



## **United City of Yorkville**

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

[www.yorkville.il.us](http://www.yorkville.il.us)

# **UNIFIED DEVELOPMENT ORDINANCE ADVISORY COMMITTEE AGENDA**

Thursday, September 9, 2021  
6:00 PM

Yorkville City Hall Council Chambers  
800 Game Farm Road

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**This meeting has been cancelled.**



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# **UNIFIED DEVELOPMENT ORDINANCE ADVISORY COMMITTEE AGENDA**

Thursday, September 9, 2021  
6:00 PM

Yorkville City Hall Council Chambers  
800 Game Farm Road

Meeting Called to Order: 6:00 p.m.

Roll Call:

Establishment of Quorum

Previous meeting minutes: April 21, 2020

Citizen's Comments:

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1. Reintroduction to the Project & New Process Timeline
2. Consultant Houseal Lavigne Review of Materials
  - a. Presentation and Discussion Chapter 3 and Chapter 4
3. Committee Comments and Questions
4. Project Schedule, Next Steps, and Future Meeting Dates
5. Adjournment

DRAFT

**UNIFIED DEVELOPMENT ORDINANCE  
ADVISORY COMMITTEE MEETING**

Tuesday, April 21, 2020 7:00pm  
Council Chambers  
800 Game Farm Road, Yorkville, IL

The meeting was called to order at 7:00pm by Chairman Chris Funkhouser and a quorum was established.

Due to the ongoing coronavirus pandemic, this meeting was held with most of the committee members attending remotely.

**Introductions**

**Roll Call**

The following answered present from their remote locations:

Chris Funkhouser, Chairman/Alderman  
Daniel Transier, Alderman  
David Schultz, Engineer-HR Green  
Mike Torrence, BKFD  
Deborah Horaz, PZC Committee  
Jeff Olson, PZC Chairman  
Reagan Goins, Attorney

**Absent:**

Billie McCue, Developer

**Others Present:**

Krysti Barksdale-Noble, Community Development Director  
Jason Engberg, Senior Planner  
Nick Davis, Hauseal Lavigne/remote attendance  
Jackie Wells, Hauseal Lavigne/remote attendance

Mr. Davis thanked everyone for attending and briefly outlined the material to be covered at this meeting including the Zoning District Standards memorandum and Chapter 3 Review of Zoning District Standards.

**Previous Meeting Minutes June 13, 2019 and November 14, 2019**

The minutes for November 14, 2019 were approved on a motion by Mr. Torrence and second by Ms. Horaz with voice vote approval. The June 13, 2019 minutes were approved on a motion by Mr. Torrence and second by Ms. Goins with a voice vote approval.

## **Citizens Comments** None

### **1. Consultant Houseal Lavigne Review of Materials**

#### **a. Zoning District Standards Memorandum**

Ms. Wells began the discussion for the proposed changes to the city zoning district, zoning map and permitted uses outlined in the memo. The consultants proposed the 16 zoning districts be reduced to 12. They also recommended underlying zoning be established for each PUD, which would still be governed by their PUD ordinances. It was also recommended to combine one small neighborhood of the R1 district with the R2 district. Ms. Wells reviewed the B1, B2, proposed B3, M1 and M2 districts with a proposal to combine M1 and M2. A new district, PI, was suggested for Public and Institutional.

#### **b. & c. Chapter 3: Zoning District Standards (redline and clean)**

Questions on the draft of the code were entertained. Chairman Funkhouser inquired about the proposed townhomes in the Kendall Marketplace. He asked if this development was consistent with other townhomes in regards to single family homes on the north side of the property and townhomes on the south side. There was a brief discussion.

Ms. Wells continued and said zoning districts were established and legalese was eliminated. No major revisions were made to maps and she reviewed the revisions made to each section. She recommended density language be eliminated.

Some manufacturing districts were combined and some standards eliminated. There was some discussion of R1 and R2 regarding not all minimum requirements being met. The minimum density in R2 at 10,000 sq. ft. is about 4 dwelling units per acre. In R3 there is a minimum size of 18,000 sq. ft. for each duplex unit or 9,000 sq. ft. per dwelling unit. Ms. Wells said the density number will be eliminated and lot size would be used. Chairman Funkhouser said he wants to maintain the flexibility with the multi-family housing. The consultants will work with staff on this issue.

## **Committee Comments and Questions**

Ms. Noble commented on lot size and a possible reduction of the square feet to 8,000-10,000 for R2. She asked if that would be presented to the committee later. Mr. Olson said he would be interested in such a discussion especially when Mr. McCue is present. A suggestion was also made to possibly create a new district between R2 and R3. This will be discussed more at a later time.

Mr. Olson asked if the different 'use' categories will be linked to definitions. It was noted the definitions will be included in one chapter of the ordinance.

Ms. Noble said it would be helpful to have a visual for lots vs. units in regards to density.

## **Project Schedule and Next Steps**

Mr. Davis said the next steps are to work with staff on adjustments, revisions for Blackberry Shore Lane and insure the densities for multi-family housing are flexible. Staff also highlighted definitions that need extra work. Any additional comments or questions can be sent to Mr. Engberg. The consultants will be working on general development and drafts of design standards.

## **Adjournment:**

There was no further business and the meeting adjourned at 7:46pm.

Transcribed from digital recording,

Minutes respectfully submitted by Marlys Young, Minute Taker



# Memorandum

To: Unified Development Ordinance Advisory Committee  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: September 1, 2021  
Subject: **Unified Development Ordinance – Project Resumption**

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## **SUMMARY:**

Due to the COVID-19 pandemic, Yorkville's Unified Development Ordinance (UDO) project was put on a one-year pause from May 2020 to May 2021. Prior to the project's hiatus, the UDO Advisory Committee met three previous times to discuss the project and review materials from the City's consultant Houseal Lavigne. The materials included a project overview, diagnostic memo on the City's current code, and a review of Chapter 3 revisions. The comments and insights given at these meetings help in forming a code that is fit for Yorkville.

This meeting is to reconnect with the Advisory Committee and seek feedback on Chapters 3 and 4 of the UDO. The Advisory Committee meeting in June was not held due to a lack of a quorum and the last meeting was held in April of 2020. Therefore, the materials to review for this meeting are only Chapters 3 and 4. Members have received Chapter 3 previously to review but there are a few new updates. In the Houseal Lavigne memorandum it states that Chapters 5 and 6 are also ready for review. Due to the amount of content in each Chapter to be discussed, staff felt it was best to break up the materials and hold an additional meeting at a future date to review these chapters. Both staff and the consultants feel it is best to give the committee an appropriate amount of time to review the materials.

## **DISCUSSION TOPICS:**

The previous meeting was held on April 21, 2020 and it was at the beginning of the City's usage of remote meetings. While the materials were covered at that meeting, the atmosphere for discussion was not ideal. Therefore, staff is recommending that the advisory committee consider the following topics in preparation for the September 9, 2021 meeting:

- Residential Lot Size – at a previous meeting, it was recommended that the City reduce the lot size for the R-2 District from 12,000 square feet to 10,000 square feet. This helps reduce non-conforming lots and incentivizes more outright permitted development. **To improve housing types and affordability within the City, 8,000 square feet has been suggested. Do you agree with the change?**
- Houseal Lavigne have proposed combining some zoning districts including the M-1 and M-2 districts, OS-1 and OS-2 districts, and creating a Public Institutional district. **Do you believe that this will make our code more streamlined and efficient? Do you have any reservations about combining any districts?**
- In Table 3-9 "Maximum Density" has been removed from the table to improve the possibility for more outright permitted development. **Do you believe the bulk regulations in the table and other parts of the code mitigate any negative effects of more potential density?**
- There are several uses being removed and categorized under broader terms (i.e. retail, services) as well as new uses being added (data center). **Do you agree with the changes and are there any new uses that should be added to the table?**

**ATTACHMENTS:**

1. HL August 9, 2021 Memorandum
2. Chapter 3 – Zoning District Standards (redline)
3. Chapter 4 – Use Standards



## MEMORANDUM

**Date:** August 9, 2021

SENT VIA EMAIL

**To:** United City of Yorkville, IL  
Krysti Barksdale-Noble, AICP  
Jason Engberg, AICP

**From:** Houseal Lavigne Associates  
Nik Davis, AICP  
Jackie Wells, AICP

**Re:** **Draft UDO Chapters 3-6**  
**Unified Development Ordinance Update**

The purpose of this memorandum is to provide an update on the status of the United City of Yorkville's Unified Development Ordinance (UDO) project. Included is a narrative description of the revisions which have been proposed to Chapter 3 – District Standards, Chapter 4 – Use Standards, Chapter 5 – Development Standards, and Chapter 6 – Signs.

Draft Chapters 3-5 are presented in a redline version, where existing text from the City's ordinances has been edited using track changes. Recommended settings for track changes are included on the following page. Several questions to staff are included as comments. If you would prefer to view the text without the redline, go to the Review tab and choose "No Markup" in the tracking window. Draft Chapter 6 – Signs is not presented in redline as the majority of the text is new language required to comply with the SCOTUS decision in the Reed vs. the Town of Gilbert, AZ case. Standards that have been carried forward from the City's current sign standards are highlighted in green.

The draft Chapters contain placeholders for graphics which will be developed once feedback from City staff has been incorporated into the text. Please include your feedback as comments in the documents. If you would like to edit the text, please do so as track changes.

### Chapter 3 – District Standards

Chapter 3 – District Standards, which was originally delivered to and reviewed by staff in March 2020, has been reformatted to Houseal Lavigne's latest draft document style and updated to include section 10-3-10: Calculating Bulk and Dimensional Standards and 10-3-11: Permitted Yard Setback Obstructions. Additionally, the Permitted and Special Uses table has been consolidated and accessory and temporary uses have been added.

### Chapter 4 – Use Standards

Chapter 4 – Use Standards includes the City's existing regulations for specific uses, including those located in Chapters 3, 6, 14, and 19. New use standards are proposed for duplexes, townhomes, multi-unit dwellings, secondary dwellings, short term rentals, automobile sales and service open sales lots, solar farms, freestanding solar energy systems as a principal use, wind farms, freestanding wind energy systems as a principal use, and drive throughs.

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## Chapter 5 – Development Standards

Chapter 5 – Development Standards includes the City's existing regulations for development regardless of the district it is located, including those located in Chapters 16 and 17. The City's current landscape and screening regulations are proposed to be replaced with new standards and standards for driveways, vision clearance, and outdoor lighting are proposed.

## Chapter 6 – Signs

Chapter 6 – Signs features fully new language proposed to replace the current language in Chapter 20. The proposed Chapter includes content neutral regulations that comply with the SCOTUS decision in the Reed vs. the Town of Gilbert, AZ case. Where applicable, existing sign area and height standards have been carried forward and are highlighted in green.

Advanced Track Changes Options

Markup

Insertions: Underline Color: Blue

Deletions: Strikethrough Color: Red

Changed lines: Outside border

Comments: By author

Moves

☐ Track moves

Moved from: Double strikethrough Color: Bright Green

Moved to: Double underline Color: Bright Green

Table cell highlighting

Inserted cells: Light Purple Merged cells: Light Purple

Deleted cells: Light Purple Split cells: Light Purple

Formatting

☐ Track formatting

Formatting: (none) Color: Bright Green

Balloons

Preferred width: 3.7" Measure in: Inches

Margin: Right

☒ Show lines connecting to text

Paper orientation in printing: Preserve

OK Cancel



## Chapter 3. District Standards

### REVIEW GUIDE

Existing Text

New Text

Deleted or Moved Text

References to be updated

10-3-1. Establishment of District .....	1
10-3-2. District Map and Boundaries .....	2
10-3-3. Zoning of Streets, Alleys, Public Ways, Waterways, and Railroad Rights-of-Way .....	2
10-3-4. Zoning of Annexed Land .....	2
10-3-5. Purpose of Residential Districts .....	3
10-3-6. Purpose of Business and Manufacturing Districts .....	4
10-3-7. Purpose of Open Space and Institutional Districts .....	5
10-3-8. Overlay Districts .....	5
10-3-9. Bulk and Dimensional Standards .....	6
10-3-10. Calculating Bulk and Dimensional Standards .....	7
10-3-11. Permitted Yard Setback Obstructions .....	8
10-3-12. Permitted and Special Uses .....	9

### 10-3-1. Establishment of District

For the purpose and provisions of this title herein, Yorkville is hereby organized into ~~twelve (12)~~ fifteen (15) districts. The minimum area that may constitute a separate or detached part of any zoning district shall be as follows:

#### A. Residential Districts.

~~1. E-1 Estate Residence~~

~~2.1. R-1 Single-Family-Unit~~ Suburban Residence District

~~3.2. R-2 Single-Family-Unit~~ Traditional Residence District

~~4.3. R-2D Duplex, Two-Family-Unit~~ Attached Residence District

~~5.4. R-3 Multi-Family-Unit~~ Attached Residence District

~~6.5. R-4 General Multi-Family-Unit~~ Residence District

#### B. Business and Manufacturing Districts.

1. B-1 Local Business District

2. B-2 ~~Retail-Commerce-Business~~ Mixed Use District

3. B-3 General Business District

~~4. B-4 Service-Business-District~~

~~5.4. M-1 Limited~~ Manufacturing District

~~6. M-2 General Manufacturing-District~~

C. Institutional and Open Space Districts.

1. PI Public Institutional District

~~4.2.~~ A-1 Agricultural District

~~2.3.~~ OS Open Space District

D. Overlay Districts.

1. D-O Downtown Overlay District

~~3.2.~~ PD-O Planned Development Overlay District

### 10-3-2. District Map and Boundaries

- A. **Zoning Map.** The boundaries of the zoning districts designated in section 10-~~53~~-1 of this chapter are hereby established as shown on the latest edition of the map entitled "Zoning Map: The United City Of Yorkville", which said map shall have the same force and effect as if the zoning map, together with all notations, references and other information shown ~~thereon~~ the zoning map, were fully set forth and described ~~herein~~ in this title.
- B. **District Boundaries.** When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules shall apply:
1. District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended or otherwise indicated.
  2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter sections or division lines, or centerlines of streets, highways or railroad rights of way unless otherwise indicated.
  3. Where a lot held under single ownership and of record on the effective date hereof is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided, that this construction shall not apply if it increases the ~~less-restricted-frontage~~ lot width of the lot by more than twenty five (25) feet.

### 10-3-3. Zoning of Streets, Alleys, Public Ways, Waterways, and Railroad Rights-of-Way

All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, or waterways and railroad rights-of-way. Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

### 10-3-4. Zoning of Annexed Land

Any territory or land ~~hereafter~~ annexed to the city after the adoption of this title shall automatically, upon such annexation, be classified within the R-1 residential district and be subject to all conditions and regulations applicable to land in such district until such land is subsequently rezoned; ~~or the owner or owners of the territory or land to be annexed voluntarily enter into an annexation agreement which specific zoning classification and other restrictions affecting said territory or land concurrently with the petition for annexation and pursuant to section 10-4-11 of this title. The plan commission shall make findings of fact with respect to the appropriate zoning classification or classifications of the annexed land and forward its recommendation to the city council.~~

### 10-3-5. Purpose of Residential Districts

**A. General Purpose of Residential Districts.** Residential zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and shall:

1. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan, as amended;
2. Ensure adequate light, air, privacy, and open space for residents;
3. Provide for a variety of neighborhoods with a range of housing types with varying characters and patterns of development;
4. Protect neighborhoods from the harmful effects of excessive noise, traffic congestion, and other potential adverse impacts; and
5. Provide amenities while protecting residents from incompatible uses and activities.

**A.B. R-1 Single-Unit Suburban Residence District.** The R-1, single-family-unit suburban residence zoning designation is intended to create a spacious suburban residential neighborhood environment on parcels of at least eighteen thousand (18,000) square feet. To protect the character of the district, permitted uses are limited to single-family-unit detached housing yet accommodate other compatible and complementary cultural, religious, educational, and public uses.

**B.C. R-2 Single-Unit Traditional Residence District.** The R-2, single-family-unit traditional residence zoning designation is intended to accommodate smaller, more conventional suburban residential neighborhoods, on lots of at least twelve thousand (12,000) square feet. The district's moderately low density allows for flexibility in site design and creates a transitional land use between rural and suburban residential settings. The primary permitted uses are single-family-unit detached housing in addition to compatible and complementary cultural, religious, educational, and public uses.

**C.D. R-2D Duplex, Two-Unit Attached Residence District.** The R-2D, duplex, two-family-unit attached residence zoning designation is intended for moderate density duplex dwelling structures on lots of at least fifteen thousand (15,000) square feet. This district is primarily located off of a major thoroughfare or as a transitional land use adjacent to single-family-unit residences. Therefore, the R-2D, duplex district is intended to accommodate single-family-unit attached dwelling structures of a size and character that are compatible with the surrounding single-family-unit detached residential districts and adjacent to commercial, office and retail space.

**D.E. R-3 Multi-Unit Attached Residence District.** The R-3, multi-family-unit attached residence zoning designation is intended for moderate density residential developments near commercial areas and transportation corridors, and to promote economically mixed housing developments and the provision of a range housing types including dwelling multi-unit buildings such as duplexes or townhomes, structures on lots of at least nine thousand (9,000) square feet and a maximum density of five (5) units per acre or six (6) units per building. This district also accommodates a roadway wide enough to park on both sides of the street.

**E.F. R-4 General Multi-Unit Residence District.** The R-4, general multi-family-unit residence zoning designation is intended for moderate to high density dwelling structures on lots of at least fifteen thousand (15,000) square feet and a maximum density of eight (8) units per acre. This district is suitable for creating a transition between the business/commercial uses and the surrounding lower density residence uses multi-unit buildings and complexes. This district may accommodate other compatible and complementary cultural, religious, educational, and public uses.

### 10-3-6. Purpose of Business and Manufacturing Districts

A. General Purpose of Business and Manufacturing Districts. Business and Manufacturing Districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to work, shop, dine, recreate, and shall:

1. Accommodate retail, commercial, service, and mixed uses needed by Yorkville residents, businesses, visitors, and workers;
2. Maintain and enhance the City's economic base and provide employment opportunities, shopping, entertainment, restaurant, service and other nonresidential uses close to where people live and work;
3. Create suitable environments for various types of business and manufacturing uses and protect them from the adverse effects of incompatible uses;
4. Allow flexibility to encourage redevelopment and positive improvements to existing uses; and
5. Help ensure that the appearance and operational impacts of business and manufacturing developments do not adversely affect the character of the areas in which they are located.

A.B. B-1 Local Business District. The B-1, local business district zoning designation is intended for the location of commercial and professional facilities that are especially useful in close proximity to residential areas. The district is designed to provide convenient shopping and services that meet the needs and enhance the quality of life for surrounding residential neighborhoods. This district also encourages dwelling units located above the first floor of a permitted use to create mixed use buildings.

B.C. B-2 Mixed-Use Business District. The B-2, mixed-use business zoning designation is intended to accommodate pedestrian oriented mixed-use corridors and districts with a range of business, service, office, and residential uses including the Downtown. The B-2, retail commerce-business district zoning designation is intended for the location of retail shops and stores offering goods to the population. Buildings in this district are allowed to build on a majority of the lot with diminished setbacks. This allows shops and stores to maximize retail space while supporting a pedestrian friendly environment in retail shopping areas. This district also encourages dwelling units located above the first floor of a permitted use to create mixed use buildings.

C.D. B-3 General Business District. The B-3, general business district zoning designation is intended for the location of a broad range of commercial uses, including small scale and large scale businesses. These uses are usually oriented toward automobile access and visibility; therefore, they are typically set along major arterial roads. The businesses in this district are meant to serve regional as well as local customers. This district also encourages dwelling units located above the first floor of a permitted use to create mixed use buildings.

D.E. M Manufacturing District. The M-1, limited manufacturing district zoning designation is intended to provide for the location of a broad range of warehousing, manufacturing, and industrial uses of minimal environmental impact. The intensity and impact of uses shall be controlled through the special use permitting process to ensure compatibility with adjacent land uses through the minimization of off-site impacts, and rRelated uses such as indoor event or recreation conversions or employee supporting restaurants and retail of a limited nature in size that will not have a harmful environmental effect on surrounding areas may also be appropriate. Industries within this district are expected to follow the performance standards in accordance with the performance standards of this chapter. These standards will produce an environment suitable for industrial activities that will be pleasant and compatible with adjacent residential and business uses. The M-2, general manufacturing district zoning designation is intended to provide for the location of manufacturing, industrial and related uses in a less restrictive nature than the M-1, limited manufacturing district. The district is designed to accommodate industrial activities that have moderate environmental effects but are located in relatively remote areas as to not conflict with residential and business uses. Industries within this district are expected to follow the performance standards in accordance with the performance standards of this chapter. Following these standards will create fewer problems of compatibility with adjacent properties.

### 10-3-7. Purpose of Open Space and Institutional Districts

- A. **A-1 Agricultural District.** The A-1, Agricultural district zoning designation is intended to accommodate areas where the conditions are best suited for agricultural pursuits or where essential community facilities or utilities do not yet or are not reasonably expected to serve the property. The regulations for the agricultural district are govern the use of the land and building and structures for agricultural purposes after the annexation of land into the city for so long as the owner or owners thereof shall desire to continue to devote said land to agricultural purposes. These regulations are also intended to provide for the protection, conservation and utilization of natural resources; to preserve the value of existing and future open space and recreational facilities; and to allow for interim adaptive reuse of marginal agricultural and/or pasture lands pending the orderly redevelopment of the real estate for all other uses permitted under the various use districts under this title.
- B. **OS Open Space District.** The land use regulations established for the OS-1, open space district are designation is intended to govern the use of city owned ~~passive~~ green space and park land in the city of Yorkville. This zoning district shall apply to all existing and newly annexed land currently used or intended for use as open space, ~~passive~~ recreational areas, and parks identified in Yorkville's park and recreation master plan. These regulations are also intended to provide for the protection, conservation and utilization of high quality natural resources; preservation of wildlife habitats; creation of scenic vistas; provision of public gathering areas or facilities for safe and accessible outdoor space; connectivity between other green infrastructure via bike and hiking trails and paths; and to maintain or establish appropriate buffers between differing land use types or intensities. ~~The land use regulations established for the OS-2, open space district are intended to govern the use of city owned recreational areas and park land in the city of Yorkville. This zoning district shall apply to all existing and newly annexed land currently used or intended for use as active recreational areas, public gathering areas or facilities and parks identified in Yorkville's park and recreation master plan. These regulations are also intended to provide safe and accessible indoor and outdoor leisure and entertainment space for the general public while maintaining or establishing an appropriate buffer between differing land use types or intensities.~~
- C. **PI Public Institutional District.** The PI, Public Institutional district zoning designation is intended to provide for the location of properties used or operated by a public entity or private institution. The purpose of the PI District is to recognize that public and institutional facilities provide necessary services to the community.

### 10-3-8. Overlay Districts

- A. All provisions of this title, to the extent that they do not conflict with the standards delineated in this section, shall remain in full force and effect for all properties subject to the provisions of this section.
- B. The standards found in this section shall be used by property owners, developers, City staff members, the Planning and Zoning Commission and the City Council during the design and review of development and redevelopment proposals within the overlay districts. These standards and criteria complement and add to those contained within the City's Comprehensive Plan, as amended, Yorkville Downtown Overlay District Form-Based Code, this title and other land use regulations.
- C. **D-O Downtown Overlay District.** The D-O, Downtown Overlay district designation is intended to guide the development of a mix of uses and a pedestrian oriented environment, to provide for a mix of housing types for people of all ages and lifestyles, and to achieve development that is appropriate in scale and intensity for the overlay district and adjacent neighborhoods.
- A.D. **PD-O Planned Development Overlay District.** The purpose of the PD-O, Planned Development Overlay District is to visually represent areas of the community that are governed by Planned Development Ordinances as detailed in Chapter # of this title.

**10-3-9. Bulk and Dimensional Standards**

The following table of **Table 10-3-9 Bulk and Dimensional Standards** addresses establishes the requirements applicable to the development or use of a lot in a given district.

Zone	Min. Lot Size	Min. Lot Size per DU	Min. Lot Width	Max. Lot Coverage	Setbacks			Building Height	Unit Max. Height
					Min. Front	Min. Side*	Min. Rear		
A-1	-	-	-	-	100' <sup>1</sup>	50'	-	80' (100' for silos)	30'
R-1	12,000 sq. ft.	-	80'	50%	40'	15' (40')	50'	30'	30'
R-2	8,000 sq. ft.	-	70'	45%	25'	10' (30')	30'	30'	30'
R-2D	15,000 sq. ft.	9,000 sq. ft.	100'	50%	30'	10' (30')	30'	30'	30'
R-3	9,000 sq. ft.	7,000 sq. ft.	70' (90' for attached units)	70%	30'	10' (20')	30'	80'	30'
R-4	15,000 sq. ft.	5,000 sq. ft.	70' (90' for attached units)	70%	30'	12' or 60% of building height (20')	40'	80'	40'
B-1	-	-	-	80%	30'	20'	20'	80'	-
B-2	-	-	-	85%	0'	-	20'	80'	-
B-3	-	-	-	80%	50'	20' (30') <sup>7</sup>	20'	80'	-
M	-	-	-	85%	25'	Min. 10% of lot and max. 20'	-	-	-
PI	-	-	-	85%	25'	20' (25')	20'	80'	-
OS	-	-	-	-	30'	10'	20'	80'	-
<b>Notes:</b>									
* Dimensions within ( ) = requirement for side yards adjoining a street.									

[INSERT GRAPHIC]

### 10-3-10. Calculating Bulk and Dimensional Standards

A. Lot Width. Minimum lot width shall be measured at the required front yard setback line.

[INSERT GRAPHIC]

B. Setbacks. A required setback shall be measured by the shortest distance between the applicable lot line and nearest point of the principal use or building or any required yards or fences, except any building features specified in section 10-3-11, which shall not be subject to required setbacks.

[INSERT GRAPHIC]

C. Height. Building and dwelling unit height shall be the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the:

1. Flat Roof: highest point of the roof,

2. Mansard Roof: deck line of roof, or

4.3 Gable, Hip, or Gambrel Roof: mean height level between eaves and ridge.

[INSERT GRAPHIC]

G.D. Lot Coverage. Lot coverage shall be that portion of the lot occupied by the principal building or buildings, accessory buildings, and all other impervious areas such as driveways, roads, sidewalks, parking lots and structures, and any area of concrete asphalt.

[INSERT GRAPHIC]

**Commented [JW1]:** New Section – not included in 3/18/2020 draft

**Commented [JW2]:** Existing language from Chapter 2 definitions

**10-3-11. Permitted Yard Setback Obstructions**

Every part of a required yard setback shall be open and unobstructed from finished grade upward, except as specified in Table 10-3-11 below or as allowed for accessory buildings and structures as detailed in [Section 10-4-15\(A\)](#).

**Commented [JW3]:** New Section – not included in 3/18/2020 draft

Table from 10-3-12

Table 10-3-11 Permitted Yard Setback Obstructions				
Permitted Obstruction	Required Yards			
	All	Front	Side	Rear
Open terraces and decks <sup>1</sup>	P	P	P	P
Awnings and canopies <sup>2</sup>	P	P	P	P
Steps <sup>3</sup>	P	P	P	P
Chimneys <sup>4</sup>	P	P	P	P
Arbors and trellises	P	P	P	P
Landscaping	P	P	P	P
Flagpoles	P	P	P	P
One-story bay windows <sup>5</sup>	P	P	P	P
Ornamental light standards	-	P	P	-
Overhanging eaves and gutters <sup>5</sup>	-	P	P <sup>6</sup>	P
Enclosed, attached or detached off-street parking	-	-	-	P
Balconies, breezeways, and open porches <sup>5</sup>	-	-	-	P
Recreational equipment	-	-	-	P
Air conditioning units <sup>7</sup>	-	-	P	P
<b>Notes:</b>				
1. Not over 4 feet above the average level of the adjoining ground but not including a permanently roofed over terrace or porch.				
2. Adjoining a principal structure not exceeding 3 feet or less into required yard.				
3. 4 feet or less above grade which are necessary for access to zoning lot from a street or alley.				
4. Projecting 18 inches or less into the yard.				
5. Projecting 3 feet or less into the yard.				
6. Projecting into a required yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding 30 inches.				
7. For a distance not exceeding 10 percent of the required yard width, but in no case exceeding 12 inches.				



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### 10-3-12. Permitted and Special Uses

A. The following key shall be used in the interpretation of Table 10-3-12(B) Permitted and Special Uses below.

- 1. Permitted Uses.** Uses which are marked as "P" in the tables shall be allowed subject to all applicable regulations of this title.
- 2. Special Uses.** Uses which are marked as "S" in the tables shall be allowed upon the approval of a special use permit, as detailed in section 10-#-## of this title.
- 3. Temporary Uses.** Uses which are marked as "T" in the tables shall be allowed upon the approval of a temporary use permit, as detailed in section 10-#-## of this title.
- 4. Prohibited Uses.** Uses which are marked as "-" shall be prohibited in the respective district unless it is otherwise expressly allowed by other regulations of this title.
- 5. Uses Not Listed.** If a proposed use is not listed in the tables, the Zoning Administrator, through the administrative interpretation process detailed in section 10-#-##, shall determine if the use is substantially similar to a use listed in the tables. If it is, the use shall be treated in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- 6. Additional Regulation.** If a use has use specific standards, they are referenced in this column. Use specific standards shall apply to permitted and special uses.

**Commented [JW4]:** New Section – not included in 3/18/2020 draft

A-B. Table 10-3-12(B) Permitted and Special Uses establishes the allowed uses in the City's zoning districts.

**Commented [JW5]:** Table consolidated and updated since 3/18/2020 draft

Accessory uses and temporary uses are new sections added to table.

Table 10-3-11(B) Permitted and Special Uses

Use Category	Additional Regulation	Zoning Districts											
		Ag	Open Space	Residential					Business			Mfg.	Inst.
		A-1	OS	R-1	R-2	R-2D	R-3	R-4	B-1	B-2	B-3	M	PI
Agricultural Uses													
Agricultural uses		P	S	-	-	-	-	-	-	-	-	-	P
Apiaries		P	-	-	-	-	-	-	-	-	-	-	P
Commercial feeding of fish, poultry, livestock		S	-	-	-	-	-	-	-	-	-	-	-
Cultivation of nonfood crops and seeds used of cellulosic biofuels production		P	-	-	-	-	-	-	-	-	-	-	-
Farming /Cultivation		P	T	-	-	-	-	-	-	-	-	-	-
Forestation		P	-	-	-	-	-	-	-	-	-	-	-
Grain elevators and storage		P	-	-	-	-	-	-	-	-	-	-	-
Nursery/greenhouses		S	-	-	-	-	-	-	-	-	P	P	P
Recreational camp - private		S	S	-	-	-	-	-	-	-	-	-	-
Riding academies with stables		S	-	-	-	-	-	-	-	-	-	-	-
Roadside stand		P	-	-	-	-	-	-	-	-	-	-	-
Stables or paddocks		P	-	-	-	-	-	-	-	-	-	-	-
Residential Uses													
Dwelling, duplex	10-4-2(A)	-	-	-	-	P	P	P	-	-	-	-	-
Dwelling, multi-unit	10-4-2(B)	-	-	-	-	-	P	P	P	S	S	S	-
Dwelling, single-unit		P	-	P	P	P	P	P	-	-	-	-	-
Dwelling, townhouse	10-4-2(D)	-	-	-	-	-	P	P	-	-	-	-	-
Senior housing, dependent		S	-	S	S	S	S	S	P	P	-	-	P
Senior housing, independent		S	-	S	S	S	S	S	P	P	-	-	P

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Table 10-3-11(B) Permitted and Special Uses

Use Category	Additional Regulation	Zoning Districts												
		Ag	Open Space	Residential						Business			Mfg.	Inst.
		A-1	OS	R-1	R-2	R-2D	R-3	R-4	B-1	B-2	B-3	M	PI	
Lodging Uses														
Bed and breakfast inn		S	-	S	-	-	-	-	S	P	S	-	-	
Hotel/Motel		-	-	-	-	-	-	-	-	P	P	-	-	
Short-term rental	10-4-3(A)	-	-	P	P	P	P	P	-	-	-	-	-	
Commercial Retail Uses														
Adult uses	10-4-4(A)	-	-	-	-	-	-	-	-	-	-	S	S	
Building material sales		-	-	-	-	-	-	-	-	P	P	P	-	
Liquor store		-	-	-	-	-	-	-	P	P	P	-	-	
Pawnbrokers/pawnshops		-	-	-	-	-	-	-	P	P	P	-	-	
Retail store, general - less than one (1) acre		-	-	-	-	-	-	-	P	P	P	S	-	
Retail store, general greater than one (1) acre		-	-	-	-	-	-	-	-	-	P	-	-	
Commercial Service Uses														
Adult daycare facility		-	-	S	S	S	S	-	P	P	P	S	S	
Animal hospital		S	-	-	-	-	-	-	-	-	P	S	-	
Art galleries/art studio		-	-	-	-	-	-	-	-	P	P	P	P	
Auction house		P	-	-	-	-	-	-	-	-	-	-	-	
Campground		S	S	-	-	-	-	-	-	S	S	-	-	
Commercial laboratory		-	-	-	-	-	-	-	P	P	P	P	-	
Commercial/trade school		-	-	-	-	-	-	-	P	P	P	S	-	
Daycare facility and preschools		-	-	S	S	S	S	-	P	P	P	S	S	
Entertainment production studios		-	-	-	-	-	-	-	P	P	P	P	-	
Financial institutions and services		-	-	-	-	-	-	-	P	P	P	-	-	
Funeral home/mortuary		-	-	-	-	-	-	-	P	P	P	-	-	
Health and fitness club/center		-	-	-	-	-	-	-	-	P	P	P	-	
Indoor shooting gallery/range	10-4-5(A)	-	-	-	-	-	-	-	S	S	S	S	-	
Kennel, commercial or private dog kennels		S	-	-	-	-	-	-	-	-	P	-	-	
Massage establishment	3-9	-	-	-	-	-	-	-	P	P	P	-	-	
Off track betting (OTB) establishments		-	-	-	-	-	-	-	-	S	S	-	-	
Professional services/offices		-	-	-	-	-	-	-	P	P	P	-	-	
Public storage facilities/mini warehouse storage	10-4-5(B)	-	-	-	-	-	-	-	-	P	P	P	-	
Tattoo and body piercing establishment	3-10	-	-	-	-	-	-	-	P	P	P	P	-	
Veterinary clinic		-	-	-	-	-	-	-	-	-	P	-	-	
Commercial Entertainment Uses														
Amusement park		S	S	-	-	-	-	-	-	-	S	S	S	
Commercial entertainment, indoor		-	-	-	-	-	-	-	T	P	P	S	P	
Commercial entertainment, outdoor		-	-	-	-	-	-	-	S	S	S	S	P	
Community / Recreation center		-	-	-	S	S	S	S	P	P	P	S	P	
Golf course, miniature		S	-	-	-	-	-	-	-	-	P	-	-	

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Table 10-3-11(B) Permitted and Special Uses

Use Category	Additional Regulation	Zoning Districts												
		Ag	Open Space	Residential						Business			Mfg.	Inst.
		A-1	OS	R-1	R-2	R-2D	R-3	R-4	B-1	B-2	B-3	M	PI	
Golf course	10-4-6(A)	S	-	P	P	P	P	P	-	-	-	-	-	
Golf driving range		S	-	-	-	-	-	-	-	P	P	S	-	
Indoor Event/Recreation Conversion		-	-	-	-	-	-	-	-	-	P	P	-	
Outdoor music venues		-	-	-	-	-	-	-	S	S	S	S	S	
Skating rink		-	-	-	-	-	-	-	-	P	P	S	-	
Stadium		-	-	-	-	-	-	-	-	-	S	S	P	
Swimming pool - indoor		-	P	-	-	-	-	-	P	P	P	S	P	
Theater		-	-	-	-	-	-	-	P	P	P	-	-	
Eating and Drinking Uses														
Brewery/Winery/Distillery tasting room		-	-	-	-	-	-	-	P	P	P	P	-	
Microbrewery/brewpub, microdistillery and microwinery	10-4-7(A)	-	-	-	-	-	-	-	P	P	P	P	-	
Restaurant		-	-	-	-	-	-	-	P	P	P	-	-	
Tavern - nightclub or lounge		-	-	-	-	-	-	-	P	P	P	-	-	
Prepared Food Service Establishment		-	-	-	-	-	-	-	P	P	P	-	-	
Medical Uses														
Hospital		S	-	S	S	S	S	S	P	P	P	-	P	
Medical clinic / office		-	-	-	-	-	-	-	P	P	P	-	-	
Treatment center		-	-	-	-	-	-	-	P	P	P	-	-	
Vehicle Related Uses														
Automobile parts/accessories sales		-	-	-	-	-	-	-	-	P	P	-	-	
Automobile rental	10-4-9(A)	-	-	-	-	-	-	-	-	P	P	-	-	
Automobile repair		-	-	-	-	-	-	-	-	-	P	P	-	
Automobile sales and service/open sales lot	10-4-9(A)	-	-	-	-	-	-	-	-	-	P	S	-	
Boat sales and rental	10-4-9(A)	-	S	-	-	-	-	-	P	P	P	-	P	
Boat storage		-	S	-	-	-	-	-	S	S	S	S	P	
Car wash		-	-	-	-	-	-	-	-	-	P	P	-	
Gasoline service station		-	-	-	-	-	-	-	-	S	S	S	-	
Heavy machinery and equipment rental		-	-	-	-	-	-	-	-	P	P	P	-	
Recreational vehicle sales and service	10-4-9(A)	-	-	-	-	-	-	-	-	-	P	-	-	
Semi-truck repair		-	-	-	-	-	-	-	-	-	P	P	-	
Truck and trailer rental	10-4-9(A)	-	-	-	-	-	-	-	-	-	P	P	-	
Truck, truck-tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal		-	-	-	-	-	-	-	-	-	-	P	-	
Industrial Uses														
Aggregate materials extraction, processing and site reclamation (stone and gravel quarries)		-	-	-	-	-	-	-	-	-	-	S	-	
Artisan manufacturing	10-4-10(A)	-	-	-	-	-	-	-	P	P	P	-	-	
Assembly, production, manufacturing, testing, repairing, or processing	10-4-10(B)	-	-	-	-	-	-	-	-	-	-	P	-	

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Table 10-3-11(B) Permitted and Special Uses

Use Category	Additional Regulation	Zoning Districts											
		Ag	Open Space	Residential					Business			Mfg.	Inst.
		A-1	OS	R-1	R-2	R-2D	R-3	R-4	B-1	B-2	B-3	M	PI
Bakery (wholesale)		-	-	-	-	-	-	-	-	-	-	P	-
Blacksmith or welding shop		S	-	-	-	-	-	-	-	-	P	P	-
Brewery/winery/distillery		-	-	-	-	-	-	-	S	S	S	P	-
Contractor facilities with outdoor storage		-	-	-	-	-	-	-	-	-	S	P	-
Data Center												P	P
Dry cleaning plant		-	-	-	-	-	-	-	-	-	-	S	-
Manufacturer / sales of firearms and ammunition		-	-	-	-	-	-	-	-	-	-	P	-
Newspaper publishing		-	-	-	-	-	-	-	-	P	P	P	P
Research laboratories		-	-	-	-	-	-	-	-	-	-	P	-
Wholesaling and warehousing - local cartage express facilities - not including motor freight terminal		-	-	-	-	-	-	-	-	-	-	P	-
Transportation Uses													
Airport		S	-	-	-	-	-	-	-	-	-	S	S
Bus or truck garage		-	-	-	-	-	-	-	-	-	-	P	-
Bus or truck storage yard		-	-	-	-	-	-	-	-	-	-	P	-
Motor freight terminals		-	-	-	-	-	-	-	-	-	-	S	S
Railroad passenger station		S	-	S	S	S	S	S	S	S	S	S	S
Railroad repair shops, maintenance buildings and switching yards		S	-	S	S	S	S	S	S	S	S	S	S
Alternative Energy Uses													
Solar farm	10-4-12(B)	S	S	-	-	-	-	-	-	-	-	S	S
Building mounted solar energy systems	10-4-12(C)	P	-	P	P	P	P	P	P	P	P	P	P
Freestanding solar energy systems - accessory use	10-4-12(D)	P	P	P	P	P	P	P	P	P	P	P	
Freestanding solar energy systems - principal use	10-4-12(E)	S	S	S	S	S	S	S	S	S	S	S	S
Wind farm	10-4-12(F)	S	-	-	-	-	-	-	-	-	-	S	S
Building mounted wind energy system	10-4-12(G)	P	P	P	P	P	P	P	P	P	P	P	P
Freestanding wind energy system - accessory use	10-4-12(H)	P	P	P	P	S	S	S	S	P	P	P	P
Freestanding wind energy system - principal use	10-4-12(I)	S	S	S	S	-	-	-	-	-	-	S	S
Medical and Adult Use Cannabis Uses													
Cannabis Craft Grower	10-4-13(B)	S	-	-	-	-	-	-	-	-	-	S	-
Cannabis Cultivation Center	10-4-13(C)	S	-	-	-	-	-	-	-	-	-	S	-
Cannabis Dispensing Organization	10-4-13(D)	-	-	-	-	-	-	-	-	-	S	S	-
Cannabis Infuser Organization	10-4-13(E)	-	-	-	-	-	-	-	-	-	S	S	-
Cannabis Processing Organization	10-4-13(F)	-	-	-	-	-	-	-	-	-	-	S	-
Cannabis Transporting Organization	10-4-13(G)	-	-	-	-	-	-	-	-	-	-	S	-
Institutional, Public, and Utility Uses													
Cemetery		S	S	S	S	S	S	S	-	-	-	-	P

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Table 10-3-11(B) Permitted and Special Uses

Use Category	Additional Regulation	Zoning Districts												
		Ag	Open Space	Residential						Business			Mfg.	Inst.
		A-1	OS	R-1	R-2	R-2D	R-3	R-4	B-1	B-2	B-3	M	PI	
College, university or junior college		S	-	S	S	S	S	S	P	P	P	-	P	
Communications use		S	-	-	-	-	-	-	-	-	-	-	P	
Electric substation		S	S	S	S	S	S	S	P	P	P	P	P	
Filtration plant		S	-	S	S	S	S	S	-	-	-	P	P	
Fire station		P	-	P	P	P	P	P	P	P	P	P	P	
Library		-	-	P	P	P	P	P	P	P	P	-	P	
Other public utility facilities		S	-	P	P	P	P	P	-	-	-	P	P	
Parks		P	P	P	P	P	P	P	P	P	P	P	P	
Place of worship/assembly		S	-	S	S	S	S	S	P	P	P	S	P	
Playground		-	P	P	P	P	P	P	P	P	P	-	P	
Police station		S	-	P	P	P	P	P	P	P	P	P	P	
Public utility - electric substations and distribution centers, gas regulation centers and underground gas holder stations		S	S	-	-	-	-	-	-	-	-	P	P	
Radio and television towers - commercial		P	P	P	P	P	P	P	P	P	P	P	P	
Sanitary landfill		S	-	-	-	-	-	-	-	-	-	S	S	
School, public or private		-	-	P	P	P	P	P	-	-	-	-	P	
Sewage treatment plant		-	-	S	S	S	S	S	-	-	-	P	P	
Solid waste disposal site		-	-	-	-	-	-	-	S	S	S	P	P	
Utility company maintenance yard		-	-	-	-	-	-	-	-	-	-	P	P	
Utility service yard or garage		-	-	-	-	-	-	-	-	-	-	P	P	
Accessory Uses														
Accessory buildings and structures	10-4-15(A)	P	P	P	P	P	P	P	P	P	P	P	P	
Community Garden		P	P	P	P	P	P	P	P	P	P	P	P	
Dwelling, accessory	10-4-2(B)	P	-	P	S	-	-	-	-	-	-	-	-	
Recreational vehicle, trailer, and boat parking	10-4-15(C)	P	P	P	P	P	P	P	-	-	-	-	-	
Home occupations	10-4-15(D)	P	P	P	P	P	P	P	-	-	-	-	-	
Outdoor displays	10-4-15(E)	-	-	-	-	-	-	-	P	P	P	-	-	
Temporary Uses														
Mobile food vendor vehicles and retail vendor vehicles	10-4-16(A)	T	T	T	T	T	T	T	T	T	T	T	T	
Storage of roadway construction materials and equipment	10-4-16(B)	T	T	T	T	T	T	T	T	T	T	T	T	
Temporary and seasonal uses	10-4-16(C)	-	-	-	-	-	-	-	T	T	T	-	-	
Tents	10-4-16(D)	T	T	T	T	T	T	T	T	T	T	T	T	

**REVIEW GUIDE**

Existing Text

New Text

Deleted or Moved Text

References to be updated

Direction from City needed

## Chapter 4. Use Standards

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### 10-4-1. Agricultural Use Standards

RESERVE

### 10-4-2. Residential Use Standards

#### A. Dwelling, Duplex

1. The main entrances to a duplex shall face the primary street.
2. A minimum of one (1) of the parking spaces, as required in Section 10-5-# of this Title, shall be provided in an attached or detached garage.
3. Attached garages are encouraged to be located on rear or side façades. If attached garages are located on the primary façade they shall:
  - a. Not exceed forty-five (45) percent of the width of the façade of a duplex unit.
  - b. Be setback a minimum of twenty-five (25) feet from the street right-of-way or the required front yard setback, whichever is greater, and
  - a-c. Be recessed from the primary front façade (excluding porches) of the duplex / townhome a minimum of one (1) foot.

**Commented [JW1]:** Discussion point for committee – should similar standards apply to SFD?

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[INSERT GRAPHIC]

**B. Dwelling, Multi-Unit.**

1. The main entrance to a multi-unit dwelling shall face the primary street, unless otherwise allowed in subsection 7 below.
2. All off-street parking shall be located to the side or rear of the primary building. Off-street parking located to the side of the primary building shall be set back a minimum of one (1) foot from the front elevation of the primary building.
3. A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise recommended by the Public Works Director and approved by the Planning and Zoning Commission.
4. Service areas, dumpsters, utilities and the required nonvegetative screening thereof shall not be visible from rights-of-way.
5. **Multi-Building Developments.** Developments with multiple multi-unit dwelling buildings shall meet the following additional standards.
  - a. The primary façade shall include the primary building entrance and shall be oriented towards the following (listed in priority order). Primary façades shall not be oriented towards off-street parking lots, garages, or carports.
    - (1) Perimeter Streets.
    - (2) Primary Internal Streets.
    - (3) Parks or other common open space, or
    - (4) Secondary internal streets.
  - b. Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
  - c. Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.
  - b.d. Buildings and other site improvements shall be clustered to maximize contiguous areas that can be dedicated to stormwater management.

[INSERT GRAPHIC]

**C. Dwelling, Townhouse.**

1. The main entrance to a townhouse shall face the primary public street unless otherwise approved.
2. A minimum of one (1) of the parking spaces, as required in Section 10-5-# of this UDO, shall be provided in an attached or detached garage.
3. Attached garages shall be located on rear or side façades unless otherwise approved.
4. A maximum of six (6) townhouse units may be clustered together.
- ~~2-5.~~ The siting of the townhouse units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.

[INSERT GRAPHIC]

### 10-4-3. Lodging Use Standards

#### A. Short-Term Rental

1. A residential building/unit shall only be utilized for short-term rental if it is the primary residence of the owner of the property.
2. The short-term rental period shall be a minimum of three (3) days.
3. A residential building/unit may be utilized for short term rental for a maximum of thirty (30) days per calendar year.

**Commented [JW2]:** Keep in as discussion point – will likely be eliminated

Clarify that hotel tax would still apply

### 10-4-4. Commercial Retail Use Standards

#### A. Adult Uses

1. **Limitations on Adult Uses.** ~~Adult uses shall be permitted as special uses in the M-1, limited manufacturing and M-2, general manufacturing districts and are further subject to the following restrictions:~~
  - a. *Distance from another existing adult use:* An adult use shall not be allowed within five hundred (500) feet (500') of another preexisting adult use.
  - b. *Distance from zoning districts:* An adult use shall not be located within seven hundred (700) feet (700') of any zoning district which is zoned for single-family suburban residence district (R-1), single-family-unit traditional residence district (R-2), duplex, two-unit family attached residence district (R-2D), multi-unit family attached residence district (R-3), general multi-unit family residence district (R-4), office district (O), local business district (B-1), retail-commerce-business mixed use district (B-2), general business district (B-3), service-business district (B-4), agricultural district (A-1).
  - c. *Distance from school or place of worship:* An adult use shall not be located within five hundred (500) feet (500') of a preexisting school or place of worship.
  - d. *Distance from business selling alcoholic beverages and cannabis dispensaries:* An adult use shall not be located in a building ~~structure~~ which contains another business that sells or dispenses in some manner alcoholic beverages or adult use or medical cannabis.
  - e. *Arterial roadways:* Adult uses which are located next to an arterial roadway, as defined in the City's comprehensive plan, must provide a twenty five (25) foot (20') setback from ~~the any~~ property line.
  - f. *Nonarterial roadways:* Adult uses which are located next to a nonarterial roadway, as defined in the City's comprehensive plan, must provide a ten (10) foot (40') setback from the side and rear property lines and shall provide a twenty five (25) foot setback from the front property line.
  - g. *Traffic study:* A ~~T~~ traffic study may be required as part of the special use permit approval process.
2. **Measurement of Distance.** For the purposes of this ~~chapter~~ Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the lot or parcel containing the adult use to the property line of the lot or parcel containing the nearest adult use, school, place of worship, cannabis dispensary, or district zone for residential use.
3. **Exterior Signage and Display.** No adult use shall be conducted in any manner that permits the observation of any material, depicting, describing, or relating to "specified sexual activities", "specified anatomical areas" or otherwise deemed to be obscene by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use.
4. **Display of License and Permit.** Every licensee (per Section 10-7-#) shall display a valid license in a conspicuous place within the adult use business so that same may be readily seen by persons entering the premises.

**Commented [JW3]:** Existing language from Chapter 14

10-14-1-2 are proposed to be moved to Chapter 2: Definitions

10-14-5-8 are proposed to be moved to Chapter 7: Administration and Enforcement

**Commented [JW4]:** Minimum front yard setback in M District



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5. **Employment of Persons Under the Age of Eighteen (18) Prohibited.** It shall be unlawful for any adult use licensee or ~~his~~their manager or employee to employ in any capacity within the adult business any person who is not at least eighteen (18) years of age.

6. ~~**Illegal Activities on Premises.** No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by an ordinance of the City or law of the state or of the United States.~~

**Commented [JW5]:** Unnecessary language – illegal activities are prohibited on all premises

7. ~~6.~~ **Hours of Operation.** All areas within the premises of an adult ~~oriented~~ use business shall be cleared of customers and secured from customers and the public in general during the time when not permitted open for operation, and no person, other than the licensee or ~~his~~her~~their~~ employees or agents, shall be permitted within the area of such premises during such hours as listed below:

a. Monday through ~~Thursday~~Saturday: 7:00am to 1:00am the next day

b. ~~Friday and Saturday: 7:00am to 1:00am the next day~~

c. ~~b.~~ Sunday: 11:00am to 1:00am the next day

8. ~~7.~~ **Violation and Penalty.** Each day of violation of the requirements of this Section shall constitute a separate and punishable offense.

### 10-4-5. Commercial Service Use Standards

#### A. Indoor Shooting Gallery/Gun Range.

**Commented [JW6]:** Existing language from 10-6-1(D)

1. When located in a multiple-tenant building, shall only be located in an end unit and with the gallery/range not adjacent to an adjoining unit.
2. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet ~~(50')~~ from any property line that abuts a residentially zoned property.
3. The retail operations of any indoor shooting gallery/gun ranges shall occupy not more than twenty-five (25) percent ~~(25%)~~ of the total floor area.

#### B. Public Storage Facilities/Mini Warehouse Storage.

**Commented [JW7]:** Existing language from 10-6-1(J)

1. All storage facilities shall be in completely enclosed buildings or structures.
1. ~~If the facility is within one hundred fifty feet (150') of a residential district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage buildings and suitably landscaped consistent with the City's landscape ordinance.~~
2. ~~A minimum of three (3) parking spaces shall be provided.~~
2. There shall be a minimum of twenty (20) feet (20') between buildings.
3. Truck and storage pod rentals are permitted accessory uses.

### 10-4-6. Commercial Entertainment Use Standards

#### A. Golf Course.

**Commented [JW8]:** Existing language from 10-6-1(C) and 10-9-3

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1. Regulation size golf courses are permitted provided that no clubhouse or accessory building shall be nearer than five hundred ~~(500) feet (500)~~ to any dwelling on an adjacent zoning lot, with the exception of golf courses in the A-1 District where the minimum separation requirement shall be three hundred (300) feet.

### 10-4-7. Eating and Drinking Use Standards

#### A. Microbrewery/Brew Pub, Micro Distillery and Microwinery.

**Commented [JW9]:** Existing language from 10-6-1(G-H)

1. **Microbreweries/Brew Pubs.**
  - a. Microbreweries/brewpubs, where if off-premises consumption is allowed, all sales must be in a hand capped, sealed container with a total maximum production of one hundred fifty-five thousand (155,000) gallons per calendar year inclusive of on-premises and off-premises sales.
  - b. Microbrewery/brewpub operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five (25) percent ~~(25%)~~ of the total floor area.
2. **Microdistilleries and Microwineries.**
  - a. Outdoor storage of equipment, production waste or product for microdistilleries and microwineries is strictly prohibited when located in a business district. However, outdoor storage of spent grains or grapes may be permitted to be stored outdoors in appropriate silos or containers in the manufacturing districts, provided the storage is screened from public view. Screening may be with fencing, landscaping or a combination of both.
  - b. ~~All microdistilleries and microwineries are subject to chapter 13, article C, "Performance Standards", of this title with regards to foul odors, fire and explosive hazards and smoke.~~
  - c. All microdistilleries and microwineries located in business districts must have off-street or rear accessible loading and unloading facilities.
  - d. Microdistilleries or microwineries located in business districts must include an ancillary tasting room with a minimum of one hundred fifty (150) square feet. Retail sales of the product from a microdistillery or microwinery are permitted on-site and shall be consistent with state and City laws.

**Commented [JW10]:** Performance standards proposed to be applicable to all uses.

### 10-4-8. Medical Use Standards

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### 10-4-9. Vehicle Related Use Standards

#### A. Automobile Rental; Automobile Sales and Service/Open Sales Lot; Boat Sales and Rental; Recreational Vehicle Sales and Rental; and Truck and Trailer Rental.

1. Open sales and rental lots shall be exempt from the landscape spacing requirements for the parking area perimeter zone and instead may cluster required landscape elements in order to preserve views to goods offered for sale.

### 10-4-10. Industrial Use Standards

#### A. Artisan Manufacturing.

1. Gross floor area shall not exceed ten thousand (10,000) square feet.
2. Outdoor storage and/or outdoor operations or activities shall be prohibited.
3. Retail sales of goods manufactured on-site shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

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4. A maximum of one (1) residential unit shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

### A.B. Manufacturing Uses Assembly, Production, Manufacturing, Testing, Repairing, or Processing.

1. All business, production, servicing and processing related activity shall take place within completely enclosed buildings unless otherwise specified.
2. Within one hundred fifty (150) feet (150') of a residence district a residentially zoned property or a property in the B-1, B-2, or PI Districts, all storage shall be in completely enclosed buildings or structures, and
3. Storage not located elsewhere in the manufacturing districts within one hundred (150) feet of a residentially zoned property or a property in the B-1, B-2, or PI Districts may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least with a minimum height of eight (8) feet (8') high, but in no case shall the solid walls or fences be lower in height than the enclosed storage, and suitably landscaped.
4. Solid fences or walls enclosing storage shall be meet the building foundation landscape requirements per Section 10-5. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) tons' capacity may be unenclosed throughout the manufacturing districts, except for such screening of parking and loading facilities as may be required under provisions of chapter 16 of this title.

## 10-4-11. Transportation Use Standards

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## 10-4-12. Alternative Energy Use Standards

### A. General Requirements for all Alternative Energy Uses.

1. **Applicability.** The provisions of this chapter Section are to establish zoning parameters by which solar and wind energy systems may be installed in the City. Additional renewable energy solutions not mentioned herein may be authorized subject to compliance with the applicable codes and standards of the City.
2. **Use.** Alternative energy systems shall be an accessory to the principal permitted use of a site.
3. **Abandoned Systems.** All alternative energy systems inactive or inoperable for twelve (12) continuous months shall be deemed abandoned. If the system is deemed abandoned, the owner is required to repair or remove the system from the property at the owner's expense within ninety (90) days after notice from the City. If the owner does not comply with said notice, the Building Code Official shall enforce this as a violation of the Yorkville Zoning Ordinance.
4. **Signage.** No attention getting device is permitted on any alternative energy system. One (1) sign shall be permitted to indicate the emergency contact information of the property owner or operator. Said sign shall not exceed two (2) square feet in size. Graphics, colors, corporate logos, and text on wind energy systems located within business or manufacturing zoned properties are permitted, subject to the discretion of the City Council.
5. **Utility Service Provider.** Evidence that the electric utility service provider that serves the proposed site has been notified of the owner's intent to install an interconnected customer owned electricity generator.
6. **Safety.** All wind energy systems shall be equipped with manual and/or automatic controls and mechanical brakes to limit rotation of blades to prevent uncontrolled rotation.
7. **Lighting.** Alternative energy systems shall not be illuminated, except as required by the FAA or those used in commercial applications such as streetlights.
8. **Shadow Flicker.** Defined as the on and off strobe light effect caused by the shadow of moving turbine blades cast by the sun passing through the rotating turbine. No habitable portion of an existing adjacent structure shall be subject to

**Commented [JW11]:** Existing language from Chapter 19

10-19-3: Definitions proposed to be moved to Chapter 2: Definitions

10-19-9: Permitting Fees proposed to be moved to Chapter 7: Administration and Enforcement

**Commented [JW12]:** Proposed to move this language to Chapter 2: Definitions

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shadow flicker from a wind turbine. Shadow flicker onto an adjacent roof and/or exterior wall which does not contain any windows, doors, and like openings shall be acceptable. If shadow flicker occurs, the operation of the wind turbine shall cease during those times which cause the shadow flicker.

9-8. Screening. There shall be no required mechanical screening for alternative energy systems.

40-9. Design. Wind energy systems and associated tower shall be a nonreflective color. The City Council may impose such conditions as are necessary to eliminate, if at all possible, any adverse ~~affects-effects~~ such system may have on surrounding properties.

44-10. Compliance. Wind energy systems shall meet or exceed current standards of the international building code and Federal Aviation Administration (FAA) requirements, any other agency of the state or federal government with the authority to regulate wind energy systems, and all City codes.

42-11. Building Code/Safety Standards. Any owner or operator of an alternative energy system shall maintain said system in compliance with the standards contained in the current and applicable state or local building codes and any applicable standards for said energy systems that are published by the International Building Code, as amended from time to time. If, upon inspection, the United City of Yorkville concludes that an alternative energy system fails to comply with such codes and standards and constitutes a danger to persons or property, the City Code Official shall require immediate removal of the system at the owner's expense.

### B. Solar Farm.

1. No solar farm shall be erected on any lot less than four (4) acres in size.
2. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.
3. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
4. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.
5. Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:
  - a. Front and Corner Yards: one hundred (100) feet.
  - b. Side and Rear Yards: fifty (50) feet from nonresidential property lines and one hundred (100) feet from residential property lines.
6. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
  - a. Warnings.
    - (1) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.
    - (2) The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Officer monthly. The recorded calls shall be maintained for at least twelve (12) months.

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7. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.
8. **Materials Handling, Storage, and Disposal.**
  - a. All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
  - b. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal laws.
9. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the solar farm project is properly decommissioned, which shall include:
  - a. Provisions describing the triggering events for decommissioning the solar farm project. Any nonfunctioning solar panel/array of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such solar panel/array or component.
  - b. Procedures for the removal of structures, debris, and cabling, including those below the soil surface.
  - c. Provisions for the restoration of the natural soil and vegetation.
  - d. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
  - e. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.
  - f. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.
- 10.

### **B.C. Building-Mounted Solar Energy Systems.**

1. **Location.** Please refer to section 10-6-0, Table 10.06.07 of this title for placement of alternative energy systems within each specified zoning district. Building-mounted solar energy systems are allowed on the principal and accessory structures, any roof face and side and rear building facades. The systems are allowed on the front or exterior side building facades if the following conditions are met:
  - a. Solar access is optimized on the front and exterior side facades.
  - b. Systems are simultaneously used to shade the structure's doors or windows. See Figure 10-19-8C of this section.
2. **Height.** Systems shall not extend beyond three (3) feet (3') parallel to the roof surface of a pitched roof. Nor shall the system extend beyond four (4) feet (4') parallel to the roof surface of a flat roof unless completely concealed or equal to the height of the parapet wall, whichever is greater. If the system is flush-mounted, the system must be less than eight (8) inches (8") from the roof surface. Refer to Figure 10-19-8A of this sectionSection.
3. **Quantity.** The total square footage may not exceed the total area of the roof surface of the structure to which the system is attached.

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4. **Projection.** The system may project up to four ~~(4)~~ feet ~~(4)~~ from a building facade or roof edge. The system may project into an interior side or interior rear setback but shall be no closer than five ~~(5)~~ feet ~~(5)~~ to the interior side or interior rear property line. Refer to **Figure 10-19-8B** of this section.

[INSERT GRAPHIC]

**C.D. Freestanding Solar Energy Systems – Accessory Use.**

- ~~1. **Location.** Please refer to section 10-6-0, Table 10.06.07 of this title for placement of alternative energy systems within each specified zoning district.~~
- ~~2.1. **Setbacks.** All parts of any freestanding solar energy system shall be set back eight ~~(8)~~ feet ~~(8)~~ from the interior side and interior rear property lines.~~
- ~~3.2. **Permitted Yard Locations.** Freestanding solar energy systems shall not be located within the required front yard or corner side yard. They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding solar energy system shall be prohibited.~~
- ~~4. **Clearance.** Minimum clearance between the lowest point of the system and the surface on which the system is mounted is ten feet (10'). Refer to **Figure 10-19-7A** of this section.~~
- ~~5.3. **Solar Glare.** Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.~~
- ~~6.4. **Maximum Height.** Maximum height of freestanding solar energy systems shall be ~~subject to special use conditions~~ fifteen (15) feet unless otherwise approved.~~

[INSERT GRAPHIC]

**E. Freestanding Solar Energy Systems – Principal Use.**

- ~~1. **Setbacks.** All parts of any freestanding solar energy system shall meet the setbacks established for the district in which the system is located.~~
- ~~2. **Permitted Yard Locations.** Freestanding solar energy systems shall not be located closer to the public right-of-way than the front facade of the principal building on the adjacent lot(s). They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding solar energy system shall be prohibited.~~
- ~~3. **Clearance.** Minimum clearance between the lowest point of the system and the surface on which the system is mounted is ten (10) feet. Refer to **Figure 10-19-7A** of this Section.~~
- ~~4. **Solar Glare.** Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.~~
- ~~7.5. **Maximum Height.** Maximum height of freestanding solar energy systems shall be fifteen (15) feet unless otherwise approved.~~

[INSERT GRAPHIC]

**D.F. Wind Farm.**

- ~~1. No wind farm shall be erected on any lot less than four (4) acres in size.~~
- ~~2. **Design and Installation.**~~
  - ~~a. **Safety Certification.**~~

**Commented [JW13]:** Language derived from standards from LaSalle, Kankakee, and Livingston Counties

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- (1) Wind farm systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party prior to plan approval.
- (2) Following plan approval, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind farm system is within accepted professional standards, given local soil and climate conditions.
- b. **Controls and Brakes.** All wind farm systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- c. **Electrical Components.** All electrical components of the wind farm systems shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.
- d. **Turbine Consistency.** To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.
- e. **Warnings.**
  - (1) A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
  - (3) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.
  - (4) The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Officer monthly. The recorded calls shall be maintained for at least twelve (12) months.
- f. **Climb Prevention.** All wind farm towers must be unclimbable by design or protected by anti-climbing devices such as:
  - (1) Fences with locking portals at least six (6) feet high, or
  - (2) Anti-climbing devices twelve (12) feet vertically from the base of the wind farm tower.
- g. **Setbacks.** Wind farm towers and appurtenant structures shall meet the following minimum setbacks.
  - (1) Wind farm towers shall be six (6) times the height of the wind farm tower or at least three thousand, two hundred fifty (3,250) feet, whichever is greater, from any principal structure or use on the subject or neighboring property.
  - (2) Wind farm towers shall be one and one-tenth (1.10) times the wind farm tower height from public roads, third party transmission lines, and communication towers.

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- (3) Wind farm towers shall be one thousand six hundred forty (1,640) feet from adjacent property lines, as measured from the center of the wind farm tower foundation.
- (4) No part of a wind farm tower or foundation shall encroach on a public or private sewage disposal (septic) system
- (5) Above ground transmission facilities and poles shall be set back one-hundred fifty (150) feet from any portion any principal structure or use on the subject or neighboring property.
- h. **Use of Public Roads.** An applicant, owner, or operator proposing to use any City or County Road for the purpose of transporting and installation of wind farm or substation parts and/or equipment for construction, operation, or maintenance of the wind farm or substations, shall:
  - (1) Identify all such public roads, and
  - (2) Obtain applicable weight and size permits from relevant government agencies prior to construction.
  - (3) To the extent an applicant, owner, or operator must obtain a weight or size permit from the City, County, or State, the applicant shall provide:
    - (a) Financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the wind farm prior to the issuance of building permits.
    - (b) A signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.
- i. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

**3. Operation.**

**a. Maintenance.**

- (1) The owner or operator of the wind farm must submit, upon request a summary of the operation and maintenance reports to the county. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports as the City reasonably requests.
- (2) Any replacement of equipment that is not a like-kind replacement using the same equipment in plan as approved shall require that an amendment to the special use.

**b. Materials Handling, Storage, and Disposal.**

- (1) All solid wastes related to the construction, operation, and maintenance of the wind farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
- (2) A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the wind farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

**c. Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the wind farm project is properly decommissioned, which shall include:

- (1) Provisions describing the triggering events for decommissioning the wind farm project. Any nonfunctioning wind turbine of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such wind turbine or component.



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- (2) Procedures for the removal of structures, debris, and cabling, including those below the soil surface.
- (3) Provisions for the restoration of the natural soil and vegetation.
- (4) An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
- (5) Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.
- (1)(6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

**E.G. Building-Mounted Wind Energy Systems.**

1. Location. Please refer to section 10-6-0, Table 10.06.07 of this title for placement of alternative energy systems within each specified zoning district. Building-mounted wind energy systems are allowed on all principal and accessory structures and shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and may not be affixed to the parapet or chimney of any structure.
- 1.2. Setback. The systems must be set back a minimum of five (5) feet (5') from the edge or eave of the roof.
- 2.3. Quantity. One (1) turbine is allowed for every five hundred (500) square feet of the combined roof area. For a pitched roof, each surface of the roof shall be included in the roof area calculation.
- 3.4. Noise. Building-mounted wind energy systems shall not exceed the following:
  - a. Fifty-five (55) dBA when in or adjacent to all residential districts.
  - b. Sixty (60) dBA when in or adjacent to all nonresidential districts.
5. Height. The maximum height for a building-mounted wind energy system is fifteen (15) feet (45'). The system is measured from the roof surface on which the system is mounted to the highest edge of the system with the exception of any roof pitches ten to twelve (10:12) or greater. The system shall not exceed fifteen (15) feet (45') above the maximum permitted height of the zoning district. Refer to Figure 10-19-6A of this sectionSection.
6. Warnings.
  - a. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
  - c. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.
  - e.d. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Officer monthly. The recorded calls shall be maintained for at least twelve (12) months.

[INSERT GRAPHIC]

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**F.H. Freestanding Wind Energy Systems – Accessory Use.**

1. **Location.** Please refer to section 10-6-0, Table 10.06.07 of this title for placement of alternative energy systems within each specified zoning district.
- 2.1. **Clearance.** In all zoning districts, the minimum clearance between the lowest tip of the rotor or blade and the ground is fifteen (15) feet (15). See Figure 10-19-5A of this Section.
- 3.2. **Permitted Yard Locations.** Freestanding wind energy systems shall not be located within the required front yard or corner side yard. They shall not be permitted within any utility, storm or drainage, water, sewer, or other type of public easement. The use of guywires as supports for a freestanding wind energy system shall be prohibited.
- 4.3. **Height.** The maximum height for a freestanding wind energy system shall be one hundred seventy-five (175) feet (175) measured from the base to the highest edge of the system.
- 5.4. **Setbacks.** The base of the system shall be set back 1.1 times (110 percent) the height of the highest edge of the system from all property lines, overhead utility line poles, communication towers, public sidewalks or trails, public rights-of-way, and other freestanding wind energy systems. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.
- 6.5. **Access.** Freestanding wind energy systems and all components shall be protected against unauthorized access by the public. Climbing access to the tower shall not start until twelve (12) feet (12) above grade.
- 7.6. **Noise.** Freestanding wind energy systems shall not exceed the following:
  - a. Fifty five (55) dBA when in or adjacent to all residential districts.
  - b. Sixty (60) dBA when in or adjacent to all nonresidential districts.

[INSERT GRAPHIC]

**I. Freestanding Wind Energy Systems – Principal Use.**

1. **Clearance.** In all zoning districts, the minimum clearance between the lowest tip of the rotor or blade and the ground is fifteen (15) feet. See Figure 10-19-5A of this Section.
2. **Permitted Yard Locations.** All parts of any freestanding wind energy system shall meet the setbacks established for the district in which the system is located.
3. **Height.** The maximum height for a freestanding wind energy system shall be one hundred seventy-five (175) feet measured from the base to the highest edge of the system.
4. **Setbacks.** The base of the system shall be set back 1.1 times (110 percent) the height of the highest edge of the system from all property lines, overhead utility line poles, communication towers, public sidewalks or trails, public rights-of-way, and other freestanding wind energy systems. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.
5. **Access.** Freestanding wind energy systems and all components shall be protected against unauthorized access by the public. Climbing access to the tower shall not start until twelve (12) feet above grade.
6. **Noise.** Freestanding wind energy systems shall not exceed the following:
  - a. Fifty five (55) dBA when in or adjacent to all residential districts.
  - b. Sixty (60) dBA when in or adjacent to all nonresidential districts.
7. **Warnings.**

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- a. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
- c. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Officer.
- e. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Officer monthly. The recorded calls shall be maintained for at least twelve (12) months.

[INSERT GRAPHIC]

#### 10-4-13. Medical and Adult Use Cannabis Use Standards

A. General Requirements for all Cannabis Uses.

1. **Business Hours.** Business hours for all cannabis businesses shall be from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays.
2. **On-Premises Consumption.** On-premises consumption of cannabis products in all cannabis businesses operations is prohibited.
3. **Signage.**
  - a. Recreational cannabis dispensaries shall be limited to one (1) wall-mounted sign per business.
  - b. All cannabis establishments shall be prohibited from having electronic message board signs.
  - c. Signage for cannabis establishments shall not contain cannabis imagery such as leaves, plants, smoke, paraphernalia, or cartoonish imageries.

B. **Cannabis Craft Grower.**

1. Facility may not be located within five hundred ~~(500)~~ feet ~~(500')~~ of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, ~~public parks~~ or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
2. Facility may not be located within two hundred fifty ~~(250)~~ feet ~~(250')~~ of the property line of a pre-existing property zoned or used for residential purposes, unless in the A-1 zoning district where the residential use is owned by the same owner as the adult-use cannabis craft grower, regardless of corporate boundary.
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. Cannabis craft growers may co-locate with a dispensing organization or a cannabis infuser organization, or both, only on properties zoned within the M-1 or M-2 districts.
5. ~~For purposes of determining required parking, cannabis craft grower shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.~~

**Commented [JW14]:** Existing language from 10-6-1(L)

10-6-1(L)(1): Definitions proposed to be moved to Chapter 2: Definitions

10-6-1(L)(6): Special Use Application Requirements and 10-6-1(L)(7): Standards for Special Use for Cannabis Business proposed to be moved to Chapter 7: Administration and Enforcement

**Commented [JW15]:** Use specific off-street parking requirements proposed to be established.

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~~6.5.~~ Cannabis craft grower shall be limited to one (1) facility within the boundaries of the City.

C. Cannabis Cultivation Center.

1. Facility may not be located within five hundred ~~(500)~~ feet ~~(500')~~ of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, ~~public parks~~ or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this ~~s~~Section.
2. Facility may not be located within two hundred fifty ~~(250)~~ feet ~~(250')~~ of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. ~~For purposes of determining required parking, adult-use cannabis craft growers shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.~~

~~5.4.~~ Cannabis cultivation center shall be limited to one (1) facility within the boundaries of the City.

D. Cannabis Dispensing Organization.

1. Facility may not be located within five hundred ~~(500)~~ feet ~~(500')~~ of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, ~~public parks~~ or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
2. Facility may not be located in a dwelling unit or within two hundred fifty ~~(250)~~ feet ~~(250')~~ of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
3. Facility shall have a maximum gross floor area of five thousand (5,000) square feet, of which at least seventy-five ~~(75)~~ percent ~~(75%)~~ of the floor area occupied by a dispensing organization shall be devoted solely to the activities the dispensing cannabis or cannabis products as authorized by the Act, and shall not sell food or alcohol for consumption on the premises.
4. Drive-through facilities are prohibited.
5. E-commerce delivery service platforms are prohibited.
6. ~~The facility shall be classified as "commercial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.~~

~~7.6.~~ Cannabis dispensing organizations shall be limited to one (1) facility within the boundaries of the City.

E. Cannabis Infuser Organization.

1. Facility may not be located within five hundred ~~(500)~~ feet ~~(500')~~ of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, ~~public parks~~ or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
2. Facility may not be located in a dwelling unit or within two hundred fifty ~~(250)~~ feet ~~(250')~~ of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
3. Infuser organizations may co-locate with a dispensing organization or a cannabis craft grower organizations, or both, only on properties zoned within the M ~~-1 or M-2~~ districts. In such instances, the maximum gross floor area dedicated to

**Commented [JW16]:** Use specific off-street parking requirements proposed to be established.

**Commented [JW17]:** Use specific off-street parking requirements proposed to be established.

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the dispensing organization shall be five thousand (5,000) square feet of which seventy-five (75) percent ~~(75%)~~ of the floor area must be devoted to the activities authorized by the Act.

4. ~~For purposes of determining required parking, said facilities shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.~~

5.4. Cannabis infuser organizations shall be limited to one (1) facility within the boundaries of the City.

### F. Cannabis Processing Organization.

1. Facility may not be located within five hundred (500) feet ~~(500')~~ of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, ~~public parks~~ or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet ~~(250')~~ of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
3. At least seventy-five (75) percent ~~(75%)~~ of the floor area occupied by a dispensing organization shall be devoted solely to the activities the dispensing cannabis or cannabis products as authorized by the Act, and shall not sell food or alcohol for consumption on the premises.
4. ~~For purposes of determining required parking, said facilities shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.~~

5.4. Cannabis processing organizations shall be limited to one (1) facility within the boundaries of the City.

### G. Cannabis Transporting Organization.

1. Facility may not be located within five hundred (500) feet ~~(500')~~ of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, ~~public parks~~ or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
2. Facility may not be located in a dwelling unit or within two hundred fifty (250) feet ~~(250')~~ of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
3. The transporting organization shall be the sole use of the space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
4. ~~For purposes of determining required parking, said facilities shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.~~

5.4. Cannabis transporting organization shall be limited to one (1) within the boundaries of the City.

## 10-4-14. Institutional, Public, and Utility Use Standards

RESERVE

## 10-4-15. Accessory Use Standards

### A. Accessory Buildings and Structures.

**Commented [JW18]:** Use specific off-street parking requirements proposed to be established.

**Commented [JW19]:** Use specific off-street parking requirements proposed to be established.

**Commented [JW20]:** Use specific off-street parking requirements proposed to be established.

**Commented [JW21]:** Existing language from 10-3-5 and 10-3-12

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1. **Enumeration.** Permitted accessory buildings and structures shall include: sheds; toolrooms; similar buildings or structures for domestic or agricultural storage; gazebos; greenhouses; playground equipment; pools; recreational courts; playhouses; stables; garages and parking structures. Refer to section 10-3-12, Table 10.03.01, "Permitted Accessory Buildings, Structures and Obstructions", of this chapter. **Location.** No part of any accessory building or structure shall be located closer than five feet (5') from any side or rear property line of a zoning lot. No accessory building or structure shall be closer than ten feet (10') to any main building or closer to the public way than the principal building on any zoning lot. Accessory buildings or structures shall be located a minimum of ten (10) feet from the primary building and per the following:

- a. If located entirely within the required rear yard the accessory building or structure shall be located a minimum of five (5) feet from side and rear property lines.
- b. If located entirely within the buildable area of the lot the accessory building or structure shall not be located between the primary building and the front property line, or
- c. If located partially in the required rear yard and partially in the buildable area of the lot the accessory building or structure shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line.

[INSERT GRAPHIC]

1. **Location on Reversed Corner Lots.** On a reversed corner lot in a residence district and within fifteen (15) feet of any adjacent property to the rear in a residence district, no accessory building or structure or portion thereof ~~located in a required rear yard~~ shall be closer to the side lot line abutting the street than a distance equal to sixty (60) percent (60%) of the ~~least minimum~~ depth ~~which would be required under this title in Table 10-3-9~~ for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building or structure shall be located within five (5) feet (5') of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residence district.

[INSERT GRAPHIC]

2. **Time of Construction.** No accessory building or structure with a connected water supply shall be constructed on any zoning lot prior to the start of construction of the principal building to which it is accessory, or as provided in **section 10-3-3** of this title for contiguous parcels.
3. **Height of Accessory Buildings or Structures in Required Rear Yards.** No accessory building or structure or portion thereof ~~located in a required rear yard~~ shall exceed fifteen (15) feet (15') in height.

**B. Dwelling, Accessory.**

1. One (1) secondary dwelling unit shall be permitted per lot.
2. Detached secondary dwelling units shall not exceed nine hundred (900) square feet or ten (10) percent of size of the lot, whichever is less.
3. Internal or attached secondary dwelling units shall not exceed nine hundred (900) square feet or thirty (30) percent of the size of the principal building, whichever is less.
4. Detached and attached secondary dwelling units shall be located to the rear of the primary building.
5. Only one (1) entrance shall be located on the front façade of the primary building. Entrances to secondary dwelling units must be located on the side or rear façade.
6. Both the primary structure and the secondary dwelling unit shall be served by one (1) common driveway connecting the secondary dwelling unit to a public or private road.

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7. Parking for the secondary dwelling unit shall be in addition to the parking space(s) required for the primary building. The parking for the secondary dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another within the driveway, with the spaces required for the primary building shall be prohibited.

8. Secondary dwelling units shall be similar in character to the primary building and to abutting properties including roof pitch, eaves, exterior building cladding materials, windows, trim, color, and landscaping.

C. Recreational Vehicle, Trailer, and Boat Parking.

1. Permanently Affixed to Ground Prohibited. Recreational vehicles, trailers, and other recreational equipment shall not be permanently affixed to the ground as principal or accessory structures on a lot in any district.

2. Improved Hard Surface. Recreational vehicles, trailers, boats, and other recreational equipment shall be parking on an improved hard surface, as approved by the City Engineer, only.

3. Number. A maximum of one (1) recreational vehicle, trailer, boat, or other recreational equipment shall be parked on a lot any given time.

4. Location. Recreational vehicles, trailers, boats, and other recreational equipment shall be located per the following:

a. If located on a driveway, the recreational vehicle, trailer, boat, or other recreational equipment shall be located no closer to the front property line than the front elevation of the primary building.

b. If located entirely within the required rear yard the recreational vehicle, trailer, boat, or other recreational equipment shall be located a minimum of five (5) feet from side and rear property lines.

c. If located entirely within the buildable area of the lot the recreational vehicle, trailer, boat, or other recreational equipment shall not be located between the primary building and the front property line, or

d. If located partially in the required rear yard and partially in the buildable area of the lot the recreational vehicle, trailer, boat, or other recreational equipment shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line.

5. Screening. If a recreational vehicle, trailer, boat, or other recreational equipment is parked on a driveway located within the required side yard setback it shall be screened from the adjacent property with an opaque fence with a height of six (6) feet.

D. Home Occupations. The standards for home occupations are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses. Any gainful activity which is not a permitted home occupation as defined in this zoning ordinance title shall be considered a business use and is prohibited in a residence district. Any such use existing on the effective date of this zoning ordinance title shall be subject to provisions of **chapter 15** of this title for the elimination of a nonconforming use.

4.1. In all residence districts, any customary home occupation shall be permitted provided that:

a. It is conducted entirely within the dwelling by the residents of the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes.

b. It is not conducted from a detached or attached accessory building.

c. or It does not require internal or external alteration;

d. or It does not involve construction features or use of equipment not customary in a dwelling;

e. and It the entrance to the space devoted to such occupation shall be from within the dwelling;

**Commented [JW22]:** Existing language on Trailers, Tents, and Boats from 10-3-7 proposed to be replaced

**Commented [JW23]:** Existing language from 10-3-9

**Commented [JW24]:** Would the City like to consider allowing Accessory Commercial Uses (ACU)? Two articles are linked below that detail the benefits ACUs.

<https://www.cnu.org/publicsquare/2021/04/28/accessory-commercial-units-reintroducing-retail-neighborhoods>

<https://www.strongtowns.org/journal/2020/8/15/accessory-commercial-units>

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~~b.f. and n.~~ Not more than twenty-five (25) percent (25%) of the floor area, including the lookout basement, of the dwelling shall be devoted to such home occupation. If more than one (1) home occupation is operated in a residence, the combined total square footage devoted to all such home occupations shall not exceed twenty-five (25) percent (25%) of the floor area of the dwelling;:-

~~e.g.~~ There is no display or activity that will indicate from the exterior of the dwelling that it is being used in part for any use other than a dwelling, ~~except one (1) nameplate, no more than one (1) square foot in area, which contains only the name of the occupant of the dwelling and the home occupation conducted therein and is attached to the dwelling and not illuminated.~~

~~d.h.~~ It is conducted only by the residents of the dwelling, plus only one (1) additional person not living on the premises.-

~~e.i.~~ No electrical or mechanical equipment is used, except such as is customarily used for purely domestic or household purposes;:-

~~f.i.~~ The home occupation shall not generate traffic or deliveries beyond what is normally expected in the zoning district in which it is located and ~~off-street parking for the occupational use shall be provided~~ in accordance with the provisions of chapter 16, "Off-Street Parking and Loading" ~~section 10-5-1~~, of this title;:-

~~g.k.~~ Limited amounts of goods, commodities or stock in trade shall be received, retained, used, or stored on, or physically transferred from the premises;:- ~~Jobbing, wholesale or retail businesses, unless conducted entirely by mail, electronically or telephone, is prohibited.~~

~~h.~~ Teaching of musical instruments and dancing shall be conducted only in a single-family detached dwelling and then to not more than two (2) pupils at one (1) time, and academic or religious instructions may be given to not more than six (6) pupils at one (1) time in a single-family detached dwelling, and not more than one (1) pupil at one (1) time in any other type dwelling unit.

~~i.l.~~ No permitted home occupation(s) shall ~~it does not~~ interfere with the reasonable use and enjoyment of adjacent residential properties, such as, but not limited to, those home occupations that create any form of electromagnetic interference or cause fluctuation in line voltage outside of the dwelling in which the home occupation is conducted;:-

~~j.m.~~ The home occupation ~~it~~ does not generate any solid waste or sewage discharge in a volume or type which is not normally associated with a residential use in the zoning district;:- ~~and~~

~~k.~~ The home occupation does not involve any illegal activity.-

~~l.n.~~ In home daycare/childcare services ~~are permitted as home occupations subject to meet~~ the following provisions:

- (1) Any person operating an in home daycare/childcare service ~~is required to~~ shall obtain a license from the Illinois Department of Children and Family Services before commencing the operation of such service.
- (2) Any person operating an in home daycare/childcare service ~~is also required to~~ shall obtain an operational permit from the Bristol Kendall Fire District.
- (3) In home daycare/childcare services are limited to no more than twelve (12) children under the age of twelve (12) at any one (1) time, ~~or obtain unless approved through a~~ special use permit ~~approval for additional children~~ pursuant to chapter 6 of this title.

~~2.~~ Any home occupation requiring a local, state, or federal license shall be obtained.

~~5.3.~~ The following home occupations are prohibited:

~~a.~~ Selling or manufacturing of firearms;

~~b.~~ Jobbing, wholesale, or retail businesses, unless conducted entirely by mail, electronically, or telephone;



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- a-c. Manufacturing business;
- b-d. Medical clinic or hospital;
- e-e. Animal hospital or kennel (animal grooming services are permitted);
- d-f. Restaurant;
- e-g. Mortuary and funeral parlors; and
- f-h. Any activity that produces noxious matter or employs or produces flammable matter or is in violation of section 10-3-10 of this ~~chapter~~ title.

**B.E. Outdoor Displays.** ~~Supplemental standards for outdoor displays as accessory uses in the business and manufacturing districts outdoor displays are permitted accessory uses provided that the following provisions are met. However, nothing in this section shall waive the prohibition of outdoor storage as defined and regulated in this title.~~

**Commented [JW25]:** Existing language from 10-3-11

1. **Accessory Use.** Outdoor displays shall be permitted only as an accessory use on the same lot as a permitted or special use of the business or operation located there and shall not operate as a separate enterprise.
2. **Nature of Merchandise.** The goods, merchandise, or products offered for sale in an outdoor display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, landscape supplies, propane or other material contained in a pressurized tank, ice/vending machines, recycling containers and automated teller machines (ATM). Goods, merchandise or products that are typically located within a permanent building or structure, such as clothing and prepared food, shall not be offered for sale in a permanent outdoor display area. ~~Temporary sidewalk sales occurring no more than thirty (30) days per calendar year and not for profit fundraising events are exempt from this provision.~~
3. **Prohibition not Waived.** Nothing in this section shall waive the prohibition of outdoor storage as defined and regulated in this title.
4. **Location Placement on Right-of-Way Prohibited.**
  - a. **Setbacks.** Outdoor display areas may be located in front of, on the side of, or behind the primary building, but shall not encroach upon the required minimum yard setbacks for the zoning district in which it is located.
  - b. **Parking.** Outdoor display areas may be located within existing parking spaces but only if there is a sufficient number of other parking spaces available to meet the minimum parking requirements of the use(s) on the property, as provided in section 10-5-1 of this title.
  - c. **Pedestrian Walkways.** Outdoor display areas may be located on a pedestrian walkway if an unobstructed portion of the walkway measuring not less than three (3) feet in width shall be continuously maintained for pedestrian access and no point of ingress or egress from any building or any individual unit within any building shall be blocked at any time.
  - d. **Right-of-Way.** Unless otherwise provided by this title, outdoor display areas shall not be located on any public or private right-of-way.
  - e. **Lawn.** Outdoor display areas may be located on concrete, asphalt, or brick paver areas and shall not be located on lawn areas or required landscape areas.
  - a. —
  - b-f. **Location Near Single-Family Residence District.** No outdoor display areas shall be located within fifty (50) feet (50') of any single-family residentially zoned district, exclusive of rights-of-way.

**Commented [JW26]:** Proposed to be covered under sidewalk sale temporary use standards

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- 4.5. **Size.** Outdoor display areas shall be limited to thirty-five (35) percent (35%) of the gross floor area of the primary building or tenant space to which the outdoor display area is an accessory, with the exception of vehicle, trailer and farming equipment dealerships.
5. ~~**Placement on Lawn Prohibited.** Outdoor display areas may be located on concrete, asphalt, or brick paver areas and shall not be located on lawn areas or required landscaping buffer areas.~~
6. ~~**Access.** Where an outdoor display is located on a sidewalk and/or walkway, an unobstructed portion of the sidewalk and/or walkway measuring not less than three feet (3') in width shall be continuously maintained for pedestrian access and no point of ingress or egress from any building or any individual unit within any building shall be blocked at any time.~~
7. ~~**Parking.** Outdoor display areas may be located within existing parking spaces but only if there is a sufficient number of other parking spaces available to meet the minimum parking requirements of the use(s) on the property, as provided in chapter 16 of this title.~~
8. ~~**Setbacks.** Outdoor display areas may be located in front of, on the side of or behind the primary building, but shall not encroach upon the required minimum yard setbacks for the zoning district in which it is located.~~
- 9.6. **Visibility at Intersections.** No outdoor display shall obstruct visibility at the intersection of two (2) or more roadways, driveways or drive aisles. Outdoor display areas shall comply with the Vision Clearance requirements of section 10-5-6 of this title.
- 10-7. **Maintenance.** All outdoor display areas must be maintained and displayed in a neat, orderly and safe manner at all times.

## 10-4-16. Temporary Use Standards

### A. Mobile Food Vendor Vehicles and Retail Vendor Vehicles

1. **Purpose.** ~~The purpose of this section is to~~ encourage and regulate the operation of mobile food vendor and retail vendor vehicles subject to operational standards, on public and private property within the City. These operational standards and application procedures are intended to recognize the opportunity for unique outdoor portable fare and added convenience to persons living and working within Yorkville, while protecting the health, safety and welfare of the general public.
2. **General Provisions.**
  - a. Mobile food vendor vehicles and mobile retail vendor vehicles shall obtain a certificate of registration from the office of the City Clerk in accordance with **title 3, chapter 5** of this Code.
  - b. Mobile food vendor vehicles and mobile retail vendor vehicles must comply with all federal, state, county, and local business tax, sales tax, and other tax requirements.
  - c. It shall be a violation to operate a mobile food vendor vehicle or mobile retail vendor vehicle at any location except in compliance with the requirements of this section.
  - d. Mobile food vendor vehicles and mobile retail vendor vehicles are permitted in all zoning districts of the City, subject to the location and operational standards established in this title ~~or this Code~~.
  - e. Mobile food vendor vehicles and mobile retail vendor vehicles shall not:
    - (1) obstruct or interfere with the free flow of pedestrian or vehicular traffic, including but not limited to, access to or from any business, public building, or dwelling; ~~vehicle, nor shall it~~

**Commented [JW27]:** Existing language from 10-3-14 with the exception of B. Definitions which is proposed to be moved to Chapter 2: Definitions

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~~(2) restrict the sight distances triangle at driveways and street right-of-way intersections conflict with the vision clearance requirements of section 10-5-6 of this title;~~ or

~~(1)(3)~~ prevent access of emergency vehicles.

e.f. Drive-through vending is prohibited. No vendor shall make sales to any person in a vehicle.

f.g. No amplified music or loudspeakers shall be permitted. Mobile food vendor vehicles and mobile retail vendor vehicles shall comply with the provisions of the performance standards in **section 10-13C-2** of this title. All smoke and odors generated by a mobile food vendor vehicle shall comply with the provisions of the performance standards in **sections 10-13C-3 and 10-13C-4** of this title.

g.h. Any exterior lighting provided on the mobile food vendor vehicles or mobile retail vendor vehicles shall comply with the performance standards in **section 10-13C-7** of this title.

h.i. No sales or service of alcohol shall be allowed by mobile food vendor vehicles.

i.j. Mobile food vendor vehicles and mobile retail vendor vehicles shall provide at least one (1) trash receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic. All litter or debris generated immediately within the vicinity of the mobile food vendor vehicle or mobile retail vendor vehicle shall be collected and removed by the mobile operator.

3. **Location and Operational Standards.**

a. **Mobile Food Vendor Vehicles and Mobile Retail Vendor Vehicles Operating within the Public Right-of-Way.**

- (1) Mobile food vendor vehicles and mobile retail vendor vehicles shall be legally parked in full compliance with all State and local parking provisions which apply to the location at which it is parked, including any sign prohibiting the parking or standing of a vehicle or indicating a parking time limit.
- (2) Operation of mobile food vendor vehicles and mobile retail vendor vehicles within City parks shall be subject to rules and regulations established by the Park Board.
- (3) No unattended mobile food vendor vehicle or mobile retail vendor vehicle shall be parked or left overnight within a public right-of-way or on any other public property.
- (4) Mobile food vendor vehicles or mobile retail vendor vehicles shall not operate within the public right-of-way within five hundred ~~(500)~~ feet ~~(500)~~ from any K—12 school building, as defined by the State of Illinois, between the hours of 7:00 a.m. and 4:00 p.m. on regular school days; unless as part of a permitted special event or rally.
- (5) Mobile food vendor vehicles or mobile retail vendor vehicles shall not be parked within twenty-five ~~(25)~~ feet ~~(25)~~ from a street intersection with a crosswalk, traffic light, or stop sign, or within twenty-five ~~(25)~~ feet ~~(25)~~ from a railroad crossing.
- (6) Mobile food vendor vehicles or mobile retail vendor vehicle operators shall be responsible for organizing customer queuing in a manner that maintains a clear path along the sidewalk that is at least four ~~(4)~~ feet ~~(4)~~ wide and does not interfere with or obstruct the free passage of pedestrians.
- (7) All sales and service shall be limited solely to that side of the mobile food vendor vehicle or mobile retail vendor vehicle facing away from the public street.
- (8) Mobile food vendor vehicles and mobile retail vendor vehicles shall not encroach onto a public sidewalk with any part of the vehicle, or any other equipment or furniture related to the operation of its business, except for required refuse receptacles.

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- (9) Mobile food vendor vehicles greater than thirty-five ~~(35)~~ feet ~~(35')~~ in length, or that occupy more than two (2) on-street parking spaces, are not permitted to operate in the public right-of-way adjacent to residentially zoned properties.
- (10) Mobile food vendor vehicles or mobile retail vendor vehicles shall not block a lawfully placed monument sign of another business.

b. **Mobile Food Vendor Vehicles and Retail Vendor Vehicles Operating on Private Property.**

- (1) Mobile food vendor vehicles and retail vendor vehicles may be permitted to operate on private property as a temporary accessory use in all zoning districts.
- (2) Mobile food vendor vehicles and retail vendor vehicles shall not occupy more than ~~forty-percent (40%)~~ ~~eight (8)~~ of the required parking spaces on an improved lot or exceed the maximum lot coverage for the district in which it is located on an unimproved lot.
- (3) The maximum number of mobile food vendor vehicles and retail vendor vehicles permitted on a site shall be determined as follows:
  - (a) One (1) mobile food vendor vehicle or retail vendor vehicle may operate on the site for every five hundred twenty-five (525) square ~~foot-feet of~~ paved area (at least thirty-five ~~(35)~~ feet by fifteen ~~(15)~~ feet ~~(35' x 15')~~ in dimension); except that mobile food vendor vehicles or retail vendor vehicles greater than thirty-five ~~(35)~~ feet ~~(35')~~ in length require a space at least seventy feet ~~(75)~~ by fifteen ~~(15)~~ feet ~~(70' x 15')~~.
  - (b) Mobile food vendor vehicle and retail vendor vehicle operations shall occur upon a paved, level parking area or surface.
  - (c) Mobile food vendor vehicles and retail vendor vehicles parked within required parking areas shall not impede pedestrian or vehicle ingress or egress through the remainder of the parking area or adjacent public right-of-way.
  - (d) Mobile food vendor vehicles and retail vendor vehicles may be permitted to have canopies and outdoor seating areas, provided these additional outdoor accessories may not occupy more than two (2) parking spaces per mobile food vendor vehicle or retail vendor vehicle.

c. **Canteen Trucks Operating on Private Property.**

- (1) Canteen trucks may operate on an unimproved lot or parcel, only if such lot or parcel or an adjoining lot or parcel is undergoing permitted construction activity.
- (2) Canteen trucks shall not block fire lanes, designated construction traffic lanes for ingress or egress, or access to or from the construction site.
- (3) No unattended canteen truck shall be parked overnight on any property.

d. **Private Vendor Service by Mobile Food Vendor Vehicles and Mobile Retail Vendor Vehicles.**

- (1) Mobile food vendor vehicles and mobile retail vendor vehicles may provide private sales service within the public right-of-way and on private property in residential districts only.
- (2) Private vendor services by mobile food vendor vehicles and mobile retail vendor vehicles shall be limited to private guests of the event host only. No walk-up customers are permitted.
- (3) Payment shall occur directly between the event host and the mobile food vendor vehicle and retail vendor vehicle. No payment transactions shall occur for individual orders.

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- (4) All operational standards for operating a mobile food vendor vehicle and mobile retail vendor vehicle as provided in this section shall apply.

**B. Storage of Roadway Construction Materials.**

1. A temporary use permit and building permit shall be required prior to the establishment of a storage area for roadway construction materials. In addition to all required permit application materials, the following shall be required:
  - a. A site plan depicting the location of proposed construction material storage locations, site ingress and egress, stormwater runoff control measures, other stormwater management practices, and any other information requested by the Zoning Officer shall be required; and
  - b. A traffic plan.
2. Roadway construction material storage areas shall be utilized between the hours of 7:00am and 10:00pm only.

**B.C. Temporary and Seasonal Uses.**

1. **Purpose.** To further encourage the revitalization of the downtown and other areas within the City, these standards, ~~guidelines and procedures~~ are intended to provide a temporary but unique environment for relaxation, social interaction, and food or beverage consumption within ~~the~~ public rights-of-way and public sidewalks without impeding the free and safe flow of pedestrian or vehicular traffic.
2. **General Provisions.**
  - a. **Encroachment.** A sidewalk cafe or parklet cafe shall not be considered an "encroachment" so long as all outdoor facilities related thereto are temporary in nature, are not permanently affixed so as to extend below or above the sidewalk or public right-of-way, involve no penetration of the sidewalk surface or public right-of-way, are not attached to any building and are readily removable without damage to the surface of the sidewalk or public right-of-way.
  - b. **Time Period.** Sidewalk cafes and parklet cafes ~~shall may~~ be permitted from April 1st through October 31st. Time extensions may be granted for sidewalk cafe and parklet cafe operations per the discretion of the ~~Community Development Director~~ on a case-by-case basis. Parklet cafes not removed after October 31st and without an approved extension may be removed by the City at the owner's expense.

**c. Permit Required.**

- (1) ~~Sidewalk cafes and parklet cafes shall require a permit pursuant to the standards established in 10-7-# of this title.~~
- (2) Outdoor dining on a public sidewalk or within the right-of-way may occur only pursuant to the issuance of a ~~permit issued to the business owner.~~
- ~~(4)(3) A sidewalk cafe or parklet cafe permit is non-transferrable.~~

~~e.d.~~ **Prohibited Locations.** Outside dining will not be permitted on sidewalks or within the public right-of-way designated by the City Council as shared bicycle and pedestrian trails or paths.

~~d.e.~~ **Seating.** Seating in the sidewalk cafe or parklet cafe shall not be included to meet the required guest seating capacity for any license classification.

~~e.f.~~ **Permit Transfer.** A sidewalk cafe or parklet cafe permit is non-transferrable.

~~f.~~ **Zoning Requirements.** All sidewalk cafes and parklet cafes shall be located in all business zoned districts. Outdoor dining on a public sidewalk or public right-of-way shall be subject to the requirements and limitations set forth in this Code and all applicable federal, state, county and local statutes, ordinances and regulations.

**Commented [JW28]:** Existing language from 10-3-13 with the exception of:

B. Definitions which is proposed to be moved to Chapter 2:  
Definitions as well as  
E. Application Procedures and F. Permit Fees which are proposed to be relocated to Chapter 7: Administration and Enforcement

**Commented [JW29]:** Zoning Officer is referred to in other sections, is this intentionally different?

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- g. **Indemnification.** The permittee shall defend, indemnify, and hold the City, and its employees harmless from and against any loss or damage arising from the use or existence of the improvements or encroachment authorized under the sidewalk cafe or parklet cafe permit.

### ~~3.~~ **Development and Design Standards and Design Guidelines.**

- 4.3. **Standards.** The following standards, criteria, conditions and restrictions shall apply to all sidewalk cafes and parklet cafes, provided, however, that the **Community Development Director or designee** may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare to prevent a nuisance from developing or continuing, and to comply with all other City ordinances and applicable state and federal laws.

#### ~~a.~~ **Design Guidelines.**

##### ~~b.a.~~ **Sidewalk Café.**

###### **(1) Design Elements.**

- (a) Elements of a typical sidewalk cafe may include, but are not limited to, the following: barriers, planters, tables, chairs, umbrellas, menu display, heat lamps and ingress/egress access point.
- (a)(b) The design, material, and colors used for the furniture and fixtures within the sidewalk cafe ~~should~~ **shall** complement the architectural style and colors of the building facade and public street furniture, if any, and withstand inclement weather.

###### **(2) Setbacks.**

- (a) ~~All sidewalk cafes must allow for a minimum five-foot (5') unobstructed pedestrian passageway on the sidewalk.~~ No element of the sidewalk cafe, as described above, may obstruct the pedestrian way in a manner which reduces the depth of the pedestrian way to less than five (5) feet. Light poles, tree wells, fire hydrants and other such items may fall within the pedestrian path allowed between the curb and the leading edge of the sidewalk cafe.
- (b) ~~A~~ Sidewalk cafe shall not unreasonably obstruct the visibility of neighboring businesses. In such cases a sidewalk cafe operator may be required to adjust the layout of the outdoor dining area per the recommendation of the **Community Development Director or designee**.
- (c) Sidewalk cafes must ~~have be located a~~ minimum distance of one hundred (100) feet ~~(100')~~ from the nearest residential zoned district.
- (d) The width of the sidewalk cafe must not extend beyond the frontage of the business establishment unless written notarized consent of the adjacent business and property owner has been provided to the **Community Development Director**.
- (e) Sidewalk cafes located at a street corner must maintain a ten (10) foot ~~(10')~~ setback from the corner of the building along both frontages.
- (f) For sidewalk cafes located adjacent to a driveway or an alley, setback distances will be at the discretion of the **Community Development Director** in locations where unusual circumstances exist or where public safety would be jeopardized.

###### **(3) Barriers.**

- (a) The perimeter of sidewalk cafes that extend more than three (3) feet ~~(3')~~ into the public right-of-way shall be enclosed by barriers that are durable, removable, and maintained in good condition.
- (b) Sidewalk cafes that extend three (3) feet ~~(3')~~ or less into the public right-of-way and do not serve alcohol are not required to be enclosed by a barrier.

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- (c) Sidewalk cafes that serve alcohol must be surrounded by a barrier in all cases. Barrier access point must be controlled by the sidewalk cafe operator/business establishment. Business establishment owners should maintain compliance with Yorkville's Liquor Control Ordinance standards for serving alcohol outside of enclosed businesses.
- (d) Moveable barriers and all furniture shall be removed at the end of each business day unless otherwise approved by the Community Development Director or designee. Moveable barriers shall be capable of being removed through the use of recessed sleeves and posts, wheels that can be locked in place, and/or weighted bases. Barrier segment bases should be flat with tapered edges that are between one-fourth (0.25) inch ~~( $\frac{1}{4}$ )~~ and one-half (0.5) inch ~~( $\frac{1}{2}$ )~~ thick.
- (e) The maximum height of any barrier shall not exceed three (3) feet six (6) inches ~~(3'6")~~. The lowest point in the barrier should be no more than six (6) inches ~~(6")~~ in height above the ground to comply with ADA detectable warning regulations.
- (f) Rigid fence sections may be placed end-to-end to create the appearance of a single fence. Sectional fencing shall be composed of metal or wood and shall be painted or finished in a complementary color to the building color or accent materials. Sectional fencing may be constructed from other materials such as but not limited to aircraft cable, fabric, steel or iron elements if approved by the Community Development Director or designee.

(g) Planters.

- (i) Planters may also be used as a barrier or planter boxes as barrier components.
- (ii) Planters must be no more than three (3) feet ~~(3')~~ in height and plant materials may be up to three (3) feet ~~(3')~~ tall.
- ~~(i)(iii)~~ Planters must shall be kept in clean condition, contain living plants, and shall be removed at the end of each business day.
- (g)(h) Access openings must be kept clear of all materials and should measure no less than forty-four (44) inches ~~(44") in widthwide~~.

(4) Awnings and Umbrellas.

- (a) The use of awnings over the outdoor dining area orand removable table umbrellas may be permitted provided they do not interfere with street trees.
- (b) No portion of the awning shall be less than eight (8) feet ~~(8')~~ above the sidewalk and no portion of the umbrella shall be less than seven (7) feet ~~(7')~~ above the sidewalk.
- (c) Awnings may extend up to five (5) feet ~~(5')~~ from the front of the building's facade or cover up to fifty (50) percent ~~(50%)~~ of the outdoor dining area, whichever is less.
- (d) Awnings shall have no support posts located within the public right-of-way.
- ~~(a)(e)~~ A separate building permit must be obtained prior to the installation of the awning.
- ~~(b)(f)~~ Notwithstanding any provisions in this Code, signs and logos shall be permitted on umbrellas or awnings in outdoor dining areas.

(5) Prohibited Items.

- (a) Permanently affixed furniture to the public sidewalk is prohibited.

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- (b) Shelves, serving stations, flimsy plastic tables and chairs, unfinished lumber or splintering wooden materials, rusted metal, and loud speakers, ~~sofas and televisions~~ are prohibited.
- (c) ~~It shall be prohibited to tie~~ Tying or otherwise securinge sidewalk cafe elements to trees, lamp posts, street signs, street lights, and/or hydrants is prohibited.
- (d) ~~Prohibited barrier materials include~~ Cchain link, rope rails, and chain are prohibited as barrier materials.
- (e) Rails, buckets, flag poles, and newspaper stands are prohibited.
- (f) No alterations or coverings should be made to the sidewalks or placed over the sidewalk cafe space. Platforms, artificial turf, paint, or carpet in sidewalk cafe areas is prohibited.
- (g) If wait service is not provided in the sidewalk cafe area, the business establishment is required to supply a waste receptacle. If wait service is provided, the business establishment is ~~not permitted to~~ prohibited from placinge a waste receptacle in the sidewalk cafe.

e.b. **Parklet Café.**

- (1) The parklet cafe site shall be located on at least one (1) parking spot within the public way and appurtenances thereof shall be a minimum of two ~~(2)~~ feet (2) from the nearest edge of ~~traveled ways~~ sidewalk. Parklet cafes are restricted to City of Yorkville public streets and shall not be permitted on any state, county or township roadways.
- (2) Tables, chairs, umbrellas or other fixtures in the parklet cafe:
  - (a) Shall not be placed within five ~~(5)~~ feet (5) of fire hydrants, alleys or bike racks.
  - (b) Shall not be placed within five ~~(5)~~ feet (5) of a pedestrian crosswalk.
  - (c) Shall not block designated ingress, egress, or fire exits from or to the business establishment or any other structures.
  - (d) Shall not be physically attached, chained, or in any manner affixed to any structure, tree, signpost, or light pole.
  - (e) May be removed by the City at owner's expense if not installed per approved plans or installed after permit expiration.
  - (f) Shall be maintained in a clean, sanitary, and safe manner.
  - (g) Shall consist of commercial-grade furniture.
  - (h) Shall not be placed outside or hang over the designated parklet cafe area.
- (3) The parklet cafe shall be located in such a manner that a distance of not less than four ~~(4)~~ feet (4) is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, traffic signs, trees, light poles and all similar obstacles shall be considered obstructions.
- (4) The parklet cafe, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day. Maintenance details shall include access panels and how drainage will be provided along the existing drainage way.
- (5) Parklet cafe decking must be flush with the curb and may not have more than a one-half ~~(0.5)~~ inch (1/2) gap from the curb.



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- (6) The parklet cafe platform shall allow for access underneath the platform and curbside drainage may not be impeded.
- (7) All rails around the parklet cafe must be capable of withstanding a two hundred (200) pound horizontal force.
- (8) The parklet cafe shall be required to have reflective tape, soft hit posts, wheel stops and, depending on the proposed location, may be required by the Community Development Director or designee to have edging such as planters, railing or cables.
  - (a) If cables are used, vertical spacing between cables may not exceed six (6) inches ~~(6")~~.
- (9) Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. No portion of an umbrella shall be less than six (6) feet eight (8) inches ~~(6'8")~~ above the sidewalk. Umbrellas must be secured.
- ~~(10) Temporary signage such as menu boards or easels may be permitted in parklet cafes.~~
- ~~(11)~~ (10) No food preparation, food or beverage storage, refrigeration apparatus or equipment shall be allowed in the parklet cafe unless authorized by the Community Development Director or designee as part of a special event.
- ~~(12)~~ (11) No amplified entertainment shall be allowed in the parklet cafe unless authorized by the Community Development Director or designee as part of a special event.
- ~~(13) Patio heaters shall not be permitted in a parklet cafe.~~
- ~~(14) Parklet cafes shall meet the intersection visibility requirements in accordance with other standards in the City's zoning ordinance.~~ vision clearance requirements of section 10-5-6 of this title.

D. Tents. Tents shall not be erected, used, or maintained on any lot, except such small tents as are customarily used for recreational purposes and located in the rear yard on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be allowed when a temporary use permit has been issued for such use by the Zoning Officer.