



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, May 11, 2022

7:00 PM

Yorkville City Hall Council Chambers

800 Game Farm Road

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous meeting minutes: April 13, 2022

Citizen's Comments

Public Hearings

1. **PZC 2022-10** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Section 10-2: "Rules and Definitions" and Section 10-6: "Permitted and Special Uses" within the United City of Yorkville Zoning Ordinance. The amendment proposes to amend the definitions of microbrewery, brewpub, and microwinery to provide consistency with current State statutes and the City's liquor license regulations. Additionally, the land use designation table and special conditions in Section 10-6 of the Yorkville Zoning Ordinance will also be amended to reflect the proposed definitions.

Action Item

Text Amendment

Unfinished Business

New Business

1. **PZC 2022-10** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Section 10-2: "Rules and Definitions" and Section 10-6: "Permitted and Special Uses" within the United City of Yorkville Zoning Ordinance. The amendment proposes to amend the definitions of microbrewery, brewpub, and microwinery to provide consistency with current State statutes and the City's liquor license regulations. Additionally, the land use designation table and special conditions in Section 10-6 of the Yorkville Zoning Ordinance will also be amended to reflect the proposed definitions.

Action Item

Text Amendment

Additional Business

1. Appointment of Vice Chairperson
2. City Council Action Updates
 - a. **PZC 2022-02** The petitioner, Dawn Leprich-Graves, on behalf of BW Property Holdings, LLC/Bricolage Wellness, PLLC, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of an approximately 1.17-acre parcel located at 8721 Route 126 in Yorkville, Illinois. The property is part of the previously approved Windmill Farms Annexation Agreement and the petitioner is seeking to rezone the parcel from the Planned Unit Development (PUD) zoning designation to the B-3 General Business District. The purpose of the rezoning is to establish and operate a professional services business within the existing residential structure.

Action Item

Rezone

- b. **PZC 2022-06** The petitioner, David Schultz, on behalf of Troy Mertz, is seeking Final Plat Amendment approval to introduce a new townhome product for the remaining thirteen (13) lots within Unit 3 of Bristol Bay. The change in product type will result in sixty-one (61) townhome units, varying between 4, 5 and 6 units per building in Bristol Bay Unit 3. This will result in the interior building lot lines for Lots 12, 15, 18 and 13 requiring adjustment, and the minor encroachment within the rear and side property lines on the same lots.

Action Item

Final Plat Amendment

- c. **PZC 2022-07** The petitioner, David Schultz, on behalf of Troy Mertz, is seeking Final Plat of Subdivision approval for Bristol Bay Unit 13. The petitioner is seeking Final Plat approval to subdivide the approximately 25-acre parcel into 69 lots consisting of 68 single-family units and a 3.25-acre park site.

Action Item

Final Plat

Adjournment

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, April 13, 2022 7:00pm

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the City of Yorkville is allowing remote attendance at this meeting. Social distancing is being encouraged due to the current Covid-19 pandemic.

Meeting Called to Order

Prior to starting the meeting, Chairman Olson announced that Commissioner Don Marcum will no longer be able to serve on the Planning and Zoning Commission due to health issues. Mr. Olson shared some brief comments about Mr. Marcum and then thanked him for the time he dedicated to the City of Yorkville.

Chairman Jeff Olson called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call

Deborah Horaz-yes/electronic attendance

Rusty Hyett-yes/electronic attendance

Greg Millen-yes/electronic attendance

Jeff Olson-yes/in-person

Danny Williams-yes/electronic attendance

Absent: Don Marcum, Richard Vinyard

City Staff

Krysti Barksdale-Noble, Community Development Director/in-person

Jason Engberg, Senior Planner/in-person

Other Guests

(All guests were by electronic attendance)

Lynn Dubajic Kellogg, City Consultant Troy Mertes, MODA Homes

Christine Vitosh, Vitosh Reporting Service Dawn Leprich-Graves, Bricolage

Dave Schultz, HR Green

Previous Meeting Minutes January 12, 2022

The minutes were approved as presented on a motion and second by Commissioners Williams and Horaz, respectively.

Roll call: Hyett-yes, Millen-yes, Olson-yes, Williams-yes, Horaz-yes. Carried 5-0.

Citizen's Comments None

Public Hearing

Chairman Olson explained the process for the Public Hearing and swore in those who would present testimony. He entertained a motion to open the Public Hearing. So moved by Mr. Williams and seconded by Ms. Horaz. Roll call: Millen-yes, Olson-yes, Williams-yes, Horaz-yes, Hyett-yes. Carried 5-0. The Hearing opened at approximately 7:04pm. Mr. Olson then read the Public Hearing description.

1. **PZC 2022-02** The petitioner, Dawn Leprich-Graves, on behalf of BW Property Holdings, LLC/Bricolage Wellness, PLLC, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of an approximately 1.17-acre parcel located at 8721 Route 126 in Yorkville, Illinois. The property is part of the previously approved Windmill Farms Annexation Agreement and the petitioner is seeking to rezone the parcel from the Planned Unit Development (PUD) zoning designation to the B-3 General Business District. The purpose of the rezoning is to establish and operate a professional services business within the existing residential structure.

Brief Summary: Ms. Leprich-Graves described her business and Ms. Noble presented background information regarding the petition. Ms. Noble also asked that the Findings of Fact be entered into the official record.

(See Court Reporter's Transcript for official proceedings)

Following testimony, a motion was made at 7:11pm by Mr. Williams, seconded by Ms. Horaz to close the Hearing. Roll call: Millen-no response, Olson-yes, Williams-yes, Horaz-yes, Hyett-yes. Carried 4-0.

Unfinished Business None

New Business

1. **PZC 2022-02** Petitioner Dawn Leprich-Graves/Bricolage (see full description of petition under Public Hearings)

There was no further discussion from the Commissioners and Ms. Noble stated that staff was supportive of the petition.

Action Item

Rezone

A motion to approve the petition was made by Mr. Williams and seconded by Mr. Hyett. *Motion read by Mr. Williams:* In consideration of testimony presented during a Public Hearing on April 13, 2022 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the property located at 8721 Route 126 from Planned Unit Development (PUD) to B-3 General Business District. Roll call: Olson-yes, Williams-yes, Horaz-yes, Hyett-yes, Millen-yes. Carried 5-0.

2. **PZC 2022-06** The petitioner, David Schultz, on behalf of Troy Mertz, is seeking Final Plat Amendment approval to introduce a new townhome product for the remaining thirteen (13) lots within Unit 3 of Bristol Bay. The change in product type will result in sixty-one (61) townhome units, varying between 4, 5 and 6

units per building in Bristol Bay Unit 3. This will result in the interior building lot lines for Lots 12, 15, 18 and 13 requiring adjustment, and the minor encroachment within the rear and side property lines on the same lots.

Ms. Noble presented the background information for this petition. A Final Plat was approved in 2005-2006 and was recorded. This document for approval is an amendment to the Final Plat. HR Green worked with the petitioner and the new owner, Troy Mertz, who is looking to do a slightly different type townhome. There are 13 remaining lots with 4-6 units on each lot in Unit 3. The product change resulted in an increase to 61 units, up from 60, however, an analysis revealed no density change. Regarding building setbacks, there are some minimal encroachments on some lots and they are being approved by the City Administrator through a minor PUD amendment. The engineer said the project is in compliance with the subdivision control ordinance. Staff is supportive.

Action Item

Final Plat Amendment

Chairman Olson entertained a motion of approval. So moved by Mr. Williams and seconded by Ms. Horaz. Ms. Horaz asked if there were conceptual plans. Ms. Noble said the plans submitted were in general agreement with the original ones, but with a higher level of architectural materials. *Motion read by Mr. Williams:* In consideration of the proposed Final Plat of Resubdivision for Bristol Bay P.U.D. Unit 3, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner, Troy Mertz, on behalf of Bristol Bay Yorkville, LLC, in a plan prepared by HR Green, LTD date last revised March 18, 2022.

Roll call: Williams-yes, Horaz-yes, Hyett-yes, Millen-yes, Olson-yes. Carried 5-0.

3. **PZC 2022-07** The petitioner, David Schultz, on behalf of Troy Mertz, is seeking Final Plat of Subdivision approval for Bristol Bay Unit 13. The petitioner is seeking Final Plat approval to subdivide the approximately 25-acre parcel into 69 lots consisting of 68 single-family units and a 3.25 -acre park site.

Ms. Noble provided background information, saying this was approved in 2006, but there was no Final Plat. Some of the underground work was done at that time, but additional work is needed. This is a 25-acre parcel to be subdivided in 69 lots, with 68 homes and a park. Per the Annexation Agreement, the developer must give \$50,000 to the city for land cash fees prior to recording the Final Plat. There was no further discussion.

Action Item

Final Plat

Moved by Mr. Williams and seconded by Mr. Hyett to approve the Final Plat of Subdivision. *Motion read by Mr. Williams:* In consideration of the proposed Final Plat of Subdivision for Bristol Bay P.U.D. Unit 13, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner, Troy Mertz, on behalf of Bristol Bay Yorkville, LLC, in a plan prepared by HR Green, LTD date last revised March 15, 2022.

Roll call: Williams-yes, Horaz-yes, Hyett-yes, Millen-yes, Olson-yes. Carried 5-0.

Additional Business

1. City Council Updates

a. **PZC 2021-07** Mr. Engberg said the YBSD variances from January were approved by City Council.

Mr. Engberg also said PZC will probably meet next month and will also nominate a Vice-Chair.

Adjournment

There was no further business and the meeting was adjourned at 7:24pm on a motion and second by Commissioners Williams and Horaz, respectively. Unanimous voice vote.

Respectfully submitted by
Marlys Young, Minute Taker/in-person

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, April 13, 2022
7:00 p.m.

PRESENT: (In-person and via Zoom)

Mr. Jeff Olson, Chairman,

Ms. Deborah Horaz,

Mr. Greg Millen,

Mr. Danny Williams,

Mr. Rusty Hyett.

ALSO PRESENT: (In-person and via Zoom)

Ms. Krysti Barksdale-Noble, Community

Development Director;

Mr. Jason Engberg, Senior Planner;

Ms. Marlys Young, Minute Taker.

- - - - -

I N D E X

WITNESS:

PAGE:

Dawn Leprich-Grave

6

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(WHEREUPON, the following
proceedings were in
public hearing:)

CHAIRMAN OLSON: There is one public
hearing scheduled for tonight's Planning and
Zoning Commission meeting.

The purpose of this hearing is to
invite testimony from members of the public
regarding the proposed request being considered
before this Commission tonight.

Public testimony from persons
present who wish to speak may be for or may be
against the request or to ask questions of the
petitioner regarding the request being heard.

Those persons wishing to testify are
asked to speak clearly, one at a time, and state
your name and who you represent, if anyone. You
are also asked to sign in at the podium, which we
still have.

If you plan to speak during
tonight's public hearing as a petitioner or as a
member of the public, please stand, raise your
right hand and repeat after me.

MS. NOBLE: That includes you, Dawn, as

1 well.

2 MS. LEPRICH-GRAVES: Thank you. Okay.

3 (Witness sworn.)

4 CHAIRMAN OLSON: All right. The order
5 for receiving testimony during the public hearing
6 will be as follows: We will have the petitioner
7 presentation, then we will have those who wish to
8 speak in favor and then those who wish to speak
9 in opposition, and with that being said, may I
10 have a motion to open the public hearing on
11 Petition number PZC 2022-02, rezoning
12 classification request?

13 MR. WILLIAMS: So moved.

14 MS. HORAZ: Second.

15 CHAIRMAN OLSON: Roll call vote on that
16 motion, please.

17 MS. YOUNG: Yes. Millen.

18 (No response.)

19 MS. YOUNG: Millen.

20 MR. MILLEN: Yes.

21 MS. YOUNG: Olson.

22 CHAIRMAN OLSON: Yes.

23 MS. YOUNG: Williams.

24 MR. WILLIAMS: Yes.

1 MS. YOUNG: Horaz.

2 MS. HORAZ: Yes.

3 MS. YOUNG: And Hyett.

4 MR. HYETT: Yes.

5 MS. YOUNG: Thank you.

6 CHAIRMAN OLSON: All right. So the
7 public hearing up for discussion then is this
8 PZC 2022-02, Dawn -- and I'm going to butcher
9 this, but I'm going to try -- Dawn
10 Leprich-Graves on behalf -- I do all right once
11 in a while -- of the BW Property Holdings,
12 Bricolage -- two for two -- Wellness, PLLC, has
13 filed an application with the United City of
14 Yorkville, located at 8721 Route 126 in
15 Yorkville, Illinois.

16 The property is part of the
17 previously approved Windmill Farms Annexation
18 Agreement, and the petitioner is seeking to
19 rezone the parcel from the Planned Unit
20 Development zoning designation to a B-3 General
21 Business District.

22 The purpose of the rezoning is to
23 establish and operate a professional service
24 business within the existing residential

1 structure.

2 Is the petitioner for PZC 2022-02,
3 Bricolage Wellness, present and prepared to make
4 a presentation of the proposed request?

5 MS. LEPRICH-GRAVES: Yes.

6 CHAIRMAN OLSON: By all means.

7 MS. NOBLE: So, Dawn, I typically don't
8 do presentations, but I know you have not done a
9 presentation of your request, so if you could
10 just tell the Commission just a little bit about
11 the services you provide, I can give them an
12 overview of the rezoning portion.

13 DAWN LEPRICH-GRAVES,
14 having been first duly sworn, testified before
15 the Commission as follows:

16 MS. LEPRICH-GRAVES: Great. Thank you.
17 So I have a wellness practice. We specialize in
18 counseling services and occupational therapy
19 services.

20 We have two locations currently in
21 other cities, in Chicago and Lombard, and then we
22 do actually have a third location currently in
23 Yorkville.

24 We are renting property and we would

1 like to expand and have our own property, so we
2 are looking to purchase the property so that we
3 can expand our business and continue providing
4 services to the community.

5 Some of our specialty areas include
6 working with new moms, pregnant, post-partum
7 moms, and people with eating concerns, so we
8 would like to continue providing those services.

9 CHAIRMAN OLSON: Okay. Thank you.
10 Krysti?

11 MS. NOBLE: Okay. So the zoning portion
12 of this has to deal with this property was part
13 of the overall development that was approved by
14 the City in 2006.

15 There was a proposal at the time
16 that was approved as part of an annexation
17 agreement with the PUD plan, but it was only a
18 concept plan, and it contained about 13 parcels
19 and it was called Windmill Farms.

20 At that time the City was doing
21 what's called a PUD zoning district rather than
22 allowing the PUD to be a special use and so it
23 required an underlying zoning of R-4, which is a
24 multi-family residence district, and a B-3 zoning

1 district.

2 This particular property is about a
3 little over an acre and it had an underlying
4 zoning district of B-3. Because the developer at
5 the time did not secure all the property, nor did
6 they do a final plat of the property, these
7 property owners are now saddled with a
8 development agreement that cannot move forward.

9 Because we could never get all of
10 the property owners to come together at one time
11 to repeal the development agreement, we have
12 taken the course of individually removing each of
13 the parcels from that annexation and PUD
14 agreement and then rezoning the property.

15 Because the PUD zoning district
16 doesn't exist, they had their entitlement through
17 this document, so by pulling it out, there was a
18 public hearing last night at City Council to
19 address the removal of this parcel from the
20 development agreement, and tonight this is a
21 request to rezone the property.

22 So they are seeking business zoning,
23 which is consistent with the underlying zoning,
24 but the current property is a residential

1 property.

2 The residential site, though, meets
3 pretty much all of the standard zoning bulk
4 regulations for the B-3; all of the adjoining
5 properties are either business district zoning or
6 they have a business land use, so it's
7 consistent with the trend of development in that
8 area.

9 This is similar to a project that we
10 did a couple years ago for Hively Farms, and the
11 Comprehensive Plan had envisioned this as an
12 estate conservation residential district land
13 use, which is kind of our holding land use for
14 those areas that did not have utilities at the
15 time to develop.

16 This particular property would then
17 be reclassified in our Comprehensive Plan as
18 destination commercial. We feel that the use is
19 suitable on the site. The actual structure
20 itself has been improved, interior, so it is
21 remodeled. The parking is sufficient in the
22 area, and the utilities, as I mentioned, are not
23 extended to this particular area, they are on
24 well and septic, but at the time that utilities

1 are within 250 feet of the property, they are
2 required to connect to city water and sewer.

3 Access to this property to be used
4 for commercial is adequate because they have
5 access off of 126 as well as Wing Road, which
6 connects to Illinois Route 71.

7 The findings of fact were addressed
8 by the petitioner in their packet and I would
9 request that those findings be entered into the
10 record.

11 CHAIRMAN OLSON: Firstly, does anyone
12 have any questions?

13 (No response.)

14 CHAIRMAN OLSON: Secondly, is there
15 anyone present who wishes to speak in favor of
16 the request?

17 (No response.)

18 CHAIRMAN OLSON: Is there anyone who
19 wishes to speak in opposition to the request?

20 (No response.)

21 CHAIRMAN OLSON: Okay. Since all public
22 testimony regarding this petition has been taken,
23 may I have a motion then, please, to close the
24 taking of testimony in this public hearing?

1 MR. WILLIAMS: So moved.

2 MS. HORAZ: Second.

3 CHAIRMAN OLSON: Got a second, thank
4 you. Roll call vote on the motion, please.

5 MS. YOUNG: Millen.

6 (No response.)

7 MS. YOUNG: Millen.

8 (No response.)

9 CHAIRMAN OLSON: Greg, are you here?

10 (No response.)

11 CHAIRMAN OLSON: Greg, can you hear us?

12 (No response.)

13 CHAIRMAN OLSON: Greg, can you hear us?

14 (No response.)

15 CHAIRMAN OLSON: We'll move on.

16 MS. YOUNG: Olson.

17 CHAIRMAN OLSON: Yes.

18 MS. YOUNG: Williams.

19 MR. WILLIAMS: Yes.

20 MS. YOUNG: Horaz.

21 MS. HORAZ: Yes.

22 MS. YOUNG: And Hyett.

23 MR. HYETT: Yes.

24 CHAIRMAN OLSON: Okay. That passes.

1 The public hearing portion of tonight's meeting
2 is closed.

3 (Which were all the
4 proceedings in the
5 public hearing portion
6 of the meeting.)

7 ---o0o---

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF LASALLE)

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings had at the public hearing and that
7 the foregoing, Pages 1 through 13 inclusive, is a
8 true, correct and complete computer-generated
9 transcript of the proceedings had at the time and
10 place aforesaid.

11 I further certify that my certificate annexed
12 hereto applies to the original transcript and
13 copies thereof, signed and certified under my
14 hand only. I assume no responsibility for the
15 accuracy of any reproduced copies not made under
16 my control or direction.

17 As certification thereof, I have hereunto set
18 my hand this 18th day of April, A.D., 2022.

19 Christine M Vitosh

20 Christine M. Vitosh, CSR
21 Illinois CSR No. 084-002883
22
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PZC - Public Hearing - April 13, 2022

0	8:13	clearly [1] - 3:16	discussion [1] - 5:7	H
084-002883 [1] - 13:20	annexed [1] - 13:10	close [1] - 10:23	district [7] - 7:21, 7:24, 8:1, 8:4, 8:15, 9:5, 9:12	hand [3] - 3:23, 13:13, 13:17
1	applies [1] - 13:11	closed [1] - 12:2	done [1] - 6:8	hear [2] - 11:11, 11:13
1 [1] - 13:6	approved [3] - 5:17, 7:13, 7:16	commercial [2] - 9:18, 10:4	District [1] - 5:21	heard [1] - 3:14
126 [2] - 5:14, 10:5	April [2] - 1:21, 13:17	COMMISSION [1] - 1:10	document [1] - 8:17	HEARING [1] - 1:11
13 [3] - 1:21, 7:18, 13:6	area [3] - 9:8, 9:22, 9:23	Commission [4] - 3:6, 3:10, 6:10, 6:15	duly [1] - 6:14	hearing [12] - 3:3, 3:5, 3:7, 3:21, 4:5, 4:10, 5:7, 8:18, 10:24, 12:1, 12:5, 13:5
18th [1] - 13:17	areas [2] - 7:5, 9:14	community [1] - 7:4	during [2] - 3:20, 4:5	hereby [1] - 13:4
2	assume [1] - 13:13	Community [1] - 2:9	E	hereto [1] - 13:11
2006 [1] - 7:14	B	complete [1] - 13:7	eating [1] - 7:7	hereunto [1] - 13:16
2022 [2] - 1:21, 13:17	B-3 [4] - 5:20, 7:24, 8:4, 9:4	Comprehensive [2] - 9:11, 9:17	either [1] - 9:5	Hively [1] - 9:10
2022-02 [3] - 4:11, 5:8, 6:2	Barksdale [1] - 2:9	computer [1] - 13:7	Engberg [1] - 2:11	holding [1] - 9:13
250 [1] - 10:1	Barksdale-Noble [1] - 2:9	computer-generated [1] - 13:7	entered [1] - 10:9	Holdings [1] - 5:11
6	behalf [1] - 5:10	concept [1] - 7:18	entitlement [1] - 8:16	Horaz [3] - 2:3, 5:1, 11:20
6 [1] - 2:19	bit [1] - 6:10	concerns [1] - 7:7	envisioned [1] - 9:11	HORAZ [4] - 4:14, 5:2, 11:2, 11:21
7	Bricolage [2] - 5:12, 6:3	connect [1] - 10:2	establish [1] - 5:23	Hyett [3] - 2:6, 5:3, 11:22
71 [1] - 10:6	bulk [1] - 9:3	connects [1] - 10:6	estate [1] - 9:12	HYETT [2] - 5:4, 11:23
7:00 [1] - 1:22	Business [1] - 5:21	conservation [1] - 9:12	exist [1] - 8:16	
8	business [5] - 5:24, 7:3, 8:22, 9:5, 9:6	considered [1] - 3:9	existing [1] - 5:24	
800 [1] - 1:17	butcher [1] - 5:8	consistent [2] - 8:23, 9:7	expand [2] - 7:1, 7:3	
8721 [1] - 5:14	BW [1] - 5:11	contained [1] - 7:18	extended [1] - 9:23	I
A	C	continue [2] - 7:3, 7:8		ILLINOIS [2] - 1:7, 13:1
A.D [1] - 13:17	cannot [1] - 8:8	control [1] - 13:15	fact [1] - 10:7	Illinois [4] - 1:18, 5:15, 10:6, 13:20
access [2] - 10:3, 10:5	certificate [1] - 13:10	copies [2] - 13:12, 13:14	family [1] - 7:24	improved [1] - 9:20
accuracy [1] - 13:14	certification [1] - 13:16	correct [1] - 13:7	Farm [1] - 1:17	in-person [1] - 2:1
acre [1] - 8:3	Certified [1] - 13:3	Council [1] - 8:18	Farms [3] - 5:17, 7:19, 9:10	In-person [1] - 2:8
actual [1] - 9:19	certified [1] - 13:12	counseling [1] - 6:18	favor [2] - 4:8, 10:15	include [1] - 7:5
address [1] - 8:19	certify [2] - 13:4, 13:10	COUNTY [1] - 13:2	feet [1] - 10:1	includes [1] - 3:24
addressed [1] - 10:7	Chairman [1] - 2:2	couple [1] - 9:10	filed [1] - 5:13	inclusive [1] - 13:6
adequate [1] - 10:4	CHAIRMAN [18] - 3:4, 4:4, 4:15, 4:22, 5:6, 6:6, 7:9, 10:11, 10:14, 10:18, 10:21, 11:3, 11:9, 11:11, 11:13, 11:15, 11:17, 11:24	course [1] - 8:12	final [1] - 8:6	individually [1] - 8:12
adjoining [1] - 9:4	Chicago [1] - 6:21	CSR [2] - 13:20, 13:20	findings [2] - 10:7, 10:9	interior [1] - 9:20
aforesaid [1] - 13:9	Christine [2] - 13:3, 13:20	current [1] - 8:24	first [1] - 6:14	invite [1] - 3:8
ago [1] - 9:10	cities [1] - 6:21	D	firstly [1] - 10:11	itself [1] - 9:20
Agreement [1] - 5:18	City [4] - 5:13, 7:14, 7:20, 8:18	Danny [1] - 2:5	following [1] - 3:1	J
agreement [5] - 7:17, 8:8, 8:11, 8:14, 8:20	city [1] - 10:2	DAWN [1] - 6:13	follows [2] - 4:6, 6:15	Jason [1] - 2:11
allowing [1] - 7:22	CITY [1] - 1:6	Dawn [5] - 2:19, 3:24, 5:8, 5:9, 6:7	foregoing [1] - 13:6	Jeff [1] - 2:2
ALSO [1] - 2:8	classification [1] - 4:12	deal [1] - 7:12	forward [1] - 8:8	K
AND [1] - 1:10		Deborah [1] - 2:3	G	kind [1] - 9:13
Annexation [1] - 5:17		designation [1] - 5:20	Game [1] - 1:17	Krysti [2] - 2:9, 7:10
annexation [2] - 7:16,		destination [1] - 9:18	General [1] - 5:20	L
		develop [1] - 9:15	generated [1] - 13:7	land [3] - 9:6, 9:12, 9:13
		developer [1] - 8:4	Grave [1] - 2:19	
		Development [2] - 2:10, 5:20	GRAVES [4] - 4:2, 6:5, 6:13, 6:16	
		development [5] - 7:13, 8:8, 8:11, 8:20, 9:7	Graves [1] - 5:10	
		direction [1] - 13:15	great [1] - 6:16	
		Director [1] - 2:10	Greg [4] - 2:4, 11:9, 11:11, 11:13	

PZC - Public Hearing - April 13, 2022

LASALLE [1] - 13:2 last [1] - 8:18 LEPRICH [4] - 4:2, 6:5, 6:13, 6:16 Leprich [2] - 2:19, 5:10 Leprich-Grave [1] - 2:19 Leprich-Graves [1] - 5:10 LEPRICH-GRAVES [4] - 4:2, 6:5, 6:13, 6:16 located [1] - 5:14 location [1] - 6:22 locations [1] - 6:20 Lombard [1] - 6:21 looking [1] - 7:2	night [1] - 8:18 Noble [1] - 2:9 NOBLE [3] - 3:24, 6:7, 7:11 number [1] - 4:11	place [1] - 13:9 Plan [2] - 9:11, 9:17 plan [3] - 3:20, 7:17, 7:18 Planned [1] - 5:19 Planner [1] - 2:11 Planning [1] - 3:5 PLANNING [1] - 1:10 plat [1] - 8:6 PLLC [1] - 5:12 podium [1] - 3:18 portion [4] - 6:12, 7:11, 12:1, 12:5 post [1] - 7:6 post-partum [1] - 7:6 practice [1] - 6:17 pregnant [1] - 7:6 prepared [1] - 6:3 present [3] - 3:12, 6:3, 10:15 PRESENT [2] - 2:1, 2:8 presentation [3] - 4:7, 6:4, 6:9 presentations [1] - 6:8 pretty [1] - 9:3 previously [1] - 5:17 proceedings [4] - 3:2, 12:4, 13:5, 13:8 professional [1] - 5:23 project [1] - 9:9 properties [1] - 9:5 Property [1] - 5:11 property [17] - 5:16, 6:24, 7:1, 7:2, 7:12, 8:2, 8:5, 8:6, 8:7, 8:10, 8:14, 8:21, 8:24, 9:1, 9:16, 10:1, 10:3 proposal [1] - 7:15 proposed [2] - 3:9, 6:4 provide [1] - 6:11 providing [2] - 7:3, 7:8 pubic [1] - 13:5 PUBLIC [1] - 1:11 public [14] - 3:3, 3:4, 3:8, 3:11, 3:21, 3:22, 4:5, 4:10, 5:7, 8:18, 10:21, 10:24, 12:1, 12:5 PUD [5] - 7:17, 7:21, 7:22, 8:13, 8:15 pulling [1] - 8:17 purchase [1] - 7:2 purpose [2] - 3:7, 5:22 PZC [3] - 4:11, 5:8, 6:2	Q questions [2] - 3:13, 10:12 R R-4 [1] - 7:23 raise [1] - 3:22 rather [1] - 7:21 receiving [1] - 4:5 reclassified [1] - 9:17 record [1] - 10:10 regarding [3] - 3:9, 3:14, 10:22 regulations [1] - 9:4 remodeled [1] - 9:21 removal [1] - 8:19 removing [1] - 8:12 renting [1] - 6:24 repeal [1] - 8:11 repeat [1] - 3:23 Reporter [1] - 13:4 represent [1] - 3:17 reproduced [1] - 13:14 request [10] - 3:9, 3:13, 3:14, 4:12, 6:4, 6:9, 8:21, 10:9, 10:16, 10:19 required [2] - 7:23, 10:2 residence [1] - 7:24 residential [4] - 5:24, 8:24, 9:2, 9:12 response [9] - 4:18, 10:13, 10:17, 10:20, 11:6, 11:8, 11:10, 11:12, 11:14 responsibility [1] - 13:13 rezone [2] - 5:19, 8:21 rezoning [4] - 4:11, 5:22, 6:12, 8:14 Road [2] - 1:17, 10:5 roll [2] - 4:15, 11:4 Route [2] - 5:14, 10:6 Rusty [1] - 2:6 S saddled [1] - 8:7 scheduled [1] - 3:5 second [3] - 4:14, 11:2, 11:3 secondly [1] - 10:14 secure [1] - 8:5	seeking [2] - 5:18, 8:22 Senior [1] - 2:11 septic [1] - 9:24 service [1] - 5:23 services [5] - 6:11, 6:18, 6:19, 7:4, 7:8 set [1] - 13:16 sewer [1] - 10:2 Shorthand [1] - 13:3 sign [1] - 3:18 signed [1] - 13:12 similar [1] - 9:9 site [2] - 9:2, 9:19 special [1] - 7:22 specialize [1] - 6:17 specialty [1] - 7:5 SS [1] - 13:1 stand [1] - 3:22 standard [1] - 9:3 STATE [1] - 13:1 state [1] - 3:16 still [1] - 3:19 structure [2] - 6:1, 9:19 sufficient [1] - 9:21 suitable [1] - 9:19 sworn [2] - 4:3, 6:14 T Taker [1] - 2:12 testified [1] - 6:14 testify [1] - 3:15 testimony [5] - 3:8, 3:11, 4:5, 10:22, 10:24 therapy [1] - 6:18 thereof [2] - 13:12, 13:16 third [1] - 6:22 together [1] - 8:10 tonight [2] - 3:10, 8:20 tonight's [3] - 3:5, 3:21, 12:1 transcribed [1] - 13:4 transcript [2] - 13:8, 13:11 trend [1] - 9:7 true [1] - 13:7 try [1] - 5:9 two [3] - 5:12, 6:20 typically [1] - 6:7 U under [2] - 13:12, 13:14
M Marlys [1] - 2:12 means [1] - 6:6 meeting [3] - 3:6, 12:1, 12:6 meets [1] - 9:2 member [1] - 3:22 members [1] - 3:8 mentioned [1] - 9:22 Millen [4] - 2:4, 4:19, 11:5, 11:7 millen [1] - 4:17 MILLEN [1] - 4:20 Minute [1] - 2:12 moms [2] - 7:6, 7:7 motion [4] - 4:10, 4:16, 10:23, 11:4 move [2] - 8:8, 11:15 moved [2] - 4:13, 11:1 MR [7] - 4:13, 4:20, 4:24, 5:4, 11:1, 11:19, 11:23 MS [23] - 3:24, 4:2, 4:14, 4:17, 4:19, 4:21, 4:23, 5:1, 5:2, 5:3, 5:5, 6:5, 6:7, 6:16, 7:11, 11:2, 11:5, 11:7, 11:16, 11:18, 11:20, 11:21, 11:22 multi [1] - 7:24 multi-family [1] - 7:24	O occupational [1] - 6:18 OF [3] - 1:6, 13:1, 13:2 OLSON [18] - 3:4, 4:4, 4:15, 4:22, 5:6, 6:6, 7:9, 10:11, 10:14, 10:18, 10:21, 11:3, 11:9, 11:11, 11:13, 11:15, 11:17, 11:24 Olson [3] - 2:2, 4:21, 11:16 once [1] - 5:10 one [3] - 3:4, 3:16, 8:10 open [1] - 4:10 operate [1] - 5:23 opposition [2] - 4:9, 10:19 order [1] - 4:4 original [1] - 13:11 overall [1] - 7:13 overview [1] - 6:12 own [1] - 7:1 owners [2] - 8:7, 8:10 P p.m [1] - 1:22 packet [1] - 10:8 pAGE [1] - 2:18 Pages [1] - 13:6 parcel [2] - 5:19, 8:19 parcels [2] - 7:18, 8:13 parking [1] - 9:21 part [3] - 5:16, 7:12, 7:16 particular [3] - 8:2, 9:16, 9:23 partum [1] - 7:6 passes [1] - 11:24 people [1] - 7:7 person [2] - 2:1, 2:8 persons [2] - 3:11, 3:15 petition [1] - 10:22 Petition [1] - 4:11 petitioner [6] - 3:14, 3:21, 4:6, 5:18, 6:2, 10:8			
N name [1] - 3:17 never [1] - 8:9 new [1] - 7:6				

PZC - Public Hearing - April 13, 2022

underlying [3] - 7:23, 8:3, 8:23 Unit [1] - 5:19 UNITED [1] - 1:6 United [1] - 5:13 up [1] - 5:7 utilities [3] - 9:14, 9:22, 9:24	7:24, 8:4, 8:15, 8:22, 8:23, 9:3, 9:5 ZONING [1] - 1:10 Zoning [1] - 3:6 Zoom [2] - 2:1, 2:8
V	
via [2] - 2:1, 2:8 Vitosh [2] - 13:3, 13:20 vote [2] - 4:15, 11:4	
W	
water [1] - 10:2 Wednesday [1] - 1:21 wellness [1] - 6:17 Wellness [2] - 5:12, 6:3 WHEREUPON [1] - 3:1 WILLIAMS [4] - 4:13, 4:24, 11:1, 11:19 Williams [3] - 2:5, 4:23, 11:18 Windmill [2] - 5:17, 7:19 Wing [1] - 10:5 wish [3] - 3:12, 4:7, 4:8 wishes [2] - 10:15, 10:19 wishing [1] - 3:15 witness [2] - 2:18, 4:3	
Y	
years [1] - 9:10 YORKVILLE [2] - 1:6, 1:7 Yorkville [4] - 1:18, 5:14, 5:15, 6:23 YOUNG [13] - 4:17, 4:19, 4:21, 4:23, 5:1, 5:3, 5:5, 11:5, 11:7, 11:16, 11:18, 11:20, 11:22 Young [1] - 2:12	
Z	
zoning [11] - 5:20, 7:11, 7:21, 7:23,	

Vitosh Reporting Service

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Memorandum

To: Planning and Zoning Commission
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: May 4, 2022
Subject: **PZC 2022-10 Microbrewery/Brewpub/Microwinery
(Text Amendment)**

Summary

The City has recently received interest from a business owner to open a microwinery within an existing building in the downtown. In April, the City amended Title 3 of the municipal code regarding liquor license classes to add microwinery/winery to the existing brewpub/microbrewery class to help accommodate the new business. In addition, the maximum allowable amount of wine which may be produced within a year was set to 50,000 gallons which coincides with the current state statute.

The City's zoning ordinance defines the uses of microbrewery/brewpub and microwinery separately and regulates which districts each may be located. Staff is recommending a text amendment to Chapter 2 and Chapter 6 of the code. The proposed changes will assist in clarifying each use and will better align the zoning ordinance with the liquor license code. Additionally, these amendments will ensure that the zoning regulations will match the state statute regarding production of alcohol for these land uses.

Liquor License Background

Yorkville was approached by the owner of Fox Den Meadery to open a microwinery in downtown Yorkville. As the City's Clerks Office staff worked with the petitioner on determining the potential required liquor license, they realized there was not a class category for "microwinery" or "winery" defined within the Liquor Control regulations of the City Code. However, the City does have an existing class for microbrewery/brewpub, but it only addresses the brewing of beer. To streamline the classes, the Clerk's Office proposed an amendment to the liquor license regulations to add microwinery and winery to this existing class. As part of that amendment, the requirement to be ancillary to a restaurant was removed, and the maximum amount of wine allowed to be produced in a year was established at 50,000 gallons per year. The City chose the latter regulation to mirror the current state statute¹ for the maximum amount of alcohol to be produced. The entire adopted regulation can be seen below:

3-3-4(A)(4) Classes of Licenses:

M - Microbrewery/brewpub/micro-winery/winery. A microbrewery/brewpub/micro-winery/winery license authorizes the manufacture, only at the designated licensed premises, less than one hundred fifty-five thousand (155,000) gallons of beer or fifty thousand (50,000) gallons of wine per year for sale on the premises for either on-premises or off-premises consumption. Sales may also be made to importing distributors, distributors, and to non-licensees for use and consumption. Microbrewery/brewpub/micro-winery/winery is also authorized to:

- a) furnish samples of the manufactured/produced wine or beer for consumption on the premises,
- b) sell the manufactured/produced wine or beer by the glass for consumption on the premises,

¹ [235 ILCS 5/ Liquor Control Act of 1934 – Article V](#)

- c) sell the manufactured/produced wine or beer in the original corked, capped or sealed and labeled container for consumption on or off the premises, and
- d) permit a patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

Zoning Ordinance Background

With regards to these types of alcoholic manufacturing and tasting uses, the Yorkville Zoning Ordinance regulates their definitions in Chapter 2 and their permitted locations and special conditions for each in Chapter 6. The Yorkville Zoning Ordinance currently has separate definitions for “Microbrewery or brewpub”, “Microdistillery”, “Microwinery”. These definitions are stated below:

Microbrewery or brewpub: A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year. One (1) U.S. barrel is equivalent to thirty-one (31) gallons.

Microdistillery: A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

Microwinery: Combination retail, wholesale and small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves wine for sale on or off-site, and produces no more than one hundred thousand (100,000) gallons per year. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the vinous beverages shall be consistent with state law.

All of these uses are permitted in the following districts shown below (extracted from Table 10.06.03):

Table 10.06.03 – Business Uses - Excerpt

	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Microbrewery/brewpub, microdistillery and microwinery ²	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P

Section 10-6-1 applies each of these special conditions to the uses in the table:

G. Microbrewery/brewpubs:

1. 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.

2. 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 percent (25%) of the total floor area.

H. Microdistilleries and microwineries:

1. 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.
2. 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.
3. All microdistilleries and microwineries located in business districts must have off-street or rear accessible loading and unloading facilities.
4. 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.

Proposed Text Amendment

Community Development staff is proposing a text amendment to both Chapter 2 and Chapter 6 of the Zoning Ordinance to align the zoning ordinance regulations to current state statute and the City's updated liquor license regulations. Staff is proposing the following changes to the definitions for each land use (redline version of Chapters attached):

Brewpub: A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year.

Microbrewery/Microwinery: A combination retail, wholesale, and/or small-scale artisan manufacturing business that brews, ferments, processes, packages, distributes, and serves either beer or wine for sale on or off-site. A microbrewery shall produce no more than one hundred fifty-five thousand (155,000) gallons of beer per year and a microwinery shall produce no more than fifty thousand (50,000) gallons of wine per year for sale on the premises for either on-premises or off-premises consumption. These facilities may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the beverages shall be consistent with state law.

Microdistillery: A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

The above amendments create a separate definition for a brewpub while combining the microbrewery/microwinery definitions. The microdistillery definition has remained unchanged. This is being proposed to align the zoning ordinance land uses with the new amendments within the liquor license code. Since the amended liquor code removed the requirement for microbreweries and microwineries to be part of a restaurant use, the zoning code definitions now reflect that change. However, a brewpub is the

only use which still requires a restaurant component to the business. This was done since the business model of a brewpub is to provide food and beverage service, including onsite produced beer. Additionally, the total maximum amount of wine produced in a year for a “microwinery” has been reduced to 50,000 gallons to meet the previously mentioned state statute.

Chapter 6 of the Zoning Ordinance is being amended to reflect the changes made to each definition. Staff is proposing to change the existing 10.06.03 Business Uses Table to the following:

Table 10.06.03 – Business Uses – Proposed Amendment

	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Brewpub ²	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Microbrewery/microwinery and microdistillery ²	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Microdistillery ²	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P

Now, each of the defined uses has its own line on the land use table. This helps align the zoning ordinance with the liquor code, as well as provide flexibility if one of these uses is amended in the future.

Finally, to correspond with the new definitions and land use table, the following special conditions have been reformatted in Section 10-6-1 of the code:

G. Brewpub: 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 percent (25%) of the total floor area. If off-premises consumption is allowed, all sales must be in a 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.

H. Microbreweries/microwineries and microdistilleries:

1. Microbreweries where if off-premises consumption is allowed, all sales must be in a 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.
2. 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.
3. 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.
4. All microdistilleries and microwineries located in business districts must have off-street or rear accessible loading and unloading facilities.
5. 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.

Economic Development Committee:

This agenda item was reviewed and discussed at the May 3, 2022 Economic Development Meeting. At that meeting it was suggested that the term “hand capped” was confusing and not well defined within the existing Section 10-6-1 for Microbrewery/Brewpub. The language has been amended as follows:

“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.”

This language is more succinct and still requires of premises sales of alcohol to be sealed in any fashion.

Staff Recommendation

The original definitions and permitted district regulations for a microbrewery and brewpub were established in 2010. In 2015, the City approved a text amendment to add microwinery and microdistillery to its definitions and land uses as well as update special regulations for each. At that time, the City chose to keep microbreweries and brewpubs as a single land use which required each to be part of a restaurant use. As evident of the recent change to the liquor license code, **staff is recommending** the removal of this requirement from microbrewery uses. Brewpub uses will still require a restaurant use to be part of the business.

Proposed Motion for Amendment:

In consideration of testimony presented during a Public Hearing on May 11, 2022 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request for a text amendment to Section 10-2-3: Definitions and Section 10-6: Permitted and Special Uses of the United City of Yorkville Zoning Ordinance to amend the definitions of Microbrewery, Brewpub, and Microwinery as well as their placement and special conditions on the permitted and special uses table, as recommended in a staff memo dated May 4, 2022, and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Attachments

1. Public Hearing Notice
2. Section 10-2-3 Definitions (redline)
3. Section 10-6-0 Uses Tables (redline)
4. Section 10-6-1 Special Conditions (redline)

**PUBLIC NOTICE OF A HEARING BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2022-10**

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Section 10-2: "Rules and Definitions" and Section 10-6: "Permitted and Special Uses" within the United City of Yorkville Zoning Ordinance. The amendment proposes to amend the definitions of microbrewery, brewpub, and microwinery to provide consistency with current State statutes and the City's liquor license regulations. Additionally, the land use designation table and special conditions in Section 10-6 of the Yorkville Zoning Ordinance will also be amended to reflect the proposed definitions.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing at a meeting on said amendments on **Wednesday, May 11, 2022 at 7:00 p.m.** at the Yorkville City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

Jori Behland
City Clerk

10-2-3: Definitions:

The following words and terms, wherever they occur in this title, shall be interpreted as herein defined:

Abutting: To have a common property line or zoning district.

Accessory building or use: One which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
- D. Is located on the same lot and in the same zoning district as the principal use.

Acre: A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

Acreage: Any tract or parcel of land having an area of one (1) acre or more which has not been subdivided or platted.

Agricultural sales and service: A use primarily engaged in sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies and farm machinery repair services that are accessory to the principal use.

Agricultural use: The employment of land for the primary purpose of raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, furbearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticulture use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.

Airport: Any area of land designated, set aside, used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas and uses such as airport buildings or other airport facilities, including approach zones.

Alcoholic beverage: Any beverage that is the product of distillation of fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

Alley: A public way, not more than thirty feet (30') wide, which affords only a secondary means of access to abutting property.

Amphitheater: A commercial structure with tiers of spectator seating rising around a field or court, intended primarily for use of viewing musical, theatrical, sporting or other similar entertainment events and specifically designed as a place of assembly.

Amusement park: A commercially operated facility which may include structures and buildings, with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages and similar activities.

Animal hospital: Any building, or portion thereof, designed or used for the care, observation or treatment of domestic animals.

Antique sales: A building or areas within a building to provide space for the sale of antiques by antique dealers, for items such as clocks, lamps, clothing, rugs, toys, furniture, and similar household goods.

Auction house: A structure, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

Automobile rental: Leasing or renting of automobiles, motorcycles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. This definition excludes commercial truck and trailer rental.

Automobile repair: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles including incidental repairs, replacement of parts, and motor service to automobiles. Automobile repair excludes repair to semi-trucks as defined in this section.

Bakery, retail: An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on- or off-site.

Bakery, wholesale: A bakery in which there is permitted the production and/or wholesaling of baked goods, excluding retail bakery.

Bank: A building for the custody, loan, or exchange of money, for the extension of credit and for facilitating the transmission of funds. This definition includes credit unions, savings and loan facilities, payday loans, personal loan agencies.

Basement: That portion of a building that is partly or completely below grade.

Bed and breakfast inn (B&B): A private, owner/operator occupied residence with guestrooms, providing overnight accommodations and a morning meal for compensation to transients/travelers. A bed and breakfast inn is operated primarily as a business.

Billiard parlor: A business establishment for a principal use as a billiard facility.

Block: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

Boat sales and rental: A marine retail sales and service use in which boats are rented or sold.

Boat storage: A facility where boats are stored including indoor and outdoor. Outdoor facilities shall be enclosed by an opaque fence or wall a minimum six feet (6') in height.

Bowling alley: A business establishment with a principal use for the sport of tenpin bowling which may include incidental food services.

Brewery: An establishment that engages in the manufacture of beer as such terms are defined in the Liquor Control Act of 1934, as amended, and has obtained a liquor license from the City.

Brewpub: A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year. See definition of Microbrewery or brewpub.

Buffer: A strip of land, including landscaping, berms, walls, and fences, that is located between land uses of different character and is intended to physically and visually separate one use area from another.

Buildable area: The space remaining on a building lot after the minimum yard requirements of this title have been complied with.

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are not communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

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Building, completely enclosed: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, detached: A building surrounded by open space on the same zoning lot.

Building height: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and the ridge of a gable, hip or gambrel roof; provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building. (See section 10-2-4 of this chapter for diagram.)

Building Inspector: The designated City official responsible for inspecting buildings within the City.

Building line: A line or lines, including the building setback line, on the horizontal surface of a lot, parallel to the front, side and rear lot lines, and located at a distance prescribed by the yard regulations of this title beyond which no portion of a building may extend except as provided by this title. (See section 10-2-4 of this chapter for diagram.)

Building, material sales: Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures.

Building, nonconforming: Any building which does not conform to the regulations of this title prescribing the use, required yards, lot coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

Building, principal: A nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

Building setback line: A line parallel to the street line of a distance from it, regulated by the front yard requirements set up in this title. (See section 10-2-4 of this chapter for diagram.)

Building, temporary: Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

Bulk: The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the centerlines of the streets, to other walls of the same buildings, and to other buildings or structures, and to all open spaces relating to the building or structure.

Business: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Campground: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, travel trailers, and/or tents.

Car wash: A building or portion thereof containing facilities for washing more than two (2) motor vehicles, using production line methods. The use of personnel for one (1) or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. Coin-operated devices operated on a self-service basis shall be construed to be the same.

Carport: An automobile shelter with two (2) or more sides open.

Cemetery: Land used or dedicated to the interment of human or animal remains or cremated remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operating within the boundary of such cemetery.

City: The United City of Yorkville or the City of Yorkville.

City council: The City Council of the City of Yorkville.

Club or lodge, private: A for profit or nonprofit association of persons who are bona fide members paying annual dues which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable local, federal and state laws, and county ordinances. (See title 3, chapter 3 of this Code.)

College: A private or public college or technical institution which provides full-time or part-time education beyond high school that grants Associate, Baccalaureate, or higher degrees.

Commercial feeding: A land use or facility used for the confined feeding operation for fish, poultry, swine or livestock.

Commercial school, trade school: A school established to provide for the teaching of industrial, clerical, managerial, artistic skills or alternative education. This definition applies to schools that are owned and operated privately for profit or not for profit. Such schools may not contain an auditorium, gymnasium, or any other sort of recreational facilities.

Community center: A building or structure used as a place of meeting, recreation or social activity, generally open to the public and designed to accommodate and serve significant segments of the community.

Conforming building or structure: A building or structure which:

- A. Complies with all the regulations of this title or of any amendment hereto governing bulk of the district in which said building or structure is located; and
- B. Is designed or intended for a permitted or special use as allowed in the district in which it is located.

Contractor facility: A facility where a construction contractor maintains its principal office or a permanent business office including outdoor storage incidental to the business and enclosed with an opaque fence or wall a minimum of six feet (6') in height.

Contractor offices: A building used for conducting contracting business that does not use any exterior storage area.

Court: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

Cultivation center: A facility registered by the Department of Agriculture to perform activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.

Curb level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

Dance hall: A place of assembly, open to the public and operated for profit, where dances, parties, receptions and other gatherings are held.

Datum point: Any reference point of known or assumed coordinates from which calculation or measurements may be taken.

Daycare facility: Any childcare facility licensed by the State Department of Children and Family Services (DCFS) which regularly provides daycare for less than twenty-four (24) hours per day for more than three (3) children under the age of twelve (12) in a facility other than a family home, 225 ILCS 10/2.09.

Daycare facility, adult: Any facility, public or private, regulated by the State of Illinois in accordance with the Older Adult Services Act which provides care for less than twenty-four (24) hours per day for older adults (seniors) such as nutritious meals, planned program of activities, and social and health related services.

Daycare facility, part day: Any facility licensed by the State Department of Children and Family Services (DCFS) and which is conducted by a church, religious organization or social service agency in which individual children are provided care, on an intermittent basis, for up to ten (10) hours per seven (7) day week. Any facility which provides intermittent care for up to ten (10) hours per seven (7) day week shall not provide such care for more than eight (8) hours in any given day during the seven (7) day week. Any facility which provides intermittent care for up to ten (10) hours per seven (7) day week shall provide at least one (1) caregiver per twenty (20) children, 225 ILCS 10/2.10.

Daycare home, group: Any in home childcare service licensed by the State Department of Children and Family Services (DCFS) which regularly provides care for less than twenty-four (24) hours per day for more than three (3) and up to a maximum of sixteen (16) children under the age of twelve (12) in a family home. The number of children allowed includes the family's natural or adopted children and all other persons under the age of twelve (12), 225 ILCS 10/2.20.

Daycare, in home: Any in home childcare service licensed by the State Department of Children and Family Services (DCFS) which regularly provides care for less than twenty-four (24) hours per day for more than three (3) and up to a maximum of twelve (12) children under the age of twelve (12) in a family home. The term does not include facilities which receive only children from a single household, 225 ILCS 10/2.09.

Decibel (dB): A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

Density, gross: A ratio of the total number of dwelling units on a site, divided by the total acreage of the site, to include streets, schools, parks, etc., expressed as dwelling units per acre.

Density, net: A ratio of the total number of dwelling units on a site, divided by the number of acres used exclusively for a residential type acreage not to include schools, parks, streets, etc., expressed as dwelling units per acre.

Department store: A retail business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the consumer for whom the goods and services are furnished.

Displacement (Earth): The amplitude or intensity of an earthborn vibration measured in inches. The displacement or amplitude is one-half (½) the total earth movement.

District: A section or part of the unincorporated portion of the City for which the use regulations are uniform.

Drive-through service establishment: A business or establishment which provides all or some of its services through a building opening or window to its patrons who remain in their vehicles.

Driveway: A paved or unpaved private roadway providing vehicular access between the right-of-way of the street and a parking space, garage, dwelling or other structure.

Dry cleaning establishment: An establishment or business maintained for the pick up and delivery of dry cleaning and/or laundry without the operation of any laundry or dry cleaning equipment or machinery on the premises.

Dry cleaning plant: A building, or portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in

cleaning solvents including, but not limited to, nonflammable solvents and/or class I and above combustible liquid solvents.

Dwelling: A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family dwelling units, duplex dwelling units, townhomes and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling, duplex: A building designed or altered to provide dwelling units for occupancy by two (2) families within a single structure on separate lots, each of which has independent living quarters with direct access to the outside.

Dwelling, group: A group of two (2) or more single-family, duplex, townhome and/or multiple-family dwellings occupying a parcel of land under a single ownership and having a yard or court in common, excluding hotels and motels.

Dwelling, multiple-family: A building or portion thereof, designed or altered for occupancy by two (2) or more families living independently of each other within a single or attached structure on one (1) lot, which may or may not share common entrances or other spaces and includes apartments, group homes, and condominiums.

Dwelling, single-family: A dwelling unit designed exclusively for use and occupancy by one (1) family which is detached from any other dwelling unit and surrounded on all sides by open space on the same lot.

Dwelling, townhouse: A single-family dwelling unit constructed in a group of three (3) or more attached units on separate lots in which each unit extends from foundation to roof and with a yard or public way on at least two (2) sides.

Dwelling unit: A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A grant by a property owner for the use of a parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Efficiency unit: A dwelling unit consisting of one (1) principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove, directly off the principal room.

Equivalent opacity: The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

Erect: The act of placing or affixing a component of a structure upon the ground or upon another such component.

Establishment, business: A separate place of business having the following three (3) characteristics:

- A. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
- B. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".
- C. There is no direct public access from within such establishment to any other such establishment.

When adjacent places of business lack any one (1) of the aforesaid characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this title.

Family: One (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household.

Fence: A structure, including gates, or tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement.

Fence, open: A fence which has over its entirety at least fifty percent (50%) of the surface area in open space as viewed at right angles from the fence; except, that the required open space in louver type fences may be viewed from any angle.

Fence, solid: A fence which conceals from view, from adjoining properties, streets or alleys, activities conducted behind it.

Floor area, gross (for determining floor area ratio): The sum of the gross horizontal areas of the several floors, including also the basement floor of a building, measured from the exterior faces of the exterior walls or from the centerlines of walls separating two (2) buildings. The "floor area" shall also include the horizontal areas on each floor devoted to:

- A. Elevator shafts and stairwells.
- B. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers.
- C. Habitable attic space as permitted by the building code.
- D. Interior balconies and mezzanines.
- E. Enclosed porches.
- F. Accessory uses.

The "floor area" of structures used for bulk storage of materials, i.e., grain elevators and petroleum tanks, shall also be included in the "floor area" and such "floor area" shall be determined on the basis of the height of such structures with one (1) floor for each ten feet (10') of structure height and if such structure measures less than ten feet (10') but not less than five feet (5') over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities shall not be included in the "floor area".

"Floor area" when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas to the basement floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

Floor area, livable: Any floor area within outside walls of a residential building exclusive of areas in basements, lookout basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

Floor area ratio: The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot. (See section 10-2-4 of this chapter for diagram.)

Foot-candle: A unit of illumination, equivalent to the illumination at all points which are one foot (1') distant from a uniform point source of one (1) candlepower.

Foot-lambert: A unit of brightness, usually of a reflecting surface. A diffusion surface of uniform brightness reflecting or emitting the equivalent of the light from one (1) candle at one foot (1') distant over one (1) square foot has a brightness of one (1) foot-lambert.

Frequency: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Garage, bus: Any building used or intended to be used for the storage of three (3) or more passenger motor buses or motor coaches used in public transportation, excluding school buses.

Garage, private: An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided, that not more than one-half (½) of the space may be rented for the private vehicles of persons not resident on the premises; except, that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed five (5) tons.

Gasoline service station: A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the services of automobiles, mechanical or manual washing of automobiles, but not including major automobile repairs. Gasoline service stations shall not include sale or storage of automobiles or trailers (new or used).

Golf course: A facility providing a private or public golf recreation area designed for regulation play along with accessory golf support facilities including golf related retail sales, restaurant, golf driving range but excluding miniature golf.

Golf driving range: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting which may include incidental retail sales and food services, but excludes miniature golf.

Grade: The established grade of the street or sidewalk. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line. Except in cases of unusual topographic conditions, as determined by the Director of Public Works, grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure based upon any technical advice that the Director of Public Works deems necessary.

Grocery store: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products.

Group home: A single-family dwelling housing not more than eight (8) service dependent or developmentally disabled people living with professional care staff.

Guest, permanent: A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his domicile and place of permanent residence.

Health and fitness club/center: A facility which provides for individual or group exercise activities. Programs may include, but are not limited to aerobics, calisthenics, weight training, running, swimming, court games, studio lessons and all types of instructional classes related to physical fitness. Health and fitness clubs/centers may offer a variety of recreational and fitness amenities such as weightlifting machines, free weights, swimming pools, gymnasiums, studios, sport courts, shower and changing areas and may include incidental uses such as childcare facilities, food services, saunas, and pro shops oriented towards customers during their use of the club/center.

Home occupation: An accessory use of a residential dwelling unit which complies with the requirements of section 10-3-9 of this title.

Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four (24) hours in any week, of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital", as used in this title, does not apply to institutions operating solely for the treatment of mentally ill or chemically

dependent persons, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

Hotel, motel, or inn: An establishment containing lodging accommodations designed for use by transients, or travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, restaurants, cocktail lounges, meeting rooms and ancillary retail uses, provided access to such uses are from the exterior of the principal use.

Householder: The occupant of a dwelling unit who is either the owner or lessee thereof.

Impact noise: A short duration sound such as those from a forging hammer or punch press.

Incombustible: A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred degrees Fahrenheit (1,200°F).

Kennel, commercial: Any lot or premises or portion thereof on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept for sale, or on which more than two (2) such animals are boarded for compensation.

Laboratory, commercial: A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packaging of products is not included within this definition.

Land banking: Land that is part of a single lot or development that is set aside or reserved for a later approved use or development.

Laundry: A business that provides coin-operated, self-service type washing, drying, dry cleaning and ironing facilities; provided that:

- A. Not more than four (4) persons, including owners, are employed on the premises; and
- B. No pick up or delivery service is maintained.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Loading and unloading space, off-street: An open, hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, twenty-five feet in length and fourteen feet in height (10' x 25' x 14'), exclusive of access aisles and maneuvering space.

Lookout basement: A story having more than one-half (½) of its height below the curb level or below the highest level of the adjoining ground. A lookout basement shall not be counted as a story for the purposes of height measurement.

Lot: A parcel of land legally described as a distinct portion or piece of land of record. (See section 10-2-4 of this chapter for diagram of lot types.)

Lot area: The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, corner: A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five degrees (135°) or less. (See section 10-2-4 of this chapter for diagram.)

Lot coverage: The area of a zoning 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.

Lot depth: The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot, flag: A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow driveway or strip of land between abutting lots, thereby not meeting the minimum lot frontage requirements. (See section 10-2-4 of this chapter for diagram.)

Lot frontage: The front of a lot shall be that boundary of a lot along a public or private street; for a corner lot, the front shall be the narrowest side of the lot fronting upon a street; provided that the owner may orient the building toward either street but once frontage is established it shall be maintained.

Lot, interior: A lot other than a corner lot or reversed corner lot. (See section 10-2-4 of this chapter for diagram.)

Lot line: A property boundary line of any lot held in single or separate ownership; except, that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot line, front: A lot line which abuts a street shall be the front lot line. For corner lots, the narrowest side of the lot fronting upon a street shall be considered the front of the lot; provided that the owner may orient the building toward either street but once frontage is established it shall be maintained.

Lot line, interior: A side lot line common with another lot.

Lot line, rear: The rear lot line is the lot line or lot lines most nearly parallel to and more remote from the front lot line.

Lot line, side: Lot lines other than front or rear lot lines are side lot lines.

Lot of record: A lot which is a part of a subdivision or a parcel of land described by deed and where both the map and the deed were recorded in the Office of the County Recorder.

Lot, reversed corner: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not. (See section 10-2-4 of this chapter for diagram.)

Lot, through: A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. (See section 10-2-4 of this chapter for diagram.)

Lot width: The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

Lot, zoning: A plot of ground made up of one (1) or more contiguous parcels which are under single ownership and may be occupied by a use, building or buildings, including the yards and open spaces required by this title.

Manufacturer, firearms and ammunition: Any person or entity in: a) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution, b) selling firearms at wholesale or retail, c) repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms and operating under the provisions of the applicable local, state and federal licenses.

Manufacturing establishment: An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products.

Marina: A facility for secure mooring of boats, including facilities for storage and repair of boats and sale of boating supplies and fuel.

Massage establishment: Any establishment having a source of income or compensation derived from the practice of "massage" as defined in section 10 of the Massage Licensing Act, 225 ILCS 57/10 and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities defined in title 3, chapter 9, "Massage Establishments", of this Code.

Medical cannabis dispensing organization: A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualified patients in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.

Medical clinic: An establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians or dentists and their professional associates, practicing medicine together.

Microbrewery or brewpub/Microwinery: A combination retail, wholesale, and/or small-scale artisan manufacturing business that brews, ferments, processes, packages, distributes, and serves either beer or wine for sale on or off-site. A microbrewery shall produce no more than one hundred fifty-five thousand (155,000) gallons of beer per year and a microwinery shall produce no more than fifty thousand (50,000) gallons of wine per year for sale on the premises for either on-premises or off-premises consumption. These facilities may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the beverages shall be consistent with state law. A restaurant brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year. One (1) U.S. barrel is equivalent to thirty-one (31) gallons.

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Microdistillery: A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

Microwinery: Combination retail, wholesale and small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves wine for sale on or off-site, and produces no more than one hundred thousand (100,000) gallons per year. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the vinous beverages shall be consistent with state law.

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Miniature golf course: A novelty version of golf played with a putter and golf ball on a miniature course, typically theme oriented with artificial playing surfaces and including obstacles such as bridges and tunnels.

Mobile home: A manufactured home structure transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length or when erected on-site is three hundred twenty (320) square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems that may be contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary (HUD) and complies with the standards established under this title. For manufactured homes built prior to June 15, 1976, a label certifying compliance to the standard for mobile homes, NFPA 501, in effect at the time of manufacture is required.

Mobile home park: A lot, parcel or tract of land developed with facilities for accommodating two (2) or more mobile homes, provided each mobile home contains a kitchen, flush toilet and shower or bath; and such park shall be for use only by nontransient dwellers remaining continuously for more than one (1) month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located on a site in the mobile home park which are occupied or vacant for not more than ninety (90) days after occupancy may be sold or offered for sale.

Modular construction: A structure not built on-site, but which is placed on a permanent foundation and meets building code requirements.

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Motels, motor lodges, tourist courts: A group of attached or detached buildings containing individual sleeping units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels or motor lodges, but not including mobile homes.

Motor freight terminal: A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

Motor vehicle: A passenger vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

Nonconforming use: Any building, structure or land lawfully occupied by use or lawfully established which does not conform to the current regulations of the zoning ordinance.

Noxious matter: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical, social or economic well being of human beings.

Nursery: Retail business whose principal activity is the selling of plants and having outdoor storage, growing and/or display of plants.

Nursing home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

Octave band: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Octave band filter: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals. (American Standard For Sound-Level Meters/ASA - No. 224.3 - 1944.)

Odor threshold: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM method D 1391-57, "Standard Method For Measurement of Odor in Atmospheres (Dilution Method)".

Odorous matter: Any material that produces an olfactory response among human beings.

Office: A place, such as a building, room or suite, in which services, clerical work, professional duties or the like are carried out.

Open sales lot: Any land used or occupied for the purpose of buying and selling new or secondhand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, etc., and for the storing of same prior to sale.

Outdoor music venue: A property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls or roof.

Parapet: An architectural feature of a building where that portion of an exterior wall extends above the roof deck.

Parking area, private: An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking area, public: An open, hard surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1½) tons' capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking space, automobile: Space within a public or private parking area designed in conformance with section 10-16-3 of this title, exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1½) tons' capacity.

Parking structure: An attached or detached structure that is fully or partially enclosed with one (1) or more levels and is used exclusively for the parking or storage of motor vehicles. This does not include private one-story garages for single-, two-, or multiple-family residential uses. Parking structures may either be above or below grade.

Particulate matter: Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

Party wall: An interior wall of adjoining structures extending from its footing to the underside of the roof, and which separates and is in common use by such adjoining structures.

Pawnbroker/pawnshop: Any person who lends money on deposit or pledge of personal property, or deals in the purchase of personal property on condition of selling the same back at a stipulated price, or who publicly displays at his or her place of business the sign generally used by pawnbrokers to denote the pawnbroker's business, or who publicly displays a sign which indicates, in substance, a business on the premises which "loans money for personal property, or deposit or pledge". The business of a pawnbroker shall not include the lending of money on deposit or pledge of title to property.

Performance standard: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

Philanthropic institution: Any building or group of buildings devoted to and supported by charity.

Plan commission: The Plan Commission of the City of Yorkville.

Planned unit development: A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least four (4) acres in area, except for planned developments operated by a municipal corporation which shall be at least two (2) acres in area, and planned unit developments in manufacturing districts which shall be at least ten (10) acres in area.

Porch: A roofed over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Preferred frequencies: A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA standard N. S1.6-1960, "Preferred Frequencies For Acoustical Measurements".

Principal use: The main use of land or buildings as distinguished from a subordinate or accessory use.

Professional services: A business that offers any type of professional service to the public which requires, as a condition precedent to the rendering of such service, the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, engineers, chiropractors, dentists, physicians, podiatrists, architects, veterinarians, attorneys at law, physical therapists and insurance agents.

Public open space: Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public utility: Any person, firm, corporation or municipal department duly authorized to furnish, under public regulation, to the public, electricity, gas, steam, telephone, sewers, transportation or water.

Railroad passenger station: A facility for the boarding of passengers and related ticketing sales and offices.

Railroad right-of-way: A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

Recreation center: A building or structure used as a place of recreation, generally open to the public and designed to accommodate and serve significant segments of the community.

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Recreational camp private: An establishment consisting of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to the members of such association and not to anyone who may apply.

Recreational vehicle: Any type of vehicle used primarily for recreational pleasure or bearing recreational vehicle registration license plates. Examples include, but are not limited to, motor homes, boats, snowmobiles, and all-terrain vehicles.

Refuse: All waste products resulting from human habitation, except sewage.

Religious institution, large: A building, having four hundred (400) or more seats or larger than eight thousand (8,000) square feet of total gross floor area, wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

Religious institution, small: A building, having four hundred (400) or fewer seats or no larger than eight thousand (8,000) square feet of total gross floor area, wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

Resale dealer: Any individual, firm, corporation or partnership engaged in the business of operating a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, audio-video equipment or any precious metals which may have been previously owned by a consumer; or which derives more than thirty-five percent (35%) of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including, but not limited to, furniture, appliances, clothing, automobile accessories, books or metals, whether in bulk or manufactured state.

- A. The term "resale dealer" shall include, but not be limited to, businesses commonly known as swapshop operators, stamp dealers, coin dealers and jewelers that purchase and resell items from persons other than dealers and suppliers and engage in disassembling, melting and otherwise altering jewelry. The term "resale dealer" shall not include pawnbrokers.
- B. The fact that any business does any of the following acts shall be prima facie proof that such business is a resale dealer:
 - 1. Advertise in any fashion that it buys or sells used items. Such advertisements shall include, but not be limited to, media advertisements, websites, telephone listings, and signs whether in the exterior or interior of business.
 - 2. Devotes a significant segment or section of the business premises to the purchase or sale of used items.

Research laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residence: The act or condition of residing or dwelling in a place.

Rest home: See definition of *Nursing home*.

Restaurant: Any land, building or part thereof where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunchroom, drive-in stand, tearoom and dining room, and including the serving of alcoholic beverages when served with and incidental to the serving of meals, where permitted.

Restaurant, convenience: An establishment commonly referred to as "fast casual" dining with the following characteristics: a) limited menu items are made to order and are prepared only upon request; b) food is either

ordered and picked up at a counter or served at the patron's table in a limited dine in area; and c) usually part of a chain or franchise establishment.

Restaurant, fast-food: A quick service restaurant with the following characteristics: a) typically includes drive-through service; b) limited menu items consisting of prepackaged or quickly prepared food items; c) food is ordered and picked up at a counter with no table service provided; d) limited dine in area; and e) usually part of a chain or franchise establishment.

Retail store: A building or portion of a building providing area for the selling of new or used goods, wares, and merchandise directly to the consumer for whom the goods are furnished.

Ringelmann chart: A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke.

Ringelmann number: The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

Roadside stand: A temporary structure which is used solely for the display or sale of farm produce and related materials. No roadside stand shall be more than three hundred (300) square feet in ground area and there shall be no more than one (1) roadside stand on any one (1) premises.

Roadway: That portion of a street which is used or intended to be used for the travel of motor vehicles.

Runway: A strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

Salvage yard: An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

School: Elementary, high school or college, public or private, or nonprofit junior college, college or university, other than trade, commercial and business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees. These schools typically contain an auditorium, gymnasium, cafeteria, or other recreational facilities.

Semi-truck: A tractor unit which is used to tow or move semi-trailers. A semi-truck typically has two (2) or three (3) axles and is built for hauling large amounts of products, goods, and heavy machinery.

Semi-truck repair: Engine rebuilding or major reconditioning of worn or damaged semi-trucks; collision service, including body, frame or fender straightening or repair and painting including incidentals repairs, replacement of parts and motor service to semi-trucks.

Setback: The minimum distance maintained between a street right-of-way and the nearest supporting member of any structure on the lot, except where otherwise regulated in this title.

Setback, established: When forty percent (40%) or more of the lots fronting on one (1) side of a street within a block are improved, the existing setbacks of such improved lots shall be the "established setback" for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated in this title.

Setback line, building: See definition of building setback line.

Shooting gallery/gun range, indoor: An enclosed facility, public or private, specifically for the purpose of providing a place in which to discharge various types of firearms, shoot air guns and/or archery equipment at designated targets and designed to contain all projectiles fired within the confines of the building. Auxiliary training and instructional classroom facilities may also be provided, as well as ancillary retail sales of firearms, ammunition and associated products upon proof of applicable local, state and federal licensure.

Short-term rental: A home occupation of a single-family dwelling unit that is used as a primary residence by owners or renters, or a portion of such a dwelling unit that is rented for less than thirty (30) days at a time to transients and temporary guests.

Skating rink: An establishment that provides facilities for participant skating.

Smoke: Small gasborne particles other than water that form a visible plume in the air.

Smoke unit: The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of smoke units observed during the total period under observation.

Sound level meter: An electronic instrument which includes a microphone, an amplifier and an output meter which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Sound pressure level: The intensity of a sound measured in decibels mathematically described as twenty (20) times the logarithm to the base-10 of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

Stable, private: Any building which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

Stable, public (riding or boarding stable): A building and grounds which are designed, arranged, used or intended to be used for the storage, boarding or breeding of horses, including accessory uses which may include riding and horsemanship instructions and the hire of riding horses.

Stacking requirements: The number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

Stadium: Any facility, building, corral, arena, or structure of any kind designed for use as either a sports facility (including animal sports, i.e., rodeos, horseraces, etc.), entertainment facility, whether for profit or not, where activities are to be undertaken generally for the entertainment of others. Said description includes ball fields, when any type of structure is involved, skating rinks, racetracks, football or soccer fields, softball fields, gymnasiums, swimming facilities, music halls, theaters, stages or any other type of field or facility.

Story: That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

Story, half: That portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half feet (4½') above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three (3) stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this title. In the case of multiple-family dwellings three (3) or more stories in height, a half story shall be counted as a story.

Street: A way other than an alley which affords a primary means of access to abutting property.

Street line: A line separating an abutting lot, piece or parcel from a street.

Structural alterations: Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams and girders.

Structure: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

Tattoo and body piercing establishments: Any establishment which performs or provides services for tattooing and/or body piercing as defined in title 3, chapter 10 of this Code.

Tavern or lounge: A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

Taxicab business: A service that offers transportation in passenger automobiles and vans to persons in return for remuneration. The business may include facilities for servicing, repair, and fueling the taxicabs or vans.

Terrace, open: A level and rather narrow plane or platform which, for the purpose of this title, is located adjacent to one (1) or more faces of the principal structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

Theater: A structure used for dramatic, operatic, motion pictures for admission to which money is received. Such establishments may include related services such as food and beverage sales and other concessions.

Title: Reference to "title" herein shall be construed to be the Yorkville Zoning Ordinance.

Toxic materials: Substances (liquid, solid or gaseous) which are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well being of persons or damage to property.

Trailer: A vehicle without motive power, designed to be towed by another vehicle but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer or cargo trailer.

Trailer, camping: A trailer designed and constructed for temporary dwelling purposes which does not contain built in sanitary facilities and has a gross floor area of less than one hundred thirty (130) square feet.

Trailer house or mobile home: See definition of *Mobile home*.

Trailer, travel: A trailer designed and constructed for dwelling purposes which may contain cooking, sanitary and electrical facilities and has a gross floor area of one hundred thirty (130) square feet or more but less than three hundred twenty (320) square feet.

Treatment center: One (1) or more buildings designed and used for the medical and surgical diagnosis and treatment. This definition excludes hospitals and nursing homes.

Truck and trailer rental: Leasing or renting of trucks and trailers, including incidental parking and servicing of vehicles for rent or lease.

Truck storage yard: Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, and which exceed one and one-half (1½) tons in capacity.

Usable open space: Ground area of a lot, landscaping and recreational facilities may qualify as usable open space provided that it is an area unobstructed from the ground to the sky and which:

- A. Is not devoted to public or private roadways or driveways and off-street parking and loading;
- B. Is accessible and available only to occupants of dwelling units on the premises, except balconies;
- C. Is not covered by buildings, except not more than five percent (5%) of the required open space may be recreational facilities enclosed within a building for the use of occupants of the dwelling units on the premises;
- D. Has not less than ten feet (10') at its narrowest dimension between either a lot line and an area not qualifying as usable open space; and
- E. Is developed, landscaped and maintained suitable for pedestrian, recreational and leisure use.

Use: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Use, lawful: The use of any building, structure or land that conforms with all of the regulations of this title and which conforms with all of the codes, ordinances and other legal requirements as existing when the structure or land is being examined.

Use, nonconforming: See definition of *Nonconforming use*.

Use, permitted: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this title for the district in which such use is located.

Use, principal: The dominant use of land or buildings as distinguished from a subordinate or accessory use.

Use, special: A use that has unusual operational, physical or other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that complements and is otherwise, or can be made, compatible with the intended overall development within a district. Compliance with special standards not necessarily applicable to other permitted or conditional uses in the district shall be required as regulated in this title.

Vacant land: A lot or parcel of land on which no improvements or structures have been constructed or actively used for any land use purpose.

Vibration: The periodic displacement, measured in inches, of earth at designated frequency cycles per second.

Warehouse: A structure, part thereof, or an area used principally for the storage of goods and merchandise for wholesale or distribution, excluding bulk storage of materials that are inflammable or explosive or that present hazards.

Yard: An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this title.

Yard, front: A yard extending along the full width of a front lot line between the side lot lines, and has a depth between the front lot line and the front yard line.

Yard, interior side: A side yard which adjoins another lot or an alley separating such side yard from another lot.

Yard line: A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. A building, structure or other obstruction shall not encroach into the area between the "yard line" and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this title. (See section 10-2-4 of this chapter for diagram.)

Yard, rear: A yard extending along the width of the rear lot line between the side lot lines, and from the rear lot line to the rear yard line in depth.

Yard, side: A yard extending along the length of a side lot line between the rear yard line and front yard line, from the side yard line to the side lot line in width.

Yard, side adjoining a street: A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.

Yard, transitional: A yard that must be provided on a lot in a business district which adjoins a lot in a residential district as a buffer and subject to regulations provided in the landscape ordinance.

Zone: A "district", as defined in this section.

Zoning Board of Appeals: See title 2, chapter 2 of this Code.

(Ord. 2014-73, 11-25-2014; amd. Ord. 2015-32, 6-9-2015; Ord. 2016-35, 4-26-2016; Ord. 2017-02, 1-24-2017; Ord. 2017-32, 5-23-2017; Ord. 2019-08, 1-29-2019; Ord. 2019-29, 5-14-2019; Ord. 2019-40, 7-23-2019)

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(Supp. No. 2)

10-6-0: Use tables:

TABLE 10.06.01
RESIDENTIAL USES

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business					Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Dwelling, duplex	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Dwelling, multi-family	-	-	-	-	-	-	-	P	P	-	P ²	S ²	S ²	S ²	S ²	S ²
Dwelling, single-family	P	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-
Dwelling, townhouse	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Mobile home park	-	-	-	-	-	-	-	S ¹	S ¹	-	-	-	-	-	-	-
Short-term rental	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-

P = Permitted use	S = Special use	- = Not permitted use
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Notes:

1. 10 acre minimum.
2. Apartments above the first floor in a building used for business or as live/work space above a manufacturing use shall be permitted up to a maximum of 2 apartments.

(Ord. 2014-73, 11-25-2014; amd. Ord. 2019-29, 5-14-2019)

TABLE 10.06.02
INSTITUTIONAL USES

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business					Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Cemetery	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-
College, university or junior college	S	-	-	S	S	S	S	S	S	P	P	P	P	P	-	-

Hospital	S	-	-	S	S	S	S	S	S	-	P	P	P	P	-	-
Library	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Nursing home/rest home	S	-	-	S	S	S	S	S	S	-	P	P			-	-
Philanthropic institution	S	-	-	S	S	S	S	S	S	-	-	-	-	-	-	-
Religious institution, large	S	-	-	S	S	S	S	S	S	P	P	P	P	P	S	S
Religious institution, small	S	-	-	S	S	S	S	S	S	P	P	P	P	P	S	S
School, public or private	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-

P = Permitted use	S = Special use	- = Not permitted use
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(Ord. 2014-73, 11-25-2014)

**TABLE 10.06.03
BUSINESS USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business					Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Adult daycare facility	-	-	S	S	S	S	S	S	-	S	S	S	S	S	S	S
Adult oriented uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Advertising agency	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Agricultural implement sales, storage and services of agriculturally oriented products ²	S	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-
Agricultural uses	P	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Amphitheater	-	-	P	-	-	-	-	-	-	-	S	S	S	S	S	S
Amusement park	S	-	S	-	-	-	-	-	-	-	-	-	S	S	S	S
Animal feed, storage preparation, mixing and wholesale and retail	S															
Animal hospital	S	-	-	-	-	-	-	-	-	-	-	-	S		-	-
Antique sales	-	-	-	S	-	S	-	S	S	-	P	P	P	P	-	-

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(Supp. No. 2)

Apiaries	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Appliance - service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Art galleries/art studio	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Auction house	P	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Automobile parts/accessories sales	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Automobile rental	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Automobile repair	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Automobile sales and service/ open sales lot	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Bakery, retail	-	-	-	-	-	-	-	-	-	-	P	P	P	P	S ¹	S ¹
Bank with drive-through facilities	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Barber/beauty shop	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Bed and breakfast inn	S	-	-	S	S	-	-	-	-	-	S	S	S	-	-	-
Bicycle shop/repair	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Billiard parlor	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-	-
Boat sales and rental	-	S	S	-	-	-	-	-	-	-	P	P	P	P	-	-
Boat storage	-	S	S	-	-	-	-	-	-	-	S	S	S	S	S	S
Bookkeeping service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Bookstore	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-
Bowling alley	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Brewery	-	-	-	-	-	-	-	-	-	-	S	S	S	S	P	P
Brewpub	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	P	P	P	P	P
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature, ready mix batch plants, and asphalt manufacturing plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Building material sales	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Campground	S	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Car wash without mechanical repair	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Carpet and rug cleaning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Catering service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-

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Clothes - pressing and repair	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Club/lodge, private ²	S	-	-	-	-	-	-	-	-	P	P	P	P	P	-	S
Coffee shop	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Commercial feeding of fish, poultry, livestock	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial laboratory	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Commercial school, trade school - offering training in classroom study	-	-	-	-	-	-	-	-	-	P	P	P	P	P	S	S
Community center	-	-	P	-	-	S	S	S	S	-	P	P	P	P	S	S
Contractor facilities with outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Contractor offices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Cultivation of nonfood crops and seeds used of cellulosic biofuels production	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dance hall	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Daycare facility and preschools	S	-	S	S	S	S	S	S	-	S	S	S	S	S	S	S
Department store	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Detective agency	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Dressmaker-seamstress	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Dry cleaning establishment	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-
Dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Employment office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Farming	P	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Fertilizer sales with storage and mixture	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Forestation	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Funeral home/ mortuary/ crematorium	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Furniture repair and refinishing	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Gasoline service station	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S
Golf course ²	S	-	S	P	P	P	P	P	P	-	-	-	-	-	-	-
Golf course, miniature	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Golf driving range	S	-	S	-	-	-	-	-	-	-	-	-	P	P	-	-
Grain elevators and storage	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Created: 2022-01-07 11:53:25 [EST]

(Supp. No. 2)

Grocery store	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Health and fitness club/center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-
Heavy machinery and equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Hotel/motel/motor lodges/tourist courts	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Indoor shooting gallery/gun range ²	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
Interior decorating studio	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Kennel, commercial or private dog kennels	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Liquor store	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Locksmith	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Massage establishment	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Medical clinic	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Microbrewery/alepub, microdistillery and microwinery ²	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Microdistillery	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Milk processing and distribution ²	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Motorcycle sales and service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Musical instrument sales/repair	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Newspaper publishing	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Nursery/greenhouses	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Off-track betting (OTB) establishments	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Outdoor music venues	-	-	P	-	-	-	-	-	-	-	S	S	S	S	S	S
Parks	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Pawnbrokers/pawnshops	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Pet stores/pet supply	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Photography studio/camera repair shop	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Playground	-	P	P	P	P	P	P	P	P	-	P	P	P	P	-	-
Post office/retail mail or package service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Professional services/offices	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-

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Public storage facilities/miniwarehouse storage ²	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Radio and television studios	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Recreation center	-	-	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Recreational camp - private	S	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Recreational vehicle sales and service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Repair of household or office machinery or equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Resale dealers	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Restaurant, convenience and fast food	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Retail store includes pharmacy/drugstore	-	-	-	-	-	-	-	-	-	S	P	P	P	P	S	-	-
Riding academies with stables	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Roadside stand	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Salvage yard ²	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Semi-truck repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Shoe and hat repair	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Skating rink	-	-	S	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Stables or paddocks	P	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Stadium	-	-	S	-	-	-	-	-	-	-	-	-	S	S	S	S	S
Swimming pool - indoor	-	-	S	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Tattoo and body piercing establishment	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Tavern - nightclub or lounge	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S
Taxidermist	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Theater	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Trailer camp/park	S	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Treatment center	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Truck and trailer rental	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-
Truck, truck-tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Upholstery shop	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Veterinary clinic	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-

Created: 2022-01-07 11:53:25 [EST]

(Supp. No. 2)

Watch and clock sales and repair	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Weaving and mending - custom	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-

P = Permitted use	S = Special use	- = Not permitted use
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Notes:

1. Appurtenant to wholesale.
2. See section 10-6-1, "Special Conditions", of this chapter.

(Ord. 2014-73, 11-25-2014; amd. Ord. 2015-32, 6-9-2015; Ord. 2015-33, 6-9-2015; Ord. 2016-35, 4-26-2016; Ord. 2017-02, 1-24-2017; Ord. 2017-32, 5-23-2017; Ord. 2019-08, 1-29-2019; Ord. 2019-13, 2-26-2019)

**TABLE 10.06.04
MANUFACTURING USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business				Manufacturing		
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Any assembly, production, manufacturing, testing, repairing or processing that can and does operate in compliance with performance standards ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Aggregate materials extraction, processing and site reclamation (stone and gravel quarries)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Bakery (wholesale -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

Created: 2022-01-07 11:53:25 [EST]

(Supp. No. 2)

retail component special use)																
Blacksmith or welding shop	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Manufacturer of firearms and ammunition	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Medical cannabis cultivation center and dispensaries ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Research laboratories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Wholesaling and warehousing - local cartage express facilities - not including motor freight terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

P = Permitted use	S = Special use	- = Not permitted use
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Notes:

1. See section 10-6-1, "Special Conditions", of this chapter.

**TABLE 10.06.05
TRANSPORTATION USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business				Manufacturing		
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Airport	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Bus or truck garage or streetcar house	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bus or truck storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

Created: 2022-01-07 11:53:25 [EST]

Marina	-	-	S	-	-	-	-	-	-	-	-	S	S	S	S	S
Motor freight terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Railroad passenger station	S	-	-	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad repair shops, maintenance buildings and switching yards	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Taxicab business	-	-	-	-	-	-	-	-	-	-	-	-	P	P	S	S

P = Permitted use	S = Special use	- = Not permitted use
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**TABLE 10.06.06
UTILITY USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business					Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Communications use	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electric substation	S	S	S	S	S	S	S	S	S	-	P	P	P	P	P	P
Filtration plant	S	-	-	S	S	S	S	S	S	-	-	-	-	-	P	P
Fire station	S	-	-	S	S	S	S	S	S	P	P	P	P	P	P	P
Police station	S	-	-	S	S	S	S	S	S	P	P	P	P	P	P	P
Public utility - electric substations and distribution centers, gas regulation centers and underground gas holder stations	S	S	S	-	-	-	-	-	-	-	-	-	-	-	P	P

Other public utility facilities	S	-	S	P	P	P	P	P	P	-	-	-	-	-	P	P
Radio and television towers - commercial	S	-	-	S	S	S	S	S	S	-	-	-	-	-	P	P
Sanitary landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Sewage treatment plant	-	-	-	S	S	S	S	S	S	-	-	-	-	-	P	P
Solid waste disposal site	-	-	-	-	-	-	-	-	-	S	S	S	S	S	P	P
Utility company maintenance yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Utility service yard or garage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Watchman quarters (dwelling units)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

P = Permitted use	S = Special use	- = Not permitted use
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**TABLE 10.06.07
ALTERNATIVE ENERGY USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business					Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Solar farm	S	S	S	-	-	-	-	-	-	S	-	-	-	-	-	-
Building-mounted solar energy systems (BSES)	S	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Freestanding solar energy systems (FSSES)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Wind farm	S	-	S	-	-	-	-	-	-	S	-	-	-	-	-	-
Building-mounted	S	-	P	S	S	S	S	S	S	S	S	S	S	S	S	S

wind energy system (BWES)																
Freestanding wind energy system (FWES)	S	S	S	S	S	S	-	-	-	S	-	-	-	-	S	S

P = Permitted use	S = Special use	- = Not permitted use
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**TABLE 10.06.08
MISCELLANEOUS USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business				Manufacturing		
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Accessory building/use and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Planned unit development (PUD)	S	-	-	S	S	S	S	S	S	S	S	S	S	S	S	S

P = Permitted use	S = Special use	- = Not permitted use
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(Ord. 2014-73, 11-25-2014)

**TABLE 10.06.09
ADULT USE CANNABIS BUSINESSES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business				Manufacturing		
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Adult-use cannabis craft grower	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Adult-use cannabis	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S

Created: 2022-01-07 11:53:25 [EST]

(Supp. No. 2)

cultivation center																	
Adult-use cannabis dispensing organization	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	S	
Adult-use cannabis infuser organization or infuser	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	S	
Adult-use cannabis processing organization or processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	
Adult-use cannabis transporting organization or transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	

P = Permitted use	S = Special use	- = Not permitted use
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(Ord. 2019-84, 11-26-2019)

10-6-1: Special conditions:

- A. *Agricultural implementation sales, storage and service of agriculturally oriented products:*
 - 1. Sales yards, wholesale or retail, for agricultural products in A-1, Agricultural District; refer to section 10-9-3, "Special Uses", of this title.
- B. *Club/lodge, private:*
 - 1. Private clubs or lodges in A-1, Agricultural District; refer to section 10-9-3, "Special Uses", of this title.
- C. *Golf courses:*
 - 1. Regulation size golf courses are permitted provided that no clubhouse or accessory building shall be nearer than five hundred feet (500') to any dwelling on an adjacent zoning lot.
 - 2. Golf courses, miniature golf courses and driving ranges in A-1, Agricultural District; refer to section 10-9-3, "Special Uses", of this title.
- D. *Indoor shooting galleries/gun ranges:*
 - 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.

(Supp. No. 2)

Created: 2022-01-07 11:53:25 [EST]

2. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty 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 percent (25%) of the total floor area.

E. *Manufacturing uses:*

1. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty feet (150') of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in the manufacturing districts 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 and suitably landscaped.
2. 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.

F. *Medical cannabis cultivation center:*

- Cultivation center and medical cannabis dispensing organization in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., provided, that the distance requirements set forth in that Act are also required for public parks and religious institutions for such use.

G. *Microbrewery/brewpubs:*

1. ~~Microbreweries/brewpubs~~ **Brewpubs, where operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five percent (25%) of the total floor area. 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.**
2. ~~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 percent (25%) of the total floor area.~~

H. *Microbreweries/microwineries and Microdistilleries and microwineries:*

1. ~~Microbreweries 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.~~
2. 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.
23. 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.
34. All microdistilleries and microwineries located in business districts must have off-street or rear accessible loading and unloading facilities.

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45. 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.

I. *Milk processing and distribution:*

1. When located in the A-1, agricultural district milk processing and distribution, including pasteurizing and manufacture of ice cream, but not including the processing or manufacture of cheese, shall be considered a special use.

J. *Public storage facilities/miniwarehouse storage:*

1. Whenever a special use is granted for miniwarehouse storage under the M-1 zoning district or any other permitted zoning district, the following restrictions shall apply:
 - a. 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.
 - b. A minimum of three (3) parking spaces shall be provided.
 - c. There shall be a minimum of twenty feet (20') between buildings.

K. *Salvage yards:*

1. Salvage yards in A-1, agricultural district; refer to section 10-9-3, "Special Uses", of this title.

L. *Cannabis businesses:*

1. *Definitions:*

Cannabis craft grower: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

Cannabis cultivation center: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

Cannabis dispensing facility or dispensary: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

Cannabis infuser facility or infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

Cannabis processing facility or processor: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds

to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

Cannabis transporting business or transporter: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

2. *Special use distance requirements and restrictions:*

a. *Cannabis craft grower:*

- (1) Facility may not be located within five hundred 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 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.
- (6) Cannabis craft grower shall be limited to one (1) facility within the boundaries of the City.

b. *Cannabis cultivation center:*

- (1) Facility may not be located within five hundred 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 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.

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

c. *Cannabis dispensing organization:*

- (1) Facility may not be located within five hundred 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 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 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) Cannabis dispensing organizations shall be limited to one (1) facility within the boundaries of the City.

d. *Cannabis infuser organization:*

- (1) Facility may not be located within five hundred 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 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 the dispensing organization shall be five thousand (5,000) square feet of which seventy-five 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) Cannabis infuser organizations shall be limited to one (1) facility within the boundaries of the City.

e. *Cannabis processing organization:*

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- (1) Facility may not be located within five hundred 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 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 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) Cannabis processing organizations shall be limited to one (1) facility within the boundaries of the City.
- f. *Cannabis transporting organization:*
- (1) Facility may not be located within five hundred 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 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) Cannabis transporting organization shall be limited to one (1) within the boundaries of the City.
3. *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.
 4. *On-premises consumption:* On-premises consumption of cannabis products in all cannabis businesses operations is prohibited.
 5. *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.

6. *Special use application requirements:*

- a. Applicant name and the business name of the proposed adult use cannabis establishment for which the special use is sought, including addresses, telephone numbers and e-mail addresses of: (1) sole proprietors; (2) business entities with financial interest in the business, and (3) all officers, directors, partners, managers and owners. A post office box may not be submitted as the address of the applicant.
- b. Copy of licensure or registration that the organization is authorized to conduct an adult use cannabis business establishment in the State of Illinois.
- c. The commonly known address, permanent index number (PIN) and legal description of the proposed location of the adult-use cannabis establishment.
- d. Property ownership information. Written statement that the applicant owns or has under contract the property of the proposed adult-use cannabis establishment.
- e. The proposed hours of operation.
- f. Copy of a business plan to be kept on file with the Yorkville Police Department and confidential to the extent permitted by law, including but not limited to the following:
 - (1) Proposed number of employees.
 - (2) A description of the products and services that the proposed adult use cannabis establishment will offer.
 - (3) Description or statement of training and education that will be provided to the proposed adult use cannabis dispensary agents/staff.
 - (4) A security plan that will describe how the proposed use will address concerns related to inventory tracking and prevention of theft; measures to control customer overflow and access to restricted areas; employee restrictions to limited access areas and restricted area; and video surveillance/alarm system.
- g. Aerial map of the subject property identifying the current zoning and land uses of all surrounding parcels within five hundred feet (500').
- h. Site plan including, but not limited to, nearest utility connection, points of access, internal site circulation, lighting/photometric plan, landscape plan, off-street parking, trip generation calculations.
- i. Floor plans and elevations of proposed adult use cannabis establishment, including the location of enclosed and secured loading and trash handling and disposal facilities.
- j. Signage plans.
- k. Information on co-location with another adult-use cannabis establishment.

7. *Standards for special use for cannabis businesses:*

- a. Impact of the proposed facility on the existing or planned uses located within the vicinity of the subject property.
- b. Suitability of the proposed facility and its co-location with another cannabis business establishment.
- c. Adequate waste management plan for the storage, security and disposal of discarded cannabis products and materials.
- d. Distance to existing cannabis establishment.

(Ord. 2014-73, 11-25-2014; amd. Ord. 2015-32, 6-9-2015; Ord. 2019-84, 11-26-2019)