NONCONFORMING LOTS OF RECORD

- A. **Definition of a Nonconforming Lot of Record.** A nonconforming lot of record is a lot of record, existing on the effective date of this Ordinance, which does not conform to the lot area or lot width requirements of the district in which it is located. No nonconforming lot of record may be improved except in compliance with this section.
- B. **Allowed Use.** A legal nonconforming lot of record may not be used for any allowed use except as provided in Article 3-6.
- C. **Common Ownership.** If two or more contiguous nonconforming lots are in common ownership and are of such size as to constitute at least one conforming "zoning lot" if combined, such lots or portions of such lots shall be joined, developed, and used for the purpose of forming an effective and conforming zoning lot or lots.

## 14-16-06. ABANDONMENT OR DISCONTINUANCE

- A. If a nonconforming use, structure or lot becomes conforming either because of a change in the use, structure or lot or because of a change in requirements, the use, structure or lot shall not be allowed to return to a legal nonconforming status based on the same nonconformity.

- B. When any nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be resumed and any future use of the premises shall be in conformity with the provisions of this Code, provided that such nonconforming use may be resumed when the owner, during the period of discontinuance, has been actively attempting to continue such nonconforming use.
1. Proof of fact in writing must be furnished to the Administrative Official by the applicant to establish intent not to abandon.

## 14-16-07. DAMAGE OR DESTRUCTION

If a legal nonconforming structure has been deteriorated or damaged by any means to the extent that the restoration, repair or replacement costs would be more than 50 percent (50%) of the fair market value as determined by an appraisal of the value of the structure prior to the damage by a qualified appraiser, the structure shall not be restored or repaired unless it is brought into conformance with the standards of this Chapter. The cost of the appraisal shall be borne by the property owner.

- A. **Exceptions.** The terms of this Section shall not apply to the following specific and limited properties:

1. **Parcel 1:** Part of Lot No. 7 being part of the West ½ of the Southeast ¼ of Section 28 in Township 2 North Range 8 West of the 3<sup>rd</sup> P.M., St. Clair County, Illinois, reference being had to the plat thereof recorded in the Recorder’s Office of St. Clair County, Illinois, in Book of Lands N2 on Page 43, and being more particularly described as follows, to-wit:

Commencing at a stone that marks the Northwest corner of “Hollandia 2<sup>nd</sup> Annex”, reference being had to the plat thereof recorded in the Recorder’s Office of St. Clair County, Illinois, in Book of Plats “55” on Page 32; thence North 1 degree 03 minutes 39 seconds West a distance of 55.05 feet to the point of intersection of the East line of Lot 6B of the Northwest ½ of the Southeast ¼ of Section 28 as shown in said Book of Lands N2 on Page 43, with the North line of Longacre Drive; thence West along the North line of Longacre Drive being a line lying 30 feet North of and parallel to the South line of said Section 28 a distance of 424.32 feet to the point of beginning of that part of Lot 7 as herein described; thence continuing West along the North line of Longacre Drive a distance 812.54 feet to a point; thence North 55 degrees 37 minutes 12 seconds West along said right of way line a distance of 62.7 feet to a point on the East line of South Ruby Lane; thence North 2 degrees 31 minutes 53 seconds West along the East line of South Ruby Lane a distance of 375.38 feet to a point; thence East a distance of 297.72 feet to a point; thence South a distance of 40 feet to a point; thence East a distance of 200 feet to a point; thence South a distance of 35 feet to a point; thence East a distance of 376.34 feet to a point; thence South 1 degrees 03 minutes 36 seconds East a distance of 335.06 feet to the point of beginning, and any appurtenant rights and easements thereto.

Permanent Index No. 03-28-0-403-017

Property Address: #1 Park Terrace Lane, Fairview Heights, Illinois 62208.

2. **Parcel 2:** Part of the Southwest Quarter of the Southeast Quarter of Section 28, Township 2 North, Range 8 West of the Third Principal Meridian, City of Fairview Heights, St. Clair County, Illinois, being more particularly described as follows:

Beginning at the Northwest corner of Lot 29 of the 1<sup>st</sup> Addition to the Village of St. Ann; thence South 89 degrees 59 minutes 10 seconds West a distance of 75.00 feet to a point, thence South 01 degrees 03 minutes 19 seconds East a distance of 135.00 feet to a point, thence, South 89 degrees 59 minutes 10 seconds West a distance of 418.64 feet to a point, thence South 00 degrees 57 minutes 50 seconds East a distance of 822.56 feet to a point on the North right of way of Long Acre Drive, 55 feet wide, thence along said North right of way, North 89 degrees 55 minutes 14 seconds West a distance of 424.32 feet to a point, thence leaving said right of way, North 00 degrees 57 minutes 44 seconds West a distance of 823.06 feet to a point, thence North 89 degrees 57 minutes 33 seconds West a distance of 40.59 feet to a point, thence North 01 degrees 10 minutes 39 seconds West a distance of 433.00 feet to a point, thence North 88 degrees 59 minutes 35 seconds East a distance of 958.91 feet to a point, then South 01 degrees 06 minutes 10 seconds East a distance of 315.16 feet to the point of beginning.

Except coal, gas and other mineral rights excepted or reserved in prior conveyances.

Situated in St. Clair County, Illinois.

- B. **Appeal of appraisal.** In the event that the appraisal of the fair market value of the structure prior to the damage is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Board of Appeals.
- C. **Timing.** In any event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction and diligently pursued to completion.
- D. **Conditions.** The Administrative Official may issue, or cause to be issued, a building permit if the subject matter thereof is otherwise permitted by the provisions of this Article, provided that the Administrative Official may impose such conditions and requirements to the issuance of the permit as are reasonably necessary to promote compatibility of the nonconforming use or building with its immediate neighborhood and to protect adjacent property from any adverse effects of the nonconforming use.

## 14-16-08. NONCONFORMING SIGNS

Signs existing at the time of the enactment of this Code or any amendment hereto and not conforming to its previous regulations or variances granted by the City of Fairview Heights shall be regarded as nonconforming signs. Signs for which a permit is required may be inspected periodically by the Administrative Official for compliance with this and other Codes of the Municipality.

- A. **Maintenance.** Nonconforming signs may be maintained subject to the following regulations:
1. No nonconforming sign shall be expanded or altered to prolong the life of the sign.
  2. No nonconforming sign structure shall be changed to another nonconforming sign structure except that the copy, message or graphic of a nonconforming sign may be changed.
  3. The nonstructural component of a multi-tenant sign on which the copy, message or graphic is displayed, such as a plastic or metal panel or insert, may be replaced to accommodate a change in tenant.
  4. If the copy, message or graphic of a nonconforming sign cannot be changed without altering a structural component, then such change is not permitted. Structural components include any part of a sign attached directly to the ground or to a building or structure, any part of the supporting structure of a sign without which the sign fails to maintain its structural integrity, and any part of a sign's electrical or lighting equipment.
  5. No nonconforming sign shall be relocated in whole or in part unless, when relocated, it conforms to all of the provisions of this ordinance.
  6. If a nonconforming sign is damaged or destroyed to the extent of fifty percent (50%) of its replacement value, the sign shall not be restored or repaired unless it is brought into conformance with the standards of this Chapter.
- B. **Abatement, Abandonment and Discontinuance.** If a legal nonconforming sign is discontinued or abandoned for a period of ninety (90) days, the rights to legal nonconforming status shall have expired and any subsequent use of such a sign shall comply with all regulations of the zoning district in which such a sign is located. The period of such discontinuance caused by government action, acts of god, or other acts without any contributing fault by the user, shall not be included in calculating the length of discontinuance for this section.
- C. **Appeals.** An owner or lessee of a sign in violation of this Code may appeal the violation notice issued by the Administrative Official by filing a written appeal form in the office of the Administrative Official within fifteen (15) calendar days of the violation notice. The Zoning Board of Appeals shall hear the appeal in accordance with their usual procedure.

- D. **Removal of abandoned signs.** All sign faces on non-residential zoning lots shall be removed within sixty (60) days of the cessation of the use of a property, building, or tenant space authorizing such signage. If removal of the sign face reveals bare lighting, electrical, or structural components, a blank face of a white or gray color made of durable, weatherproof material shall be applied to cover such components. No open sign cabinets or boxes are allowed.
- E. **Removal of Sign.** The Administrative Official may order the immediate removal of any sign at cost to the owner erected, expanded, or altered to prolong the life of the sign, in violation of this Code, or, if in the opinion of the Administrative Official, the condition of the sign is such as to present an immediate threat to the safety of the public.